

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE TITLE: Division of Cultural Affairs

RULE NO.: IT-1.001

PURPOSE AND EFFECT: The purpose of this amendment will be to incorporate new language and guidelines for the General Program Support Grants and Challenge Grant Program, as well as revise and refine language for existing programs. The amendment also removes documents incorporated by reference. This Notice of Rule Development replaces one published on April 13, 2001 regarding IT-1.001.

SUBJECT AREA TO BE ADDRESSED: Guidelines for General Program Support Grants, Project Grants, Arts in Education Program, Challenge Grant Program, International Cultural Exchange Program, Quarterly Assistance Program, Underserved Arts Communities Assistance Program, State Touring Program, Local Arts Agency/State Service Organizations Program, Florida's Artist Residency Directory, Cultural Endowment Program, Cultural Facilities Program, and Individual Artists Fellowship Program. It also details general grants administration requirements.

SPECIFIC AUTHORITY: 255.043(5), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b), 265.2865(6), 265.51, 265.605(1), 265.607, 265.608, 265.609(1),(4),(6), 265.701(4) FS.

LAW IMPLEMENTED: 216.349, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-.56, 265.601-.607, 265.608, 265.609, 265.701, 286.011, 286.012, 286.25 FS.

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

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

PLACE: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida

Pursuant to the provisions of the American with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Linda Downey, (850)487-2980. If you are hearing or speech impaired, please contact the agency by calling (850)488-5779 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda Downey, Chief, Bureau of Grant Services, Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250

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

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: Application for Certificate of Authority

RULE NO.: 3F-5.0021

Branch Office License

3F-5.0021

PURPOSE AND EFFECT: The Board proposes to update this rule to adopt an updated version of the form DBF-COAB-12/00.

SUBJECT AREA TO BE ADDRESSED: Application for Certificate of Authority Branch Office License.

SPECIFIC AUTHORITY: 497.103 FS.

LAW IMPLEMENTED: 497.103, 497.407(4) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3F-5.0021 Application for Certificate of Authority Branch Office License.

(1) Every Certificate of Authority holder that is part of a common business enterprise and elects to operate under a different name shall apply to the Board for a license to operate a branch office by submitting the following:

(a) A completed Application for Certificate of Authority Branch Office Registration, Form DBF-COAB-12/00, effective _____, ~~6-5-97~~, which is hereby incorporated by reference and available from the Department of Banking and Finance, Division of Finance, The Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350. The application must be completed and signed within thirty (30) days of receipt by the Board; and

(b) An application fee of \$150 which shall be the fee for the annual period beginning July 1 of each year or any part thereof.

(2) through (7) No change.

(8) Upon approval of the application, a certificate of authority branch office license will be issued for the remainder of the annual license period ending June 30 of each year.

Specific Authority 497.103 FS. Law Implemented 497.103, 497.407(4) FS. History--New 6-5-97, Amended 12-13-00, _____.

DEPARTMENT OF EDUCATION

State Board of Education

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

PURPOSE AND EFFECT: The purpose of this rule development is to review the application forms as incorporated by reference in rule for necessary revisions. The effect will be to propose updated application forms for persons wishing to apply for a Florida Educator's Certificate.

SUBJECT AREA TO BE ADDRESSED: Application forms for a Florida Educator's Certificate.

SPECIFIC AUTHORITY: 229.053(1), 231.15(1), 231.17(11) FS.

LAW IMPLEMENTED: 231.02, 231.145, 231.15, 231.17, 231.263(12), 231.30, 943.0585 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 ADVERTISED IN A FUTURE EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY.

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

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kenneth Loewe, Bureau of Curriculum, Instruction, and Assessment, Department of Education, 325 West Gaines Street, Room 414, Tallahassee, Florida 32399-0400, (850)488-8198

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-4.00821 Florida Educational Leadership Examination. (1) through (4)(a)1. No change.

a. A completed application Form CG-20-01, Registration Application: Certification Examinations for Florida Educators ~~CG 30 00, Florida Educational Leadership Examination Registration Application or Form CG 22 00, FTCE/FELE Supplemental Registration Application, as incorporated by reference in Rule 6A 4.0021, F.A.C.,~~ which includes the applicant's signature. Form CG-20-01, Registration Application: Certification Examinations for Florida Educators ~~CG 30 00, Florida Educational Leadership Examination Registration Application~~ is hereby incorporated by reference and made a part of this rule to become effective July 2001 ~~October 2000~~. ~~This~~ ~~These~~ forms may be obtained without cost from the Bureau of Educator ~~Teacher~~ Certification, Department of Education, 325 West Gaines Street, Turlington Building, Tallahassee, Florida 32399-0400.

Specific Authority 231.15(1), 231.17(8),(11), 231.0861(3), 231.30(1) FS. Law Implemented 231.0861, 231.15, 231.17, 231.30 FS. History--New 12-25-86, 1-11-89, 5-19-98, 10-5-99, 7-17-00, _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Florida Educational Leadership Examination **RULE NO.:** 6A-4.00821

PURPOSE AND EFFECT: The purpose of this rule development is to adopt an updated examination application form for persons to use when registering for the Florida Educational Leadership Examination. The effect will be to adopt an updated application form.

SUBJECT AREA TO BE ADDRESSED: Florida Educational Leadership Examination form.

SPECIFIC AUTHORITY: 231.15(1), 231.17(8)(11), 231.0861(3), 231.30(1) FS.

LAW IMPLEMENTED: 231.0861, 231.15, 231.17, 231.30 FS.

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

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Admissions **RULE NO.:** 12A-1.005

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

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

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

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is to provide an opportunity for public comment regarding the removal of guidelines regarding the exemption provided in s. 212.04(2)(a)2.a., F.S., from Rule 12A-1.005, F.A.C.

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

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

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

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

Copies of the agenda for the rule development workshop may be obtained by contacting the person listed below. Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting: Jamie Phillips, (850)488-0717. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.005 Admissions.

(1) No change.

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

(a) through (e) No change.

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

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

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

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

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

(g) through (6) No change.

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

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Leases and Licenses of Real Property; Bailments **RULE NO.:** 12A-1.070

PURPOSE AND EFFECT: The purpose of the proposed substantial rewording of Rule 12A-1.070, F.A.C., is to: (1) incorporate changes to s. 212.031, F.S., made by the 1999 Legislature and remove provisions that are inconsistent with those statutory changes; (2) reorganize and restructure the rule to make it easier for the reader to locate relevant provisions; and (3) eliminate obsolete provisions. The effect of these amendments will be to provide the following regarding the applicability of sales tax to the rental or lease of real property:

1) Commercial real property rentals and licenses are taxable, unless specifically exempt under the provisions of s. 212.031, F.S. Each place of business must be separately registered, as provided in Rule 12A-1.060, F.A.C.

2) Definitions of the terms “tenant,” “landlord,” “lessee,” “lessor,” “licensee,” “licensor,” “lease,” “license,” “license fees,” and “rent,” for purposes of Rule 12A-1.070, F.A.C.

3) Guidelines for when the payment of ad valorem taxes, common area maintenance charges, utility charges, and insurance may be a payment of “rent” and subject to tax.

4) Commercial rentals and licenses are subject to tax when the landlord and tenant are related parties, even when the rental consideration is used to pay debt secured by a lien or mortgage on the property.

5) Guidelines for determining the taxability of a lease or license of property that involves the use of the property for both taxable and nontaxable uses. When an allocation of lease or license payments between taxable and exempt uses is made in an agreement, but such allocation does not represent true value, the Department may determine the property rent or license fee allocable to the taxable use.

6) Guidelines for determining the taxable portion of the rental of a “residential facility for the aged.”

7) Provisions for a reasonable allocation of payments made under a lease or license for both real property and nontaxable intrinsically valuable personal property.

8) Provisions for the tenant to receive a credit for tax paid, or issue a copy of the dealer’s Annual Resale Certificate, to a landlord for that portion of the rented or leased real property

that is sublet, assigned, or licensed, including provisions for when the tenant provides services to the subtenant, assignee, or licensee.

9) Guidelines for the taxability of lease termination or cancellation payments.

10) Defines the term "bailment" and provides that bailments are not subject to tax.

11) Charges for the right to use a public or private roadway for non-transportation purposes are subject to tax.

12) Guidelines for when the lease or license of real property used by an airline for loading or unloading passengers or property onto or from an aircraft is exempt.

13) Guidelines for the lease or license of real property used by a person providing concessionaire services.

14) Requirements that a person renting or leasing real property to be used directly in connection with the production of a qualified motion picture provide a copy of its Certificate of Sales Tax Exemption for a Qualified Production Company to the landlord to rent or lease tax exempt.

15) Guidelines for the lease or license of real property occupied predominantly for space flight business purposes.

16) Guidelines for the exemption for the rental or licensing of streets or rights-of-way by a utility or franchised cable television company for utility, communications, or television purposes.

17) Guidelines for the exemption for the rental or licensing of real property upon which are placed antennas, cables, and adjacent accessory structures and equipment used in the provision of cellular, enhanced specialized mobile radio, or personal communication services.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the incorporation of the changes to s. 212.031, F.S., made by the 1999 Legislature and the provisions and guidelines provided in the proposed substantial rewording of Rule 12A-1.070, F.A.C.

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

LAW IMPLEMENTED: 212.02(10)(h),(i),(13), 212.03(6), 212.031, 212.085 FS.

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

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

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

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the

Department at least five (5) calendar days before such proceeding by contacting: Jamie Phillips, (850)488-0717. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Debra Gifford, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4723

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial Rewording of Rule 12A-1.070 follows. See Florida Administrative Code for present Text.)

12A-1.070 Leases and Licenses of Real Property; Bailments Storage of Boats and Aircraft.

(1)(a) Every person who rents any real property, as defined in s. 212.02(10)(h), F.S., or who grants a license to use, occupy, or enter upon any real property is exercising a taxable privilege unless such real property is exempt under the provisions of s. 212.031, F.S. Such a person shall register separately each place of business, as provided in Rule 12A-1.060, F.A.C.

(b) As used in this rule, "tenant" shall include any person actually occupying, using, or entitled to use any real property (other than transient accommodations subject to s. 212.03, F.S.) pursuant to a lease and is synonymous with "lessee." "Landlord" shall include any person standing in the position of the landlord and is synonymous with "lessor." When the context suggests, the term "tenant" may also refer to a licensee, the term "landlord" to a licensor, and the terms "rent" or "lease" to a license. When used as verbs, the terms "rent," "let," and "lease" are synonymous.

(c) "Lease," when used with reference to real property, means an agreement to use and occupy real property for any purpose and that grants possession of a particularly described area of such property over which the tenant has exclusive control and the right to exclude from the property all persons, including the landlord (although a lease may grant a right to a landlord to enter upon the property for specific purposes or upon specific conditions).

(d) "License," when used with reference to real property, means the granting of a privilege to use or occupy a building or parcel of real property for any purpose.

1. Example: An agreement whereby the owner of real property grants another person permission to install and operate a full service coin-operated vending machine, coin-operated amusement machine, coin-operated laundry machine, or any like items, on real property is a license to use the real property.

2. Example: An agreement between the owner of real property and an advertising agency for the use of the real property to display advertising matter is a license to use the real property.

(e) "License fees" include all payments, whether direct or indirect, in cash, in kind, or in goods or services, paid to a licensor, or paid to another for the benefit of the licensor, for the granting of a privilege to use or occupy real property for any purpose under a license. License fees may be specified amounts or may be a percentage or share of some measuring figure, such as sales or profits.

(f) A payment of "rent," or a "lease payment," includes any payment, whether direct or indirect, in cash, in kind, or in goods or services, paid to the landlord for the granting of a privilege to use or occupy real property for any purpose under a lease and further includes base rent, percentage rent, and any similar charge.

(g) Any payment made pursuant to a lease or license agreement shall generally be considered a payment for the privilege or right to use or occupy real property if the tenant's or licensee's failure to make such payment would constitute a default, allowing termination of the lease, under the provisions of the agreement or under applicable state law. Notwithstanding the previous sentence, a payment under a lease or license agreement will not be considered a rental payment or license fee if (1) the amount of the payment, or the method for determining the amount of the payment, is separately stated in the agreement, (2) the payment is clearly labeled as being in consideration of an item other than rent and is not defined in the lease as rent or some form of rent, and (3) the tenant had the option of leasing or licensing the property without contracting for the item and becoming obligated to pay for it. A payment that does not meet the requirements of the previous sentence may nonetheless be considered not to be a payment of rent if the payment can be shown by other factors not to be for the use or occupancy of the property. In addition to the factors already mentioned, it should be considered whether the payment provides any benefit to the landlord, and if so, whether that benefit accrues to the landlord because of its ownership of property or because of some other business or activity in which the landlord might be engaged.

(h) Ad valorem taxes paid by the tenant to the landlord or to any other person for the privilege or right to use or occupy real property are considered payments of rent or license fees and are taxable.

(i) Common area maintenance charges paid by the tenant to the landlord or to any other person for the privilege or right to use or occupy real property are considered payments of rent or license fees and are taxable.

(j) Charges for electricity and natural or manufactured gas paid by a tenant to the landlord for the privilege or right to use or occupy real property are considered payments of rent or license fees and are taxable, unless the landlord has paid the

sales tax to the electric or gas company on the electricity or gas consumed by the tenant, and the electricity or gas usage is billed by the landlord to the tenant are separately stated on the landlord's invoice to the tenant at the same or lower price as that billed by the electricity or gas company to the landlord.

1. Example: The landlord owns a building with 5 offices and common areas. All offices are the same size. The landlord uses one office and leases the other four. The lease agreement provides that the charges for electricity or gas are "additional rent" and failure to pay such charges when required will cause the lease to terminate. All offices use approximately the same amount of electricity or gas. The electricity or gas are sold to the landlord. The bill to the landlord is as follows:

Electrical energy	\$1,000.00
Gas energy	500.00
Subtotal – subject to sales tax	\$1,500.00
Sewage & garbage service	100.00
Water service	50.00
Florida sales tax (\$1,000 X 7% plus \$500 x 6%)	100.00
Total amount due	\$1,750.00

The landlord charges each tenant \$2,000 rent, which includes the tenant's use of the common areas, in addition to the tenant's pro rata share of electricity and gas, including the sales tax imposed on electric or gas services, based on the landlord's cost. Of the above total charges of \$1,750.00, the \$150.00 of charges for services of sewage, garbage, and water service are not charges on which tax was paid by the landlord. Consequently, only the portion of each tenant's \$320.00 share of the total charge billed by the electric or gas company (\$1,600.00) that represents the tenant's share of non-taxable charges is taxable as rent. Therefore, the invoice to the tenant for the month should read:

Rent	\$2,000.00
Tenant's one-fifth share of charges for sewage, garbage, and water (1/5 of \$150)	30.00
Total subject to tax	\$2,030.00
Florida (6%) sales tax	121.80
Reimbursement for one-fifth share of utilities on which tax was paid by landlord (1/5 of \$1,600.00)	320.00
Total amount due	\$2,471.80

2. Example: Similar to Example 1, a landlord owns a building with 5 offices and common areas. All offices are the same size. The landlord uses one office and leases the other four. The lease agreement provides that the charges for electricity are "additional rent" and failure to pay such charges when required will cause the lease to terminate. The landlord marks up the total of the electricity charges and other utilities billed to the landlord by 10%. All offices use approximately the same amount of electricity. The bill to the landlord is as follows:

<u>Electrical energy</u>	<u>\$1,000.00</u>
<u>Subtotal – subject to sales tax</u>	<u>\$1,000.00</u>
<u>Sewage & garbage service</u>	<u>100.00</u>
<u>Water service</u>	<u>50.00</u>
<u>Florida sales tax (\$1,000.00 X 7%)</u>	<u>70.00</u>
<u>Total amount due</u>	<u>\$1,220.00</u>

The landlord charges each tenant \$2,000 rent, which includes the tenant’s use of the common areas, in addition to the tenant’s pro rata share of electricity at the marked up price, instead of the amount actually paid by the landlord. The amount charged to each tenant for sewage, garbage, and water is \$33, based on a total of \$165 (\$150 + 10%). The amount charged to each tenant for electricity is \$220, based on a total of \$1,100 (\$1000 + 10%). Therefore, the invoice to the tenant for the month should read:

<u>Rent</u>	<u>\$2,000.00</u>
<u>Tenant’s one-fifth share of charges for sewage, garbage, and water (1/5 of \$165)</u>	<u>33.00</u>
<u>Total subject to tax</u>	<u>\$2,033.00</u>
<u>Florida (6%) sales tax</u>	<u>121.98</u>
<u>Reimbursement for one-fifth share of electricity on which tax was paid by landlord (1/5 of \$1,070.00)</u>	<u>214.00</u>
<u>Mark-up on electricity (1/5 of \$100)</u>	<u>20.00</u>
<u>Florida (7%) sales tax</u>	<u>1.40</u>
<u>Total amount due</u>	<u>\$2,390.38</u>

(k) When a tenant acquires insurance for his own protection, payment of the premium is not regarded as a payment of rent or a license fee, even though the landlord is also protected by the coverage. However, any portion of the premium that secures the protection of the landlord and that is separately stated or itemized is regarded as a payment of rent or a license fee and is taxable.

(2)(a) Tax is due on a rental or license payment at the time of receipt by the landlord or other person who receives the rental or license payment, except when the rental, lease, or license fee is for the use of a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility to hold an event of not more than 7 consecutive days in duration. The tax due on such rental, lease, or license fee is required to be collected at the time of the rental, lease, or license payment; however, the tax is due to the Department on the first day of the month following the last day on which the event is held and becomes delinquent on the 21st day of that month.

(b) The total consideration paid by a tenant to a landlord for the use or occupancy of real property is subject to tax, even if any or all of the following factors are present:

1. The tenant and landlord are related;
2. The amount of the consideration is equal to the amount legally necessary to amortize a debt secured by a lien or mortgage on the property;

3. The tenant is jointly and severally liable on such a debt (unless the tenant has a direct ownership interest in the property, in which event the consideration is taxable only to the extent that it is not proportionate with such ownership interest).

4. The consideration is paid to the landlord, who then uses the consideration to pay a debt.

5. The consideration is paid directly to the holder of the debt.

(c)1. Example: The tenant directly owns a 25 percent interest in the real property it is leasing from a related landlord. The property is encumbered with a mortgage. The only payments made by the tenant for use of the property are payments on the mortgage. The mortgage payments are approximately equal to one-quarter of the payments that would return to the landlord a fair rental based on the fair market value of the property. The tenant’s payments of the mortgage do not constitute rent.

2. Example: The facts are the same as in the previous example, except that the mortgage payments are approximately equal to the payments that would return to the landlord a fair rental based on the fair market value of the property. Seventy-five percent of the tenant’s payments of the mortgage are considered to be payments of rent, because the payments exceed by that amount payments that would be proportionate to the tenant’s ownership interest.

(3)(a) When a lease or license to use or occupy real property involves the multiple use of such real property, such that a lease or license of part of the real property would be subject to tax and a lease or license of another part would be excluded from tax, the Department shall determine from the lease or license and such other information as may be available the portion of the payment for the lease or license that is exempt from tax. That determination may take into account the market values of the respective parts or uses and the receipts or income derived from each. The determination will be made on a square footage basis when the charge or value per square foot of the various parts of the real property are substantially equal.

(b) When an allocation of lease or license payments between taxable uses and exempt uses is made in the lease or license agreement, but in the judgment of the Department, the amount of rent or license fee stated in the lease or license arrangement for the taxable portion of the real property does not represent true value, the Department shall make a determination of the proper amount of rent or license fee applicable thereto for the purpose of determining the amount of tax due from such other information as is available.

(c) When a lease or license provides both for payments taxable as rent or license fees and for payments for nontaxable intrinsically valuable personal property, such as franchises, trademarks, service marks, logos, or patents, the tax shall be based on a reasonable allocation of the payments to the taxable property.

(d) Real property leased or rented by for-profit entities qualifying as a “residential facility for the aged” under s. 212.031(1)(b), F.S., is taxable on a pro-rata basis, the portion that is taxable being determined by the square footage that is used for commercial purposes, such as a bank, beauty shop, or gift shop, and unimproved grounds that are part of the property, compared to the total square footage of the real property.

(4)(a) When a tenant sublets, assigns, or licenses some portion of the leased or licensed property and collects rent or license fees subject to tax, the tenant must register as a dealer and collect and remit the tax on the sublease, assignment, or license. The tenant may take credit for the tax paid to the landlord on the area being sublet, assigned, or licensed. The amount of the credit shall not exceed the consideration received by the tenant for the sublease, assignment, or license.

(b) Examples illustrating a sublease and credit situation are as follows:

1. Tenant leases 200 square feet of floor space, all of substantially equal value, for \$400 and pays Landlord \$24 tax on the rental. Tenant subleases 100 square feet of the space to Subtenant for \$300 and collects \$18 tax. Tenant may credit against that \$18 tax the tax paid by Tenant to Landlord on 100 square feet, or \$12. Tenant thus remits to the Department \$6 tax on the sublease.

2. Tenant leases 200 square feet of floor space, all of substantially equal value, for \$400 and pays Landlord \$24 tax on the rental. Tenant subleases 100 square feet of the space to Subtenant for \$150 and collects \$9 tax. Tenant may credit against that \$9 tax the tax paid by Tenant to Landlord on 100 square feet, but only to the extent of the tax collected from Subtenant. Tenant thus remits to the Department no tax on the sublease (\$9 minus \$9).

(c) If the tenant sublets, assigns, or licenses all, or all but an incidental portion, of the leased or licensed property, the tenant may elect (by registering as a dealer and extending to the landlord a copy of the dealer’s Annual Resale Certificate, form DR-13) not to pay tax on the rent paid to the landlord and instead collect and remit tax on the consideration received by the tenant for the sublease, assignment, or license and also remit tax on the portion of the rent pertaining to the portion of the property not sublet, assigned, or licensed by the tenant.

(5)(a) The amount charged by a landlord to a tenant to cancel or terminate a lease is presumed subject to tax if the landlord records the amount as rental or license income in its books and records. When sufficient documentation, such as a lease, contract, or other tangible evidence, exists that establishes the amount as either a payment for the use or occupancy of real property, or not a payment for the use or occupancy of real property, such documentation will be controlling in regard to the taxable character of such amount.

(b) When a tenant exercises a discontinuance or termination option provided in the lease that terminates the lease of the property and requires the tenant to make a payment for such discontinuance or termination, the payment is subject to tax.

(c) When liquidated damages are imposed upon the the lessee for the breach or default in the performance of the lessee’s obligations under the terms of the lease and the subject real property is no longer used or available for use by the defaulting lessee, the liquidated damages are in the nature of a penalty and are not subject to tax.

(6)(a) When tangible personal property is left upon another’s real property under a contract of bailment as defined in this subsection, the consideration paid to the bailee for the bailment is not paid for the use or occupancy of the real property.

(b) A bailment is a contractual agreement, oral or written, pursuant to which one person, the bailor, delivers personal property to another, the bailee, and the bailor for the duration of the relationship relinquishes his exclusive possession, control, and dominion over the personal property, so that the bailee can exclude, within the limits of the agreement, the possession of the property to others. If there is no such delivery and relinquishment of exclusive possession, and the owner’s control and dominion over the property is not dependent upon the cooperation of the person on whose real property the personal property is left, and the owner’s access to his or her personal property is not subject to the real property owner’s control, the owner of the personal property is generally a tenant or licensee of the part of the real property upon which the personal property is left.

(c) Examples illustrating the concept of a bailment are as follows:

1. The use of a safety-deposit box in a bank or vault is a bailment, not a lease or license, because the bank has one key and the customer another key, and both keys are necessary for the customer to gain access to the box.

2. The rental of an airport locker is not a bailment, but a lease or license, because the box renter has unfettered access to the locker even though the airport operator, for security or other reasons, also has a key to the locker.

3. The use of a frozen food locker in a cold storage plant is a bailment if the plant operator’s presence and assent are required in order that the food owner may access his property.

(d) A person who merely grants storage space without assuming, expressly or implicitly, any duty or responsibility with respect to the care and control of the property stored is a landlord and not a bailee, and any charge made for the storage space is taxable.

(e) Leases, licenses, and bailments are each contractual relationships, and the terms are not mutually exclusive. In determining the true nature of the relationship created, consideration will be given to the manifested intention of the parties, and the label attached to a contract is not conclusive.

(7) A charge for the right to use a public or private roadway for non-transportation purposes is taxable. Example: A civic organization that is not exempt from sales tax contracts with a city to have certain streets and sidewalks blocked from traffic to conduct its annual festival. The privilege granted by the city to the civic organization for the use of the streets and sidewalks constitutes a license to use real property for non-transportation purposes. Therefore, any charge by the city to the civic organization for the use of streets and sidewalks is taxable.

(8)(a)1. The lease or license of real property used by an airline for loading or unloading passengers or property onto or from an aircraft is exempt. This real property includes: common walkways inside a terminal building used by passengers for boarding or departing from an aircraft, ticket counters, baggage claim areas, ramp and apron areas, office areas used to process tickets, baggage processing areas, areas used for the purpose of operational control of an airline's aircraft, air cargo areas, and departure lounges (the rooms that are used by passengers as sitting or gathering areas immediately before surrendering their tickets to board the aircraft). The space occupied by VIP lounges and airport clubs that are affiliated with an airline, or by a club that requires a membership or charge or for which membership or usage is determined by ticket status, is property the lease or license of which would be subject to tax.

2. If any portion of the above property is used for any other purpose, the lease or license of the property shall be subject to tax on a pro-rata basis, the exempt portion of which shall be determined by multiplying the total lease or license payment by a fraction, the numerator of which is the square footage of the areas in the airport used exclusively by an airline for the purpose of loading or unloading passengers or property onto or from aircraft and the denominator of which is the total square footage used by the airline.

3. Example: An airline leases a total of 3,000 square feet from an airport authority. The airline uses the space as follows: 1,000 square feet are used to process tickets and check in passengers' baggage; 1,000 square feet are used for the passengers' departure lounge; and 1,000 square feet are used for the management office and employees' lounge. The 1,000 square feet used to process tickets and check in baggage are exempt, as are the 1,000 square feet used as the departure lounge. The 1,000 square feet used for the management office and employees' lounge are taxable, because that space is not used exclusively for the purposes of loading or unloading passengers or property onto or from aircraft. The fraction to

determine the portion of the total rental or license fee that is exempt is therefore 2,000 square feet as the numerator and 3,000 square feet as the denominator.

(b) The lease or license of passenger loading bridges (jetways) and baggage conveyor systems is exempt if such items are considered real property or "fixtures," as that term is defined in s. 212.06(14)(b), F.S.

(c) The lease or license of real property that is used by an airline for fueling aircraft is exempt. The charge made to an airline for the use of aprons, ramps, or other areas used for fueling aircraft is exempt.

(9) The lease or license of real property by a person providing concessionaire services under circumstances described in one of the following paragraphs is exempt:

(a) A person providing retail concessionaire services, involving food and drink or other tangible personal property, directly to the general public within the premises of an airport shall not be subject to tax on license fees paid for the use of the airport property. Rent paid for the use of such property is subject to tax.

(b) A person who provides food and drink concessionaire services within the premises of a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, publicly owned recreational facility, or any business operated under a permit issued pursuant to chapter 550, F.S., shall not be subject to tax on rent or license fees paid for the use of space within such premises. The rental of the entire premises by a person who provides food and drink concessionaire services does not qualify for this exemption and is subject to tax.

(c) A person who rents or licenses space within the premises of a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility to sell souvenirs, novelties, or other event related products shall not be subject to tax on any portion of the rent or license fees paid for the use of such space that is based on a percentage of sales during an event at the facility.

1. For purposes of this paragraph, the phrase "during an event" shall be construed to include a reasonable time before and after the event, considering the nature of the event, and shall generally not be less than the entire day of the event. For example, a major sporting event may attract crowds that arrive at a stadium the day prior to the event. A person licensed by the facility to sell souvenirs on the stadium grounds on that day shall qualify for the exemption on any portion of the license fees based on a percentage of sales during that day.

2. An "event" is any activity within the premises that is attended by the general public. For example, a dress rehearsal or pre-game activity that is attended by the general public is an event for purposes of this exemption.

3. A person claiming this exemption must maintain records adequate to substantiate the time period of the event, the sales during the event, and the portion of the rent or license fees for which exemption is claimed.

(10) A person leasing or licensing real property to be used as an integral part of the performance of qualified production services directly in connection with the production of a qualified motion picture, as defined in s. 212.06(1)(b), F.S., and who desires that the rental payments or license fees be exempt from tax in accordance with s. 212.031(1)(a)9., F.S., should present to the landlord a copy of their Certificate of Sales Tax Exemption for a Qualified Production Company (form DR-231).

(11)(a) A person leasing or licensing real property to be used or occupied predominantly for space flight business purposes as defined in s. 212.031(1)(a)12., F.S., and who desires that the rental payments or license fees be exempt from tax in accordance with such section, should present to the landlord a statement similar to the following at the time of execution of the lease or license:

SUGGESTED LESSOR’S EXEMPTION CERTIFICATE
REAL PROPERTY USED OR OCCUPIED FOR
SPACE FLIGHT BUSINESS PURPOSES

_____ (Lessee/Licensee's Name) certifies that the rental, lease, or license of real property located at _____ (Address of Property) will be used or occupied predominantly for one or more space flight business purposes.

The undersigned understands that if the real property is not used or occupied predominately (more than 50%) for one or more space flight business purposes, the undersigned will be subject to sales and use tax, interest, and penalties. The undersigned further understands that when any person fraudulently, for the purpose of evading tax, issues to a vendor or to any agent of the state, a certificate or statement in writing in which he or she claims exemption from the sales tax, such person, in addition to being liable for payment of the tax plus a mandatory penalty of 200% of the tax, shall be liable for fine and punishment provided by law for conviction of a felony of the third degree, as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.

Lessee/Licensee's Information:

_____ Name (Print or Type)	_____ Florida Sales Tax # (if registered)
_____ Signature and Title	_____ Date
_____ Federal Employer Identification Number (F.E.I.) or Social Security Number	_____ Telephone Number

(Form to be retained in lessor/licensor's records)

(b) When the real property is not used or occupied predominantly for one or more space flight business purposes, and the lease exemption certificate has been provided to the landlord, tax should be accrued and remitted to the Department by the tenant or licensee.

(12)(a) The rental or licensing of a public or private street or right-of-way, as well as poles, conduits, fixtures, and similar improvements on such streets or rights of way, occupied or used by a utility or franchised cable television company for utility, communications, or television purposes is exempt. For this purpose, the term "right-of-way" means an easement or way that grants the holder the right to pass over the land of another in some particular line. The term includes passageways, such as roadways, alleys, or other means to travel across or traverse property in a linear fashion. For example, a strip of land upon which a series of telephone or other utility poles have been erected is a "right-of-way."

(b)1. The rental or licensing of real property, including buildings, upon which is placed towers, antennas, cables, accessory structures, or equipment, not including switching equipment, used in the provision of mobile communications services as defined in s. 202.11, F.S., is exempt.

2. A person leasing or licensing real property for the uses described in subparagraph (b)1. should present to the landlord a statement similar to the following at the time of execution of the lease or license:

EXEMPTION CERTIFICATE FOR LEASE OR
LICENSE OF REAL PROPERTY UPON WHICH
CERTAIN TOWERS, ANTENNAS, EQUIPMENT,
AND STRUCTURES ARE PLACED

_____ (Name of Tenant/Licensee) certifies that it is engaged in providing mobile communications services as defined in s. 202.11, F.S. The undersigned also certifies that the lease or license of space is to be used for the placement of towers, antennas, cables, equipment, or accessory structures that will be used in providing such communications services. The undersigned understands that when any person fraudulently, for the purpose of evading tax, issues to a vendor or to any agent of the state a certificate or statement in writing in which he or she claims exemption from the sales tax, such person, in addition to being liable for payment of the tax plus a mandatory penalty of 200% of the tax, shall be liable for fine and punishment provided by law for conviction of a felony of the third degree, as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.

_____ Name of Tenant/Licensee	_____ Florida Sales Tax Number
_____ Signature and Title of Authorized Representative	_____ Date
_____ Federal Employer Identification Number	_____ Telephone Number

(Form to be retained in landlord/licensor's records)

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(10)(h),(i),(13), 212.03(6), 212.031, 212.085 FS. History—Revised 10-7-68, Amended 2-8-69, 10-7-69, Revised 6-16-72, Amended 9-26-77, 10-18-78, 12-31-81, 7-20-82, Formerly 12A-1.70, Amended 1-2-89, 3-22-95, 7-17-95,_____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: RULE NO.:

Revocation of Sales Tax Exemption Certificates 12A-1.095

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

SUBJECT AREA TO BE ADDRESSED: The subject of this rule development is the proposed removal of the repetition of s. 212.084, F.S., and the removal of obsolete form DR-5AC from Rule 12A-1.095, F.A.C.

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

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

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

TIME AND DATE: 10:00 a.m., May 24, 2001
 PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0100

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.095 Revocation of Sales Tax Exemption Certificates.

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

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

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

~~(c) After the Department’s review is completed and it has been determined that an entity is actively engaged in a bona fide exempt endeavor, the sales tax exemption certificate shall be reissued. Each sales tax exemption certificate which is reissued shall be valid for 5 consecutive years after the date of reissuance, at which time the sales tax exemption certificate shall again be subject to review and reassurance. If it is determined that the entity no longer qualifies for an exemption, the sales tax exemption certificate shall be revoked, or not reissued.~~

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

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

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

~~(1)(2) Pursuant to the requirements of s. 120.60(7), F.S., the Department shall commence the a revocation of a consumer’s certificate of exemption action through an administrative complaint. The Administrative Complaint/Revocation ~~of Consumer’s Certificate of Exemption (Form DR-5AC, incorporated by reference in Rule~~~~

12A-1.097, F.A.C.) notifies the certificate holder of the Department's intended action and the facts and legal authority which support that intended action.

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

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

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

1. The name and address of the entity opposing the revocation of its consumer's certificate of exemption;
2. The case number of the administrative complaint;
3. A statement requesting an administrative hearing;
4. A statement specifying the factual allegations in the administrative complaint which the entity denies;
5. A statement setting forth any other factual or legal issues which the entity intends to raise in protest of the Department's intended action;
6. A statement that the entity will be substantially affected by the revocation of the consumer's certificate of exemption and why the entity will be so affected;
7. A request for relief;
8. The name and title of the person submitting the Request for Hearing;
9. The signature of the person submitting the Request for Hearing;
10. The date of the Request for Hearing.

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

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

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Payment of Excise Taxes	20-9
RULE TITLES:	RULE NOS.:
Fresh Form	20-9.001
Processed Form	20-9.002
Fruit Shipped Out-of-State to Government Agencies, or to a Packinghouse, or Processing Plant or to a Fresh Fruit Juice Distributor	20-9.003
Fruit Handled by Express and Gift Package Shippers	20-9.004
Requirements to Guarantee Payment of Excise Tax	20-9.005
Late Filing of Returns and Inadequacy of Bond	20-9.006
Mixing of Oranges	20-9.007
Utilization of Certificate of Deposit in Lieu of Bond	20-9.008
PURPOSE AND EFFECT: Amendment to clarify payment procedures currently followed by the Department regarding the payment and collection of excise taxes.	

SUBJECT AREA TO BE ADDRESSED: Clarifying payment procedures of excise taxes.

SPECIFIC AUTHORITY: 601.10(1),(7), 601.15(1),(5),(6), (10)(a), 601.155(3),(7), 601.25 FS.

LAW IMPLEMENTED: 601.15(1),(3),(5),(6),(9), 601.152, 601.154, 601.155, 601.27 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

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

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Loading Manifest to be Furnished to the Inspector – Fresh Citrus Fruit	20-40
RULE TITLE:	RULE NO.:
Mandatory Automated Reporting	20-40.005

PURPOSE AND EFFECT: Would provide exemption to mandatory automated reporting for small shippers, who would be required to report the information on forms to be submitted to Florida Department of Agriculture and Consumer Services.

SUBJECT AREA TO BE ADDRESSED: Exemption of small shippers to automated reporting of loading manifests.

SPECIFIC AUTHORITY: 601.10(1),(8), 601.15(1),(2), (4),(10), 601.155(7), 601.28(4), 601.69, 601.701 FS.

LAW IMPLEMENTED: 601.10(8), 601.15(1), 601.155(7), 601.69 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Law Libraries RULE NO.: 33-501.301

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise the Department’s law library policy to ensure consistency with the access to courts plan approved by the U.S. District Court in litigation involving the Florida Department of Corrections’ provision of law library services.

SUBJECT AREA TO BE ADDRESSED: Law libraries.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.11 FS.

LAW IMPLEMENTED: 944.09, 944.11 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:

33-501.301 Law Libraries.

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

(b) Inmates at work camps, road prisons, forestry camps, vocational centers and drug treatment centers attached to institutions with major or minor law collections shall be provided access to the law library and research aides by means of correspondence, except as otherwise provided in (2)(d), (2)(e) and (2)(f) an opportunity to visit with a certified inmate law clerk or visit the law library within 1 week of submitting a written request to facility staff. The institution shall either transport the inmate law clerk to the work camp or transport

the inmates to the law library at the main unit. Priority shall be given to inmates who must meet deadlines imposed by law, rule or order of court. However, the inmate shall be responsible for notifying the facility staff of his or her deadline in a timely manner. Facility staff shall respond to a request for special access to meet a deadline within 48 hours of the request. This period shall not be shortened due to the failure of the inmate to given timely notice of the deadline.

(e) Youthful offenders shall be provided access to law libraries and certified inmate law clerks. A minimum of 2 adult inmates, who have been certified by the law library services attorney as inmate law clerks, shall be assigned to work in law libraries at youthful offender institutions. The adult inmate law clerks shall be housed at nearby adult correctional institutions or community correctional centers, and shall be transported to the youthful offender institution to work in the law library at least 3 days per week. For security reasons, all contact between the adult inmate law clerks and youthful offender inmates shall be supervised by departmental staff.

(c)(d) Inmates who are temporarily transferred to correctional or medical facilities outside the department may secure legal assistance and/or access to legal research materials by submitting a written request to the ~~law~~ library services ~~administrator~~ attorney in the central office, or the librarian or law library supervisor at the institution from which they were transferred. Inmates who are serving sentences imposed by the Florida courts by virtue of the Interstate Corrections Compact may secure legal assistance and/or access to legal research materials by writing the ~~law~~ library services ~~administrator~~ attorney in the central office. Correspondence should be directed to the Florida Department of Corrections, ATTN: Library Services Office of Programs, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. ~~The time limits established in section (9) of this rule shall apply to the processing of these inmate requests for assistance.~~

(d)(e) Law libraries shall provide interpreters for any language native to five percent or more of the statewide inmate population. Such inmates at work camps and satellite correctional facilities shall be provided an opportunity to visit the law library within one week of submitting an oral or written request for legal assistance to the librarian or other facility staff. When language barriers prevent inmates from accessing the legal collection or effectively communicating with the librarian or inmate law clerks, the institution shall provide access to an interpreter. Each institution shall maintain a current list of staff, inmates, citizen volunteers, or persons from community resource agencies and organizations who are available to provide foreign language assistance. All time limits for service established in this rule in (2)(d)1., 2., (f), (9)(a), (b), (c), and (d) shall be extended by 24 hours if assistance by an interpreter is required, and shall be extended by 48 hours if the services of interpreters located outside the institution must be secured.

(e) Inmates who are functionally illiterate, mentally disordered, or have other disabilities that hinder their ability to research the law and prepare legal documents and legal mail, and need research assistance, shall be provided access to the law library and to research aides. These inmates may request legal assistance by making an oral request for same to the correctional staff working in their housing or confinement units, classification staff, work supervisors, mental health staff, or to the librarian. Staff shall relay oral requests for legal assistance to the librarian. Upon receipt of an oral or written request, the librarian shall schedule the inmate for a visit to the law library or a visit with a research aide.

(f) Priority in the use of the law library, legal research materials or services shall be given to inmates who must meet deadlines imposed by law, rule or order of court in legal proceedings challenging convictions, sentences or prison conditions. However, the inmate shall be responsible for notifying the department of the his deadline in a timely manner. Department staff shall respond to a request for special access to meet a deadline within 48 hours of the request. This period shall not be shortened due to the failure of the inmate to give timely notice of the deadline. A court deadline is any requirement imposed by law, rule or order of court that establishes a maximum time limit on the filing of legal documents with a court. For purposes of this rule, priority access shall only be granted if the maximum time limit is 20 or fewer days. No inmate shall be excused from work for more than two days per work week. The librarian shall only excuse an inmate from work when:

1. The inmate needs to secure access to law library services, such as copying or interlibrary loan services. In such instances, the inmate shall only be excused for as long as is necessary to request or receive the necessary assistance; or,

2. The inmate needs access to legal research materials only available in the law library collection, and the time available to the inmate to use the law library during off-duty hours is determined to be less than six hours per week.

(g) No inmate shall be excused from work solely for the purpose of drafting legal documents and legal mail; such activities shall be performed during off-duty hours. Inmates in open population who do not have court deadlines as described above shall be expected to use the law library or access law library services during off-duty hours.

(h)(g) Inmates who mutilate, deface or pilfer law library materials shall be subject to formal disciplinary action as provided in 33-601.301-.314, and penalties for infraction may include a temporary suspension of the inmate's privilege of on-site use of the law library of up to 30 days. The disciplinary team which presides over the disciplinary hearing shall determine the length of the suspension after considering the inmate's past record of rule infractions while in the law library, assessing the material damage to the legal research collection, and determining whether the damage to the collection was

intentional or inadvertent. Inmates who have been suspended from the law library shall conduct business through correspondence or through research aides inmate law clerks rather than through personal visits to the law library. However, steps shall be taken to ensure that the inmate is not denied access to legal material during this suspension.

(3) Law Library Access for Inmates in Administrative Confinement, Disciplinary Confinement, Close Management, Protective Management, in Mental Health Units, and on Death Row.

(a) ~~Inmates in administrative confinement shall have access to the law library.~~ Inmates in administrative confinement, disciplinary confinement, and close management shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, to have the law library deliver legal materials to their ~~the inmate's~~ cells, and, as provided in sections (2)(e) and (f), to visit with research aides certified inmate law clerks. Efforts shall be made to accommodate the research needs of inmates who have filing deadlines imposed by law, rule or order of court in legal proceedings challenging convictions, sentences or prison conditions in administrative confinement who demonstrate that they need to meet a deadline imposed by law, rule or order of court. ~~Inmates in administrative confinement, disciplinary confinement and close management at Florida State Prison shall be permitted to visit the law library if security requirements permit it. If security requirements prevent a personal visit to the law library, the inmate shall be required to secure legal assistance through visits with research aides or by means of correspondence.~~

(b) Inmates in mental health units shall be provided access to the law library and provided opportunities to visit with research aides. These inmates shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, and to have the law library deliver legal materials to their cells. These inmates may request legal assistance by making an oral request for same to the security or mental health staff working in the unit. Security and mental health staff shall relay oral requests for legal assistance to the librarian. Upon receipt of a request, the librarian shall arrange for a research aide to visit the inmate. Efforts shall be made to accommodate the research needs of inmates who have filing deadlines imposed by law, rule or order of court in legal proceedings challenging convictions, sentences or prison conditions. ~~Written inmate requests for legal assistance shall be directed to the librarian and shall be responded to within 2 working days of receipt, not including the day of receipt. For purposes of this rule, "working day" shall mean any weekday not including holidays or weekends. Specific requests for cases, statutes or other reference materials, or requests for legal supplies or forms, shall be responded to by means of correspondence. However, written inmate requests for legal assistance that are broad in scope, contain incorrect references~~

to research materials, or where the styling or content of the request indicates that the inmate lacks an understanding of the law or legal research, that the inmate is functionally illiterate, or that the inmate may be impaired, shall be responded to by personal interview with an inmate law clerk or the librarian.

(c) Inmates in protective management shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, and to have the law library deliver legal materials to their cells. Inmates in protective management shall have access to the law library, to include access to at least one research aide, during evening or other hours when general population inmates are not present. If security reasons prevent a visit to the law library, access shall be provided through visits with research aides or by means of correspondence. Efforts shall be made to accommodate the research needs of inmates who have filing deadlines imposed by law, rule or order of court in legal proceedings challenging convictions, sentences or prison conditions.

(d) Inmates on death row shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, to have the law library deliver legal materials to the inmate's cell, and to visit with research aides. Inmates on death row who have filing deadlines imposed by law, rule or order of court, in legal proceedings challenging convictions, sentences, or prison conditions, shall be permitted to visit the unit's law library at least once per week for up to two hours if security requirements permit it. If security requirements prevent a personal visit to the law library, the inmate shall be required to secure legal assistance through visits with research aides or by means of correspondence.

~~(e)~~(e) Inmates shall be limited to possession the receipt of no more than 15 research items from the law library at any one time. Research items are defined as photocopies of cases, statutes and other reference materials provided by the law library and do not include the inmate's personal legal papers, pleadings, or transcripts. Institutions shall require that inmates return all research materials supplied previously by the law library, or explain why some or all research materials issued previously must be retained, in order to receive additional materials. Institutions shall also limit the accumulation of research materials when possession of same in an inmate's cell creates a safety, sanitation or security hazard.

~~(d) Each institution shall establish a regular schedule for visits by inmate law clerks to the confinement area to provide assistance to inmates. The regular schedule shall require visits on at least 3 days each week. If security requirements prevent permitting a law clerk visit at the scheduled time, then the law clerk visit shall be rescheduled. Not less than 3 visits shall be conducted within any 7 day period.~~

~~(e) Illiterate or impaired inmates shall be permitted to request a visit with an inmate law clerk by making an oral request for same to the correctional staff working in the~~

confinement unit. Upon receipt of an oral request, the correctional staff shall permit the inmate to visit with an inmate law clerk at the next scheduled law clerk visit.

~~(4) Law Library Access for Inmates in Protective Management.~~

~~(a) Inmates in protective management shall have access to the law library, to include access to at least one certified inmate law clerk, during evening or other hours when general population inmates are not present. If security reasons prevent a visit, access shall be provided through correspondence or visits from inmate law clerks. Steps shall be taken to ensure the inmate is not denied needed legal access while in protective management.~~

~~(b) Written inmate requests for legal assistance shall be directed to the librarian and shall be responded to within 2 working days of receipt not including the day of receipt. Specific requests for cases, statutes or other reference materials, or requests for legal supplies or forms, shall be responded to by means of correspondence. However, written inmate requests for legal assistance that are broad in scope, contain incorrect references to research materials, or where the styling or content of the request indicates that the inmate lacks an understanding of the law or legal research, that the inmate is functionally illiterate, or that the inmate may be impaired, shall be responded to by personal interview with an inmate law clerk or the librarian.~~

~~(c) Inmates shall be limited to the receipt of no more than 15 research items from the law library at any one time. Research items are defined as photocopies of cases, statutes and other reference materials provided by the law library and do not include the inmate's personal legal papers, pleadings, or transcripts. Institutions shall require that inmates return all research materials supplied previously, or explain why some or all research materials issued previously must be retained, in order to receive additional materials. Institutions shall also limit the accumulation of research materials when possession of same in an inmate's cell creates a safety, sanitation or security hazard.~~

~~(d) Each institution shall establish a regular schedule for visits by inmate law clerks to the protective management unit to provide assistance to inmates. The regular schedule shall require a visit on at least one day each week other than the day that protective management inmates are scheduled to visit the law library. If security requirements prevent a law clerk visit at the scheduled time, then the law clerk visit shall be rescheduled.~~

~~(e) Illiterate or impaired inmates shall be permitted to request a visit with an inmate law clerk by making an oral request for same to the correctional staff working in the confinement unit. Upon receipt of an oral request, the correctional staff shall permit the inmate to visit with an inmate law clerk at the next scheduled law clerk visit.~~

~~(5) Law Library Access for Inmates in Close Management.~~

~~(a) Inmates in close management shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, to have the law library deliver legal research materials to their cells, and to visit with certified inmate law clerks. Efforts shall be made to accommodate the research needs of inmates in close management who demonstrate that they need to meet a deadline imposed by law, rule or order of court.~~

~~(b) At Florida State Prison, inmates in close management shall be taken to the law library unless security requirements prevent a personal visit. If security requirements prevent a personal visit to the law library, the inmate shall be required to secure legal assistance by means of correspondence with the law library, by using legal materials brought to the inmate's cell, and through visits with certified inmate law clerks. However, steps shall be taken to ensure that the inmate is not denied access while in close management.~~

~~(c) At all institutions except Florida State Prison, inmates in close management, levels I and II, shall not be taken to the law library. An inmate in close management, levels I and II, shall be required to secure legal assistance by means of correspondence with the law library, by using legal materials brought to the inmate's cell, and through visits with certified inmate law clerks, rather than a personal visit to the law library. However, steps shall be taken to ensure that the inmate is not denied needed access while in close management, levels I and II.~~

~~(d) Inmates in close management, level III, who need to prepare legal documents to meet a deadline imposed by law, rule, or order of court, shall be permitted to visit the law library once each week, for up to 2 hours in duration, after completing 60 days after the first month in this status with a clear disciplinary record and satisfactory adjustment (as defined in rule 33-603.401) since being in close management, unless security and safety concerns preclude law library visits.~~

~~(e) Inmates in close management, level III, who have not completed 60 days after the first month in this status with a clear disciplinary record and satisfactory adjustment (as defined in rule 33-603.401) since being in close management shall secure the needed legal assistance by means of correspondence with the law library, by using legal materials brought to the inmate's cell, and by securing assistance through visits with certified inmate law clerks, rather than a personal visit to the law library. However, steps shall be taken to ensure that the inmate is not denied needed access while in close management.~~

~~(f) Written inmate requests for legal assistance shall be directed to the librarian and shall be responded to within 2 working days of receipt, not including the day of receipt. For purposes of this rule, "working day" shall mean any weekday, not including holidays or weekends. Specific requests for~~

~~cases, statutes or other reference materials, or requests for legal supplies or forms, shall be responded to by means of correspondence. However, written inmate requests for legal assistance that are broad in scope, contain incorrect references to research materials, or where the styling or content of the request indicates that the inmate lacks an understanding of the law or legal research, that the inmate is functionally illiterate, or that the inmate may be impaired, shall be responded to by personal interview with an inmate law clerk or the librarian.~~

~~(g) Inmates shall be limited to the receipt of no more than 15 research items from the law library at any one time. Research items are defined as photocopies of cases, statutes and other reference materials provided by the law library, and do not include the inmate's personal legal papers, pleadings, or transcripts. Institutions shall require that inmates return all research materials supplied previously by the law library, or explain why some or all research materials issued previously must be retained, in order to receive additional materials. Institutions shall also limit the accumulation of research materials when possession of same in an inmate's cell creates a safety, sanitation or security hazard.~~

~~(h) Each institution shall establish a regular schedule for visits by inmate law clerks to the close management unit to provide assistance to inmates. The regular schedule shall require visits on at least 3 days each week. If security requirements prevent permitting a law clerk visit at the scheduled time, then the law clerk visit shall be rescheduled. Not less than 3 visits shall be conducted within any 7 day period.~~

~~(i) Illiterate or impaired inmates shall be permitted to request a visit with an inmate law clerk by making an oral request for same to the correctional staff working in the confinement unit. Upon receipt of an oral request, the correctional staff shall permit the inmate to visit with an inmate law clerk at the next scheduled law clerk visit.~~

~~(6) Law Library Access for Inmates in Disciplinary Confinement.~~

~~(a) Inmates in disciplinary confinement shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, to have the law library deliver research materials to their cells, and to visit with certified inmate law clerks. Steps shall be taken to ensure that inmates are not denied needed access while in disciplinary confinement.~~

~~(b) Written inmate requests for legal assistance shall be directed to the librarian and shall be responded to within 2 working days of receipt, not including the day of receipt. For purposes of this rule, "working day" shall mean any weekday not including holidays or weekends. Specific requests for cases, statutes or other reference materials, or requests for legal supplies or forms shall be responded to by means of correspondence. However, written inmate requests for legal assistance that are broad in scope, contain incorrect references~~

to research materials, or where the styling or content of the request indicates that the inmate lacks an understanding of the law or legal research, that the inmate is functionally illiterate, or that the inmate may be impaired, shall be responded to by personal interview with an inmate law clerk or the librarian.

(c) Inmates shall be limited to the receipt of no more than 15 research items from the law library at any one time. Research items are defined as photocopies of cases, statutes and other reference materials provided by the law library and do not include the inmate's personal legal papers, pleadings, or transcripts. Institutions shall require that inmates return all research materials supplied previously by the law library, or explain why some or all research materials issued previously must be retained, in order to receive additional materials. Institutions shall also limit the accumulation of research materials when possession of same in an inmate's cell creates a safety, sanitation or security hazard.

(d) Each institution shall establish a regular schedule for visits by inmate law clerks to the confinement area to provide assistance to inmates. The regular schedule shall require visits on at least 3 days each week. If security requirements prevent permitting a law clerk visit at the scheduled time, then the law clerk visit shall be rescheduled. Not less than 3 visits shall be conducted within any 7 day period.

(e) Illiterate and impaired inmates shall be permitted to request a visit with an inmate law clerk by making an oral request for same to the correctional staff working in the confinement unit. Upon receipt of an oral request, the correctional staff shall permit the inmate to visit with an inmate law clerk at the next scheduled law clerk visit.

(7) Law Library Access for Inmates on Death Row.

(a) Inmates on death row shall be permitted to have access to their personal legal files and law books, to correspond with the law library, to have the law library deliver legal materials to the inmate's cell, and to visit with certified inmate law clerks. Efforts shall be made to accommodate the research needs of inmates on death row who demonstrate that they need to meet a deadline imposed by law, rule or order of court.

(b) Inmates on death row who have court deadlines imposed by law, rule or order of court shall be provided opportunities to visit the law library in their unit or the main unit law library at least once per week for up to two hours in duration.

(c) Written inmate requests for legal assistance shall be directed to the librarian and shall be responded to within 2 working days of receipt, not including the day of receipt. For purposes of this rule, "working day" shall mean any weekday, not including holidays or weekends. Specific requests for cases, statutes or other reference materials, or requests for legal supplies or forms, shall be responded to by means of correspondence. However, written inmate requests for legal assistance that are broad in scope, contain incorrect references to research materials, or where the styling or content of the

request indicates that the inmate lacks an understanding of the law or legal research, that the inmate is functionally illiterate, or that the inmate may be impaired, shall be responded to by personal interview with an inmate law clerk or the librarian.

(d) Inmates shall be limited to the receipt of no more than 15 research items from the law library at any one time. Research items are defined as photocopies of cases, statutes, and other reference materials provided by the law library, and do not include the inmate's personal legal papers, pleadings, or transcripts. Institutions shall require that inmates return all research materials supplied previously by the law library, or explain why some or all research materials issued previously must be retained, in order to receive additional materials. Institutions shall also limit the accumulation of research materials when possession of same in an inmate's cell creates a safety, sanitation or security hazard.

(e) Each institution shall establish a regular schedule for visits by inmate law clerks to the confinement area to provide assistance to inmates. The regular schedule shall require visits on at least 3 days each week. If security requirements prevent permitting a law clerk visit at the scheduled time, then the law clerk visit shall be rescheduled. Not less than 3 visits shall be conducted within any 7 day period.

(f) Illiterate and impaired inmates shall be permitted to request a visit with an inmate law clerk by making an oral request for same to the correctional staff working in the confinement unit. Upon receipt of an oral request, the correctional staff shall permit the inmate to visit with an inmate law clerk at the next scheduled law clerk visit.

(4)(8) Major, Minor and Starter Collection Types, Locations, and Contents of Law Libraries. Major or minor collection law libraries shall be established at all institutions, annexes, work camps and forestry camps housing more than 400 inmates. Starter collection law libraries shall be established at institutions, work camps, forestry camps and road prisons housing less than 400 inmates and located 50 or more miles from the main unit of the institution or other institutions with major or minor law library collections.

(a) A major collection law library contains: an annotated edition of the Florida Statutes; an annotated edition of the U.S. Constitution and federal statutes governing habeas corpus and prisoner's rights; Florida and federal case reporters; Florida and federal Shepard's citation indexes; Florida and federal practice digests; forms manuals; and secondary source materials providing research guidance in the areas of federal habeas corpus, Florida post-conviction and post-sentence remedies, and prisoner's rights is a reference collection containing legal research titles recommended for inclusion in prison law libraries by the American Association of Law Libraries, as published in Recommended Collections for Prison and Other Institution Law Libraries (revised June, 1990). See Appendix One for a list of titles to be maintained in a major

collection law library. In determining whether a major collection shall be established at an institution, consideration shall be given to the following factors:

1. Population level;
2. Age of the inmate population Utilization needs;
3. The transitory nature of the institution's inmate population;
4. The institution's proximity to other facilities with major collections;

5.3. Whether the institution has one or more of the following housing categories:

- a. Protective management;
- b. Close management; or
- c. Death row.

(b) ~~Major collections shall be located at the following institutions:~~

1. Apalachee Correctional Institution
2. Avon Park Correctional Institution
3. Baker Correctional Institution
4. Broward Correctional Institution
5. Calhoun Correctional Institution
6. Central Florida Reception Center
7. Century Correctional Institution
8. Charlotte Correctional Institution
9. Columbia Correctional Institution
10. Cross City Correctional Institution
11. Dade Correctional Institution
12. DeSoto Correctional Institution
13. Everglades Correctional Institution
14. Florida Correctional Institution
15. Florida State Prison Main Unit
16. Glades Correctional Institution
17. Gulf Correctional Institution
18. Hamilton Correctional Institution
19. Hardee Correctional Institution
20. Hendry Correctional Institution
21. Holmes Correctional Institution
22. Jackson Correctional Institution
23. Jefferson Correctional Institution
24. Lake Correctional Institution
25. Liberty Correctional Institution
26. Madison Correctional Institution
27. Marion Correctional Institution
28. Martin Correctional Institution
29. Mayo Correctional Institution
30. New River Correctional Institution
31. North Florida Reception Center
32. Okaloosa Correctional Institution
33. Okeechobee Correctional Institution
34. Polk Correctional Institution

35. Santa Rosa Correctional Institution
36. South Florida Reception Center
37. Sumter Correctional Institution
38. Taylor Correctional Institution
39. Tomoka Correctional Institution
40. Union Correctional Institution
41. Wakulla Correctional Institution
42. Walton Correctional Institution
43. Washington Correctional Institution
44. Zephyrhills Correctional Institution

(b)(e) A minor collection law library contains: an annotated edition of the Florida Statutes; Florida case reporters; Shepards Florida Citations; Florida and federal practice digests; an annotated edition of the U.S. Constitution and federal statutes governing habeas corpus and prisoner's rights; forms manuals; and secondary source materials providing research guidance in the areas of federal habeas corpus, Florida post-conviction and post-sentence remedies, and prisoner's rights is a reference collection containing the Florida statutes, case law, citation indexes, practice digests, federal practice digests, an abridged set of the federal statutes and a variety of secondary source materials recommended for inclusion in prison law libraries by the American Association of Law Libraries. See Appendix Two for a list of all titles to be maintained at all minor collection law libraries. A minor collection law library shall be established at all institutions, annexes, and community facilities with lawful inmate capacities of more than 400 which do not have major collection law libraries.

(c)(d) A starter collection law library contains: an annotated edition of the Florida Statutes; an annotated edition of the Title 42, United States Code, Section 1983; the Florida and federal rules of court; and a legal dictionary is a basic reference collection for research in Florida law. See Appendix Three for a list of all titles to be maintained at all starter collection law libraries. A starter collection law library shall be established at institutions, work camps, forestry camps, road prisons, vocational centers, and drug treatment centers, with maximum inmate capacities up to 400 and located 50 or more miles from the main unit of the institution or other institutions with major or minor law library collections. Starter collections shall be located in the following institutions and facilities:

1. Big Pine Key Road Prison
2. Franklin Work Camp

(e) Attachments:

1. Appendix One: Title list for major collection law libraries.
2. Appendix Two: Title list for minor collection law libraries.
3. Appendix Three: Title list for starter collection law libraries.

~~(d)(f)~~ Major and minor collection law libraries shall also maintain current copies of the following departmental rules and regulations:

1. Rules of the Florida Department of Corrections;
2. Department of Corrections Policy and Procedure Directives and Procedures, except those that the Office of the Secretary has directed be withheld from inspection by inmates for security reasons;
3. Institutional operating procedures, except those that the Office of the Secretary or the regional director has directed be withheld from inspection by inmates for security reasons. No law library collection shall include departmental Department of Corrections or institutional emergency plans, security post orders, or departmental operations manuals.

~~(e)(g)~~ No change.

~~(h)~~ A law collection shall not be established at Corrections Mental Health Institution. Inmates at that institution shall secure legal assistance from the law library located at River Junction Correctional Institution. The law library at River Junction Correctional Institution shall include additional legal research materials that address the unique legal needs of forensic inmates, and the inmate law clerks at River Junction Correctional Institution shall visit Corrections Mental Health Institution at least 3 times per week to provide inmates with legal assistance.

~~(f)(i)~~ Law collections shall not be established at work release community correctional centers or other community-based facilities. Inmates at those facilities shall secure legal assistance by means of correspondence with a major or minor law collection, by visits to attorneys, legal aid organizations or law libraries in the community, or by transportation or temporary transfer to an institution with a major or minor law collection.

~~(g)(j)~~ The contents of legal collections shall be reviewed annually by the library services administrator to ensure continued compliance with applicable federal and state laws and American Correctional Association standards that major collection law libraries continue to comply with the recommendations of the American Association of Law Libraries and to determine whether additional titles should be added to minor or starter collection law libraries. When the library services administrator believes that titles need to be added or deleted from the collections, he or she shall make such recommendation to the director of program services. If the director of program services approves the request, the material shall be ordered and placed in the appropriate law library collections. The location of legal collections shall be reviewed to determine whether new collections should be established, or whether existing major, minor, or starter legal collections should be upgraded, downgraded, moved, or disbanded. Reviews shall be conducted using the criteria established in sections (8)(a), (8)(b), (8)(c), (8)(d), and (8)(k) of this rule.

~~(k)~~ On the recommendation of the library services administrator, the assistant secretary for education and job training may authorize exceptions to the criteria establishing the type of law library that an institution shall receive, as provided in (8)(a), (8)(b), (8)(c) and (8)(d). Exceptions shall be approved based on a review of the following factors:

1. Characteristics of the institution's inmate population that evidences a need for unique legal research materials;
2. The transitory nature of the institution's inmate population;
3. The institution's mission;
4. The institution's proximity to other facilities with legal collections;
5. A continuing pattern of heavy or light usage of the law library or interlibrary loan services as evidenced through analyses of monthly law library reports.

~~(h)(i)~~ Requests for the addition or deletion of titles in major, minor, and starter law library collections shall be submitted in writing to the law library services administrator in the central office. The law library services administrator shall review all requests and make a recommendation to the director of program services assistant secretary for education and job training. Requests shall be reviewed according to the material's primary research value and whether it supplements what is currently in the collection or substantively provides additional information, or merely duplicates what is in the current collection. If the request is approved, the attachments referenced in section (8)(e) shall be amended and copies distributed to all institutions and facilities of the department and to all law libraries, and the materials shall be ordered and placed in the appropriate law library collections.

~~(m)~~ Institutions are permitted to purchase supplemental materials for inclusion in their legal collections. However, all requests to purchase legal materials, except for replacement volumes, shall be submitted by the warden or his designee in advance to the law library services administrator for review and approval. Requests shall be reviewed according to the criteria established in subsection (8)(l).

~~(i)(n)~~ Each minor and major collection law library shall maintain a list of all titles in the law library collection at the law library's circulation counter and shall make it available to inmates upon request. Inmates shall also be provided copies of this list upon request at no charge. Law libraries may distribute copies of Appendix One or Two of this section, as appropriate, to satisfy this requirement.

~~(5)(9)~~ Interlibrary Loan Services for Law Libraries.

~~(a)~~ Institutions without legal collections shall be served by an institution with a major law collection. Inmates located at these institutions shall submit a written request for legal assistance to the chief, officer in charge, or other designated staff member. Written inmate requests for legal assistance that contain incorrect references to research materials, or contain styling or content that indicates that the inmate lacks an

understanding of the law or legal research or is functionally illiterate or impaired, that involves complex or multiple legal issues or a need for ongoing access to legal materials, shall be responded to by personal interview to include telephonic consultation with the librarian at the major collection. Within 2 working days of receipt of a written request or the conducting of a personal interview, not including the day of receipt or interview, the appropriate staff member shall request that the librarian or law library supervisor at a major collection law library assign an inmate law clerk to assist the inmate. When a personal interview with the inmate and consultation with the librarian at the major collection indicates that the inmate's request can not be resolved by means of correspondence then the inmate shall be transported to an institution with a major law collection or shall be temporarily transferred to that institution in order to secure assistance from inmate law clerks or research the legal collection. If circumstances preclude transfer of an individual inmate, other measures shall be taken to ensure that the inmate's need for legal assistance is met.

(b) If information is not available to inmates located at facilities with minor and starter collections, then they shall request research assistance from a major collection law library. Inmates located at these institutions shall submit a written request for legal assistance to the librarian or other designated staff member. Written inmate requests for legal assistance that contain incorrect references to research materials, or contain styling or content that indicates that the inmate lacks an understanding of the law or legal research or is functionally illiterate or impaired, that involves complex or multiple legal issues or a need for ongoing access to legal materials, shall be responded to by personal interview to include telephonic consultation with the librarian at the major collection. Within 2 working days of receipt of a written request or the conducting of a personal interview, not including the day of receipt or interview, the librarian shall request that the librarian or law library supervisor at the nearest major collection law library assign an inmate law clerk to assist the inmate. When a personal interview with the inmate and consultation with the librarian at the major collection indicates that the inmate's request can not be resolved by means of correspondence then the inmate shall be transported to an institution with a major law collection or shall be temporarily transferred to that institution in order to secure assistance from inmate law clerks or research the legal collection. If circumstances preclude transfer of an individual inmate, other measures shall be taken to ensure that the inmate's need for legal assistance is met.

(a)(e) Institutions with Mmajor collection law libraries shall provide research assistance to inmates at institutions with minor and starter collections libraries and to inmates housed at community correctional centers and other community-based facilities without law libraries. On receipt of a written request for legal assistance, the librarian shall immediately assign a research aide an inmate law clerk to provide assistance. All assistance that can be provided through use of that institution's

major collection shall be completed within 3 working days of receipt, not including the day of receipt, not including the day of receipt, except where the request requires the researching of complex or multiple legal issues or is so broad in scope that work can not be initiated without further information from the requesting inmate, in which case the requesting inmate shall be advised and given an estimated time of completion. If the major collection does not have the information in its collection, then within 3 working days of receipt it shall forward the request to the institution law libraries designated by the law library services administrator to process interlibrary loan requests to law libraries outside the department, and shall advise the inmate that the request has been so forwarded. If the information is not available at these law libraries, then within 2 working days of receipt, not including the day of receipt, the law library supervisors at those facilities shall request such information through interlibrary loan from the Florida State University law library or other law libraries outside the department and shall advise the inmate that such a request has been made. Completed work received from these law libraries shall be placed in return mail to the librarian, law library supervisor, or other designated staff within 24 hours of receipt.

(b) Minor and starter collection law libraries and inmates at correctional facilities without law libraries shall be provided research assistance by major collection law libraries. Inmates located at these facilities who need access to legal research materials only available in major collection law libraries, or who need research assistance, shall submit a written request for the material or assistance to the librarian or to the chief correctional officer if there is no librarian at the facility. Within two working days of receipt of a written request, not including the day of receipt, the librarian or chief correctional officer shall forward the request to the librarian at a major collection law library for completion.

(c) Inmate requests to secure law materials not in the department's major collection libraries shall be submitted to the library services administrator for review and approval. Only requests for primary source materials, such as statutes, rules, and court decisions, that relate to Florida criminal law, Florida post-conviction and post-sentence remedies, federal habeas corpus, or the rights of prisoners, shall be approved.

1. Inmates needing such materials are to submit a written request to the institution's librarian or law library supervisor. The written request is to include the full and complete citation of the material needed, and a written justification on why the material is needed to litigate any of the above types of actions. If any deadlines apply, the date of the deadline is to be noted on the written request. The librarian or law library supervisor is then to forward the request to the library services administrator in the central office. The correct mailing address is: Department of Corrections, ATTN: Library Services, 2601 Blair Stone Road, Tallahassee, FL 32399-2500.

2. When requests are received, they shall be reviewed by the department's library services administrator. If the request is disapproved, the reason for disapproval will be noted on the request and the request shall be returned to the requesting law library. If the request is approved, the request shall be forwarded to the Florida State University law library for completion. When the completed work is received from Florida State University, it shall be mailed to the requesting law library.

~~(d)~~ Librarians and other designated staff persons supervising law libraries shall maintain a tracking file for all interlibrary loan requests submitted to other law libraries. Whenever a response has not been received from a lending law library within 7 calendar days, the librarian or other designated staff person shall contact the librarian or law library supervisor at the lending facility to ascertain the status of the request.

~~(d)(e)~~ Inmates with deadlines imposed by law, rule or order of court in legal proceedings challenging convictions and sentences or prison conditions shall be given priority in the handling of interlibrary loan requests, and such requests shall be submitted separately from requests not involving deadlines. Requests for interlibrary loan service involving inmates with deadlines shall be submitted to other law libraries by DC electronic mail, fax, or by telephone. The interlibrary loan request shall include a reference to the court deadline and provide the date of the deadline.

~~(e)(f)~~ Materials received pursuant to an interlibrary loan request ~~is~~ are the property of the law library and not the personal property of the inmate who requested ~~it~~ the materials. The materials shall not be removed from the law library without the written approval of the law library supervisor.

~~(f)(g)~~ No change.

~~(6)(10)~~ Use of Inmates as Research Aides ~~law clerks~~.

(a) Major and minor collection law libraries shall be assigned inmates as clerks and research aides to assist the librarian or law library supervisor in the operation of the law library program, to assist the inmate population in the research and use of the law library collection, and to assist inmates in the drafting of legal documents, legal mail and grievances. ~~Inmates assigned to work in law libraries shall be classed as follows: library clerk, law clerk trainee, and law clerk-certified.~~

1. Library clerk: When assigned to work in a law library, a library clerk's primary duty is to perform work of a clerical nature, such as circulating legal materials, ~~typing or~~ photocopying inmate legal documents, maintaining law library files, keeping the law library clean and orderly, and assisting the librarian or law library supervisor in collecting statistics, typing reports and other job related activities as requested. Inmates assigned to the law library as library clerks shall not be required to complete the research aide law clerk training program.

2. Law clerk trainee: A law clerk trainee's primary duty is to secure knowledge in the techniques of legal research and writing, use of specific legal research materials, the law and rules of criminal law and post-conviction remedies, civil rights, and other subject matter identified by the law library services attorney as necessary for an inmate law clerk to provide meaningful assistance to inmates. The law clerk trainee may be assigned work of a purely clerical nature and may assist inmates in research of the legal collection, provided that such does not interfere with the training process. Inmates assigned as law clerk trainees shall not assist inmates in the preparation of legal documents and legal mail, nor shall they be used in conducting confinement visits unless they are accompanied by a law clerk-certified.

~~2.3.~~ Research aide Law clerk-certified: Inmates assigned to this position must have successfully completed the Department of Corrections' research aide law clerk training program. The primary work responsibility of a research aide law clerk-certified is to assist inmates in conducting legal research and preparing legal documents and legal mail associated with the filing of post-conviction petitions filed in the state or federal courts, civil rights actions filed in the state or federal courts, administrative actions filed with the Florida Parole Commission or the Florida Bar, and inmate grievances filed with the Department of Corrections. A research aide law clerk-certified shall be permitted to assist inmates in open population, in confinement, at work camps, or at institutions without law libraries in legal research and the preparation of the aforesaid legal documents. Only a research aide law clerk-certified shall assist inmates in preparing legal documents and legal mail, in researching or responding to interlibrary loan requests, or in making visits to inmates in confinement.

~~(b)~~ A minimum of two research aides shall be assigned to major and minor collection law libraries in youthful offender institutions. Institutions shall assign additional research aides to the law library as needed to ensure that illiterate and impaired inmates are provided research assistance. Library clerks shall be assigned to the law library as needed to perform work of a clerical nature and for training as research aides. ~~Inmate Staffing Requirements—Adult Institutions.~~

~~1. Library Clerk: shall be assigned to the law library as needed to perform work of a clerical nature.~~

~~2. Law Clerk Trainee (L03) and Law Clerk Certified (L04):~~

~~a. A minimum of 2 certified law clerks shall be assigned to the law library. Additional certified law clerks and law clerk trainees shall be assigned at the rate of 1 for every 300 inmates in open population and protective management, to include inmates housed in annexes, work camps and other satellite facilities if major or minor collection law libraries are not located at those sites;~~

b. A minimum of 1 additional clerk shall be assigned if the institution has an administrative and disciplinary confinement, close management, or death row unit housing 50 or more inmates. If the population of these units exceeds 50 inmates, then additional inmate law clerks shall be assigned at the rate of 1 for every 100 inmates;

c. At least 1 additional clerk shall be assigned if the institution's law library has been designated as a regional resource center, or if it provides interlibrary loan services to an institution, annex, or community facility with a minor collection law library.

At reception centers, inmates in "reception and orientation" status shall not be counted in the institution's population for purposes of computing clerk staffing.

d. Institutions shall assign additional clerks to the law library as needed, to ensure that requests for assistance are responded to within the time frames established in this chapter.

(e) Inmate Staffing Requirements — Youthful Offender Institutions. A minimum of 2 adult inmates, who have been certified as inmate law clerks by the law library services attorney, shall be assigned to work in the law library at least 3 days per week to provide research assistance to youthful offenders.

(c)(d) Qualifications. Research aides In order to be assigned as a law clerk trainee or law clerk certified, an inmates shall:

1. Have a high school diploma or general equivalency diploma (GED), or TABE (Test of Adult Basic Education) total battery scores in reading and language of grade 9.0 or higher or otherwise demonstrate successfully complete a performance-based evaluation instrument that demonstrates that he or she the inmate possesses the reading and language skills necessary to read; and understand, and research the law, to conduct legal research, and to assist other inmates in legal research and the preparation of legal documents.

2. Have a release date that indicates that he or she has sufficient time remaining on his or her sentence to complete the research aide law clerk training program and to perform work in the law library;

3. Have a satisfactory ~~good~~ record of institutional adjustment as evidenced by having no more than 2 disciplinary reports within the previous 12 months;

4. Display good character without abusing the authority of the position; a willingness to work and cooperate with others; and the ability to perform the general duties of a research aide law clerk, including good oral and written communication skills, good comprehension and intelligence.

(d)(e) Research Aide Law Clerk Training Program. ~~The~~ A legal research training curriculum shall be developed by the law office of library services attorney to assist inmate law clerks in acquiring a basic shall develop a training program to provide inmates who work in law libraries with knowledge in the techniques of legal research and writing, use of specific

legal research materials, the law and rules of criminal law and post-conviction remedies, prisoners' civil rights, and other subject matter identified as necessary for a research aide an inmate law clerk to provide meaningful assistance to inmates. The legal research training program shall consist of:

1. A seminar taught by legal practitioners that provides law clerk trainees instruction in legal research and writing, use of specific legal research materials, the law and rules of criminal law and post conviction remedies, civil rights, and other subject matter identified by the law library services attorney as necessary for an inmate law clerk to provide meaningful assistance to inmates. The seminar shall include live instruction by legal practitioners, practice exercises, writing assignments, and a final examination;

2. A research guide developed under the direction of the law library services attorney;

3. ~~Videotaped~~ presentations on legal research, Shepardizing, post conviction remedies, prisoners' rights, and other areas designated by the law library services attorney;

4. Other research tools as developed by the law library services attorney.

(e)(f) Training Requirements.

1. Inmates All law clerk trainees who have no formal training in legal research and who wish to work as research aides shall be required to successfully complete the legal research aide training program. Immediately upon assignment to the law library, the inmate shall be provided a copy of the research guide and shall be required to review it and the videotape program presentations. Unless authorized by the law library services attorney, an inmate assigned as a law clerk trainee shall not attend the law clerk training seminar until after he or she has worked in a law library a minimum of 90 days.

2. Successful completion of the research aide law clerk training program shall be evidenced by verification by the institution librarian that the inmate has reviewed the research guides and other research tools and viewed the videotaped program presentations, attendance at the research aide law clerk training seminar, completion of all writing assignments and practice exercises included as part of the research aide law clerk training seminar, and receipt of a passing score (80%) on the research aide law clerk training seminar's final examination.

3. Inmates who successfully complete the research aide law clerk training seminar shall be given a certificate by the office of law library services attorney documenting successful completion of the program, and a notation shall be recorded in the department's offender database. Any inmate who fails to pass the final examination, who does not demonstrate possession of good written communication skills, or who demonstrates incompetence as defined in this section (10)(i)7- of this rule, shall be immediately removed from his or her work assignment in the law library.

~~4.3. Inmates who have been awarded an associate degree or certificates of completion in paralegal research, a bachelors degree in pre-law, or a juris doctorate degree; shall not have to attend the research training program to be certified as a research aide. The office of library services shall certify any such inmate upon verification of educational achievements and a determination that he or she possesses current knowledge of the law, knowledge of legal research materials and how to use them, and can communicate effectively in writing who were certified through use of previous Department of Corrections certification procedures, or who were licensed to practice law in any state or in the federal courts shall be certified by the law library services attorney if they present proof of their educational attainments, licensure, or work experience, and if they possesses good written communication skills.~~

~~(f)(g) Law clerk training seminars shall be conducted as often as needed to ensure that all major and minor collection law libraries comply with the minimum staffing requirements established in sections (10)(b) and (10)(c) of this rule. The office of law library services attorney shall be responsible for the scheduling of research aide law clerk training seminars. When seminars are scheduled, institutions shall be notified of the upcoming training, and requested to identify inmates in need of training. The law library services administrator attorney shall review the requests and verify that the inmates satisfy the minimum qualifications established in section (6)(c) (10)(d); only inmates who meet the minimum qualifications shall be accepted for training. No inmate shall attend the research aide training program unless his or her participation has been approved by the library services administrator. The office of law library services attorney shall arrange for the then forward the names of those inmates to the Office of Population Management for temporary transfer of the approved inmate participants to the institution where the seminar is to be conducted.~~

~~(g)(h) At the time of an inmate's assignment to work in the law library, the librarian or law library supervisor shall advise the inmate that he or she is not to disclose any information about an inmate's legal case to other inmates. The inmate shall also be advised that violation of this policy shall be cause for removal from his or her work assignment in the law library.~~

~~(h)(i) Prohibited Conduct: Research Aides Inmate Law Clerks. Violation of any of the provisions of this section shall result in the immediate removal of the research aide from his or her work assignment in the law library, and disciplinary action pursuant to rules 33-601.301-.314. The library services administrator will be informed whenever an institution removes a research aide from the law library for any of the below reasons.~~

~~1. Research aides Inmate law clerks shall not act as legal representatives or in any way appear to be engaged in the unauthorized practice of law, to include participation in judicial and administrative hearings or telephonic hearings conducted for other inmates;~~

~~2. Research aides Inmate law clerks shall not sign or include their names, work assignment title, or a reference to certification as a research aide law clerk or trained paralegal in any legal document, legal mail, privileged mail, routine mail, or grievance prepared on behalf of an inmate;~~

~~3. Research aides Inmate law clerks shall not include their work assignment title or a reference to certification as a research aide law clerk or trained paralegal in the return address of their outgoing correspondence, or in legal documents, legal mail, privileged mail, routine mail and grievances;~~

~~4. Research aides Inmate law clerks shall not use department or institution letterhead stationary or memoranda to prepare letters or legal documents;~~

~~5. Research aides Inmate law clerks shall not charge nor shall they receive payment of any kind for providing legal assistance to inmates;~~

~~6. Research aides Inmate law clerks shall not disclose information about an inmate's legal work to other inmates;~~

~~7. Research aides shall not conduct legal research or prepare legal documents for staff;~~

~~8.7. Demonstrated incompetence: the research aide inmate law clerk has demonstrated that he or she lacks the knowledge, skills and ability to function as a research aide law clerk, as evidenced by a demonstrated inability to research and use the law library collection, to assist inmates in the preparation of legal documents; or legal mail or grievances, or to provide inmates with accurate information on the law and civil or criminal procedure.~~

~~Violation of any of the provisions of this section shall result in the immediate removal of the inmate law clerk from his or her work assignment in the law library, and disciplinary action pursuant to rules 33-601.301-601.314. The law library services attorney will be informed whenever an institution removes a Law Clerk Certified from the law library for any of the above reasons.~~

~~(i)(j) Upon receipt of notice that a research aide Law Clerk Certified has been charged with a disciplinary infraction for violation of any of the provisions of this subsection (i), and has been found guilty of same, the law library services administrator attorney will review the matter to determine whether the inmate's research aide law clerk training certificate should be revoked. The determination as to whether the inmate's certificate shall be revoked shall be based on a consideration of the following factors: the findings of the disciplinary report; discussions with institution staff about the infraction; a record of prior counseling or disciplinary action for violation of the provisions of this subsection (i); a record of multiple violations of the provisions of this subsection (i); and a determination that the violations of this subsection (i) were intentional rather than inadvertent. If the law library services administrator attorney determines that revocation is warranted, the certificate entry will be deleted from the offender database,~~

and a notation notice that the inmate's research aide law clerk certificate has been revoked shall be placed in the inmate's central office and institution file.

~~(j)(4)~~ No action shall be taken against a research aide an inmate law clerk for assisting, preparing, or submitting legal documents to the courts or administrative bodies, to include grievances and civil rights complaints against the department or staff. Good faith use or good faith participation in the administrative or judicial process shall not result in formal or informal reprisal against the research aide inmate law clerk.

~~(k)(4)~~ A research aide An inmate law clerk who wishes to correspond in writing with research aides law clerks at other institutions regarding legal matters shall be required to obtain prior approval from the warden at his or her institution. The approved correspondence shall be mailed through institution mail from one librarian or law library supervisor to another librarian or law library supervisor. Research aides Law clerks shall communicate with each other over the telephone only under the direct supervision and monitoring of the librarian or law library supervisor, and only when all other methods of communication have failed, or when necessary to expedite interlibrary loan service.

~~(l)(m)~~ Research aides Inmate law clerks shall give all work files to inmates who are being transferred or released. If the research aide law clerk is unable to give the inmate the file prior to transfer, he or she shall give it to the librarian or law library supervisor. As soon as the inmate's destination is known, the librarian or law library supervisor shall forward the file to the librarian, law library supervisor, or other designated employee at the inmate's new location for forwarding to the inmate. If the inmate has been released from the custody of the Department of Corrections, then the librarian or law library supervisor shall give the file to the institution's inmate property officer for return to the released inmate.

~~(m)(n)~~ The librarian or law library supervisor at the institution from which an inmate is transferred may authorize a research aide an inmate law clerk at that institution to continue assistance to the transferred inmate on a pending matter if the inmate's new institution or facility does not have a major or minor collection law library when the inmate law clerk has already done a substantial amount of research on the matter, and the amount of assistance that remains is minimal, and the inmate requests continued receiving assistance in writing signs an authorization to that effect.

(n) The office of library services shall suspend the research aide certificates of inmates when two years have passed since they worked in law libraries as research aides. Whenever a research aide certificate is suspended, the office of library services shall remove the certificate entry from the offender database. Provided that no more than five years have passed since an inmate has worked as a research aide, a librarian or law library supervisor may request that an inmate's suspended research aide certificate be reinstated. In such cases,

the office of library services shall require that the inmate demonstrate, through successful completion of a written examination, that he or she still possesses current knowledge of the law, knowledge of legal research materials and how to use them, and can communicate effectively in writing. If the inmate demonstrates to the office of library services that he or she still has the requisite knowledge and skills to work as a research aide, the suspension shall be lifted and the research aide certificate shall be re-entered in the offender database.

(o) The office of library services shall revoke the research aide certificates of inmates when five or more years have passed since they worked in law libraries as research aides. Whenever a research aide certificate is revoked, the office of library services shall remove the certificate entry from the offender database. Such action is not deemed to be judgemental or prejudicial. However, inmates shall be required to attend and successfully complete the research aide training program to be re-certified as research aides.

~~(7)(11)~~ Circulation and control of legal materials.

(a) No change.

(b) The law library's shelves shall be closed to direct access by inmates not assigned as library clerks or research aides inmate law clerks. Inmates needing access to legal materials shall direct a request to a library an inmate law clerk or research aide who shall then retrieve the material and issue it to him or her. Inmates shall sign for all legal research materials issued to them for use in the law library or library. At a minimum, inmates shall be permitted to sign out at least 1 case reporter and 1 other volume at any one time.

(c) No change.

~~(8)(12)~~ Court Forms Supply Services.

~~(a)~~ All law libraries shall provide inmates access to Department of Corrections grievance forms and forms needed to prepare Rule 3.800 and Rule 3.850, Florida Rules of Criminal Procedure, post-conviction relief petitions. Federal habeas corpus, affidavits of insolvency, and civil rights complaint forms shall only also be supplied if copies of same are provided to the law library by the federal courts. In all instances, law libraries are obligated to provide only one copy of the form. If additional copies are required for submission to the courts, the inmate shall secure them using the procedures established in section 33-602.405.

~~(b)~~ Institutions shall provide white paper and pens to prepare and submit legal documents and legal mail for those inmates without necessary funds to purchase their own paper and pen.

~~(13)~~ Copying Services.

~~(a)~~ All institutions and facilities shall provide photographic copying services to inmates submitting legal documents and accompanying evidentiary materials to courts and administrative bodies. Rules regulating the provision of copying services to inmates are established in section 33-602.405.

(b) Copying machines shall be in the law library or in close proximity to the law library in institutions having major law collections. Minor collection law libraries shall be allowed access to a photocopy machine to provide photographic copying services to inmates, as established in section 33-602.405, and to provide research assistance to inmates in confinement.

(14) Notary Service. Institutions shall provide notary service to inmates who have legal material that requires notarization. Rules regulating the provision of notary service to inmates are established in section 33-210.102.

(9)(15) Reports. All institutions having major and minor law libraries shall prepare a monthly law library report detailing at a minimum the days and hours that the law library was open to inmate use, the circulation of law library materials, the volume of legal services provided to inmates, the number of research aides inmate law clerks on staff, and legal materials added to the law library collection during the month. This report shall be submitted to the library services administrator by the tenth day of each calendar month for the previous month's activities. The library services administrator shall be responsible for developing the report and for disseminating instructions to all institutions for accurately completing the report.

(16) Monitoring and Evaluation of Law Library Programs.

(a) The warden of the institution shall be responsible for day to day monitoring of the law library program and other institution programs or departments that provide legal services to inmates and ensuring that all requirements of this rule are adhered to.

(b) The library services administrator and the law library services attorney in the Office of the Assistant Secretary for Education and Job Training shall be responsible for the statewide coordination and monitoring of institutional law libraries and related legal services. The library services administrator and the law library services attorney share responsibility for the review of department policy and procedure as it relates to the operation of law library programs and the monitoring and evaluation of law library programs and services.

(c) The library services administrator shall be responsible for:

1. Managing the statewide purchase of all legal research materials required by this rule for all law libraries;
2. Monitoring of law library acquisitions and inventories to ensure that they are current and complete;
3. Providing guidance and in-service training to librarians on issues related to management of law library programs and services;
4. Collecting data on the operation of law library programs and the provision of law library services;

5. Investigating and responding to inmate grievances and correspondence involving the operation of law library programs;

6. Reviewing the contents of the department's law library collections at least annually and making recommendations regarding same to the assistant secretary for education and job training;

7. Reviewing requests from institutions to add supplemental legal materials to their law library collections.

(d) The law library services attorney is responsible for:

1. Managing all activities related to the training of inmate law clerks, to include development of a training curriculum for the training program, monitoring of training activities, and reviewing the training program at least annually to ensure that it remains current and appropriate to the needs of inmates;

2. Monitoring the performance of inmate law clerks to assess the appropriateness of training topics included in the law clerk training program;

3. Investigating and responding to inmate grievances and correspondence involving law clerk assistance to inmates;

4. Developing and ensuring the conduct of in-service training programs for librarians, law library supervisors, and other staff on legal research and the inmate law clerk training program;

5. Reviewing department rules, operating procedures and operations manuals relating to the training of inmate law clerks at least annually and recommending revisions as required;

(e) The library services administrator, law library services attorney, or library services assistant administrator shall periodically visit each law library program to ensure that the legal collections are current and complete, to ensure that all required services to inmates are being provided in a timely manner, and to ensure that all inmate law clerks are qualified to provide research assistance to inmates.

(f) The library services administrator and library services assistant administrator shall be professional librarians with experience in managing institutional library and law library programs, and the law library services attorney shall have a Juris Doctorate degree from an accredited college of law and shall be a member of the Florida Bar.

(17) Operating Procedures.

(a) Every institution with a major or minor collection law library shall develop an institutional operating procedure regulating the operation of the law library and inmate access to the law library in accordance with the requirements of this rule. At a minimum the operating procedure shall detail:

1. The location of the law library;
2. The type of law collection at the institution;
3. The hours of operation of the law library;
4. The procedure for circulating law library materials to inmates while in the law library;

5. The procedure for handling inmate requests for access to the law library collection and appropriate law library services based upon court deadlines;

6. The procedure to secure inmates interlibrary loan service, to include procedures to be followed by institution staff to ensure that materials requested by interlibrary loan to meet deadlines are secured for the inmate within the required time;

7. The procedure to provide inmates in confinement with access the law library and law library services, to include the schedule for visits by inmate law clerks to the confinement areas;

8. The procedure to provide inmates at work camps attached to institutions with access to the law library, law library services, and inmate law clerks, to include the schedule for visits by inmate law clerks to the work camp or visits by inmates at the work camp to the law library in the main unit;

9. The procedure to provide inmates with access to interpreters when language barriers hinder access to the legal collection or communication with inmate law clerks;

10. The procedure to provide inmates with copying services;

11. The procedure to provide inmates with access to grievance and court forms;

12. The procedure to provide insolvent inmates needing to prepare legal documents and legal mail with access to white paper and pens;

13. The procedure to provide inmates with access to notary service.

(b) The operating procedure shall be approved by the at each institution and reviewed at least annually. Whenever the operating procedure on the law library is revised a copy shall be submitted to the library services administrator in the central office for review and approval to ensure that the institutional policy and procedure is in compliance with the requirements of this rule.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History—New 4-6-93, Amended 7-3-94, 11-2-94, 4-28-96, 9-30-96, 12-7-97, Formerly 33-3.0055, Amended 2-15-01, _____.

APPENDIX ONE

TITLE LIST FOR MAJOR COLLECTION LAW LIBRARIES

1. Prisoners and the Law, by Robbins. (Clark Boardman).
2. Jailhouse Lawyer's Manual. (Columbia Human Rights Law Review).
3. Florida Criminal Sentencing Law, by Davidson. (D & S Publishing).
4. Volume 12: Chapter 23, Florida Parole commission. Florida Administrative Code Annotated. (Darby Publishing).
5. Guide to Florida Legal Research, by Stupski. (Florida Bar Association).

6. Legal Forms and Worksheets. (Florida Bar Association).

7. Florida Criminal Law and Procedure, by Adkins. (Harrison).

8. Uniform System of Citation. (Harvard Law Review Association).

9. Florida Law Weekly—Federal. (Judicial & Admin. Research Assoc.).

10. Florida Law Weekly. (Judicial & Admin. Research Assoc.).

11. Florida Jurisprudence, 2nd. (Lawyer's Cooperative).

12. Florida Pleading and Practice Forms, 2nd. (Lawyer's Cooperative).

13. Florida Bar Journal

14. Federal Habeas Corpus, by Liebman. (Michie).

15. Legal Research: How to Find and Understand the Law, by Elias. (Nolo Press).

16. Post Conviction Remedies: A Self Help Manual, by Manville. (Oceana).

17. Prisoners' Self Help Litigation Manual, by Manville. (Oceana).

18. Spanish—English Legal Terminology, by Vanson. (Scott Forsman).

19. Shepard's Federal Citations. (Shepard's).

20. Shepard's Florida Citations. (Shepard's).

21. Shepard's U.S. Citations. (Shepard's).

22. Florida Statutes. (State of Florida).

23. Black's Law Dictionary. (West).

24. Federal Civil Judicial Procedure and Rules. (West).

25. Federal Criminal Code and Rules. (West).

26. Federal Reporter 2nd. Previous 20 years to date. (West).

27. Federal Supplement. Previous 20 years to date. (West).

28. Florida Cases. 1941 to Date. (West).

29. Florida Criminal Law and Rules. (West).

30. Florida Digest 2nd. (West).

31. Florida Evidence, by Ehrhardt. (West).

32. Florida Rules of Court—State & Federal. (West).

33. Florida Session Laws. (West).

34. Florida Statutes Annotated. (West).

35. How to Find the Law, by Cohen. (West).

36. Law of Corrections and Prisoners' Rights, by Krantz. (West).

37. Legal Research in a Nutshell, by Cohen. (West).

38. Supreme Court Reporter. Previous 20 years to date. (West).

39. U.S. Code Annotated, in part: Constitution and Amendments; Title 28, Section 2254; Title 42, Section 1983. (West).

40. West's Federal Practice Digest, 4th. and 3rd. (West).

- 41. West Spanish-English/English-Spanish Law Dictionary. (West).
- 42. Florida Appellant Practice, by Padovano. (West).
- 43. Florida Criminal Law and Practice, by Crawford. (West).
- 44. Florida Post Sentencing, by Daley. (Capital Legal Publishers).
- 45. Rights of Prisoners. (Clark Boardman).

**APPENDIX TWO
TITLE LIST FOR MINOR COLLECTION
LAW LIBRARIES**

- 1. Prisoners and the Law, by Robbins. (Clark Boardman).
- 2. Jailhouse Lawyer's Manual. (Columbia Human Rights Law Review).
- 3. Florida Criminal Sentencing Law, by Davidson. (D & S Publishing).
- 4. Guide to Florida Legal Research, by Stupski. (Florida Bar Association).
- 5. Legal Forms and Worksheets. (Florida Bar Association).
- 6. Florida Criminal Law and Procedure, by Adkins. (Harrison).
- 7. Uniform System of Citation. (Harvard Law Review Association).
- 8. Florida Law Weekly - Federal. (Judicial & Admin. Research Assoc.).
- 9. Florida Law Weekly. (Judicial & Admin. Research Assoc.).
- 10. Florida Jurisprudence, 2nd. (Lawyer's Cooperative).
- 11. Florida Pleading and Practice Forms, 2nd. (Lawyer's Cooperative).
- 12. Federal Habeas Corpus, by Liebman. (Michie).
- 13. Legal Research: How to Find and Understand the Law, by Elias. (Nolo Press).
- 14. Post-Conviction Remedies: A Self-Help Manual, by Manville. (Oceana).
- 15. Prisoners' Self-Help Litigation Manual, by Manville. (Oceana).
- 16. Spanish - English Legal Terminology, by Vanson. (Scott-Forsman).
- 17. Shepard's Florida Citations. (Shepard's).
- 18. Florida Statutes. (State of Florida).
- 19. Black's Law Dictionary. (West).
- 20. Federal Civil Judicial Procedure and Rules. (West).
- 21. Federal Criminal Code and Rules. (West).
- 22. Florida Cases. 1941 to Date. (West).
- 23. Florida Criminal Law and Rules. (West).
- 24. Florida Digest 2nd. (West).
- 25. Florida Evidence, by Ehrhardt. (West).
- 26. Florida Rules of Court - State & Federal. (West).
- 27. Florida Session Laws. (West).

- 28. Florida Statutes Annotated. (West).
- 29. How to Find the Law, by Cohen. (West).
- 30. Law of Corrections and Prisoners' Rights, by Krantz. (West).
- 31. Legal Research in a Nutshell, by Cohen. (West).
- 32. U.S. Code Annotated, in part: Constitution and Amendments; Title 28; Title 42, Sections 1983-2000d-6. (West).
- 33. West's Federal Practice Digest, 4th and 3rd. (West).
- 34. West Spanish-English/English-Spanish Law Dictionary. (West).
- 35. Florida Appellant Practice, by Padovano. (West).
- 36. Florida Criminal Law and Practice, by Crawford. (West).
- 37. Florida Post Sentencing, by Daley. (Capital Legal Publishers).
- 38. Volume 12 (Chapter 23, Florida Parole Commission), Florida Administrative Code Annotated. (Darby).
- 39. Rights of Prisoners. (Clark Boardman).
- 40. Florida Bar Journal. (Florida Bar Association).

**APPENDIX THREE
TITLE LIST FOR STARTER COLLECTION
LAW LIBRARIES**

- 1. Florida Statutes Annotated, including: Uniform Commercial Code, Florida Session Law Service, Florida Rules of Court, State and Federal. (West).
- 2. United States Code Annotated, in part: Title 42, Sections 1983-2000d. (West).
- 3. Black's Law Dictionary, current edition. (West).

METROPOLITAN PLANNING ORGANIZATION

Orlando Urban Area

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Procedure	35I-1
RULE TITLES:	RULE NOS.:
Authority, Creation	35I-1.001
Definition	35I-1.002
Purpose and Functions	35I-1.003
Membership, Appointments, Terms of Office and Vacancies	35I-1.004
Executive Director	35I-1.0051
General Policies	35I-1.007
Procedures for Amending the Long Range Transportation Plan and the Transportation Improvement Program (TIP)	35I-1.009
Procedures for Revising Orlando Urban Area Boundary	35I-1.011
Procedures for MPO Public Involvement Process	35I-1.012
PURPOSE AND EFFECT: The purpose and effect of the proposed rules are to amend Rules 35I-1.001, 35I-1.002, 35I-1.003, 35I-1.004, 35I-1.0051, 35I-1.007, 35I-1.009, 35I-1.010 and 35I-1.012 in order to: change the name of	

Orlando Urban Area Metropolitan Planning Organization to the Orlando Urbanized Area Metropolitan Planning Organization, doing business as, METROPLAN ORLANDO; to make grammatical changes and typographical errors; and to delete unnecessary language and requirements no longer needed under Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The purpose of this workshop is to address the proposed changes to Rule Chapter No. 35I-1.

SPECIFIC AUTHORITY: 339.175 FS.

LAW IMPLEMENTED: 339.175 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: 5:00 p.m., Wednesday, June 6, 2001

PLACE: Metroplan Orlando, 315 East Robinson Street, Suite 355, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ms. Muffet Robinson, Director of Communication and Public Outreach, Metroplan Orlando, 315 East Robinson Street, Suite 355, Orlando, Florida 32801

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Environmental Resource Permits **RULE CHAPTER NO.:** 40E-4

RULE TITLE: Exemptions from Permitting **RULE NO.:** 40E-4.051

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to reduce the permitting requirements for restoration of a seawall or riprap and repeal those portions of the rule to make the rule consistent with the existing grant of specific statutory authority. The effect of the proposed rule amendment is to reduce the number of projects that must obtain individual permits, which will (1) reduce processing time and costs for applicants, (2) clarify to applicants when modifications to existing permits qualify for nonsubstantial letter modifications versus a more formal permit application submittal, and (3) repeal rule language that is now obsolete.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would clarify the location of restoration of seawall or riprap permitting exemption.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.406, 373.413, 373.416, 403.813(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jan Sluth, Associate Legal Research Assistant, Office of Counsel, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (561)682-6299, 1(800)432-2045, Suncom 229-6299

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.051 Exemptions from Permitting.

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

(b) The restoration of a seawall or riprap at its previous location or upland of or within 18 inches ~~one foot~~ waterward of its previous location, as measured from the face of the existing seawall slab to the face of restored seawall slab or from the front slope of the existing riprap to the front slope of the restored riprap. No filling can be performed except in the actual restoration of the seawall or riprap. No construction shall be undertaken without the necessary title or leasehold interest, especially where private and public ownership boundaries have changed as a result of natural occurrences such as accretion, reliction and natural erosion. ~~Restoration and repair shall be performed using the criteria set forth in Section 373.414(5), F.S.~~ This exemption shall be limited to functioning seawalls or riprap. This exemption shall not affect the permitting requirements of Chapter 161, F.S.

(c) No change.

(5) through (7) No change.

~~(8) The Use of Rotenone by the Florida Game and Fresh Water Fish Commission. The use of rotenone, by the Florida Game and Fresh Water Fish Commission, in conducting tests related to its responsibility regarding fish management. The chemical selected shall be used at no more than the strength approved by the United States Environmental Protection Agency (EPA) label specifications. In addition, the chemical shall be used only under the direct on-site supervision of a staff member of the Florida Game and Fresh Water Fish Commission.~~

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

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.406, 373.413, 373.416, 403.813(2) FS. History—New 9-3-81, Amended 1-31-82, 3-9-83, Formerly 16K-4.02, Amended 4-20-94, 10-3-95, 5-28-00,_____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Minimum Flows and Levels RULE CHAPTER NO.: 40E-8

PURPOSE AND EFFECT: The purpose and effect of the rule development is to establish minimum flows and levels by December, 2001 for Lake the Loahatchee River & Estuary and the St. Lucie River & Estuary, in accordance with Chapter 373, Florida Statutes.

SUBJECT AREAS TO BE ADDRESSED: Minimum flows and levels.

SPECIFIC AUTHORITY: 373.042, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421 FS.

A RULE DEVELOPMENT WORKSHOP FOR THE LOXAHATCHEE RIVER & ESTUARY WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 12:00 p.m., June 8, 2001
PLACE: Stuart City Hall, Commission Chambers, 121 Flagler Avenue, Stuart, FL 34994

A RULE DEVELOPMENT WORKSHOP FOR THE ST. LUCIE RIVER & ESTUARY WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m. – 4:00 p.m., June 8, 2001
PLACE: Stuart City Hall, Commission Chambers, 121 Flagler Avenue, Stuart, FL 34994

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

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE TITLE: Definitions RULE NO.: 61G7-6.001

PURPOSE AND EFFECT: The Board proposes to update this rule to add a definition for “Assumes responsibility for the payment of wages” and to delete subsection (9), the definition to “Tangible accounting net worth.” In addition, subsection (2) the last line is being amended to change ... the right to hire ... to a right to hire....

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 468.520, 468.522, 468.525 FS.

LAW IMPLEMENTED: 468.520, 468.522, 468.525(4), 468.529(1) 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: Sherry Landrum, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G7-6.001 Definitions.

To enable the Board and the Department to administer Part XI of Chapter 468, F.S. , the Board hereby interprets the following terms as used in the definition of employee leasing as follows:

(1) “Actively involved” as used in s. 468.520(7), F.S., to determine whether an entity is an employee leasing company, the Board interprets actively involved to mean the actual exercise of duties on behalf of an employee leasing company. Any natural person who possesses, directly or indirectly, the power to direct or cause the direction of the management or policies of any employee leasing company, through direct or indirect control of 50 percent or more of the voting securities of an employee leasing company, is deemed actively involved.

(2) “Arrangement” for insurance purposes as used in s. 468.529, F.S., means the aggregate of any contracts or agreements between an admitted carrier and the employee leasing company related to the issuance of a policy of insurance for a health plan.

(3) “Assumes responsibility for the payment of wages” as used in s. 468.525(4)(b), F.S., means the obligation of the employee leasing company to comply with the terms of employment established with an employee relating to the payment of wages of the employee. At a minimum, such an agreement shall require the employee leasing company to

comply with the Fair Labor Standards Act, 29 C.F.R. Sections 500-899, incorporated herein by reference and effective

~~(4)(2)~~ “Employment responsibilities” as used in s. 468.525(4), F.S., means all those responsibilities generally incumbent on an employer, including payment of wages and taxes and ~~a the~~ right to hire, direct, control, discipline, and terminate employees.

~~(5)(3)~~ “Full Responsibility” as used herein to determine whether an employee leasing company’s contractual arrangements comply with the conditions as set forth in s. 468.525(4), F.S., means complete and total responsibility for the collection of and payment of all payroll taxes which are payable to the Internal Revenue Service and/or to the State of Florida for services performed by leased employees as leased employees.

~~(6)(4)~~ “Health benefits or health plan,” as used in s. 468.529, F.S., means provision of comprehensive major medical health benefits.

~~(7)(5)~~ “Intangible assets” as used herein to enable initial applicants to properly report their financial assets to meet the requirements for licensure, means assets that lack physical substance. The value of intangible assets is generally based on the value of the rights inherent in them or results from allocation of costs incurred to future periods, in which case they have no realizable or recoverable value outside of their ability to benefit future earnings in the normal course of operations. Intangible assets are normally subject to amortization. Examples of intangible assets include goodwill, copyrights, trademarks, patents, organization costs, deferred costs, client enrollment costs, and excess of assets acquired over purchase price.

~~(8)(6)~~ “Long-term ongoing nature” means a situation where a client company and an employee leasing company arranged for leased employees to do more than supplement the client company's workforce in special work situations, such as employee absences, temporary skill shortages, seasonal workloads, and special assignments and projects. This definition in no way is meant to alter the concept of at-will employment.

~~(9)(7)~~ “Primarily responsible” as used in s. 468.529(1), F.S., means that the admitted carrier is liable for all claims incurred under the plan of insurance during its effective period, regardless of any reimbursement or indemnification agreement between the licensed employee leasing company and the carrier. Any reimbursement or indemnification agreement between the employee leasing company and the admitted insurance carrier shall not limit or diminish the carrier's primary responsibility for its obligations under the health plan for the payment of claims incurred or the provision of benefits under the health plan.

~~(10)(8)~~ “Shared responsibility” as used in s. 468.525(4)(a), F.S., means that the client company exercises such right of direction and control over the leased employee as is necessary to conduct its business and without which the client would be unable to conduct its business, discharge any fiduciary responsibility which it may have, or comply with any applicable licensure, regulatory, or other responsibilities the client company may have.

~~(9)~~ “Tangible accounting net worth” means net worth presented in accordance with generally accepted accounting principles (as defined in Rule 61H1 20.007, F.A.C., incorporated herein by reference and effective 04 24 01), reduced by the aggregate amount of intangible assets.

~~(11)(10)~~ “Temporary” as used in s. 468.520(4), F.S., means a situation in which leased employees are not needed on a long-term, ongoing basis, but rather are only needed to support or supplement the client company's work force in special work situations, such as employee absences, temporary skill shortages, seasonal workloads, and special assignments and projects, for a period not to exceed one year.

Specific Authority ~~468.520, 468.522, 468.525, 468.529~~ FS. Law Implemented ~~468.520, 468.522, 468.525(4), 458.525(4), 468.529(1)~~ FS. History—New 7-20-92, Formerly 21EE-6.001, Amended 9-14-93, 10-24-94, 7-18-95, 4-26-01, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE TITLE: Examination and Licensure
 RULE NO.: 61G18-11.002

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text, and to incorporate the application form for the veterinary medicine examination.

SUBJECT AREA TO BE ADDRESSED: Examination and licensure.

SPECIFIC AUTHORITY: 455.217, 474.206, 474.2065, 474.207 FS.

LAW IMPLEMENTED: 455.217, 474.2065, 474.207 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: 8:00 a.m., June 6, 2001

PLACE: The Omni Jacksonville Hotel, 245 Water Street, Jacksonville, Florida 32202

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sherry Landrum, Executive Director, Board of Veterinary Medicine, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G18-11.002 Examination and Licensure.

(1) An applicant for any of the required examinations must apply to the Department on Board-approved form DBPR/001/VM(06/01), and pay the appropriate examination fee. The instructions and form, DBPR/001/VM(06/01), entitled Application For Veterinary Medicine Examination, which are hereby incorporated by reference, and will be effective _____, may be obtained from the Board office. NAVLE applicants must apply at least 60 days prior to the examination date. An applicant will have completed section 474.207(2)(b), Florida Statutes, or be enrolled in the last year of the veterinary medical curriculum of a college of veterinary medicine accredited by the American Veterinary Medical Association's Council on Education. This application will remain valid for twelve (12) months.

(2) through (8) No change.

Specific Authority 474.206, 474.2065, 474.207, 455.217 FS. Law Implemented 455.217, 474.2065, 474.207 FS. History--New 11-14-79, Amended 5-11-80, 7-9-80, 5-4-81, 12-10-81, 12-5-82, 5-15-83, 11-5-84, 5-7-85, 11-5-85, Formerly 21X-11.02, Amended 3-1-88, 11-24-88, 4-3-89, 4-13-92, 3-30-93, 7-13-93, Formerly 21X-11.002, Amended 7-4-94, 3-20-95, 3-29-95, 5-1-95, 5-27-99, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE TITLE: Permit Requirements
RULE NO.: 61G18-15.001

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text, and to incorporate the application form for registration of a veterinary premise.

SUBJECT AREA TO BE ADDRESSED: Permit requirements.

SPECIFIC AUTHORITY: 474.206, 474.215 FS.

LAW IMPLEMENTED: 474.215 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: 8:00 a.m., June 6, 2001

PLACE: The Omni Jacksonville Hotel, 245 Water Street, Jacksonville, Florida 32202

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sherry Landrum, Executive Director, Board of Veterinary Medicine, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G18-15.001 Permit Requirements.

(1) All establishments where veterinary medicine is practiced shall be required to have a permit issued by the Department of Business and Professional Regulation. An

application for a permit shall be filed with the Department on Board-approved form DBPR/002/VE(06/01) ~~department~~ not less than fourteen (14) days prior to the opening date of the establishment. The instructions and form, entitled Application For Registration of Veterinary Premise, which are hereby incorporated by reference, and will be effective _____, may be obtained from the Board office. The establishment shall be inspected for compliance with the minimum standards for sanitary conditions and physical plant as set forth in rule chapter 61G18-15, F.A.C., prior to issuance of the permit. The decision whether reinspection prior to issuance of the permit is necessary because of the establishment's failure to meet required standards on the initial inspection shall be made on an individual basis by a committee appointed by the Chairman and shall be based on the number and severity of the deficiencies documented on the initial inspection report.

(2) through (3) No change.

Specific Authority 474.206, 474.215 FS. Law Implemented 474.215 FS. History--New 11-14-79, Amended 12-10-81, 9-22-82, 12-12-83, 10-17-85, Formerly 21X-15.01, Amended 10-14-86, 5-9-90, Formerly 21X-15.001, Amended 2-6-95, 6-8-95, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE TITLE: Minimum Standards for Limited-Service
RULE NO.: 61G18-15.007

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text, and to incorporate the application form for a limited service veterinary medical practice permit.

SUBJECT AREA TO BE ADDRESSED: Minimum standards for limited-service veterinary medical practices.

SPECIFIC AUTHORITY: 474.206, 474.215 FS.

LAW IMPLEMENTED: 455.215 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: 8:00 a.m., June 6, 2001

PLACE: The Omni Jacksonville Hotel, 245 Water Street, Jacksonville, Florida 32202

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sherry Landrum, Executive Director, Board of Veterinary Medicine, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G18-15.007 Minimum Standards for Limited-Service Veterinary Medical Practices.

(1) The term "limited-service veterinary medical practice" shall mean a privately or publicly supported vaccination clinic where a veterinarian performs vaccinations and/or immunizations against disease on multiple animals, and where the veterinarian may also perform preventative procedures for parasitic control, and shall not mean a premise otherwise permitted by the Board. Any limited-service clinic shall be required to file an application with the Department on Board-approved form DBPR/003/VL(06/01). The instructions and form, entitled Limited Service Veterinary Medical Practice Permit, which are hereby incorporated by reference, and will be effective _____, may be obtained from the Board office. With regard to operation of limited-service veterinary medical practice, the term "limited time," shall mean no more often than once every two (2) weeks and no more than four (4) hours in any one day for any single location where a vaccination clinic is held.

(2) through (4) No change.

Specific Authority 474.206, 474.215 FS. Law Implemented 474.215 FS. History—New 3-16-95, Amended 7-7-96,_____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Supervisor
 RULE NO.: 64B3-5.002

PURPOSE AND EFFECT: The purpose of the development is to clarify supervisor qualifications and to add specifics for someone who wishes to supervise in the category of histology.

SUBJECT AREA TO BE ADDRESSED: Supervisor Qualifications and Responsibilities.

SPECIFIC AUTHORITY: 483.805(4), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.800, 483.809, 483.815, 483.823 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe R. Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-5.002 Supervisor.
 Qualifications and Responsibilities.

(1) Qualification. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or by foreign education equated pursuant to Rule 64B3-6.002(6). In order to be licensed as a supervisor, an applicant shall have four hours of Board approved HIV/AIDS continuing education and one of the following:

(a) through (c) No change.

(d) In the categories of cytogenetics, cytology, ~~histology~~, and radioassay, the experience required in paragraphs (a), (b) and (c) must be in the specific category for which licensure is sought.

(e) No change.

(f) For the category of cytology only, a baccalaureate degree which shall include 16 semester hours of academic science, have completed an accredited or Board approved training program in cytology, be licensed as a clinical laboratory technologist and have five (5) years of pertinent clinical laboratory experience in cytology. If ASCP (American Society of Clinical Pathologists) certified prior ~~Prior~~ to 1985, have an associate degree or equivalent, national certification by the American Society of Clinical Pathologists, and 10 years of pertinent clinical laboratory experience within the past 15 years.

(g) In lieu of one year of experience required by Rule 64B3-5.002(1)(2)(a), F.A.C., an applicant may substitute Board certification gained by examination in one or more of the laboratory specialties through the Board of Registry of the American Society of Clinical Pathologists, National Certification Agency of Medical Laboratory Personnel, National Registry of Clinical Chemistry, American Academy of Microbiology, American Medical Technologists, American Board of Bioanalysis, American Board of Clinical Chemistry, American Board of Medical Microbiology, American Board of Medical Genetics, ~~or~~ American Board of Medical Laboratory Immunology, or American Board of Histocompatibility and Immunogenetics.

(h) In the category of histology, one of the following:

1. Board certification gained by examination in histology through the Board of Registry of the American Society of Clinical Pathologists certification at the Histotechnologist (HTL) level.

2. Board certification gained by examination in histology through the Board of Registry of the American Society of Clinical Pathologists certification at the Histotechnician (HT) level, 10 years of pertinent clinical laboratory experience post-certification, and 48 hours continuing education in administration and supervision within five years prior to application for licensure.

3. Florida licensure as a histology technologist, 10 years of pertinent clinical laboratory experience, and 48 hours continuing education in administration and supervision within five years prior to application for licensure.

(2) through (3) No change.

Specific Authority 483.805(4), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.815, 483.823 FS. History--New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 59O-5.002, Amended 5-26-98, 1-11-99, 6-10-99, 3-11-01,_____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Standard of Care for Office Surgery RULE NO.: 64B8-9.009

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to delete the reference to OSHA guidelines in subsection (2)(a) of the rule.

SUBJECT AREA TO BE ADDRESSED: Deletion of subsection (2)(a) of the rule with regard to OSHA guidelines.

SPECIFIC AUTHORITY: 458.309(1), 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.331(1)(g),(t),(v),(w), 458.351 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-9.009 Standard of Care for Office Surgery.

NOTHING IN THIS RULE RELIEVES THE SURGEON OF THE RESPONSIBILITY FOR MAKING THE MEDICAL DETERMINATION THAT THE OFFICE IS AN APPROPRIATE FORUM FOR THE PARTICULAR PROCEDURE(S) TO BE PERFORMED ON THE PARTICULAR PATIENT.

(1) No change.

(2) General Requirements for Office Surgery.

~~(a) For all surgical procedures, the level of sterilization shall meet current OSHA requirements.~~

(b) through (i) renumbered (a) through (h) No change.

(3) through (6) No change.

Specific Authority 458.309(1), 458.331(1)(v) FS. Law Implemented 458.331(1)(g),(t),(v),(w), 458.351 FS. History--New 2-1-94, Amended 5-17-94, Formerly 61F6-27.009, Amended 9-8-94, 11-15-94, Formerly 59R-9.009, Amended 2-17-00, 12-7-00, 2-27-01,_____.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE TITLES: Penalties RULE NOS.: 64B18-14.002

Citations 64B18-14.010

PURPOSE AND EFFECT: The Board proposes to discuss the rules referenced above to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Penalties and citations.

SPECIFIC AUTHORITY: 456.073(3), 456.077, 456.079, 461.005, 461.013 FS.

LAW IMPLEMENTED: 456.072, 456.073(3), 456.077, 456.079, 461.012, 461.013 FS.

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

TIME AND DATE: 9:00 a.m., June 8, 2001

PLACE: The Holiday Inn Select Airport, 5750 T. G. Lee Boulevard, Orlando, Florida 32822

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE TITLE Continuing Education Required RULE NO.: 64B18-17.001

for License Renewal 64B18-17.001

PURPOSE AND EFFECT: The Board proposes to discuss this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Continuing education required for license renewal.

SPECIFIC AUTHORITY: 456.013(6), 456.033, 461.005, 461.007(3) FS.

LAW IMPLEMENTED: 456.013(6), 456.033, 461.007 FS.

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

TIME AND DATE: 9:00 a.m., June 8, 2001

PLACE: The Holiday Inn Select Airport, 5750 T. G. Lee Boulevard, Orlando, Florida 32822

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe

Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Speech Language Pathology and Audiology

RULE CHAPTER TITLE: Assistants
 RULE CHAPTER NO.: 64B20-4

PURPOSE AND EFFECT: The Board proposes to discuss this chapter to determine if amendments are necessary to the existing rules or if it is necessary to create new rules.

SUBJECT AREA TO BE ADDRESSED: Certification of Assistants. Education Requirements for Assistants. On-the-Job Training, Role and Observation of Speech-Language Pathology and Audiology Assistants. Supervision of Speech-Language Pathology Assistants and Audiology Assistants.

SPECIFIC AUTHORITY: 468.1125(9), 468.1135(4), 468.1215(3) FS.

LAW IMPLEMENTED: 468.1125, 468.1215 FS.

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

TIME AND DATE: 8:30 a.m., May 24, 2001

PLACE: Hyatt Regency, 9300 Airport Boulevard, Orlando, Florida 32827

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sue Foster, Executive Director, Board of Speech Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

Any person requiring special accommodations to participate in this workshop because of a disability or physical impairment should contact the Board, (850)245-4460, at least 5 calendar days before the workshop. If you are hearing or speech impaired, please contact the Board using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLE: Terms and Conditions of SAIL Loans
 RULE NO.: 67-48.010

PURPOSE AND EFFECT: The purpose of this Rule is to revise the procedures by which the Corporation shall make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes (F.S.).

SUBJECT AREA TO BE ADDRESSED: Rule Chapter 67-48.010, F.A.C.

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5087 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE IS: Kerey Carpenter, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

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

**Section II
 Proposed Rules**

DEPARTMENT OF INSURANCE

RULE TITLE: Party-in-Interest
 RULE NO.: 4-193.025

PURPOSE, EFFECT AND SUMMARY: Rule 4-193.025 is to be repealed as lacking specific delegated legislative authority. The rule at present requires that the Department be made a party-in-interest to escrow agreements and letters of credit in connection with Continuing Care Retirement Communities under Chapter 651, F.S. The rule is replaced by § 651.033(2), F.S., requiring the department to be notified by the bank before withdrawal of escrow funds.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 651.015(3) FS.

LAW IMPLEMENTED: 651.033, 651.035 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: 9:30 a.m., May 30, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ted Straughn, Bureau of Specialty Insurers, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0331, phone (850)413-2474

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

THE FULL TEXT OF THE PROPOSED RULE IS:

4-193.025 Party-in-Interest.

Specific Authority 651.015(3) FS. Law Implemented 651.033, 651.035 FS. History—New 7-16-92, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ted Straughn, Bureau of Specialty Insurers, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Al Willis, Bureau Chief, Bureau of Specialty Insurers, Division of Insurer Services, Department of Insurance

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-45R

RULE CHAPTER TITLE: Treatment Plant Classification

RULE CHAPTER NO.: 62-699

and Staffing

62-699

RULE TITLE: Additional Classification and Staffing Requirements

RULE NO.: 62-699.311

PURPOSE AND EFFECT: This rulemaking activity will help ensure consistent implementation of the Department's lead/chief operator staffing requirements for domestic wastewater treatment plants and for drinking water treatment plants.

SUMMARY: The proposed rule would require an operator whose license meets the lead operator classification level of the plant to be available during all periods of plant operation. "Available" would be defined to mean "able to be contacted as needed to initiate the appropriate action in a timely manner." Further, it would clarify the requirement that the lead operator be on duty for one full shift each duty day by eliminating the requirement and instead requiring the lead operator to be employed at the plant full time. "Full time" would be defined to mean "at least 4 days per week, working a minimum of 35 hours per week, including leave time." The proposed rule would allow the lead operator to supervise the operation of multiple plants connected to a single distribution or collection system when such plants are under an electronic surveillance and control system upon receiving written approval from the Department.

SPECIFIC AUTHORITY: 403.88(3) FS.

LAW IMPLEMENTED: 403.88(1),(2) FS.

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

TIME AND DATE: 9:30 a.m., June 7, 2001

PLACE: Department of Environmental Protection, 2600 Blair Stone Road, Conference Room 609, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES: Sharon Sawicki, P.E. Administrator, Domestic Wastewater Section, Department of Environmental Protection, MS 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, Phone (850)488-4524

THE FULL TEXT OF THE PROPOSED RULE IS:

62-699.311 Additional Classification and Staffing Requirements.

(1) ~~An o~~Operator meeting the lead operator classification level of the plant shall be available on-call during all periods of the plant operation is unattended. "Available" means able to be contacted as needed to initiate the appropriate action in a timely manner. Daily checks of all plants shall be performed by the permittee, or supplier, or his representative or agent 5 days per week for all Class C and D plants.

(2) through (9) No change.

(10) For A and B plants, the lead/chief operator shall be employed at the plant full time. "Full time" shall mean at least 4 days per week, working a minimum of 35 hours per week, including leave time on duty for one full shift each duty day. In cases when the Upon written approval from the Department, the lead/chief operator may supervises the operation of two plants located in close physical proximity or multiple plants connected to a single distribution or collection system when such plants are under an electronic surveillance and control system. The lead/chief operator's time shall be allocated, the shift time may be equally divided between or among the two plants based upon the size and complexity of the plants and the availability of electronic surveillance and control for the plants.

(11) No change.

Specific Authority 403.88(3) FS. Law Implemented 403.88(1),(2) FS. History—New 11-17-70, Revised 10-24-74, Amended 12-25-75, 6-10-76, Formerly 17-16.13, Amended 5-8-85, Formerly 17-16.375, 17-602.375, 17-699.311, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Drew, Chief, Bureau of Water Facilities Regulation, Department of Environmental Protection

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mimi Drew, Director, Division of Water Resource Management, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 15, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 8, 2000

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE TITLES:	RULE NOS.:
Definitions	64E-5.101
Limits on Levels of Radiation for Radiographic Exposure Devices and Storage Containers	64E-5.401
Performance Requirements for Radiography Equipment	64E-5.402
Locking of Sources of Radiation	64E-5.403
Storage Precautions	64E-5.404
Radiation Survey Instruments	64E-5.405
Leak Testing, Repair, Tagging, Opening, Modification and Replacement of Sealed Sources	64E-5.406
Quarterly Inventory	64E-5.407
Utilization Logs	64E-5.408
Inspection and Maintenance	64E-5.409
Permanent Radiographic Installations	64E-5.410
Training and Testing	64E-5.411
Two-Member Radiography Crews	64E-5.412
Operating and Emergency Procedures	64E-5.413
Personnel Monitoring Control	64E-5.414
Security	64E-5.415
Posting	64E-5.416
Radiation Surveys and Survey Records	64E-5.417
Temporary Jobsites	64E-5.418
Special Requirements for Radiography Employing Radiation Machines	64E-5.419
Subjects to be Covered During the Instruction of Industrial Radiographers	64E-5.420
Use of Sealed Sources in Industrial Radiography	64E-5.421
Reporting Requirements	64E-5.422
Definitions	64E-5.423
Requirements for Industrial Radiography Equipment Using Sealed Sources	64E-5.424
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Leak Testing, Repairing, Tagging, Opening, Modifying, and Replacing Sealed Sources and Devices	64E-5.427
Quarterly Inventory	64E-5.428
Source Movement Logs, Daily Survey Reports, and Individual Dosimeter Logs	64E-5.429
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Radiation Safety Officer	64E-5.433

Training, Testing, Certification, and Audits	64E-5.434
Conducting Industrial Radiographic Operations	64E-5.435
Operating and Emergency Procedures	64E-5.436
Personnel Monitoring	64E-5.437
Radiation Surveys	64E-5.438
Posting	64E-5.439
Records	64E-5.440
Reporting Requirements	64E-5.441

PURPOSE AND EFFECT: The purpose of the proposed rules is to establish safety measures for industrial radiography. The effect of the proposed rules is protection of the public from unnecessary radiation exposure from industrial radiography.

SUMMARY: The proposed rule amends the safety requirements for industrial radiography. It specifies training requirements and procedures to help protect the public and radiography workers from unnecessary radiation exposure.

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

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

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

TIME AND DATE: 9:00 a.m., June 6, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: William A. Passetti, Chief, Bureau of Radiation Control, (850)245-4266

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-5.101 Definitions.

As used in these rules, these terms have the definitions set forth below. Additional definitions used only in a certain part are defined in that respective part.

(1) through (17) No change.

(18) “Baggage x-ray system” means a cabinet x-ray system with a maximum energy less than 120 kVp that produces only fluoroscopic images and that is used for packages or carry-on baggage.

(18) through (21) renumbered (19) through (22) No change.

~~(23)(22)~~ “Cabinet x-ray system” means an x-ray system with the x-ray tube installed in an enclosure or cabinet that, independently of existing architectural structures except the floor on which it is placed, is intended to contain at least the portion of the material being irradiated, to provide radiation attenuation, and to exclude persons from its interior during generation of x-radiation. An x-ray tube used within a shielded part of a building or x-ray equipment that temporarily or occasionally incorporates portable shielding is not considered a cabinet x-ray system. industrial radiography using a radiation machine, which is conducted in an enclosed and interlocked cabinet, such that the radiation machine will not operate unless all openings are securely closed, and which cabinet is so shielded that every location on the exterior meets conditions for an unrestricted area as specified in 64E-5.312.

(23) through (62) renumbered (24) through (63) No change.

~~(64)(63)~~ “Industrial radiography” means nondestructive testing using ionizing radiation to make radiographic images or radiographs to detect flaws in objects the examination of the macroscopic structure of materials by nondestructive methods using sources of radiation.

(64) through (95) renumbered (65) through (96) No change.

~~(97)~~ “Offshore” means within the territorial waters of the State of Florida. The territorial waters of Florida extend to the 3 marine league line or 9 nautical miles from the Florida coast.

(96) through (100) renumbered (98) through (102) No change.

~~(103)(101)~~ “Permanent radiographic installation” means an enclosed shielded room, cell, or vault, as specified in Rule 64E-5.431, F.A.C., in which industrial radiography is performed installation or structure designed or intended for radiography and in which radiography is regularly performed, but not meeting the requirements of shielded room radiography.

(102) through (117) renumbered (104) through (119) No change.

~~(120)(118)~~ “Radiographer” means any individual who has completed successfully the training and testing requirements specified in Rule 64E-5.434(2), F.A.C., performs or personally supervises industrial radiographic operations, and who is responsible to the licensee or registrant for assuring compliance with the requirements of these rules and all license or certificate of registration conditions.

~~(121)(119)~~ “Radiographer’s assistant or assistant radiographer” means any individual who has completed successfully the training and testing requirements specified in Rule 64E-5.434(1), F.A.C., and who, under the personal supervision of a radiographer, conducts radiographic operations uses sources of radiation, related handling tools or radiation survey instruments in industrial radiography.

~~(123)(120)~~ “Radiographic exposure device” means any instrument containing a sealed source that is used to make a radiographic exposure. It also is known as a camera or a projector fastened or contained therein, in which the sealed source or shielding thereof may be moved, or otherwise changed, from a shielded to unshielded position, for purposes of making a radiographic exposure.

(121) through (132) renumbered (123) through (134) No change.

~~(135)(133)~~ “Shielded position” means the location within the radiographic exposure device or source changer where the sealed source is secured and restricted from movement storage container which, by manufacturer’s design, is the proper location for storage of the sealed source.

(134) through (147) renumbered (136) through (149) No change.

~~(150)(148)~~ “Storage container” means a container in which sealed sources are secured and device in which sealed sources are transported or stored.

(149) through (175) renumbered (151) through (177) No change.

Specific Authority 404.051, 404.061 FS. Law Implemented 404.031, 404.061(2), 404.20, 404.30 FS. History–New 7-17-85, Amended 4-4-89, 5-12-93, 1-1-94, 5-15-96, Formerly 10D-91.102, Amended 5-18-98, 10-8-00, _____.

64E-5.401 Limits on Levels of Radiation for Radiographic Exposure Devices and Storage Containers.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4),(6) FS. History–New 7-17-85, Formerly 10D-91.503, Repealed _____.

64E-5.402 Performance Requirements for Radiography Equipment.

Specific Authority 404.051 FS. Law Implemented 404.051(1),(4),(6) FS. History–New 1-1-94, Amended 5-18-98, Formerly 10D-91.5031, Repealed _____.

64E-5.403 Locking of Sources of Radiation.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4),(6) FS. History–New 7-17-85, Formerly 10D-91.504, Repealed _____.

64E-5.404 Storage Precautions.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4),(6) FS. History–New 7-17-85, Formerly 10D-91.505, Repealed _____.

64E-5.405 Radiation Survey Instruments.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4) FS. History–New 7-17-85, Formerly 10D-91.506, Repealed _____.

64E-5.406 Leak Testing, Repair, Tagging, Opening, Modification and Replacement of Sealed Sources.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4) FS. History–New 7-17-85, Formerly 10D-91.507, Repealed _____.

64E-5.407 Quarterly Inventory.

Specific Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051(1),(4), 404.081(1) FS. History–New 7-17-85, Formerly 10D-91.508, Repealed _____.

64E-5.408 Utilization Logs.

Specific Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051(1),(4), 404.081 FS. History–New 7-17-85, Formerly 10D-91.509, Repealed.

64E-5.409 Inspection and Maintenance.

Specific Authority 404.051, 404.071, 404.081 FS. Law Implemented 404.022, 404.051(1),(4), 404.071(1), 404.081(1) FS. History–New 7-17-85, Formerly 10D-91.510, Repealed.

64E-5.410 Permanent Radiographic Installations.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4) FS. History–New 7-17-85, Amended 4-4-89, 1-1-94, Formerly 10D-91.511, Repealed.

64E-5.411 Training and Testing.

Specific Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051(1),(4), 404.081(1) FS. History–New 7-17-85, Formerly 10D-91.512, Repealed.

64E-5.412 Two-Member Radiography Crews.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4) FS. History–New 7-17-85, Formerly 10D-91.513, Repealed.

64E-5.413 Operating and Emergency Procedures.

Specific Authority 404.051, 404.081, 404.20 FS. Law Implemented 404.022, 404.051(1),(4),(6), 404.081, 404.20(1),(2) FS. History–New 7-17-85, Formerly 10D-91.514, Repealed.

64E-5.414 Personnel Monitoring Control.

Specific Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051(1),(4), 404.081 FS. History–New 7-17-85, Amended 1-1-94, Formerly 10D-91.515, Repealed.

64E-5.415 Security.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4) FS. History–New 7-17-85, Amended 1-1-94, Formerly 10D-91.516, Repealed.

64E-5.416 Posting.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4) FS. History–New 7-17-85, Amended 1-1-94, Formerly 10D-91.517, Repealed.

64E-5.417 Radiation Surveys and Survey Records.

Specific Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051(1),(4),(6), 404.081(1) FS. History–New 7-17-85, Amended 4-4-89, Formerly 10D-91.518, Repealed.

64E-5.418 Temporary Jobsites.

Specific Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051(1),(4), 404.081(1) FS. History–New 7-17-85, Amended 5-15-96, Formerly 10D-91.519, Repealed.

64E-5.419 Special Requirements for Radiography Employing Radiation Machines.

Specific Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051(1),(4),(6), 404.081 FS. History–New 7-17-85, Formerly 10D-91.520, Repealed.

64E-5.420 Subjects to be Covered During the Instruction of Industrial Radiographers.

Specific Authority 404.051, 404.071 FS. Law Implemented 404.071 FS. History–New 7-17-85, Amended 1-1-94, 5-15-96, Formerly 10D-91.521, Repealed.

64E-5.421 Use of Sealed Sources in Industrial Radiography.

Specific Authority 404.051, 404.061, 404.071, 404.081, 404.0141 FS. Law Implemented 404.022, 404.051(1),(4),(6),(9),(10),(11), 404.061(2), 404.071(1),(3), 404.081(1), 404.141 FS. History–New 8-25-91, Amended 5-15-96, Formerly 10D-91.522, Repealed.

64E-5.422 Reporting Requirements.

Specific Authority 404.051, 404.081 FS. Law Implemented 404.022, 404.051(1),(4),(6), 404.081 FS. History–New 1-1-94, Formerly 10D-91.523, Repealed.

64E-5.423 Definitions.

As used in this part, the following definitions apply:

(1) “Associated equipment” means equipment, such as guide tubes, control tubes, control cables, removable source stops, J-tubes, and collimators, used in conjunction with a radiographic exposure device that drives, guides, or comes in contact with the sealed source.

(2) “Certifying entity” means:

(a) For radiographic operations using radioactive materials, an independent certifying organization that meets the requirements of Appendix A of 10 CFR Part 34, which is herein incorporated by reference and which is available from the department, or an agreement state that meets the requirements of Appendix A, Parts II and III of 10 CFR Part 34.

(b) For radiographic operations using radiation machines, any agreement state or organization approved by the Conference of Radiation Control Directors, Inc.

(3) “Collimator” means a radiation shield that is placed on the end of the guide tube or directly onto a radiographic exposure device to restrict the size of the radiation beam when the sealed source is cranked into position to make a radiographic exposure.

(4) “Control cable” means the cable that is connected to the source assembly and used to drive the source from and return it to the shielded position. It also is known as a drive cable.

(5) “Control drive mechanism” means a device that enables the source assembly to be moved to and from the shielded position. It also is known as a crank assembly.

(6) “Control tube” means a protective sheath for guiding the control cable. The control tube connects the control drive mechanism to the radiographic exposure device.

(7) “Exposure head” means a device that locates the sealed source in the selected position. It also is known as a source stop.

(8) “Guide tube” means a flexible or rigid tube for guiding the source assembly and the attached control cable from the radiographic exposure device to the exposure head and includes the connections to attach to the radiographic exposure device and to the exposure head. It also is known as a projection sheath or source tube.

(9) “Industrial cabinet x-ray system” means a cabinet x-ray system used to perform industrial radiography excluding baggage x-ray systems.

(10) “Lay-barge radiography” means industrial radiography performed on any water vessel used for laying pipe.

(11) “Platform radiography” means industrial radiography performed on an offshore platform or other structure over a body of water.

(12) “Radiographer certification” means a written document received from a certifying entity stating that an individual has met radiation safety training, testing, and experience criteria satisfactorily.

(13) “Radiographic operations” means all activities including surveys that involve the use or transport of radiation machines, radiographic exposure devices, source changers, or industrial cabinet x-ray systems to conduct industrial radiography.

(14) “Radiographic personnel” means radiographers and radiographer’s assistants.

(15) “Reference survey” means a survey made with a radiation survey instrument within 6 inches (15 cm) of the surface of a radiographic exposure device or source changer at a location established by the licensee. The reference survey is used to verify that the sealed source is located properly in the shielded position and to establish a radiation level for reference before, during, and after radiographic operations.

(16) “S-tube” means a tube through which the radioactive source travels inside a radiographic exposure device.

(17) “Source assembly” means a set of assembled parts consisting of a sealed source and a connector that attaches the source to the control cable. The source assembly sometimes includes a stop ball used to secure the source in the shielded position. It also is known as a pigtail.

(18) “Special training session” means training not conducted during production radiography.

(19) “Transport container” means a package that is designed to provide radiation safety and security when sealed sources are transported and that meets all applicable requirements of the U.S. Department of Transportation (USDOT).

(20) “Underwater radiography” means industrial radiography performed when the radiation machine, radiographic exposure device, or related equipment are beneath the surface of the water.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.031, 404.051(1),(4),(6) FS. History—New

SUBPART A EQUIPMENT CONTROL

64E-5.424 Requirements for Industrial Radiography Equipment Using Sealed Sources.

(1) Equipment used in radiographic operations shall meet the criteria specified below.

(a) Each radiographic exposure device, source assembly or sealed source, and all associated equipment shall meet the requirements specified in American National Standards Institute (ANSI) N432-1980 “Radiological Safety for the Design and Construction of Apparatus for Gamma Radiography,” published as National Bureau of Standards Handbook 136, January 1981, which is herein incorporated by reference and which is available from the department. Engineering analyses that demonstrate that the radiography equipment components are equivalent are an acceptable alternative to actual testing of the component.

(b) Equipment used in radiographic operations is not required to comply with section 8.9.2(c) of the Endurance Test in ANSI N432-1980 if the prototype equipment has been tested using a torque value representative of the torque that an individual using the radiography equipment realistically can exert on the lever or crankshaft of the drive mechanism.

(2) In addition to the requirements specified in Rule 64E-5.424(1), F.A.C., radiographic exposure devices, source changers, source assemblies, and sealed sources must meet the requirements specified below.

(a) Each radiographic exposure device shall have a durable, legible, clearly visible label attached that specifies:

1. The chemical symbol and mass number of the radionuclide in the radiographic exposure device;
2. The activity of the sealed source and the date on which this activity was last measured;
3. The manufacturer’s name and the model and serial number of the sealed source; and
4. The name, address, and telephone number of the licensee.

(b) Each radiographic exposure device, source changer, storage container, and transport container shall have a durable, legible, clearly visible marking or label attached that includes the standard radiation symbol as specified in Rule 64E-5.322, F.A.C., in conventional colors of magenta, purple, or black on a yellow background, has a minimum diameter of 25 millimeters, and has the following wording:

CAUTION (or DANGER)

**RADIOACTIVE MATERIAL – DO NOT HANDLE
NOTIFY CIVIL AUTHORITIES (or NAME OF COMPANY)**

(c) Modification of radiographic exposure devices, source changers, source assemblies, and associated equipment is prohibited unless the design of any replacement component, including source holder, source assembly, controls, or guide tubes will not compromise design safety features.

(3) Radiographic exposure devices, source assemblies, and associated equipment that allow the source to be moved out of the radiographic exposure device for radiographic operations or to source changers must meet the requirements specified below.

(a) The coupling between the source assembly and the control cable shall be designed so that the source assembly will not become disconnected if cranked outside the guide tube. The coupling shall be designed so that it cannot be disconnected unintentionally under normal and reasonably foreseeable abnormal conditions.

(b) The radiographic exposure device shall secure the source assembly automatically when it is cranked back into the fully shielded position within the device. This securing system shall be able to be released only by a deliberate operation on the exposure device.

(c) The outlet fittings, lock box, and drive cable fittings on each radiographic exposure device shall be equipped with safety plugs or covers that are installed during storage and transportation to protect the source assembly from water, mud, sand, or other foreign matter.

(d)1. Each sealed source or source assembly shall have attached to it or engraved on it a durable, legible, visible label with the words: "DANGER – RADIOACTIVE."

2. The label cannot interfere with the safe operation of the radiographic exposure device, source changer, or associated equipment.

(e) The guide tube shall be able to withstand a crushing test that approximates closely the crushing forces that are likely to be encountered during use and be able to withstand a kinking resistance test that approximates closely the kinking forces that are likely to be encountered during use.

(f) Guide tubes shall be used when moving the source out of the device.

(g) An exposure head or similar device designed to prevent the source assembly from passing out of the end of the guide tube shall be attached to the outermost end of the guide tube during radiographic operations.

(h) The guide tube exposure head connection shall be able to withstand the tensile test for control units specified in ANSI N432-1980.

(i) Source changers shall have a system to ensure that the source will not be withdrawn from the changer accidentally when connecting or disconnecting the drive cable to or from a source assembly.

(4) The maximum exposure rate limits for storage containers and source changers are 200 millirem (2 mSv) per hour at any exterior surface and 10 millirem (0.1 mSv) per hour at 1 meter from any exterior surface with the sealed source in the shielded position.

(5) Each radiographic exposure device, source changer, and storage container shall have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4),(6) FS. History–New _____.

64E-5.425 Locking of Sources of Radiation, Storage Precautions, and Surveillance.

(1) Each radiation machine, radiographic exposure device, source changer, and storage container shall be kept locked with the key removed from any keyed lock except when under the direct supervision of radiographic personnel or as specified in Rule 64E-5.435(3), F.A.C.

(2) Each radiation machine, radiographic exposure device, source changer, and storage container shall be locked and the key removed from any keyed lock before being moved or transported and before being stored at a given location, except at permanent radiographic installations as specified in Rule 64E-5.431, F.A.C. Keys to radiation machines, radiographic exposure devices, source changers, storage containers, transport containers, and transport vehicles shall be maintained in the possession of the radiographer or radiographer's assistant responsible for the equipment in a manner that prevents access to sources of radiation by unauthorized personnel.

(3) Locked radiographic exposure devices, source changers, storage containers, and radiation machines shall be secured physically except when under the direct surveillance of radiographic personnel or as specified in Rule 64E-5.435(3), F.A.C., to prevent tampering or removal by unauthorized personnel. The licensee shall store licensed material in a manner that minimizes danger from explosion or fire.

(4) Each sealed source shall be secured in its shielded position by locking the radiographic exposure device or source changer each time the sealed source is returned to the shielded position.

(5) Transport containers containing licensed material shall be locked and secured in the transporting vehicle to prevent accidental loss, tampering, or unauthorized removal of the licensed material from the vehicle.

(6) During each radiographic operation, the radiographer or radiographer's assistant shall maintain continuous direct visual surveillance of the operation to protect against unauthorized entry into a high radiation area, except at permanent radiographic installations where all entryways are locked and the requirements of Rule 64E-5.431, F.A.C., are met.

(7) During each radiographic operation using an industrial cabinet x-ray system, direct surveillance of the operation shall be maintained to protect against unauthorized entry into a high radiation area.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4),(6) FS. History–New _____.

64E-5.426 Radiation Survey Instruments.

(1) The licensee or registrant shall maintain enough calibrated and operable radiation survey instruments to make physical radiation surveys as required by the rules contained in this part and Chapter 64E-5, Part III, F.A.C. Such instrumentation shall be able to measure a range from 2 millirem (0.02 mSv) per hour through 1 rem (0.01 Sv) per hour.

(2) Radiation survey instruments used to establish dose rates shall be calibrated:

(a) At intervals not to exceed 6 months and after each instrument servicing other than battery replacement;

(b) At energies and geometries appropriate for use;

(c) To demonstrate accuracy within 20% of the true radiation level at each point checked;

(d) For linear scale instruments, at two points located approximately 1/3 and 2/3 of full-scale on each scale; for logarithmic scale instruments, at midrange of each decade and at two points at least one decade apart; and for digital instruments, at three points between 2 millirem (0.02 mSv) per hour and 1 rem (0.01 Sv) per hour; and

(e) By a person licensed by the department, another agreement state, licensing state or the NRC.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4),(6) FS. History–New _____.

64E-5.427 Leak Testing, Repairing, Tagging, Opening, Modifying, and Replacing Sealed Sources and Devices.

(1) The replacement, leak testing, leak test sample analysis, repair, tagging, opening, or any other modification of any sealed source shall be performed only by persons authorized specifically to do so by the department, another agreement state, licensing state, or the NRC.

(2) Each sealed source shall be tested for radioactive contamination leakage at intervals not to exceed 6 months. In the absence of a certificate from a transferor indicating that a test has been made within the 6 months before the transfer, the sealed source shall not be used until tested. Sealed sources that are listed in a department license for storage only do not require leak testing during storage but shall be tested before use or transfer to another person if the interval of storage exceeds 6 months.

(3) Each exposure device using depleted uranium (DU) shielding and an S-tube configuration shall be tested for DU contamination at intervals not to exceed 12 months. DU shielded devices do not have to be tested for DU contamination while in storage and not in use. However, the DU devices shall be tested for DU contamination before use or transfer if the interval of storage exceeds 12 months. Licensees must comply with the DU leak testing requirements of this section within 6 months after the effective date of this rule.

(4) Leak testing shall be performed using a method approved by the department, another agreement state, licensing state, or the NRC. The wipe sample shall be taken from the nearest accessible point to the sealed source where contamination could accumulate. The leak test analysis required by Rule 64E-5.427(2) and (3), F.A.C., shall be capable of detecting the presence of 0.005 microcurie (185 Bq) of removable contamination on the test sample.

(5) If any test conducted pursuant to this section reveals the presence of 0.005 microcurie (185 Bq) or more of removable radioactive material, the licensee immediately shall withdraw the equipment from use and cause it to be decontaminated and repaired or disposed of in accordance with the applicable sections of rules contained in Parts III and XV of Chapter 64E-5, F.A.C. If DU leak testing reveals the presence of 0.005 microcurie (185 Bq) or more of removable DU contamination, the exposure device shall be removed from use until an evaluation of the wear on the S-tube has been made. If the evaluation reveals that the S-tube is worn through, the device shall not be used. The licensee shall file a report with the department describing the equipment involved, the test results, and the corrective action taken within 5 days after obtaining results of the test.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4),(6) FS. History–New _____.

64E-5.428 Quarterly Inventory.

Each licensee or registrant shall conduct a quarterly physical inventory to account for all sources of radiation received or possessed during the quarter. The inventory shall cover all sources of radiation requiring licensure or registration by the department, including sealed sources, radiation machines, and radiographic exposure devices containing DU.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4), 404.081(1) FS. History–New _____.

64E-5.429 Source Movement Logs, Daily Survey Reports, and Individual Dosimeter Logs.

(1) Each time a radiation source is removed from storage, the licensee or registrant shall complete and maintain source movement logs for each radiation source with the following information, as applicable:

(a) The locations where used, the names of the jobs or clients, and the dates of use;

(b) The manufacturer's name, model, and serial number of the radiographic exposure device, source changer, or radiation machine used;

(c) The sealed source manufacturer's name, model, and serial number, activity in curies (becquerels) on the date of receipt and each date of use, and the due date of the next leak test;

(d) The results of the reference survey of the radiographic exposure device or source changer performed upon removal and return to storage; and

(e) The signature or initials of the radiographer to whom the radiation source has been assigned.

(2) Before performing industrial radiography, leak tests, source exchanges, or quarterly inspection and maintenance of radiographic equipment, the licensee or registrant shall prepare and maintain a daily survey report for each radiation source with the information described below as it becomes available:

(a) The location where used, the name of the job or client, and the date of use;

(b) The manufacturer's name, model, and serial number of the radiographic exposure device, source changer, or radiation machine used;

(c) The sealed source manufacturer's name, model, and serial number and activity in curies (becquerels) for the date of use;

(d) The names and titles of the radiographic personnel working with the radiation source;

(e) The serial number of the personnel monitoring badge, pocket dosimeter, and alarm ratemeter used by each of the radiography crew members;

(f) The manufacturer's name, model, serial number, and date of calibration or calibration due date for each survey meter used;

(g) The results of the reference survey performed when the radiographic exposure device or source changer is removed from or returned to storage;

(h) Evidence of performance of the equipment checks described in Rule 64E-5.430(1), F.A.C.;

(i) The results of the survey of the posted perimeter in mR/hr (mSv/hr) and feet (meters);

(j) The total exposure time; and

(k) The start, end, and total pocket dosimeter readings for all radiographic personnel.

(3) Radiographic personnel shall maintain an individual log of their daily dosimeter totals. Each individual shall record the doses measured by his or her dosimeter at the end of each day of radiographic operations and total the recorded doses at the end of each week and at the end of each month. Copies of the individual dosimeter logs shall be provided to the radiation safety officer (RSO) or the RSO's designee no later than 7 days after each month. The RSO or the RSO's designee shall review the logs within 7 days of receipt and shall date and sign or initial the logs at the time of the review. Each log shall include the following information:

(a) The name of the individual;

(b) The dates of the monitoring periods;

(c) The daily, weekly, and monthly individual radiation dose totals as measured by the dosimeter; and

(d) The date the log was reviewed by the RSO or the RSO's designee and the signature or initials of the RSO or the RSO's designee.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4),(6) FS. History—New _____.

64E-5.430 Inspection and Maintenance.

(1) Each licensee or registrant shall perform visual and operability checks on survey instruments, radiation machines, radiographic exposure devices, associated equipment, transport containers, storage containers, and source changers before use on each day the equipment is to be used to ensure the equipment is in good working condition, the sources are shielded adequately, and required labeling is present. All appropriate parts shall be maintained in accordance with the manufacturer's specifications. Each radiation survey instrument shall be visually inspected, have its batteries checked, and have its operability checked with a radiation source at the beginning of each day of use and at the beginning of each work shift. If equipment problems are found, the equipment shall be removed from service until repaired.

(2) Each licensee or registrant shall perform equipment inspection and maintenance as described below.

(a) Inspection and maintenance of survey instruments, radiation machines, radiographic exposure devices, associated equipment, source changers, storage containers, and transport containers shall be performed quarterly to assure proper functioning of components important to safety. All appropriate parts shall be maintained in accordance with the manufacturer's specifications. Verification of compliance with radiation limits specified in Rule 64E-5.424(4), F.A.C., shall be included in each quarterly inspection. If equipment problems are found, the equipment shall be labeled as defective and removed from service until repaired. Replacement components shall meet manufacturer's specifications.

(b) Inspection and maintenance of Type B packages used to transport radioactive materials shall be performed quarterly in accordance with each package's certificate of compliance or other approval.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4),(6) FS. History—New _____.

64E-5.431 Permanent Radiographic Installations.

(1) Each entrance used for personnel access to a high radiation area in a permanent radiographic installation shall have either:

(a) An entrance control that reduces the radiation level to below the level at which an individual might receive a deep dose equivalent of 0.1 rem (1 millisievert) in 1 hour at 30 centimeters from the source of radiation from any surface the radiation penetrates, or

(b) Conspicuous visible and audible signals to warn of the presence of radiation. The visible signal shall be actuated by radiation. The audible signal shall be actuated when an attempt is made to enter the installation while the source is exposed or the radiation machine is activated.

(2) The alarm system shall be tested for proper operation with a radiation source each day before radiographic operations. The test shall include a check of both the visible and audible signals. Entrance control devices that reduce the radiation level upon entry shall be tested monthly. If an entrance control device or an alarm is operating improperly, it shall be labeled immediately as defective and repaired within 7 days. The installation can continue to be used by an unaccompanied radiographer during this 7-day period if the continuous surveillance requirements of Rule 64E-5.435(3), F.A.C., are implemented and an alarming ratemeter is used.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4),(6) FS. History—New _____.

SUBPART B RADIATION SAFETY REQUIREMENTS

64E-5.432 Radiation Protection Program.

The radiation protection program specified in Rule 64E-5.303, F.A.C., for registrants performing radiography and license applications, renewals, and requests for amendments for licensees performing radiography shall include the components specified below.

(1) A description of the overall organizational structure pertaining to the licensee's or registrant's radiation protection program, including specific delegation of authority and responsibility, the name of the RSO, and the minimum qualifications of the RSO and the RSO's designees.

(2) A radiation safety training program for radiographic personnel that meets the requirements of Rule 64E-5.434, F.A.C., and includes the components described below.

(a) Initial, periodic, and on-the-job training.

(b) Written and practical examinations to determine knowledge, understanding of, and ability to comply with department and applicable USDOT rules, licensee or registrant requirements, operating and emergency procedures, and use of radiographic and related equipment.

(3) Procedures to verify the certification of radiographers and to ensure that the certification remains valid.

(4) A written policy to maintain radiation doses as low as reasonably achievable as specified in Rule 64E-5.303, F.A.C. The policy shall include:

(a) A commitment by management to keep radiation doses as low as reasonably achievable and a description of the participation of management, the RSO, and radiographic personnel in the implementation of the policy;

(b) Investigation within 30 days by the RSO of any exposure level that exceeds established monthly and quarterly levels and implementation of corrective actions to halt unnecessary exposures and prevent recurrence; and

(c) An audit of the program to evaluate its effectiveness in minimizing exposures in conjunction with the annual review of the radiation protection program specified in Rule 64E-5.303(3), F.A.C. A summary of the results of each audit,

including a description of corrective actions taken, shall be prepared by the RSO and approved by the licensee or registrant.

(5) An auditing program for internal inspections of the job performance of all radiographic personnel at intervals not to exceed 6 months as described in Rule 64E-5.434, F.A.C.

(6) Written operating and emergency procedures as described in Rule 64E-5.436, F.A.C.

(7) Leak testing procedures, including a description of:

(a) The method of taking wipes and preparing samples for analysis using only radiographers or radiographer's assistants working under the personal supervision of a radiographer or persons specifically licensed by the department, another agreement state, licensing state, or the NRC to perform such services; and

(b) The method of performing leak test sample analyses, including instrumentation to be used and experience of the individuals who will perform the analyses or a commitment to use vendors specifically licensed to perform such analyses by the department, another agreement state, licensing state, or the NRC.

(8) Procedures for the semiannual calibration of survey instruments and the annual calibration of alarm ratemeters, including a description of the calibration instrumentation and the experience of the person who will perform the calibrations or a commitment to use persons specifically licensed to perform such calibrations by the department, another agreement state, licensing state, or the NRC. All survey instrument calibrations shall be performed in accordance with Rule 64E-5.426(2), F.A.C.

(9) Procedures for quarterly inspection and maintenance of survey instruments, radiation machines, radiographic exposure devices, associated equipment, source changers, storage containers, and transport containers to assure proper function of components important to safety, performed in accordance with Rule 64E-5.430, F.A.C.

(10) Procedures for annual calibration of pocket or electronic dosimeters, including a description of the calibration instrumentation and the experience of the person who will perform the calibrations or a commitment to use persons specifically licensed to perform such calibrations by the department, another agreement state, licensing state, or the NRC.

(11) Procedures for lay-barge, offshore platform and underwater radiography if conducting such activities.

Specific Authority 404.051, 404.061 FS. Law Implemented 404.022, 404.051(1),(4),(6),(9),(10), 404.061(2), 404.081(1), 404.141 FS. History—New _____.

64E-5.433 Radiation Safety Officer.

(1) The licensee or registrant shall appoint an RSO and delegate the authority needed to fulfill the duties of the position. Except as specified in Rule 64E-5.433(2), F.A.C., below, the minimum qualifications, training, and experience for the RSO shall be:

(a) Two years of documented industrial radiography experience as a radiographer; and

(b) Sixteen hours of formal instruction in the establishment and maintenance of a radiation protection program, including training to perform internal audits and mitigation of radiological incidents. Individuals identified as an RSO on an industrial radiography license or registration before the effective date of this rule are not required to comply with the training requirements of this paragraph.

(2) Equivalent alternative radiation and safety training and experience in radiographic operations and formal training in the establishment and maintenance of a radiation protection program can substitute for the requirements specified in Rules 64E-5.433(1)(a), (b), F.A.C., above.

(3) In addition to other duties specified in this part, the RSO shall:

(a) Ensure compliance with all components of the licensee's or registrant's radiation protection program as specified in Rule 64E-5.432, F.A.C., the terms and conditions of the license, and this rule;

(b) Investigate incidents and direct corrective actions, including halting operations when necessary;

(c) Serve as the licensee's or registrant's contact with the department; and

(d) Ensure that radiation safety activities are performed using approved procedures and requirements in Chapter 64E-5, F.A.C., in the daily operation of the licensee's program.

Specific Authority 404.051, 404.061 FS. Law Implemented 404.022, 404.051(1),(4), 404.061(2) FS. History--New

64E-5.434 Training, Testing, Certification, and Audits.

(1) The licensee or registrant shall not permit any individual to act as a radiographer's assistant until such individual:

(a) Receives a copy of the licensee's or registrant's operating and emergency procedures;

(b) Completes 8 hours of training, including instruction in the licensee's or registrant's operating and emergency procedures and supervised instruction in use of the licensee's or registrant's radiographic equipment, related handling tools, radiation survey instruments, and personnel monitoring devices during a special training session; and

(c) Successfully completes a closed-book, written examination on the licensee's or registrant's operating and emergency procedures and a practical examination that is not conducted during production radiography to demonstrate

competence in the use of the licensee's or registrant's radiographic equipment, related handling tools, radiation survey instruments, and personnel monitoring devices.

(2) The licensee or registrant shall not permit any individual to act as a radiographer until such individual:

(a) Receives copies of rules contained in Chapter 64E-5, Parts I-IV, IX and XV, F.A.C., applicable USDOT regulations, the appropriate license or certificate of registration, and the licensee's or registrant's operating and emergency procedures;

(b)1. For radioactive material radiographic operations, completes 320 hours of on-the-job training in industrial radiography, excluding hours as specified in Rule 64E-5.434(2)(b)2., F.A.C., below, as a radiographer's assistant using radioactive material; or

2. For machine produced radiographic operations, completes 200 hours of on-the-job training using radiation machines;

(c) Receives 40 hours of formal instruction in the subjects outlined in Rule 64E-5.434(6), F.A.C., and supervised instruction during a special training session in the inspection and use of the licensee's or registrant's radiographic equipment, related handling tools, radiation survey instruments, and personnel monitoring devices;

(d) Successfully completes a closed-book, written examination on the subjects outlined in Rule 64E-5.434(4), F.A.C., and a practical examination to demonstrate competence in the use of the licensee's or registrant's radiographic and safety equipment;

(e) Is certified by a certifying entity; and

(f) Satisfies requirements specified in Rule 64E-5.213(8)(b), F.A.C., if using radioactive materials. Licensees and registrants can allow individuals who have completed the training and testing specified in Rule 64E-5.434(2)(a)-(d), F.A.C., to perform industrial radiography for 12 months after the effective date of these rules.

(3) Radiographers who work for an out-of-state radioactive materials license under reciprocal recognition are authorized to conduct radiographic operations within the state if they have a valid certification from a certifying entity for the activities being conducted before entering the state.

(4) Individuals who have completed the on-the-job training requirement described in Rule 64E-5.434(2)(b), F.A.C., and the 40-hour radiation safety training requirement described in Rule 64E-5.434(2)(c), F.A.C., during previous employment shall complete 4 hours of additional training and testing before conducting radiographic operations. The training shall consist of instructions in the licensee's or registrant's operating and emergency procedures and supervised instruction during a special training session in the use of the licensee's or registrant's radiographic and safety equipment. The testing shall consist of successful completion of the

written and practical examinations described in Rule 64E-5.434(1)(c), F.A.C. The RSO shall document how the prior radiation training and experience was verified.

(5) Personnel using industrial cabinet x-ray systems for industrial radiography shall complete 16 hours of training and testing as described below:

(a) Ten hours of training and testing as described in Rule 64E-5.434(6), F.A.C.; and

(b) Two hours of instruction in the registrant's operating and emergency procedures pertaining to industrial radiography using industrial cabinet x-ray systems, 2 hours of supervised instruction during a special training session in the use of the registrant's industrial cabinet x-ray system, related handling tools, radiation survey instruments, and personnel monitoring devices, and 2 hours of testing, which shall consist of a written examination covering operating and emergency procedures and equipment use and a practical examination to demonstrate competence in the use of the registrant's industrial cabinet x-ray system and related equipment.

(6) The subjects to be covered during the instruction of radiographers shall include:

(a) Fundamentals of radiation safety, including characteristics of radiation, units of radiation dose, quantities of radioactivity, hazards of radiation exposure, radiation protection standards, radiation levels from sources of radiation, and methods of minimizing radiation dose.

(b) Radiation detection instruments, including:

1. Use, operation, calibration, and limitations of radiation survey instruments;

2. Survey techniques; and

3. Use of personnel monitoring equipment.

(c) Equipment to be used, including, as applicable:

1. Operation and control of radiation machines, radiographic exposure equipment, remote handling equipment, source changers, storage containers, and transport containers, including pictures or models of source assemblies;

2. Storage, control, and disposal of licensed material; and

3. Inspection and maintenance of equipment.

(d) The applicable requirements of these rules and NRC and USDOT regulations.

(e) The licensee's or registrant's operating and emergency procedures.

(f) Case histories of industrial radiography accidents.

(7) Each licensee or registrant shall provide 8 hours of annual radiation safety training to all radiographic personnel, which can be conducted in multiple sessions.

(8) The RSO or the RSO's designee shall audit the job performance of each radiographer and radiographer's assistant to ensure that the department's regulations, license requirements, and the licensee's or registrant's operating and emergency procedures are followed. The audits shall include observation of the performance of each radiographer or

radiographer's assistant during an actual radiographic operation at intervals not to exceed 6 months. Radiographers or radiographer's assistants who have not participated in a radiographic operation for more than 6 months since the last audit shall demonstrate knowledge of the licensee's or registrant's operating and emergency procedures and safe use of radiographic and related equipment by a practical examination before participating in a radiographic operation. Audits of the RSO are not required.

(9) Individuals conducting internal radiation safety training or audits shall meet the minimum qualifications specified in Rule 64E-5.433(1), F.A.C., for the RSO.

Specific Authority 404.051, 404.061 FS. Law Implemented 404.022, 404.051(1),(4), 404.061(2) FS. History—New _____.

64E-5.435 Conducting Industrial Radiographic Operations.

(1) With the exception of industrial cabinet x-ray systems, the radiographer shall be accompanied by at least one other radiographer or radiographer's assistant whenever radiography is performed at a location other than a permanent radiographic installation. The additional qualified individual shall observe the radiographic operations and be capable of providing immediate assistance to prevent unauthorized entry. Radiography is prohibited if only one qualified individual is present. Radiography performed in an industrial cabinet x-ray system by a single individual meeting the training and testing requirements specified in Rule 64E-5.434(5), F.A.C., is permitted.

(2) The radiographer's assistant shall be under the personal supervision of a radiographer when using a radiation machine, radiographic exposure device, source changer, or related source handling tools or conducting radiation surveys to determine that the sealed source has returned to the shielded position or that the radiation machine is off after an exposure.

(3) During each radiographic operation, the radiographer or radiographer's assistant shall maintain direct surveillance of the operation to protect against unauthorized entry into a high radiation area, except:

(a) Where the high radiation area is equipped with a control device or alarm system as described in Rule 64E-5.316(1), F.A.C.; or

(b) Where the entrance to the high radiation area is locked to protect against unauthorized or accidental entry.

(4) All radiographic operations conducted at a licensee's or registrant's permanent facility shall be conducted in a permanent radiographic installation or an industrial cabinet x-ray system or using equipment, facilities, and procedures that are adequate to protect public health, safety, and property and included in the radiation protection program specified in Rule 64E-5.432, F.A.C.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4),(11), 404.081(1) FS. History—New _____.

64E-5.436 Operating and Emergency Procedures.

The licensee's or registrant's procedures shall include instructions in the following:

(1) Handling and use of sources of radiation to be used so that exposures are maintained as low as reasonably achievable and no individual is likely to be exposed to radiation doses in excess of the limits established in rules contained in Part III of Chapter 64E-5, F.A.C.:

(2) Methods and occasions to conduct radiation surveys;

(3) Methods to control access to radiographic areas;

(4) Methods and occasions to lock and secure sources of radiation;

(5) Personnel monitoring and the use of personnel monitoring equipment, including steps to be taken immediately by radiography personnel when a pocket dosimeter is found off-scale, an alarm ratemeter alarms unexpectedly, or a personnel monitoring badge is damaged or lost;

(6) Transportation of licensed material to field locations and preparation of packages for shipment by common or contract carriers, including packaging, marking, labeling, shipping papers, emergency response information, blocking and bracing, security, surveys, and vehicle placarding in accordance with applicable requirements of the USDOT;

(7) Leak testing, quarterly inventories, and equipment inspection, maintenance and operability checks, and disposal of licensed material;

(8) Source exchanges for licensees who perform source exchanges;

(9) Calibration of survey instruments, dosimeters, and alarm ratemeters for licensees who perform calibrations;

(10) Emergency response, including response to loss, damage, or theft of sources of radiation, unauthorized entries into restricted areas, notifications, exposure minimization, and source recovery;

(11) Identifying and reporting equipment defects and noncompliance issues; and

(12) Maintenance of records.

Specific Authority 404.051, 404.20 FS. Law Implemented 404.022, 404.051(1),(4),(6), 404.081, 404.20(1) FS. History—New _____.

64E-5.437 Personnel Monitoring.

(1) The licensee or registrant shall not permit any individual to act as a radiographer or a radiographer's assistant unless the individual wears on the trunk of his or her body at all times during radiographic operations:

(a) A NVLAP-approved personnel monitoring badge such as a film badge, thermoluminescent dosimeter (TLD) or optically stimulated luminescent device (OSLD);

(b) A direct reading pocket dosimeter, which can be either an ion chamber or electronic personal dosimeter; and

(c) An alarming ratemeter. Alarm ratemeters are not required for radiography performed in an approved permanent radiographic installation meeting the requirements of Rule 64E-5.431, F.A.C.

(2) Each personnel monitoring badge shall be assigned to and worn by only one individual and shall be exchanged monthly. After exchange each badge shall be processed as soon as possible. If a report is received from the badge processor that indicates an individual has received a radiation exposure in excess of 5 rem (0.05 Sv), the licensee or registrant shall notify the department within 24 hours as specified in Rule 64E-5.344(2), F.A.C. If a personnel monitoring badge is lost or damaged, the worker shall cease work immediately until a replacement badge is provided and the exposure is calculated by the RSO or the RSO's designee for the time period from issuance to loss or damage of the badge. The results of the calculated exposure and the time period for which the personnel monitoring badge was lost or damaged shall be provided to the processor to adjust the individual's occupational exposure record.

(3) Pocket dosimeters shall have a range from 0 to 200 millirem (2 mSv) and shall be recharged at the start of each shift and when 75% of the full scale of the dosimeter is exceeded. Initial, final, and total pocket dosimeter readings shall be recorded at the start and end of each shift.

(4) If an individual's pocket dosimeter is found to be off-scale or if an individual's electronic personal dosimeter reads more than 200 millirem (2 mSv) and the possibility of radiation exposure cannot be ruled out as the cause, the individual's personnel monitoring badge shall be sent for processing within 24 hours. In addition, the individual shall not resume radiographic operations until a determination of the individual's radiation exposure has been made by the RSO or the RSO's designee. The results of this determination shall be reported in writing to the department within 30 days of the determination.

(5) Each alarming ratemeter shall:

(a) Have a function test without being exposed to radiation to ensure that the audible alarm is functioning properly before use at the start of each work shift;

(b) Give an alarm at a preset dose rate of no more than 500 millirem (0.5 mSv) per hour; and

(c) Require special means to change the preset alarm function.

(6) Pocket dosimeters and alarm ratemeters shall be calibrated annually for correct response to radiation by a person licensed by the department, another agreement state, licensing state, or the NRC. Acceptable dosimeters shall read within 20% of the true radiation exposure. Ion chamber dosimeters also shall be checked for response to drift by setting the dosimeter at zero and storing it in a low background area for at least 24 hours and for electrical leakage, which shall be

no more than 1% of full scale for each 24 hours. Acceptable ratemeters shall alarm within 20% of the true radiation dose rate.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4), 404.081(1) FS. History—New _____.

SUBPART C
PRECAUTIONARY PROCEDURES IN
RADIOGRAPHIC OPERATIONS

64E-5.438 Radiation Surveys.

(1) No radiographic operations shall be conducted unless at least one calibrated and operable radiation survey instrument meeting the requirements of Rule 64E-5.426, F.A.C., is available for each radiographic exposure device and radiation machine in use at each site where radiographic exposures are made. All radiation surveys shall be performed with a calibrated and operable radiation survey instrument meeting the requirements of Rule 64E-5.426, F.A.C.

(2) The surveys described below shall be performed by the licensee or registrant where applicable.

(a) A reference survey of each radiographic exposure device or source changer immediately following removal from a storage area, including removal from storage following transportation.

(b) An area survey during the first radiographic exposure to verify that the posting requirements specified in Rule 64E-5.439(1), F.A.C., have been met and that unrestricted areas do not have radiation levels in excess of the limits specified in Rule 64E-5.312(1)(c), F.A.C.

(c) A survey of the radiographic exposure device and the length of the guide tube after each exposure when approaching the device or guide tube, concluding with a reference survey of the radiographic exposure device at the location established by the licensee after each radiographic exposure. The surveys shall be performed before exchanging film, repositioning the exposure head, or dismantling equipment.

(d) A reference survey of the radiographic exposure device and source changer before and after source exchanges.

(e) A reference survey of the radiographic exposure device, source changer, or storage container after returning the sealed source to a storage area.

(f) A survey after each radiographic exposure using radiation machines to verify that the machine is off.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4), 404.081(1) FS. History—New _____.

64E-5.439 Posting.

In addition to the posting requirements specified in Rule 64E-5.901, F.A.C., the licensee or registrant shall comply with the requirements described below.

(1) Radiation areas and high radiation areas created by radiographic operations shall be posted conspicuously as specified in Rule 64E-5.323(1) and (2), F.A.C. Areas or rooms

in which licensed material is used or stored shall be posted as specified in Rule 64E-5.323(5), F.A.C. The exceptions to posting specified in Rule 64E-5.324(1), F.A.C., do not apply to industrial radiography.

(2) Source movement logs specified in Rule 64E-5.429, F.A.C., that document the current location of each source of radiation and source movements for the previous 30 days shall be posted conspicuously adjacent to the area where the source of radiation is stored.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4), 404.081(1) FS. History—New _____.

64E-5.440 Records.

(1) Each licensee or registrant shall maintain the following records for 3 years after the event for inspection by the department:

(a) Survey instrument, dosimeter, and alarm ratemeter calibrations specified in Rules 64E-5.426 and 64E-5.437(5)-(6), F.A.C.;

(b) Leak test results specified in Rule 64E-5.427, F.A.C., which shall contain the manufacturer's name, model, and serial number of each sealed source or device tested, including the device the source was stored in, the identity of each radionuclide, the estimated activity of each sealed source, the measured activity of each test sample expressed in microcuries (becquerels), the date of the test, and the signature or initials of the RSO or the RSO's designee;

(c) Quarterly inventories specified in Rule 64E-5.428, F.A.C., which shall include the name of the person conducting the inventory, the radionuclide, number of curies (becquerels) or mass in each device, location of each sealed source, device, and machine, the manufacturer, model, and serial number of each sealed source, device, and machine, the date of the inventory, and the signature or initials of the RSO or the RSO's designee;

(d) Source movement logs and daily survey reports specified in Rule 64E-5.429, F.A.C.

(e) Quarterly equipment inspection and maintenance specified in Rule 64E-5.430(2), F.A.C., including the date of the inspection, the name of inspector, the equipment involved, any problems found, and what repair or maintenance was done;

(f) Operation tests on permanent radiographic installation entrance controls and audible and visual alarms specified in Rule 64E-5.431, F.A.C.;

(g) Records of internal audits specified in Rule 64E-5.434(8), F.A.C., including lists of audit items checked and any violations observed;

(h) Records showing receipts and transfers of sealed sources and devices using DU for shielding, including the date, the name of the individual making the record, radionuclide, number of curies (becquerels) or mass, manufacturer, model, and serial number of each sealed source and device, as appropriate.

(2) Each licensee or registrant shall maintain the following records until the department terminates the license or registration requiring the record:

(a) Individual dosimeter logs specified in Rule 64E-5.429, F.A.C.;

(b) Initial and refresher radiation safety training specified in Rule 64E-5.434, F.A.C., including lists of the topics discussed, dates the training was conducted, names of the instructors and attendees, and written and practical examinations;

(c) Verification of previous radiography experience;

(d) Radiographer certification documents specified in Rules 64E-5.434(2)(e)-(f), F.A.C., and verification of certification status;

(e) Records of personnel exposure investigations specified in Rule 64E-5.432(3)(b), F.A.C., including the names of the individuals involved, the exposures received, the dates the exposures were received, a description of the cause of the exposures, the corrective actions taken, and the signature of the RSO;

(f) Records of estimates of exposures as a result of off-scale dosimeters or lost or damaged personnel monitoring badges, including records of surveys used to determine an individual's exposure and reports submitted to the department as specified in Rule 64E-5.437(3), F.A.C.;

(g) Records of annual ALARA audits specified in Rule 64E-5.432(3)(c), F.A.C.; and

(h) Operating and emergency procedures.

(3) Each licensee or registrant conducting industrial radiography at a temporary job site shall have the following records available at that site for inspection by the department:

(a) Appropriate license or registration;

(b) Certification by a certifying entity;

(c) Operating and emergency procedures;

(d) Rules contained in Chapter 64E-5, Parts I-IV, IX, and XV, F.A.C.;

(e) Calibration records for the survey instruments, pocket dosimeters, and alarm ratemeters used at the site or calibration tags or labels that are affixed to the devices;

(f) Records of the latest leak test results for the specific devices in use at the site or leak test tags or labels that are affixed to the devices; and

(g) Source movement logs and daily survey reports for the period of operation at the site.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4), 404.081(1), 404.020 FS. History—New _____.

64E-5.441 Reporting Requirements.

(1) In addition to the reporting requirements specified in rules contained in Chapter 64E-5, Parts III, IX, F.A.C., and other sections of this part, each licensee shall provide a written report to the department within 30 days of the occurrence of any of the incidents involving radiographic equipment described below. Such reports shall be mailed to the Bureau of Radiation Control, Radioactive Materials Section, Bin C21, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1741 for incidents involving radioactive materials or to the Bureau of Radiation Control, Radiation Machine Section, P. O. Box 210, Jacksonville, Florida 32231 for incidents involving radiation machines.

(a) Unintentional disconnection of the source assembly from the control cable.

(b) Inability to retract and secure the source assembly to the fully shielded position.

(c) Failure of any component critical to safe operation of the device to perform its intended function properly.

(2) The licensee shall include the information described below in each report submitted as specified in this section.

(a) A description of the equipment problem.

(b) Cause of each incident if known.

(c) Manufacturer name and model number of the equipment involved in the incident.

(d) Place, time, and date of the incident.

(e) Actions taken to establish normal operations.

(f) Corrective actions taken or planned to prevent recurrence.

(g) Qualifications of the personnel involved in the incident.

(3) Reports of overexposures submitted as specified in rules contained in Part III of Chapter 64E-5, F.A.C., that involve failure of safety components of radiography equipment also must include the information specified in Rule 64E-5.441(2), F.A.C.

Specific Authority 404.051 FS. Law Implemented 404.022, 404.051(1),(4), 404.081(1) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
William A. Passetti

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sharon Heber, Dr.P.H.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 9, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 30, 2001

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Sexually Violent Predator Program	65E-25
RULE TITLES:	RULE NOS.:
Assessment and Evaluation Procedures	65E-25.001
Education and Training Requirements for Multidisciplinary Team Members	65E-25.002
Criteria for Recommendation that Involuntary Commitment Petition be Filed	65E-25.003
Designation of Secure Facilities	65E-25.004
Basic Treatment Plan Components	65E-25.005
Notification of Examination	65E-25.006

PURPOSE AND EFFECT: To establish rule sections required by section 394.930, Florida Statutes (2000).

SUMMARY: The proposed rules set forth basic procedural requirements for assessments and evaluations of potential sexually violent predators; set forth the minimum education and training requirements for multidisciplinary team members; address criteria for recommendations to a state attorney that a petition be filed to involuntarily commit an individual; designate the secure facilities to be utilized by the Sexually Violent Predator Program (SVPP); describe the basic treatment plan components; and outline minimum requirements for notifying potential sexually violent predators of examination under the provisions of the Jimmy Ryce Act.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COST: An estimate of the regulatory cost was not prepared for this rule.

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

SPECIFIC AUTHORITY: 394.930 FS.

LAW IMPLEMENTED: Ch. 394, Part V FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 p.m., Tuesday, May 29, 2001

PLACE: Department of Children and Family Services, 1317 Winewood Blvd., Bldg 6, Conference Room A, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gregory D. Venz, Program Director, Sexually Violent Predator Program, Department of Children and Families, 1317 Winewood Blvd., Bldg. 6, Rm. 220, Tallahassee, FL 32399-0700

THE FULL TEXT OF THE PROPOSED RULES IS:

65E-25.001 Assessment and Evaluation Procedures.

(1) There shall be an initial assessment of every individual referred to the Sexually Violent Predator Program (SVPP). The initial assessment shall consist of a record review by no fewer than two licensed psychologists or psychiatrists. Records reviewed shall, at a minimum, consist of a referred individual's criminal and institutional background and treatment history, if any, provided by the Department of Corrections, Department of Juvenile Justice, or the Department of Children and Families with the referral.

(2)(a) A clinical evaluation shall be conducted on referred individuals who may meet the statutory criteria for commitment as sexually violent predators as determined by the initial assessment. At least one licensed psychologist or psychiatrist shall perform a clinical evaluation, which shall include, at a minimum, a review of all records considered during the initial assessment, and a personal interview of the referred individual if the referred individual consents to the interview.

(b) The evaluator's clinical opinion shall be the product of clinical judgment guided by the application of assessment instruments generally accepted by licensed professionals in the field of the assessment and evaluation of sexual offenders as helpful in the prediction of sexual offender recidivism. The clinical evaluation shall result in a written report that addresses, at a minimum, whether the evaluated individual suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment. "Likely to engage in acts of sexual violence" shall mean that the person's propensity to commit acts of sexual violence is of such a degree as to pose a menace to the health and safety of others.

(3) The licensed psychologists or psychiatrists who conduct the initial assessment, the licensed psychologist(s) or psychiatrist(s) who perform the clinical evaluation, and the licensed psychologist or psychiatrist who signs the department's recommendation to the appropriate state attorney's office shall constitute the multidisciplinary team. In the event the multidisciplinary team has reached a decision as to whether a referred individual meets commitment criteria, but no licensed member of the multidisciplinary team is available to sign the recommendation to the state attorney, a Department employee other than a licensed psychologist or psychiatrist may sign the Department's recommendation. However, in the event that the Department recommends that the state attorney file a petition seeking an individual's involuntary commitment, a statement signed by a licensed psychologist or psychiatrist affirming the recommendation must be sent to the state attorney as soon as is practicable. The Department employee other than a licensed psychologist or psychiatrist who signs a

department recommendation in place of a licensed psychologist or psychiatrist is not a member of the multidisciplinary team.

(4) The multidisciplinary team does not have to be unanimous in its determination that an individual meets criteria for involuntary civil commitment as a sexually violent predator in order for the Department to recommend to a state attorney that a commitment petition be filed. In the event that the members of the multidisciplinary team are not unanimous in their opinions as to whether an individual meets commitment criteria, the clinical director of the sexually violent predator program, or his or her designee, shall determine whether or not the Department will recommend that a commitment petition be filed. At least one member of the multidisciplinary team who performed a clinical evaluation must conclude that the individual meets commitment criteria in order to support a Department recommendation that a petition be filed.

Specific Authority 394.930 FS, Law Implemented Ch. 394, Part V FS, History–New _____.

65E-25.002 Education and Training Requirements for Multidisciplinary Team Members.

Multidisciplinary team members must be licensed psychologists or psychiatrists with a minimum of one year of experience in the assessment and/or treatment of sex offenders. The Department may accept other relevant experience in lieu of the year of sex offender assessment and/or treatment experience. Prior to participating in risk assessments as a member of the multidisciplinary team, the licensed psychologist or psychiatrist must have attended training in the use and scoring of at least one of the risk assessment instruments approved by the Department for multidisciplinary team use. Multidisciplinary team members must earn 24 hours of continuing education credit biannually in the assessment and/or treatment of sex offenders.

Specific Authority 394.930 FS, Law Implemented Ch. 394, Part V FS, History–New _____.

65E-25.003 Criteria for Recommendation that Involuntary Civil Commitment Petition be Filed.

(1) The multidisciplinary team may not determine that an individual meets criteria for involuntary civil commitment as a sexually violent predator unless the team concludes that the individual satisfies the provisions of Section 394.912(10), Florida Statutes (2000).

(2) The multidisciplinary team may not determine that an individual meets criteria if the individual has never been charged with a sexually violent offense involving physical contact with a victim unless:

(a) The record reflects a non-contact sexually motivated offense that is of a predatory nature, such as false imprisonment, kidnapping, or stalking, or

(b) The record reflects at least two charges of non-contact offenses involving sexual acts in the presence of a child, and the record evidences an escalation in severity of offenses such

that the multidisciplinary team concludes that there is a reasonable probability that future sexual offenses will involve physical contact with the victim.

The presence of either factor listed in (a) or (b) of this subsection above does not mandate a conclusion that the referred individual meets statutory criteria as a sexually violent predator.

(3) An individual cannot be considered to meet the criteria for involuntary civil commitment as a sexually violent predator if the individual's propensity to commit sexually violent offenses is wholly attributable to a "mental illness" as defined in Section 394.455, Florida Statutes (2000).

(4) An individual cannot be considered to meet the criteria for involuntary civil commitment as a sexually violent predator if the individual's propensity to commit sexually violent offenses is wholly attributable to "retardation" or "autism" as defined in Section 393.063, Florida Statutes.

Specific Authority 394.930 FS, Law Implemented Ch. 394, Part V FS, History–New _____.

65E-25.004 Designation of Secure Facilities.

The secure facilities to be utilized by the department for the control, care and treatment of persons detained and/or committed under Sections 394.910-.931, Florida Statutes, are the Florida Civil Commitment Center at 13617 SE Hwy 70, Arcadia, FL 34266, and the South Bay Sexually Violent Predator Detainee Unit at 600 U.S. Highway 27 South, South Bay, FL 33493.

Specific Authority 394.930 FS, Law Implemented Ch. 394, Part V FS, History–New _____.

65E-25.005 Basic Treatment Plan Components.

(1) The treatment program for individuals involuntarily committed to the Department shall be a cognitive-behavioral therapy and relapse prevention program tailored to meet the needs of each committed individual. All committed individuals must receive a comprehensive assessment that will permit the development of an individualized treatment plan.

(2) The treatment program shall consist of a series of hierarchically advancing stages of treatment and rehabilitation. The program must afford group and, where indicated, individual counseling directed toward sex offender-specific as well as substance abuse and general psychosocial issues. In addition to structured counseling activities, the program must offer vocational therapy and therapeutic recreational activities.

(3) The treatment program may utilize phallometric and polygraphic assessment to assist in measuring treatment progress.

(4) At least annually, each committed individual shall have his treatment plan and progress reviewed by the primary treating clinician, the treatment team and the clinical director or his or her licensed psychologist/psychiatrist designee. A status report shall be prepared and included in the clinical file, with notation of any adjustments made in the individual's treatment plan as a result of the review.

Specific Authority 394.930 FS. Law Implemented Ch. 394, Part V FS. History—New

65E-25.006 Notification of Examination.

Prior to conducting a personal interview of a potential sexually violent predator, the individual to be interviewed must be informed that he or she is the subject of a clinical evaluation which, together with review of pertinent records, will enable the State to formulate an opinion as to whether the individual meets statutory criteria as a sexually violent predator. The individual must be informed that he may decline to be interviewed, and that if he does, the clinical evaluation will consist of a record review only. The individual must be informed that the evaluation will result in a written report that will be considered by the State in reaching its determination as to whether to recommend to the state attorney that an involuntary commitment petition be filed. This information must be orally explained to the individual and should, if practicable, be provided to the individual in writing. If the individual refuses to sign the written statement, the evaluator should so indicate on the written statement and sign and date it. In the event that it is not practicable to provide the individual a written statement and obtain a signature, the evaluator should so indicate on the written statement with a brief explanation of why the written statement could not be provided to the individual and sign and date it.

Specific Authority 394.930 FS. Law Implemented Ch. 394, Part V FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Gregory Venz
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Celeste Putnam
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 17, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 29, 1999

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE NO.: 4A-38.028
RULE TITLE: Standards of the National Fire Protection Association Adopted
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 27, No. 12, March 23, 2001, of the Florida Administrative Weekly:

4A-38.028 – will be changed to read as follows.

The standards of the National Fire Protection Association for life safety from fire, as provided in NFPA 101, Life Safety Code, Chapter 32 for New and Chapter 33 for Existing Facilities 1988 Edition, in the edition adopted in Section 4A-3.012, Florida Administrative Code which is hereby adopted and incorporated by reference, shall be the uniform fire safety standards required for this state with respect to intermediate care facilities for persons with developmental disabilities. Chapter 21, "Residential Board and Care Occupancies", shall be the uniform standard.

The remainder of the rule reads as previously published.

DEPARTMENT OF REVENUE

NOTICE OF CABINET AGENDA ON MAY 15, 2001

The Governor and Cabinet, on May 15, 2001, sitting as head of the Department of Revenue, will consider the proposed amendments to Rule 12C-1.051, F.A.C. (Forms). The proposed rule was noticed for a Rule Development Workshop in the Florida Administrative Weekly on November 9, 2000 (Vol. 26, No. 45, p. 5269). The workshop was held on November 28, 2000. No one provided comments at the workshop and no written comments were received by the Department.

The proposed amendments were noticed for a rule hearing in the Florida Administrative Weekly on February 16, 2001 (Vol. 27, No. 7, pp. 710-711). A rule hearing was held on March 13, 2001. No one attended the hearing regarding these proposed rule changes. In response to written comments received from the Joint Administrative Procedures Committee, a technical change to the law implemented section of Rule 12C-1.051, F.A.C., has been made.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.210
RULE TITLE: Use of Force

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 27, No. 5, February 2, 2001, Florida Administrative Weekly have been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NO.: 59C-1.033
RULE TITLE: Open Heart Surgery Program

NOTICE OF CHANGE

Proposed amendments to Rule 59C-1.033, open heart surgery, were published December 22, 2000, in Vol. 26, No. 51 of the FAW. The agency is revising the proposed language in paragraphs (7)(a) and (7)(b) of those amendments to clarify that review of any application to establish an open heart surgery program will consider the impact of such an approval on existing open heart surgery programs in the applicant's district. Accordingly, when adopted, the amended rule paragraphs will read as follows:

(7)(b) Provided that the provisions of paragraphs (7)(a) and (7)(c) do not apply, the agency shall determine the net need for additional adult open heart surgery programs in a district based on the following formula:

$$NN = (POH/500) - OP$$
 , with the result rounded up or down to the nearest whole integer where:

1. NN = The need for additional adult open heart surgery programs in the district projected for the applicable planning horizon. Additional adult open heart surgery programs may be approved when NN is 0.5 or greater, but will not normally be approved if the approval would reduce the 12 month total at an existing adult open heart surgery program in the district below 250 open heart surgery operations.

2. No change.

(7)(c) Regardless of whether need for additional adult open heart surgery programs is shown in paragraph (b) above, need for one adult open heart surgery program is demonstrated for a county that meets the following criteria:

1. None of the hospitals in the county has an existing or approved open heart surgery program;

2. Residents of the county are projected to generate at least 1200 annual hospital discharges with a principal diagnosis of ischemic heart disease, as defined by ICD-9-CM codes 410.0 through 414.9. The projected number of county residents who will be discharged with a principal diagnosis of ischemic heart disease will be determined as follows:

$$PIHD = (CIHD/CoCPOP \times CoPPOP)$$

where

PIHD = the projected 12-month total of discharges with a principal diagnosis of ischemic heart disease for residents of the county age 15 and over;

CIHD = the most recent 12-month total of discharges with a principal diagnosis of ischemic heart disease for residents of the county age 15 and over, as available in the agency's hospital discharge data base;

CoCPOP = the current estimated population age 15 and over for the county, included as a component of CPOP in subparagraph 7(b)2.;

CoPPOP = the planning horizon estimated population age 15 and over for the county, included as a component of PPOP in subparagraph 7(b)2.

If the result is 1200 or more, need for one adult open heart surgery program is demonstrated for the county. The additional adult open heart surgery program will not normally be approved if the approval would reduce the 12 month total at an existing adult open heart surgery program in the district below 250 open heart surgery operations.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:
59G-3.010

RULE TITLE:
Medicaid Services Complementing Medicare

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 24, No. 7, February 13, 1998, Florida Administrative Weekly has been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:
59G-4.070

RULE TITLE:
Durable Medical Equipment and Supplies

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 6, February 9, 2001 issue of the Florida Administrative Weekly.

The Florida Medicaid Durable Medical Equipment and Supplies Handbook January 2000 contains a notice stating "the Agency for Health Care Administration hereby gives notice under Section 120.56(3), Florida Statutes, that on November 14, 2000, Florida Administrative Code Rule 59G-4.070 was held to be invalid."

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Barbers'

RULE NO.:
61G3-16.0092

RULE TITLE:
Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) Education Provider Requirements

NOTICE OF CHANGE

The Board of Barbers' gives Notice of Change to the above-referenced rule based upon comments expressed by the staff attorney for the Joint Administrative Procedures Committee. The rule was originally published in Vol. 27, No. 11, March 16, 2001, issue of the Florida Administrative Weekly. In subsection (1), last sentence, between the words "licensure" and "must" add the word "providership". In subsection (2), last sentence, between words "education" and "must" add the word "providership." Subsection (4)(a), first sentence, between the words "number" and "fax" add the phrase "and if available". Subsection (6), delete language "No provider may reapply for continuing education provider status until at least two (2) years have elapsed since the entry of the final order against the provider." In the law implemented, add cite "455.2179".

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julia Baker, Executive Director, Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.:	RULE TITLE:
61G4-12.019	Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 27, No. 8, February 23, 2001, issue of the Florida Administrative Weekly. These changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held April 12, 2001 in Orlando, Florida.

The rule shall now read as follows:

Spouses of members of the Armed Forces of the United States are exempt from licensure renewal provisions, but only in cases of absence from the state because of their spouses' duties with the Armed Forces. Copies of the military orders requiring the change in duty station must be sent to the Board office within 30 days of receipt of the orders in order to qualify for the exemption. Failure to do so shall result in the spouse's license not being renewed and the licensee shall be subject to disciplinary action. Upon receipt of the military orders submitted in the required timeframe, the spouse's license will be placed on inactive status with no fee required. Reactivation of the inactive license will not be require payment of the fee set forth in Rule 61G4-12.009(6), FAC. The license will remain in inactive status for up to two renewal cycles at which time the licensee must either renew this exemption, before expiration, by submitting a current set of orders or reactivate the license. The licensee may reactivate the license by submitting an application for change of status from inactive to active and will not be required to pay the fee set forth in Rule 61G4-12.009(12)(a), FAC. If a license is not reactivated nor the exemption renewed by the expiration date, the license shall become delinquent. Reactivation of a delinquent license will require payment of any delinquent fees set forth in Rule 61G4-12.009, FAC.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cathleen O'Dowd, Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NOS.:	RULE TITLES:
61G19-7.0010	Training Program Provider Fees
61G19-7.002	Training Program Providers

NOTICE OF ADDITIONAL PUBLIC HEARING

The Construction Industry Licensing Board hereby gives notice of an additional public hearing on the above-referenced rules to be held on May 17, 2001 at 8:00 a.m. at the World Golf Village Renaissance Resort, 500 South Legacy Trail, St. Augustine, Florida 32092, (904)940-8000. The rules were originally published in Vol. 26, No. 41, of the October 13, 2000, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.:	RULE TITLE:
61G19-7.004	Approval of Training Programs

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 26, No. 41, October 13, 2000 issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

The rule shall read as follows:

(1) Each registered training program provider, and each training program provider exempted from registration by Rule 61G19-7.002, shall apply for approval of a training program. The application must be submitted on a Board-approved form, (number), which is hereby incorporated by reference and will be effective (date), copies of which may be obtained from the Board office. The application for approval shall indicate the length of the program in hours, and shall include a copy of the program syllabus.

(2) A training program for certification in categories other than one and two family dwelling inspector shall include a minimum of 200 combined classroom and on-the-job training (OJT) hours, of which no fewer than 20 hours shall be OJT and

no fewer than 20 hours shall be Board-approved classroom hours related to the category of certification sought. A training program for one and two family dwelling inspector shall include a total of 500 combined hours, of which no fewer than 50 hours shall be OJT and no fewer than 50 hours shall be Board-approved classroom hours related to the category of certification sought.

(3) The Board shall approve training programs which have educational and OJT content sufficient to bring the certificate-holder's inspection or plans examiner skills and technical skills to qualify the individual for examination in the category sought. Training programs shall be instructed by individuals meeting the requirements of 61G19-9.005.

(4) The Board shall approve or deny any application for program approval at the first Board meeting held more than thirty days after the date the application is received by the Board.

(5) A training program which has been rejected by the Board may be resubmitted with modifications.

(6) The Board shall not deny or withdraw approval of a training program on the basis that another program provider is conducting the same or a similar Board-approved training program.

(7) If a training program is approved, the Board shall assign the program a number. The Board-assigned number shall be printed on the program syllabus, on all printed material used in connection with the program, and in all written advertising used in connection with the program.

(8) After a training program has been approved by the Board, any substantive changes in the program content must be submitted to and approved by the Board, prior to the implementation of the change.

(9) Individuals completing an approved training course may count up to twelve (12) hours toward their continuing education requirements for the biennium within which the training program is completed.

Specific Authority 468.606 FS. Law Implemented 468.606 FS. History--New _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-7.008
RULE TITLE: Certificates of Satisfactory Completion

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 26, No. 41, October 13, 2000 issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee. The rule shall now read as follows:

(1) Providers of approved training programs shall submit a Certificate of Satisfactory Completion to each individual who satisfactorily completes an approved training program.

(2) A Certificate of Satisfactory Completion submitted by a provider of an approved training program shall constitute evidence that the applicant has successfully completed the training program within a period of thirty-six (36) calendar months, and that the individual meets the requirements in 61G19-7.001.

(3) A Certificate of Satisfactory Completion shall qualify the applicant for examination in the category sought, pursuant to 468.609(2)(c)4., F.S.

Specific Authority 468.606 FS. Law Implemented 468.606 FS. History--New _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-7.009
RULE TITLE: Advertising of Training Programs

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 26, No. 41, October 13, 2000 issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

The rule shall now read as follows:

61G19-7.009 Advertising of Training Programs.

(1) A training program shall not be advertised as one approved by the Board until such approval is officially granted by the Board and a program number is assigned.

(2) Training program providers shall not include any false or misleading information regarding any training program approved under this chapter.

Specific Authority 468.606 FS. Law Implemented 455.227(1)(a), 468.606 FS. History--New _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-29.003
RULE TITLE: Experience for Licensure by Endorsement

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 28, July 14, 2001, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-4.009
RULE TITLE: Function of the Advanced Registered Nurse

NOTICE OF WITHDRAWAL

The Board of Nursing hereby withdraws the above-proposed rule, which originally was noticed in Vol. 25, No. 29, of the Florida Administrative Weekly on July 23, 1999.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.: 65C-19.002, 65C-19.003, 65C-19.007
RULE TITLES: Claiming Allowable Expenditures, Title IV-E Eligibility Criteria, Allowable Maintenance Costs

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 40, October 6, 2000, issue of the Florida Administrative Weekly:

65C-19.002 Claiming Allowable Expenditures.

In order for a local agency to claim Title IV-E reimbursement for an allowable expenditure related to the maintenance and administrative costs for the care of eligible Title IV-E children, the agency must:

(1) Enter into an interagency agreement with the Department of Children and Families by executing the Interagency Agreement with the Florida Department of Children and Families, CF-FSP 5251, Apr Dec, 2001 2000, which is incorporated by reference. This agreement must be executed prior to submission of any Title IV-E claims. Copies of the documents incorporated by reference can be obtained

from the Department of Children and Families, Family Safety Program Office, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700.

65C-19.003 Title IV-E Eligibility Criteria.

(3) Placement Requirements. To satisfy Title IV-E requirements, an out-of-home placement must be a licensed emergency shelter home, licensed foster home, a licensed private not-for-profit or for profit child caring agency; or a public facility with 25 beds or less. If the child is placed in an unlicensed placement or a public facility with over 25 beds, Title IV-E maintenance expenditures cannot be claimed for that child during the period the child is in that placement. ~~However, administrative costs may still be claimed for the Title IV-E eligible expenditures.~~ Youth in detention facilities, training schools, youth camps, or who are in Subsidized Independent Living status are not eligible for Title IV-E reimbursement.

65C-19.007 Allowable Maintenance Costs.

Title IV-E maintenance costs are those costs associated with the support of a child while removed from his/her home. In order for a maintenance cost to be reimbursable, it must meet the following criteria:

(3) Costs must be for allowable maintenance activities or services that are eligible for Title IV-E reimbursement. The following are examples of the types of maintenance costs that are reimbursable:

- (a) ~~Food~~ Out of home care.
- (b) ~~Clothing, shoes, athletic uniforms, band uniforms.~~
- (c) ~~Shelter Extraneous school expenses other than tuition and transportation, including such expenses as tutoring, yearbooks, graduation, band instruments.~~
- (d) Daily supervision ~~Travel from the foster home to the parent's home.~~
- (e) School supplies ~~Holiday and birthday gifts.~~
- (f) Child's personal incidentals ~~Summer camp.~~
- (g) Liability insurance with respect to a child ~~Baby diapers, formula.~~
- (h) Reasonable travel to the child's home for visitation ~~Child car seat restraint, bicycle helmet.~~
- (i) In the case of institutional care, such term shall include the reasonable costs of administration and operation of such institution as are necessarily required to provide the above items.

**Section IV
Emergency Rules**

NONE

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on April 10, 2001, the South Florida Water Management District (SFWMD) received a petition for waiver from Martin County Parks and Recreation, for utilization of works or land of the SFWMD known as the C-23, Martin County. The petition seeks relief from the Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which requires payment of a non-refundable processing fee associated with the review and issuance of right-of-way occupancy permits.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail at jsluth@sfwmd.gov.

The SFWMD will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that on April 18, 2001, the South Florida Water Management District (SFWMD) received a request to withdraw the petition for waiver filed by Bruce Shields, for utilization of works or land of the SFWMD known as the C-51, Palm Beach County.

A copy of the withdrawal may be obtained from: Jan Sluth, (561)682-6299 or e-mail at jsluth@sfwmd.gov.

The SFWMD will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2001-52 DAO-ROW), dated April 12, 2001 to the Broward County Board of County Commissioners. The petition for waiver was received by the SFWMD on February 16, 2001. Notice of receipt of the Petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 27, No. 11 on March 16, 2001. No public comment was received. This Order provides a waiver for existing unauthorized signal poles to remain within the west right of way of C-42 at the southwest and northwest quadrants of the

existing Broward Boulevard Culvert Bridge. Specifically, the Order grants a waiver from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which governs the placement of permanent or semi-permanent above-ground encroachments within the District's 100' long staging areas within Works of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent the Broward County Board of County Commissioners from suffering a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6299 or by e-mail: jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2001-53 DAO-ROW), dated April 12, 2001 to the Tri-Rail Commuter Rail Authority on behalf of the Florida Department of Transportation. The petition for waiver was received by the SFWMD on December 27, 2000. Notice of receipt of the Petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 27, No. 4 on January 26, 2001. No public comment was received. This Order provides a waiver for the existing construction of dual Tri-Rail bridges crossing C-16 immediately west of I-95 in conjunction with the Tri-Rail Corridor Double Track Project. Specifically, the Order grants a waiver from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which requires a minimum 25-foot horizontal center span for pile-supported structures located within Works of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent the Tri-Rail Commuter Rail Authority from suffering a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6299 or by e-mail: jsluth@sfwmd.gov.

NOTICE IS HERBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2001-54 DAO-ROW), dated April 12, 2001 to the Tri-Rail Commuter Rail Authority on behalf of the Florida Department of Transportation. The petition for waiver was received by the SFWMD on December 27, 2000. Notice of receipt of the Petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 27, No. 4 on January 26, 2001. No public comment was received. This Order provides a waiver for the existing construction of dual Tri-Rail bridges crossing C-12 immediately west of I-95 in conjunction with the Tri-Rail Corridor Double Track Project. Specifically, the Order grants a waiver from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which requires a minimum 25-foot horizontal center span for pile-supported structures located within Works of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent the Tri-Rail Commuter Rail Authority from suffering a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6299 or by e-mail: jsluth@sfwmd.gov.

NOTICE IS HERBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2001-55 DAO-ROW), dated April 12, 2001 to the Tri-Rail Commuter Rail Authority on behalf of the Florida Department of Transportation. The petition for waiver was received by the SFWMD on December 27, 2000. Notice of receipt of the Petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 27, No. 4 on January 26, 2001. No public comment was received. This Order provides a waiver for the existing construction of dual Tri-Rail bridges crossing C-10 Spur Canal immediately west of I-95 in conjunction with the Tri-Rail Corridor Double Track Project. Specifically, the Order grants a waiver from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review

for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which requires a minimum 25-foot horizontal center span for pile-supported structures located within Works of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent the Tri-Rail Commuter Rail Authority from suffering a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6299 or by e-mail: jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2001-56 DAO-ROW), dated April 12, 2001 to Tri-County Commuter Rail Authority on behalf of the Florida Department of Transportation. The petition for waiver was received by the SFWMD on December 27, 2000. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 27, No. 4 on January 26, 2001. No public comment was received. This Order provides a waiver for the existing construction of dual Tri-Rail bridges crossing C-51 immediately west of I-95 in conjunction with the Tri-Rail Corridor Double Track Project. Specifically, the Order grants a waiver from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which requires a minimum 29-foot horizontal center span for pile-supported structures located within Works of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent the Tri-County Commuter Rail Authority from suffering a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6299 or by e-mail: jsluth@sfwmd.gov.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE IS HEREBY GIVEN that on April 18, 2001, the Florida Department of Environmental Protection received a petition from Holiday Showplace, Inc., seeking a permanent waiver from the provisions of Rules 62-781.900(1) and 62-781.200, F.A.C., which require that a completed Drycleaning Solvent Program Application be signed by the owner, operator and real property owner. The petition has been assigned OGC case number 00-0664 and is for Milaur Cleaners Corp. d/b/a Holiday Plaza French Cleaners, 9147 Taft Street, Pembroke Pines, FL, DEP Facility Number 069801158.

Copies may be received from, and written comments submitted to: Jason Hand, Department of Environmental Protection, Office of General Counsel, MS 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.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on April 10, 2001, a petition from American Environmental of Broward, Inc., seeking a variance under Section 120.542 of the Florida Statutes from the prohibition from a zone of discharge under Rule 62-522.300(3), Florida Administrative Code, for the use of BioSolve to clean up sites that are contaminated with petroleum. The petition has been assigned OGC File No.: 01-0611.

Copies may be received from, and written comments submitted to: Department of Environmental Protection, Underground Injection Control Section, Mail Station 3530, 2600 Blair Stone Road, Twin Towers Office Building, Tallahassee, Florida 32399-2400, Attn: Cathy McCarty. Comments must be received no later than 14 days from the date of publication of this notice.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on April 11, 2001, a petition from the City of Orlando seeking a temporary waiver of Sections 62D-5.059(2) and (3), and 62D-5.056(2)(b), F.A.C., to enable the City to have exclusive use during school hours of portions of an outdoor playground, funded with Florida Recreation Development Assistance Program grant money, at the John H. Jackson Center in Orlando for a charter school for 1-2 years. The petition has been assigned OGC case number 01-0624-48-OT.

Copies of the petition may be received from and written comments submitted to: Suzanne Brantley, Esquire, Office of General Counsel, Department of Environmental Protection, Mail Station 35, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000. Comments must be received no later than 14 days from the date of publication of this notice.

DEPARTMENT OF HEALTH

The Board of Psychology hereby gives notice that it has received a petition, filed on April 16, 2001, by Randolph W. Parks, Ph.D., seeking a waiver of Rule 64B19-11.005(1)(d), which requires that post-doctoral supervised experience be supervised either by a licensed Florida psychologist or by a psychologist licensed in another state providing supervision in that state. Written comments on this petition should be filed with Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, FL 32399-3255, within 14 days of publication of this notice.

For a copy of the petition, contact: Kay Howerton, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3255.

The Board of Psychology hereby gives notice that it has received a petition, filed on April 16, 2001, by Brett K. Sparks, Ph.D., seeking a waiver of Rule 64B19-11.005(1)(d), which requires that post-doctoral supervised experience be supervised either by a licensed Florida psychologist or by a psychologist licensed in another state providing supervision in that state. Written comments on this petition should be filed with Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, FL 32399-3255, within 14 days of publication of this notice.

For a copy of the petition, contact: Kay Howerton, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3255.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Department of State, Division of Historical Resources** announces the Florida National Register Review Board meeting to which all interested persons are invited.

DATE AND TIME: Friday, May 25, 2001, 9:00 a.m.

PLACE: R. A. Gray Building, 3rd Floor, South, Room 307, Tallahassee, Florida

PURPOSE: Review of National Register Nomination Proposals.

A copy of the agenda may be obtained by writing: 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 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.

DEPARTMENT OF LEGAL AFFAIRS

The Executive Committee of the **Florida Commission on the Status of Women** will hold a conference call to which all interested persons are invited.

DATE AND TIME: May 25, 2001, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

PURPOSE: To discuss general issues.

If you need an accommodation because of a disability in order to participate, please notify FCSW in writing at least five days in advance at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The Annual Report Committee of the **Florida Commission on the Status of Women** will hold a conference call to which all interested persons are invited.

DATE AND TIME: May 30, 2001, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

PURPOSE: To discuss general issues.

If you need an accommodation because of a disability in order to participate, please notify FCSW in writing at least five days in advance at the 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 conference call to which all interested persons are invited.

DATE AND TIME: May 30, 2001, 1:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation

PURPOSE: To discuss general issues.

If you need an accommodation because of a disability in order to participate, please notify FCSW in writing at least five days in advance at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The Finance and Budget Committee of the **Florida Commission on the Status of Women** will hold a conference call to which all interested persons are invited.

DATE AND TIME: May 30, 2001, 3:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation

PURPOSE: To discuss general issues.

If you need an accommodation because of a disability in order to participate, please notify FCSW in writing at least five days in advance at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

DEPARTMENT OF INSURANCE

The **Department of Insurance, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: May 22, 2001, 9:00 a.m.

PLACE: Holiday Inn Express, 3025 N. Rocky Point Drive, Tampa, FL 33607, (813)287-8585

PURPOSE: Regular business meeting of the Florida Fire Safety Board.

A copy of the agenda may be obtained by writing: Division of State Fire Marshal, Bureau of Fire Prevention, Regulatory Licensing Section, 200 East Gaines Street, Tallahassee, FL 32399-0342.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a public meeting of the Commissioner's Agricultural Water Policy Group Meeting to which all persons are invited.

DATE AND TIME: Tuesday, May 15, 2001, 9:30 a.m.

PLACE: Florida Fruit and Vegetable Association, Board Room, 4401 East Colonial Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items for discussion includes the Department of Environmental Protection and Water Management Districts water programs, and including updates on ongoing projects.

A copy of the agenda or directions may be obtained by contacting: Bill Bartnick, 1203 Governor Square Blvd., Suite 200, Mail Stop #GS-50, Tallahassee, FL 32399-1650, (850)414-1065.

The **Florida State Fair Authority** announces a meeting of the Finance Committee, Long Range Planning Committee and Marketing Committee to which all interested persons are invited.

DATE AND TIME: Thursday, May 31, 2001, 11:00 a.m.

PLACE: Bob Thomas Equestrian Center-Horse Pavilion, Florida State Fairgrounds, Tampa, Florida 33610

PURPOSE: To discuss old and new business of the Finance, Long Range Planning And Marketing Committees.

AGENDA: A copy of the agendas may be obtained by contacting: Ms. Ann Menchen, Florida State Fairgrounds, P. O. Box 11766, Tampa, Florida 33680.

If special accommodations are needed to attend this meeting because of a disability, please contact Ms. Ann Menchen, (813)621-7821, as soon as possible.

The **Florida State Fair Authority** announces a meeting of the Full Authority to which all persons are invited.

DATE AND TIME: Thursday, May 31, 2001, 1:00 p.m.

PLACE: Bob Thomas Equestrian Center-Horse Pavilion, Florida State Fairgrounds, Tampa, Florida 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and new business; Approval of fiscal year 2001-2002 budget; Presentation by International Racing Associates, Inc.

AGENDA: A copy of the agenda may be obtained by contacting: Ms. Ann Menchen, Florida State Fairgrounds, P. O. Box 11766, Tampa, Florida 33680.

If special accommodations are needed to attend this meeting because of a disability, please contact Ms. Ann Menchen, (813)621-7821, as soon as possible.

DEPARTMENT OF EDUCATION

The Florida **Department of Education** (DOE) announces a meeting of the Partnership for School Safety and Security to which all persons are invited.

DATE AND TIME: June 1, 2001, 8:00 a.m. – 5:30 p.m.

PLACE: The Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida 32819-8114

PURPOSE: Meeting of the Partnership for School Safety and Security Members, appointed by Governor Jeb Bush in October, 2000.

Additional information may be obtained by writing: Department of Education, Office of Safe Schools, 325 West Gaines Street, Room 301, Tallahassee, Florida 32399 or by telephoning Neisa Logman, (850)410-1667.

The Partnership for School Safety and Security welcomes participation from any interested members of the public.

Any persons requiring special accommodation at this meeting because of a disability or physical impairment should contact Neisa Logman, Office of Safe Schools, (850)410-1667, at least five calendar days prior to the meeting.

The State of Florida, **Education Practices Commission** announces a Teacher Hearing Panel, an Administrator Hearing Panel and a General Business Meeting to which all persons are invited.

DATES AND TIMES: General Business Meeting, June 7, 2001, 1:00 p.m., Administrator Hearing Panel immediately following; Teacher Hearing Panel, June 8, 2001, 8:30 a.m. or as soon thereafter as can be heard

PLACE: The Sheraton Suites Tampa Airport, 4400 West Cypress Street, Tampa, Florida 33607, (813)873-8675

PURPOSE: The General Business Meeting will consist of discussion of issues related to the processes involved in considering final agency action for teachers and administrators. Teacher and Administrator Hearing Panels of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

Additional information may be obtained by writing: Education Practices Commission, 325 W. Gaines Street, Room 224-E, Turlington Building, Tallahassee, Florida 32399-0400.

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.

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 **State Board of Nonpublic Career Education** announces a public meeting to which all persons are invited.

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

PLACE: Ramada Inn Gulfview, 521 South Gulfview Boulevard, Clearwater Beach, Florida 33767

PURPOSE: Consider licenses for appropriate schools, cases for licensure as specified in the agenda, consideration of changes on Board rules and regulations, and other general Board business.

A copy of the agenda may be obtained by writing: State Board of Nonpublic Career Education, Department of Education, 2600 Apalachee Parkway, Tallahassee, Florida 32301.

Any person who decides to appeal a decision of the Board with respect to any matter considered at this meeting or hearing may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

The **Department of Education** announces a series of public meetings of the Occupational Access and Opportunity Commission and the Florida Rehabilitation Council to which all persons are invited and to which all interested individuals are encouraged to attend.

DATE AND TIME: June 12, 2001, TBA

PLACE: Pensacola, Florida

DATE AND TIME: June 13, 2001, TBA

PLACE: Tampa, Florida

DATE AND TIME: June 14, 2001, TBA

PLACE: Palm Beach Gardens, Florida

PURPOSE: The Occupational Access and Opportunity Commission and the Florida Rehabilitation Council are requesting public comments on the attachments to the State Plan.

Facility Locations and Times to be announced

Please note that the following accommodations will be provided: American Sign Language Interpreters, Assistive Listening Devices, Real-Time Captioning, Large Print and Braille materials.

In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in the meeting should contact V. Virginia Rhoden, (850)488-0059, Ext. 207, seven days before the meeting.

The **Florida Rehabilitation Council** announces the following meeting to which all interested persons are invited.

MEETING: Florida Rehabilitation Council Conference Calls Coordinating Committee and Planning Committee

DATES AND TIMES: May 16, 2001; May 23, 2001, 9:00 a.m. – 10:00 a.m. and 10:00 a.m. – 11:00 a.m.

PLACE: VR Headquarters

PURPOSE: To conduct conference calls for both the Coordinating and Planning Committees of the Council.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation 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 Shawnee T. Sumpter at the Council address.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old St. 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, Shawnee Sumpter, Extension 128.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the 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 of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission** announces the following meetings to which all persons are invited.

PLACE: World Golf Village Renaissance Resort, 500 South Legacy Trail, St. Augustine, Florida, (904)940-8000

Meeting of the Manufactured/Prototype Buildings Ad Hoc Committee; Meeting of the Rules of Procedure Ad Hoc Committee.

DATE AND TIME: May 16, 2001, 1:00 p.m.

Meeting of the Energy Technical Advisory Committee; Meeting of the Special Occupancy Technical Advisory Committee; Meeting of the Education Training System Ad Hoc Committee; Meeting of the Product Approval Ad Hoc Committee; Meeting of the Accessibility Technical Advisory Committee.

DATE AND TIME: May 17, 2001, 8:00 a.m.

Meeting of the Accessibility Advisory Council.

DATE AND TIME: May 17, 2001, 10:00 a.m.

PURPOSE: The purpose is to consider applications for waiver from accessibility requirements: Office of Ralph Choeff, 17850 West Dixie Highway, North Miami Beach; Flamingo Park of Commerce, 12002 Miramar Parkway, Miramar; Ed Tillman Auto Sales, 60 East 22nd Street, Jacksonville, Sun Center East, 101 S. E. 2nd Place, Gainesville; and 249 West University Avenue, Gainesville; Copier Depot, 2521 N. W. 74th Avenue, Miami.

Meeting of the Florida Building Commission.

DATE AND TIME: May 18, 2001, 8:00 a.m.

PURPOSE: To review and take necessary actions on the April 2001 Commission meeting minutes, the May 2001 Commission agenda and the Commission's work plan; to receive public comment; to update on legislative session key issues; consideration of accessibility waiver applications received: Office of Ralph Choeff, 17850 West Dixie Highway, North Miami Beach; Flamingo Park of Commerce, 12002 Miramar Parkway, Miramar; Ed Tillman Auto Sales, 60 East 22nd Street, Jacksonville, Sun Center East, 101 S. E. 2nd Place, Gainesville and 249 West University Avenue, Gainesville; Copier Depot, 2521 N. W. 74th Avenue, Miami; Education Ad Hoc Report and Recommendations; Product Approval Ad Hoc Report and Recommendations; Rules of Procedure Ad Hoc Report; Manufactured/Prototype Buildings Ad Hoc Report and Recommendations; Accessibility Technical Advisory Committee Report and Recommendations; Special Occupancy Technical Advisory Committee Report and Recommendations; Energy Technical Advisory Committee Report and Recommendations; legal staff report.

Public workshop on the status of the Florida Building Code.

DATE AND TIME: May 18, 2001, 2:00 p.m.

A copy of the Committee and Commission meeting agendas may be obtained by sending a request in writing: Betty Stevens, Building Codes and Standards Office, Division of

Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436 or viewing the Commission's web site at www.dca.state.fl.us/fhcd/fbc.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Betty Stevens, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. 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 LAW ENFORCEMENT

The **Criminal Justice Professionalism Program** announces an Executive Planning Committee (EPC) Conference Call to review and discuss issues relating to the training and certification of criminal justice officers. All parties are invited to participate.

MEETING: Executive Planning Committee (EPC) Conference Call.

DATE AND TIME: Thursday, May 17, 2001, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Conference Room B10552331 Phillips Road, Tallahassee, Florida 32308 (Please call (850)921-2470 or Suncom 291-2470 to participate in the telephone conference)

PURPOSE: The Executive Planning Committee will be reviewing and discussing issues relating to the training and certification of criminal justice officers.

EPC MEETING AGENDA: A copy of the EPC agenda may be obtained by contacting: Jay Preston, Research and Training Specialist, (850)410-8658 or via e-mail: jaypreston@fdle.state.fl.us. If you wish to write the Commission for a copy of this issue, please write: Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Research and Training Specialist, Jay Preston.

SPECIAL ACCOMMODATIONS: Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact Jay Preston, (850)410-8658, at least two (2) weeks prior to the meeting.

DEPARTMENT OF TRANSPORTATION

The **Florida Scenic Highways Advisory Committee** announces a meeting to which all persons are invited.

DATE AND TIME: Tuesday, May 15, 2001, 1:00 p.m. – 4:00 p.m.

PLACE: Rhyne Building, Room 330, 2740 Centerview Drive, Tallahassee, Florida

PURPOSE: The purpose of the meeting is to discuss the Corridor Management Plans and make recommendations for possible designation of the following corridors as Florida Scenic Highways: US 1 Overseas Heritage Trail, US 441 Old Florida Heritage Highway, A1A River and Sea Trail and A1A Ocean Shore Boulevard.

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 or e-mail buddy.cunill@dot.state.fl.us or Fax (850)922-7217.

The **Florida Scenic Highways Advisory Committee** announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, May 17, 2001, 9:00 p.m. – 12:00 Noon

PLACE: Rhyne Building, Room 330, 2740 Centerview Drive, Tallahassee, Florida

PURPOSE: The purpose of the meeting is to discuss and prioritize the Year 2002 National Scenic Byways grant applications and recommend agency approval and submission to the National Scenic Byways Program.

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 or e-mail buddy.cunill@dot.state.fl.us or Fax (850)922-7217.

The **Department of Transportation** announces rule development workshops for Part II (Rule 14-40.020, Grant Procedure and Rule 14-40.021, Projects) which was published in Florida Administrative Weekly, Vol. 27, No. 13, March 30, 2001; Part I (Rule 14-40.003, Highway Landscape Projects) and Part III (Rule 14-40.030, Application and Permit Issuance) which were published in Florida Administrative Weekly, Vol. 27, No. 16, April 20, 2001.

The schedule of rule development workshops is as follows:

DATE AND TIME: May 24, 2001, 1:30 p.m.

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

PURPOSE: Part I (Rule 14-40.003):

DATE AND TIME: May 24, 2001, 2:30 p.m.

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

PURPOSE: Part II (Rules 14-40.020 and 14-40.021):

DATE AND TIME: May 24, 2001, 3:30 p.m.

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

PURPOSE: Part III (Rule 14-40.030):

These rule development workshops will be conducted to cover the subject of each of the three parts of the amendment to Rule Chapter 14-40. Part I covers General Provisions. Part II covers the Florida Highway Beautification Council Grants. Part III covers Vegetation Management at Outdoor Advertising Signs.

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the Florida **State Board of Administration** (FSBA) of meetings of the Florida State Board of Administration regarding the Intent to Procure for institutional investment product providers for the Public Employee Optional Retirement Program to which all persons are invited.

DATE AND TIME: Monday, May 14, 2001, 7:30 a.m. – conclusion

PLACE: The Hermitage Centre, Emerald Coast Room, 1801 Hermitage Blvd., Tallahassee, Florida

PURPOSE: This meeting will be oral interviews and scoring for candidates for institutional product providers for the Public Employee Optional Retirement Program (PEORP) and will also include discussions of other PEORP implementation issues.

DATES AND TIME: Wednesday, May 16, 2001 through Friday, May 18, 2001, 7:30 a.m. – conclusion

PLACE: The Hermitage Centre, Emerald Coast Room, 1801 Hermitage Blvd., Tallahassee, Florida

PURPOSE: These meetings will be oral interviews and scoring for candidates for institutional product providers for the Public Employee Optional Retirement Program (PEORP) and will also include discussions of other PEORP implementation issues.

Anyone wishing further information should contact: Joan Lazar, Defined Contribution Program, P. O. Drawer 13300, Tallahassee, FL 32317-3300 or by e-mail at: lazar_joan@fsba.state.fl.us.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend these meetings is requested to call Joan Lazar, (850)413-1492, five days prior to the meeting so that appropriate arrangements can be made.

NOTICE IS HEREBY GIVEN by the Florida **State Board of Administration** (FSBA) announces a meeting of the Florida State Board of Administration regarding the Intent to Procure for institutional investment product providers for the Public Employee Optional Retirement Program to which all persons are invited.

DATE AND TIME: Saturday, May 19, 2001, 8:00 a.m. – conclusion

PLACE: The Hermitage Centre, Hermitage Room, 1801 Hermitage Blvd., Tallahassee, Florida

PURPOSE: This meeting will be oral interviews and scoring for candidates for institutional product providers for the Public Employee Optional Retirement Program (PEORP) and will also include discussions of other PEORP implementation issues.

Anyone wishing further information should contact: Joan Lazar, Defined Contribution Program, P. O. Drawer 13300, Tallahassee, FL 32317-3300 or by e-mail at: lazar_joan@fsba.state.fl.us.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend these meetings is requested to call Joan Lazar, (850)413-1492, five days prior to the meeting so that appropriate arrangements can be made.

NOTICE IS HEREBY GIVEN by the Florida **State Board of Administration** (FSBA) of meetings of the Florida State Board of Administration regarding the Intent to Procure for institutional investment product providers for the Public Employee Optional Retirement Program to which all persons are invited.

DATES AND TIME: Monday, May 21, 2001 through Wednesday, May 23, 2001, 7:30 a.m. – conclusion

PLACE: The Hermitage Centre, Emerald Coast Room, 1801 Hermitage Blvd., Tallahassee, Florida

PURPOSE: These meetings will be oral interviews and scoring for candidates for institutional product providers for the Public Employee Optional Retirement Program (PEORP) and will also include discussions of other PEORP implementation issues.

Anyone wishing further information should contact: Joan Lazar, Defined Contribution Program, P. O. Drawer 13300, Tallahassee, FL 32317-3300 or by e-mail at: lazar_joan@fsba.state.fl.us.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend these meetings is requested to call Joan Lazar, (850)413-1492, five days prior to the meeting so that appropriate arrangements can be made.

NOTICE IS HEREBY GIVEN by the Florida **State Board of Administration** (FSBA) of a meeting of the Investment Advisory Council (IAC) to which all persons are invited.

DATE AND TIME: Friday, June 1, 2001, 9:00 a.m. – 11:30 a.m.

PLACE: The Hermitage Centre, Hermitage Room, 1801 Hermitage Blvd., Tallahassee, Florida

PURPOSE: This is a business meeting of the Investment Advisory Council (IAC). The IAC will discuss the quarterly economic outlook; the Executive Director's review of current FSBA status; the FSBA's proposed budget; a legislative

update; a presentation by one of the equity classes; and other issues relating to the Florida Retirement System and the investments of the FSBA.

Anyone wishing further information should contact: Cheryl Creel, P. O. Drawer 13300, Tallahassee, FL 32317-3300 or via e-mail at: creel_cheryl@fsba.state.fl.us.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend the meeting is requested to call Cheryl Creel, (850)413-1248, five days prior to the meeting so that appropriate arrangements can be made.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 16, 2001, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blairstone Road, Bldg. C, Third Floor, Tallahassee, Florida

PURPOSE: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

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 workshop to which all persons are invited.

UNDOCKETED – HEDGING AND PORTFOLIO MANAGEMENT WORKSHOP

DATE AND TIME: Monday, May 14, 2001, 1:30 p.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, Florida 32399-0850

PURPOSE: The purpose of this workshop is to allow presentations concerning current practices and trends in the procurement of fuel for electric generation and end-use applications.

A copy of the agenda for this workshop may be obtained by writing: Director, Division of Records and Reporting, Gerald L. Gunter Building, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

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

The Florida **Public Service Commission** announces customer service hearings in the following docket, to which all interested persons are invited.

Docket No. 000604-TL – Request for review of proposed numbering plan relief for the 941 area code.

DATE AND TIME: May 23, 2001, 12:00 Noon

PLACE: Manatee County Department of Agriculture, Rogers Auditorium, 1303 17th Street, West, Palmetto, Florida

DATE AND TIME: May 23, 2001, 6:00 p.m.

PLACE: Terrace Building, Room 1001, 10th Floor, 101 S. Washington Blvd., Sarasota, Florida

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

PLACE: Tringali Park Community Center, Unit No. 1, 3460 South McCall Road, Englewood, Florida

DATE AND TIME: May 24, 2001, 12:00 Noon

PLACE: Port Charlotte Beach Complex, 4500 Harbor Blvd., Port Charlotte, Florida

DATE AND TIME: May 24, 2001, 6:00 p.m.

PLACE: Collier County Commissioners' Board Room, 3301 East Tamiami Trail, Naples, Florida

DATE AND TIME: May 25, 2001, 12:00 Noon

PLACE: Ft. Myers City Council Chambers, 2200 2nd Street, Ft. Myers, Florida

These hearings will begin as scheduled and will continue until all witnesses have been heard. If no witnesses are present, the hearing may be adjourned. All persons desiring to present testimony are urged to appear at the beginning of the hearing.

PURPOSE: To permit members of the public to give testimony regarding the request for review of proposed numbering plan relief for the 941 area code. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

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

EXECUTIVE OFFICE OF THE GOVERNOR

The Florida Partnership for School Readiness, **Executive Office of the Governor** announces the following public meeting to which all persons are invited.

DATE AND TIME: May 22, 2001, 10:00 a.m. – 5:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Partnership for School Readiness, local school readiness coalition plans and contracts.

A copy of the agenda may be obtained by contacting: Curlis Knowles or Vikki Griffin, Florida Partnership for School Readiness, Executive Office of the Governor, Room 251, Holland Building, Tallahassee, Florida 32399, (850)488-0337.

The Florida Partnership for School Readiness, **Executive Office of the Governor** announces the following public meeting to which all persons are invited.

DATE AND TIME: May 22, 2001, 5:00 p.m. – 8:00 p.m.

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

DATE AND TIME: May 23, 2001, 2:00 p.m. – 5:00 p.m.

PLACE: Ramada Inn, 1-10 and Monroe, Tallahassee, FL

DATE AND TIME: May 25, 2001, 2:00 p.m. – 5:00 p.m.

PLACE: Family Central, 840 S. W. 81st Avenue, North Lauderdale, FL 33068

GENERAL SUBJECT MATTER TO BE CONSIDERED: State of Florida plan for the federal Child Care and Development Fund Block Grant (for early care and education).

A copy of the agenda may be obtained by contacting: Diane Hutcherson, Florida Partnership for School Readiness, Room 251, Holland Building, Tallahassee, Florida 32399, (850)488-0337.

The **Florida Black Business Support Corporation** announces teleconference meetings of its board of directors, loan and transition committees to which all interested persons are invited.

DATES AND TIME: May 16, 2001; May, 25, 2001, 9:00 a.m.

PLACE: (850)921-5230

PURPOSE: To plan and discuss the Board's business plan to identify areas for future Board priorities, loan committee discussion/review/approval of loan related issues, transition committee discussion and approve actions taken by the Chairman under delegated authority.

A copy of the agenda may be obtained by contacting: The Florida Black Business Support Corporation, 1713 S. Gadsden Street, Tallahassee, FL 32301, (850)487-4850.

If a person decides to take an appeal with respect to any matter considered at this meeting, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability in order to attend this meeting, please notify the FBBSC office, (850)487-4850, at least seven (7) days prior to the meeting.

The **Executive Office of the Governor** announces teleconference meetings of the Florida Black Business Investment Board, its loan and transition committees to which all interested persons are invited.

DATES AND TIME: May 16, 2001; May 25, 2001, 9:00 a.m.

PLACE: (850)921-5230

PURPOSE: To further discuss the Board's business plan to identify areas for future Board priorities, loan committee discussion/review/approval of loan related issues, transition committee discussion and approve actions taken by the Chairman under delegated authority.

A copy of the agenda may be obtained by contacting: The Florida Black Business Investment Board, 1711 South Gadsden Street, Tallahassee, FL 32301, (850)487-4850.

If a person decides to take an appeal with respect to any matter considered at these meetings, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability in order to attend these meetings, please notify the FBBIB office, (850)487-4850, at least seven (7) days prior to the meetings. If you are hearing or speech impaired, please contact the Office of the Governor, by using the Citizen Service Office at (850)488-4441.

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: North Central Florida Local Emergency Planning Committee

DATE AND TIME: May 18, 2001, 10:00 a.m.

PLACE: Poe Springs Park, 2880 N. W. 182nd Avenue (C.R. 340), High Springs, Florida

PURPOSE: To conduct the regular business of the North Central Florida Local Emergency Planning Committee. A strategic planning session will follow the meeting.

MEETING: North Central Florida Regional Hazardous Materials Response Team

DATE AND TIME: May 21, 2001, 1:30 p.m.

PLACE: North Central Florida Regional Planning Council Office, 2009 N. W. 67th Place, Gainesville, Florida

PURPOSE: To conduct the regular business of the Regional Hazardous Materials Response Team.

Any persons deciding to appeal any decision of the Committee with respect to any matter considered at the meeting may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by contacting: Charles F. Justice, Executive Director, North Central Florida Regional Planning Council, 2009 N. W. 67th Place, Suite A, Gainesville, FL 32653.

Persons with disabilities who need assistance may contact us at (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **Withlacoochee Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 17, 2001, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **Central Florida Regional Planning Council** announces a public meeting of the Hardee County Transportation Disadvantaged Local Coordinating Board to which all persons are invited.

DATE AND TIME: Wednesday, May 23, 2001, 9:00 a.m.

PLACE: Hardee County Public Health Department, 115 KD Revell Road, Wauchula, Florida

PURPOSE: Regular LCB Meeting.

To receive information regarding the agenda or if there are any questions contact Marcia Staszko, (863)534-7130, Ext. 103.

In accordance with the American with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the date given on the notice.

The **Central Florida Regional Planning Council** announces a public meeting of the Highlands County Transportation Disadvantaged Local Coordinating Board to which all persons are invited.

DATE AND TIME: Wednesday, May 23, 2001, 1:30 p.m.

PLACE: Highlands County Agri-Civic Center, 4509 West George Boulevard, Sebring, Florida

PURPOSE: Regular LCB Meeting.

To receive information regarding the agenda or if there are any questions contact Marcia Staszko, (863)534-7130, Ext. 103.

In accordance with the American with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the date given on the notice.

The **Central Florida Regional Planning Council** announces a District 7, Local Emergency Planning Committee Exercise to which all persons are invited.

DATE AND TIME: Thursday, May 24, 2001, 8:00 a.m.

PLACE: Fireman's Field at Sebring High School, 755 Magnolia, Sebring, Florida 33870

PURPOSE: To Test the LEPC Plan.

For more information concerning the exercise, contact: Burt McKee, Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831, (863)534-7130, Ext. 104.

If any person desires to appeal any decision with respect to any matter considered at the above cited event, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Central Florida Regional Planning Council** announces a public meeting of the Okeechobee County Transportation Disadvantaged Local Coordinating Board, to which all persons are invited.

DATE AND TIME: Friday, May 25, 2001, 10:00 a.m.

PLACE: 1728 N. W. 9th Avenue, Okeechobee, Florida

PURPOSE: Regular LCB Meeting.

To receive information regarding the agenda or if there are any questions contact Marcia Staszko, (863)534-7130, Ext. 103.

In accordance with the American with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the date given on the notice.

The **Southwest Florida Regional Planning Council** announces a public hearing to which all persons are invited.

DATE AND TIME: May 17, 2001, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council, Conference Room, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33917

PURPOSE: Regular meeting of the Regional Planning Council.

All Council Subcommittee meetings will immediately follow the Council meeting.

A copy of the proposed agenda may be obtained by writing: Mr. Wayne E. Daltry, Executive Director, Southwest Florida Regional Planning Council, Post Office Box 3455, North Fort Myers, FL 33918-3455.

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 will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring special accommodation due to disability or physical impairment should contact Mr. Wayne Daltry, (941)656-7720, at least five calendar days prior to the meeting. Persons who are hearing impaired should contact Mr. Daltry using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Region IX, **Local Emergency Planning Committee** (LEPC) announces a public meeting to which all persons are invited.

DATE AND TIME: May 24, 2001, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33917

PURPOSE: 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**, Training Technical Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 16, 2001, 9:00 a.m. – 10:00 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021

PURPOSE: To implement FY 2000-01 USDOT HMEP Training Grant by reviewing training courses conducted and requested and the FY 2000-01 planning project.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Blvd., Suite 140, Hollywood, FL 33021 or by calling (954)985-4416 in Broward, Suncom 473-4416 and 1(800)985-4416 for area codes 305, 561 and 407.

The **Treasure Coast Regional Planning Council** announces a meeting of the Council's Comprehensive Economic Development Strategy Committee to which all persons are invited.

DATE AND TIME: May 10, 2001, 2:00 p.m.

PLACE: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Treasure Coast Regional Planning Council Comprehensive Economic Development Strategy Committee.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he will need a record of proceedings, and that, for such purpose, he 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.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: May 18, 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 will need a record of proceedings, and that, for such purpose, he 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.

The **Treasure Coast Regional Planning Council** announces a meeting of the Council's Budget/Personnel Committee to which all persons are invited.

DATE AND TIME: May 18, 2001, immediately following the Council meeting

PLACE: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Council's Budget/Personnel Committee.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he will need a record of proceedings, and that, for such purpose, he 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.

The **Treasure Coast Regional Planning Council** announces the following public meeting.

DATE AND TIME: May 18, 2001, immediately following the Council meeting

PLACE: Howard Johnson's Motor Lodge, 950 U.S. Highway One, Stuart, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Treasure Coast Planning Council Energy Committee.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he will need a record of proceedings, and that, for such purpose, he 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.

The Florida District X, **Local Emergency Planning Committee** announces the following meeting to which all persons are invited.

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

PLACE: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District X Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Florida District X, LEPC with respect to any matter considered at such meeting or hearing, he will need a record of proceedings, and that, for such purpose, he 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.

REGIONAL TRANSPORTATION AUTHORITIES

The **Hillsborough Area Regional Transit Authority (HART)** announces the following public meetings of the Governing Board of the Authority to which all persons are invited.

Public Hearing

DATE AND TIME: May 7, 2001, 8:30 a.m.

PLACE: Hillsborough Area Regional Transit Authority (HART), 601 E. Kennedy Boulevard, 18th Floor, Tampa, FL

PURPOSE: Regularly Scheduled Board Meeting.

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to order
2. Approval of Minutes
3. Introductions, Recognition and Awards
4. Consumer Advisory Committee Report
5. Public Comment on Action Items
6. Consent Action Items
7. Other Action Items
8. Chairman's Report
9. Reports from HART Representatives
10. HART Committee Reports
11. Other Board Member's Report
12. Executive Director's Report
13. Employee Comment
14. General Public Comment
15. Discussion and Presentations
16. Monthly Information Reports
17. Other Information Items
18. Other Business

A copy of the detailed agenda may be obtained by contacting: Mary Staples, Administrative Assistant II, Hillsborough Area Regional Transit Authority, 201 E. Kennedy Boulevard, Suite 1600, Tampa, FL 33602, (813)223-6831.

Section 286.0105, Florida Statutes, states that if a person decided to appeal any decision made by a board, agency or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Joe DeHoyos, (813)623-5835, at least 48 hours before the meeting. If the caller is hearing impaired, contact the Authority, (813)626-9158 (TTD).

METROPOLITAN PLANNING ORGANIZATIONS

The **Metropolitan Planning Organization for the Orlando Urban Area** announces the following public meeting of its Governing Board to which all persons are invited.

DATE AND TIME: Wednesday, May 9, 2001, 9:00 a.m.

PLACE: Metroplan Orlando Boardroom, 315 East Robinson Street, Suite 355, Orlando, FL 32801

PURPOSE: Regularly Scheduled Board Meeting.

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to Order
2. Agenda Review
3. Approval of Minutes

4. Consent Items
5. Action Items
6. Presentations, if any
7. Other Business
8. Chairman's Report
9. Executive Director's Report
10. Legislative Report

A copy of the detailed agenda may be obtained by contacting: Virginia Lewis-Whittington, Manager of Board Services, Metroplan Orlando, 315 East Robinson Street, Suite 355, Orlando, FL 32801, (407)481-5672, Extension 314.

Section 286.0105, Florida Statutes, states that if a person decides to appeal any decision made by a board, agency or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Metroplan Orlando, (407)481-5672, at least 48 hours before the meeting.

WATER MANAGEMENT DISTRICTS

The **Southwest Florida Water Management District** announces a public meeting.

DATE AND TIME: May 10, 2001, 9:00 a.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, FL 33637-6759

GENERAL SUBJECT MATTER TO BE CONSIDERED: The District is scheduled to develop minimum flows for the Alafia River by the end of 2001. The purpose of the meeting is to identify issues of concern with regard to the establishment of minimum flows for the Alafia River, seek stakeholder participation in formulating clearly defined goal(s) on which minimum flows might be based, and solicit information and identify data that stakeholders feel may be relevant to the establishment of minimum flows for the water body.

A copy of the agenda may be obtained by contacting: Martin H. Kelly, Manager Ecologic Evaluation Section, Resource Conservation and Development Department, 2379 Broad Street, Brooksville, Florida 34604-6899, (352)796-7211, Extension 4235.

Two or more Governing Board members may attend this meeting.

The Southwest Florida Water Management District does not discriminate on the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided for in the American's With Disabilities Act should contact Dianne

Lee, (352)796-7211 or 1(800)423-1476, Extension 4658, TDD only number 1(800)231-6103, Fax number (352)754-6878, Suncom 663-6878.

The **Southwest Florida Water Management District** announces a public meeting to which all interested persons are invited.

DATE AND TIME: May 15, 2001, 9:00 a.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, FL 33637-6759

GENERAL SUBJECT MATTER TO BE CONSIDERED: The District is scheduled to develop minimum flows for the Tampa Bypass Canal by the end of 2001. The purpose of the meeting is to identify issues of concern with regard to the establishment of minimum flows for the Tampa Bypass Canal, seek stakeholder participation in formulating clearly defined goal(s) on which minimum flows might be based and solicit information and identify data that stakeholders feel may be relevant to the establishment of minimum flows for the water body.

A copy of the agenda may be obtained by contacting: Martin H. Kelly, Manager Ecologic Evaluation Section, Resource Conservation and Development Department, 2379 Broad Street, Brooksville, Florida 34604-6899, (352)796-7211, Extension 4235.

Two or more Governing Board members may attend this meeting.

The Southwest Florida Water Management District does not discriminate on the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided for in the American's With Disabilities Act should contact Dianne Lee, (352)796-7211 or 1(800)423-1476, Extension 4658, TDD only number 1(800)231-6103, Fax number (352)754-6878, Suncom 663-6878.

The **Southwest Florida Water Management District** announces a public meeting to which all interested persons are invited.

DATE AND TIME: May 15, 2001, 1:30 p.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, FL 33637-6759

GENERAL SUBJECT MATTER TO BE CONSIDERED: The District is scheduled to develop minimum flows for the Sulphur Springs by the end of 2001. The purpose of the meeting is to identify issues of concern with regard to the establishment of minimum flows for the Sulphur Springs, seek stakeholder participation in formulating clearly defined goal(s) on which minimum flows might be based and solicit information and identify data that stakeholders feel may be relevant to the establishment of minimum flows for the water body.

A copy of the agenda may be obtained by contacting: Martin H. Kelly, Manager Ecologic Evaluation Section, Resource Conservation and Development Department, 2379 Broad Street, Brooksville, Florida 34604-6899, (352)796-7211, Extension 4235.

Two or more Governing Board members may attend this meeting.

The Southwest Florida Water Management District does not discriminate on the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided for in the American's With Disabilities Act should contact Dianne Lee, (352)796-7211 or 1(800)423-1476, Extension 4658, TDD only number 1(800)231-6103, Fax number (352)754-6878, Suncom 663-6878.

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: May 18, 2001, 9:00 a.m.

PLACE: Collier County Government Center, Commission Chambers, Building F, Naples, Florida (The address shall be the designated access point for public attendance of the meeting.)

PURPOSE: Conduct Basin Business and Budget Workshop.

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: June 14, 2001, 8:50 a.m.

PLACE: District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33407

PURPOSE: 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 CREW Project comprised of one parcel referred to as SFWMD Tract No. 09-003-006 consisting of approximately 321.53 acres and lying Section 12, Township 48 South, Range 26 East, Collier County, Florida.

FAW Reference No. 1967

Part of the Critical CREW (Southern Corkscrew Regional Ecosystem Watershed) Project comprised of eighteen parcels referred to as SFWMD Tract Nos. 09-003-695, 09-003-701, 09-003-702, 09-003-705, 09-003-706, 09-003-708, 09-003-709, 09-003-710, 09-003-711, 09-003-712, 09-003-713, 09-003-715, 09-003-717, 09-003-720, 09-003-721, 09-003-723, 09-003-724 and 09-003-736 consisting of approximately 110 acres and lying in Section 35, Township 47 South, Range 26 East, Lee County, Florida.

FAW Reference No. 1969

Part of the East Coast Buffer-Everglades Buffer Strip Project comprised of five parcels referred to as SFWMD Tract Nos. W9-304-952, W9-305-967, W9-201-135, W9-200-917 and W9-100-081 consisting of approximately 112.81 acres and lying in Sections 01, 06, 08, 34 and 35, Townships 46, 50, 51 and 53 South, Ranges 39 and 41 East in Palm Beach, Broward and Miami-Dade Counties, Florida.

FAW Reference No. 1965

Part of the Pal Mar Project comprised of forty-eight parcels referred to as SFWMD Tract Nos. 23-102-410, 23-102-707, 23-104-198, 23-104-452, 23-105-196, 23-105-445, 23-105-446, 23-105-515, 23-105-569, 23-106-210, 23-106-255, 23-106-429, 23-107-444, 23-107-587, 23-108-250, 23-108-422, 23-108-437, 23-108-534, 23-108-627, 23-108-628, 23-109-204, 23-109-259, 23-109-315, 23-109-369, 23-110-105, 23-110-122, 23-110-171, 23-110-378, 23-110-525, 23-111-117, 23-111-142, 23-111-183, 23-111-268, 23-111-436, 23-111-500, 23-112-527, 23-113-132, 23-113-237, 23-113-269, 23-113-277, 23-113-809, 23-114-289, 23-114-451, 23-114-625, 23-114-811, 23-114-843, 23-114-883 and 23-114-916 consisting of approximately 54.26 acres and lying in Sections 02, 10, 11, 12, 13, 14, 15, 18, 19, 20, 21, 24 and 29, Township 40 South, Ranges 39 and 40 East in Miami-Dade County, Florida.

FAW Reference No. 1964

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 County, Florida.

FAW Reference No. 1966

Part of the Water Conservation Areas Project comprised of five parcels referred to as SFWMD Tract Nos. 27-100-041, 27-100-042, 27-100-043, 27-100-045 and 27-100-046 consisting of approximately 1,185 acres and lying in Sections 02, 03, 21 and 28, Townships 50, 52 and 53 South, Ranges 35, 38 and 39 East in Broward and Miami-Dade Counties, Florida. FAW Reference No. 1963

Part of the Taylor Creek-Nubbin Slough Reservoir Assisted Stormwater Treatment Area Project comprised of one parcel referred to as SFWMD Tract No. HF-100-001 consisting of approximately 5,000 acres and lying in Sections 19, 20, 21, 28, 29, 30, 31, 32, 33 and 34, Township 36 South, Range 35 East, in Okeechobee County, Florida.

FAW Reference No. 1962

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, Real Estate and Business Division, (561)686-8800.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Monday, May 14, 2001, 2:00 p.m.

PLACE: Northern Palm Beach County Improvement District Auditorium, 357 Hiatt Drive, Palm Beach Gardens, FL

PURPOSE: Regular Meeting of the Loxahatchee River Management Coordinating Council.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact P. K. Sharma, (561)682-6779.

The **South Florida Water Management District** announces a public meeting which may be conducted by means of or in conjunction with communications media technology, specifically by telephonic conference to which all interested parties are invited.

DATE AND TIME: May 16, 2001, 10:00 a.m. – 12:00 Noon

PLACE: South Florida Water Management District Headquarters, B-1 Building, Conference Room 3A, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: Budget and Finance Advisory Commission meeting to discuss SFWMD budget and finance-related matters.

All those wishing to attend may do so at the location listed above.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

Those who desire more information or those wishing to submit written or physical evidence may contact Marcie Daniel, Budget Department, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680.

REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water** announces the following Budget Workshop and Regular Board Meeting to which all persons are invited.

DATE AND TIME: Monday, May 21, 2001, 9:00 a.m.

PLACE: Tampa Bay Water, 2535 Landmark Drive, Suite 211-A, Clearwater, Florida 33761

PURPOSE: FY 2001/2002 Budget Workshop.

DATE AND TIME: Monday, May 21, 2001, immediately following the 9:00 a.m., Budget Workshop

PURPOSE: Regular Meeting of the Board of Directors.

A copy of the regular meeting agenda may be obtained by writing to Tampa Bay Water or can be accessed on the Web at www.tampabaywater.org.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purposes he may

need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability, in order to participate in this activity, please notify Holly Wells, (727)796-2355, at least 3 business days prior to the meeting.

The **Withlacoochee Regional Water Supply Authority** announces that the Authority will hold its regular May meeting as scheduled. This is a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 16, 2001, 9:00 a.m.

PLACE: Hernando County Government Center, County Commission Chambers, 20 N. Main Street, Brooksville, FL 34601

GENERAL 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 **Withlacoochee Regional Water Supply Authority** announces that the Authority will hold a workshop with the Tampa Bay Water Authority. The workshop is to share information on Tampa Bay Water's long and short range water supply development program. This is a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 16, 2001, 2:00 p.m.

PLACE: Tampa Bay Water Headquarters, 2535 Landmark Drive, Suite 211, Clearwater, Florida 33761-3930

GENERAL 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.

SPACEPORT FLORIDA AUTHORITIES

The Florida **Commercial Space Financing Corporation** announces a Board of Director's meeting and teleconference to which the public is invited.

DATE AND TIME: May 16, 2001, 9:00 a.m. – 11:00 a.m.

PLACE: Florida Commercial Space Financing Corporation, Florida/NASA Business Incubation Center, 1311 N. U.S. 1, Suite 129, Titusville, FL 32796

PURPOSE: General Board Business Meeting, ratification of agreements, financings, guarantees, budgets, procedures and to consider other proposed matters related to the business of the Corporation.

For more information, contact Mr. Jim Leary or Ms. Judy Blanchard, (321)267-2877, Ext. 113.

To obtain a copy of the agenda write: The Florida Commercial Space Financing Corporation, Florida/NASA Business Incubation Center, 1311 N. Highway U.S. 1, Titusville, FL 32796.

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.

Any person requiring special accommodations at this meeting because of disability or physical impairment should contact the Florida Commercial Space Financing Corporation.

The Florida **Space Industry Committee** announces a Board of Directors meeting to which the public is invited.

DATE AND TIME: May 17, 2001, 1:00 p.m. – 5:00 p.m.

PLACE: Port Canaveral Authority, Commissioners Meeting Room, 200 George King Blvd., Cape Canaveral, FL 32920

PURPOSE: The Board of Directors of the Florida Space Industry Committee is meeting on May 17, 2001 to review the draft By-Laws, report on the status of Sub-Committee activities and discuss projects, initiatives, future development, financing, planning and administrative issues and consider other matters related to the business of the Committee and the Spaceport Management Council.

For more information, contact Christine Rodgers, (321)751-0240. To obtain a copy of the agenda, write: Christine Rodgers, SMART Enterprises, 1057 Acappella Drive, Melbourne, FL 32940.

Please note that if a person decides to appeal any decision made by the Florida Space Industry Committee with respect to any matter considered at the above cited meeting or hearing, 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 based.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact SMART Enterprises at least seven (7) days prior to the meeting.

The **Florida Seaport Transportation and Economic Development Council**, Project Review Group announces a meeting in which all interested persons are invited to participate.

DATE AND TIME: May 10, 2001, 9:00 a.m. – 12:00 Noon
 PLACE: Florida Department of Transportation, Executive Conference, 605 Suwannee Street, Tallahassee, Florida 32399
 PURPOSE: General Business.

Information on the meeting may be obtained by contacting: Tara Vercellone, Florida Ports Council, 315 South Calhoun Street, Suite 712, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise Tara Vercellone, (850)222-8028.

The **Florida Ports Financing Commission** announces a teleconference meeting in which all interested persons are invited to participate.

Teleconference Meeting
 DATE AND TIME: May 10, 2001, 10:00 a.m. – 12:00 Noon
 PLACE: Florida Department of Transportation, Executive Conference, 605 Suwannee Street, Tallahassee, Florida 32399, (850)922-0737
 PURPOSE: General Business.

Information on the meeting may be obtained by contacting: Tara Vercellone, Florida Ports Council, 315 South Calhoun Street, Suite 712, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise Tara Vercellone, (850)222-8028.

DEPARTMENT OF ELDER AFFAIRS

The **State Long-Term Care Ombudsman Council** announces a public meeting for all local offices in Florida to which all persons are invited.

DATE AND TIME: May 31, 2001, 9:00 a.m.
 PLACE: North West Florida LTCOP, Pensacola, FL
 DATE AND TIME: May 16, 2001, 10:00 a.m.

PLACE: Panhandle LTCOP, Blountstown, FL
 DATE AND TIME: May 17, 2001, 12:30 p.m.
 PLACE: North Central LTCOP, Gainesville, FL
 DATE AND TIME: May 10, 2001, 1:00 p.m.
 PLACE: Withlacoochee Area LTCOP, Ocala, FL
 DATE AND TIME: May 15, 2001, 12:00 Noon
 PLACE: First Coast LTCOP, St. Augustine, FL
 DATE AND TIME: May 17, 2001, 1:30 p.m.
 PLACE: Mid and South Pinellas LTCOP, Largo, FL
 DATE AND TIME: May 9, 2001, 1:30 p.m.
 PLACE: Pasco and North Pinellas LTCOP, New Port Richey, FL
 DATE AND TIME: May 15, 2001, 10:00 a.m.
 PLACE: West Central Florida LTCOP, Tampa, FL
 DATE AND TIME: May 3, 2001, 12:30 p.m.
 PLACE: East Central Florida LTCOP, Orlando, FL
 DATE AND TIME: May 1, 2001, 11:00 a.m.
 PLACE: Southwest Florida LTCOP, Ft. Myers, FL
 DATE AND TIME: May 21, 2001, 2:30 p.m.
 PLACE: Treasure-Gold Coast LTCOP, West Palm Beach, FL
 DATE AND TIME: May 8, 2001, 1:30 p.m.
 PLACE: Broward County LTCOP, Plantation, FL
 DATE AND TIME: May 15, 2001, 1:15 p.m.
 PLACE: South Dade and Florida Keys LTCOP, S. Miami, FL
 DATE AND TIME: May 10, 2001, 10:30 p.m.
 PLACE: North Dade, N. Miami, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Issues related to the Long-Term Care Ombudsman Program.
 You may contact the State Long-Term Care Ombudsman Office, (850)488-6190, for further information.

The **State Long-Term Care Ombudsman Council** announces the following calls to which all persons are invited.

Committee Meetings
 DATE AND TIME: Thursday, May 10, 2001, Time TBA
 The General Session
 DATE AND TIME: Friday, May 11, 2001, 8:30 a.m.
 PLACE: Sheraton Suites Tampa Airport, 4400 West Cypress Street, Tampa, Florida, (814)873-8675
 GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Issues related to the Long-Term Care Ombudsman Program.
 You may contact the office of the Long-Term Care Ombudsman, (850)488-6190 for more information.

DEPARTMENT OF MANAGEMENT SERVICES

The **Florida Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.
 DATE AND TIME: Monday, May 14, 2001, 2:00 p.m.

PLACE: Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149 (The meet-me telephone number is (850)414-1709 or Suncom 994-1709)

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regular meeting of the commission. Items to be discussed will include general administrative issues.

A copy of the agenda may be obtained by contacting: Ms. Sharon Moultry, Clerk, Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149, (850)488-7082, Ext. 1036.

VERBATIM RECORD OF MEETING: If any person decides to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA NOTICE: Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Clerk, (850)488-7082, Ext. 1036, at least five working days prior to the meeting.

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Monday, May 16, 2001, 2:00 p.m.

PLACE: Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149. (The meet-me telephone number is (850)414-1709 or Suncom 994-1709)

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regular meeting of the commission. Items to be discussed will include general administrative issues.

A copy of the agenda may be obtained by contacting: Ms. Sharon Moultry, Clerk, Florida Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149, (850)488-7082, Ext. 1036.

VERBATIM RECORD OF MEETING: If any person decides to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA NOTICE: Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Clerk, (850)488-7082, Ext. 1036, at least five working days prior to the meeting.

The **State Technology Office**, State of Florida announces a public meeting to which all persons are invited.

DATE AND TIME: May 16, 2001, 10:00 a.m. – 11:30 a.m.

PLACE: Betty Easley Conference Center, Room 180, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: Regular Meeting of the Chief Information Officers Council.

A copy of the agenda may be obtained upon request: State Technology Office, Room 180.06, 4030 Esplanade Way, Tallahassee, Florida 32399-0950, (850)922-4461

SPECIAL ACCOMMODATIONS: Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Marguriete Belyeu, (850)992-4461.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation** announces a public workshop to which all persons are invited.

DATE AND TIME: Thursday, May 24, 2001, 2:00 p.m. – 4:00 p.m. (EST)

PLACE: Secretary's Conference Room, Room 259, The Johns Building, 725 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The development of rule language in Section 61C-4.023, F.A.C., relative to the administration of and requirements for the food employee training program.

THE PERSON TO BE CONTACTED REGARDING THE WORKSHOP IS: Lee M. Cornman, Management Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012, (850)488-9263.

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 Lee M. Cornman, Management Review Specialist, (850)488-9263. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The **Board of Auctioneers** announces the following general business meeting to which all persons are invited.

DATE AND TIME: Thursday, May 31, 2001, 10:30 a.m. (EST)

PLACE: This is a telephone conference call. The number to call is (850)488-8295 or Suncom 278-8295

PURPOSE: General meeting of the Board to conduct regular Board business.

A copy of the agenda may be obtained by writing: Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762 or by calling Daryl Dempsey, (850)488-5189.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting Daryl Dempsey, (850)488-5189. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The **Barbers' Board** announces a Telephone Conference Call open to the public and all persons are invited to participate.

DATE AND TIME: Monday, May 14, 2001, 2:00 p.m.

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0769, (via Telephone Conference, to connect dial (850)921-6545 or Suncom 291-6545)

PURPOSE: To take action on Filing Board Rules.

*A copy of the agenda may be obtained by writing: Florida Barbers' Board, 1940 North Monroe Street, Suite 60, Tallahassee, Florida 32399-0790.

*If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Cosmetology** announces a Board Meeting open to the public and all persons are invited to participate.

DATES AND TIMES: Sunday, May 20, 2001, 2:00 p.m.; Monday, May 21, 2001, 9:00 a.m. (if necessary)

PLACE: Adam's Mark Hotel, 1500 Sand Lake Road, Orlando, Florida 32809

PURPOSE: Regular Board Business and Committee Matters.

*A copy of the agenda may be obtained by writing: Board of Cosmetology, 1940 North Monroe Street, Suite 60, Tallahassee, Florida 32399-0790.

*If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting

because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Veterinary Medicine** announces the following meeting to which all parties are invited to attend.

DATE AND TIME: June 6, 2001, 8:00 a.m.

PLACE: Omni Jacksonville Hotel, 245 Water Street, Jacksonville, FL 32202, (904)355-6664

PURPOSE: General Business meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Veterinary Medicine, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)922-2404, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Appraisal Board** announces a meeting of its Probable Cause Panel.

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

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 301, Third Floor, 400 W. Robinson Street, North Tower, Orlando, FL 32801

PURPOSE: Official business of the Appraisal Board Probable Cause Panel. PROBABLE CAUSE IS NOT OPEN TO THE PUBLIC.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Real Estate Appraisal Board, (407)245-0800, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Appraisal Board using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Appraisal Board** announces a meeting of its Probable Cause Panel.

DATE AND TIME: Monday, June 4, 2001, 1:30 p.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 301, Third Floor, 400 W. Robinson Street, North Tower, Orlando, FL 32801

PURPOSE: Official business of the Appraisal Board Probable Cause Panel. PROBABLE CAUSE IS NOT OPEN TO THE PUBLIC.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Real Estate Appraisal Board, (407)245-0800, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Appraisal Board using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Appraisal Board** announces a meeting to which everyone is invited.

DATE AND TIME: Tuesday, May 5, 2001, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 301, Third Floor, 400 W. Robinson Street, North Tower, Orlando, FL 32801, (407)245-0800

PURPOSE: Official business of the Appraisal Board – Including but not limited to: Rule/statute amendments and Disciplinary actions.

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Appraisal Board, P. O. Box 1900, Orlando, Florida 32802-1900.

Any person who decides to appeal a decision made by the Board with respect to any matter considered at this meeting or hearing will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes 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 Real Estate Appraisal Board, (407)245-0800, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Appraisal Board using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

NOTICE OF CHANGE – The Probable Cause Panel of the **Florida Real Estate Commission** announces a meeting to which all interested persons are invited. (Please note the date of the meeting has changed from May 15, 2001 to May 22, 2001)

DATE AND TIME: May 22, 2001, 1:30 p.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Suite 301, North Tower, 400 West Robinson Street, Orlando, Florida

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0800 (between the hours of 9:00 a.m. – 4:00 p.m.), at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

NOTICE OF CHANGE – The **Florida Real Estate Commission** (FREC) announces a meeting to which all persons are invited. (Please note the date of the meeting has changed from May 16, 2001 to May 23, 2001)

DATE AND TIME: May 23, 2001, 8:30 a.m.

PLACE: Division of Real Estate, Commission Meeting Room 301, North Tower, 400 West Robinson Street, Orlando, Florida

PURPOSE: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, Recovery Fund Claims, education issues, petitions for declaratory statement and disciplinary actions.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required. Probable Cause Panel(s) may also meet during this session. Portions of the Probable Cause are not open to the public.

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Commission, Administration Office, P. O. Box 1900, Orlando, Florida 32802-1900.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Florida **Department of Environmental Protection** announces a public hearing of the Governor and Cabinet, sitting as the Power Plant Siting Board to consider the Administrative Law Judge's Recommended Order in the case of the Florida Power Corporation, Hines Energy Complex (Power Block 2), Power Plant Siting Supplemental Application, PA92-33SA, DOAH Case No. 00-3125EPP.

DATE AND TIME: May 30, 2001, 9:00 a.m.

PLACE: Cabinet Hearing Room, Lower Level, State Capitol, Tallahassee, Florida.

PURPOSE: The Governor and Cabinet, sitting as the Power Plant Siting Board, will consider, pursuant to the Florida Electrical Power Plant Siting Act, Sections 403.501-.518, Florida Statutes, the Recommended Order dated April 5, 2001, from the Administrative Law Judge concerning the certification of Florida Power Corporation's Hines Energy Complex (Power Block 2), located south of the community of Bartow in an unincorporated area of Polk County, Florida.

For a copy of the agenda please contact: Judy Brooks, Department of Environmental Protection, Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, (850)922-3766.

CABINET AIDES BRIEFING: The Cabinet Aides will meet and discuss the item on May 23, 2001, 9:00 a.m., in the same location. The purpose of the briefing is to review and gather information regarding this item for consideration by the Siting Board.

The **Acquisition and Restoration Council (ARC)**, as defined in Section 259.035, Florida Statutes, announces the following calendar of 2001 for their public hearings/meetings to which all interested parties are invited for the purposes of conducting business of the Council, including the review of land acquisition proposals, management plans and proposed interim management uses of state-owned lands and to conduct other business of the Council.

PUBLIC HEARINGS

DATES AND TIME: May 16, 2001; July 11, 2001; September 12, 2001; October 24, 2001*; December 5, 2001, 9:00 a.m. (unless otherwise stated)

COUNCIL MEETINGS

DATES AND TIME: May 17, 2001; July 12, 2001; September 13, 2001; October 25, 2001*; December 6, 2001, 9:00 a.m. (unless otherwise stated)

PLACE: Department of Environmental Protection, Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, Conference Room A, Tallahassee, Florida (unless otherwise stated).

* Location subject to change

WORKSHOP

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

PLACE: Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, Conference Room A and B, 1st Floor, Tallahassee, Florida 32399-3000

For further information please contact: Office of Environmental Services, (850)487-1750.

If an accommodation is needed for a disability in order to participate in these meetings, please notify Linda Harvey, (850)488-2996, 1(800)955-8771 (TDD), at least seven days prior to the event.

DEPARTMENT OF HEALTH

The **Board of Clinical Laboratory Personnel**, Probable Cause Panel will hold a duly noticed conference call meeting to which all persons are invited to attend.

DATE AND TIME: Friday, May 25, 2001, 9:00 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee, FL, Meet Me Number (850)921-6433

PURPOSE: For cases previously heard by the panel.

A copy of the agenda item may be obtained by writing: Sherra Causey, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence form which the appeal is to be issued.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Nursing** announces they will hold the following meetings to which all persons are invited.

Central Probable Cause Panel

DATES AND TIME: June 25, 2001; July 16, 2001, 6:30 p.m.

PLACE: 2727 Mahan Drive, Tallahassee, FL 32308 (telephone conference)

PURPOSE: 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.

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.

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 is to be based.

The Florida Probable Cause Panel of the **Board of Osteopathic Medicine** announces a meeting to which all interested persons are invited.

DATE AND TIME: Friday, May 18, 2001, 9:00 a.m. or soon thereafter

PLACE: Embassy Suites, 1100 Southeast 17th Street, Ft. Lauderdale, FL 33316, (954)527-2700

PURPOSE: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Randolph Collett, Senior Attorney, Agency for Health Care Administration, General Counsel, Palmer Building, P. O. Box 14229, Tallahassee, FL 32317-4229.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Practitioner Regulation Section, no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Practitioner Regulation Section may be contacted at P. O. Box 14229, Tallahassee, FL 32317-4229, (850)414-8126, 1(800)955-8771 (TDD) or 1(800)955-8770 via Florida Relay Service.

The Florida **Board of Osteopathic Medicine** will hold the following Board meeting to which all persons are invited.

DATES AND TIMES: Friday, June 8, 2001, 6:00 p.m.; Saturday, June 9, 2001, 9:00 a.m.

PLACE: The Crowne Plaza Hotel, 950 N. W. LeJeune Road, Miami, FL 33125, (305)446-9000

PURPOSE: Regular Board business.

A copy of any item on the agenda may be obtained by writing: Mr. John D. Taylor, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256 or you may call (850)488-0595. You will be charged seventeen cents per page for the number of copies desired.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christy Robinson, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired can contact Christy Robinson using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Children's Medical Services Cardiac Advisory Council** announces a meeting to which all persons are invited.

DATE AND TIME: May 16, 2001, 10:00 a.m. – 3:00 p.m.

PLACE: Tampa Marriott Airport Hotel, Tampa, FL

PURPOSE: This is the annual meeting of the CMS Cardiac Advisory Council. The meeting is for the purpose of discussing agenda items brought forward by the council and to review current standards and guidelines.

NOTICE OF CHANGE – The **Department of Health** announces that the joint meeting of the Technical Review and Advisory Panel and the Research Review and Advisory Committee for Onsite Sewage Treatment and Disposal Systems. The Department of Health announces the following date and time for the joint meeting of the Technical Review and Advisory Panel and the Research Review and Advisory Committee for Onsite Sewage Treatment and Disposal Systems that is open to the public and to which all persons are invited.

DATE AND TIME: May 22, 2001, 9:00 a.m.

PLACE: Florida Association of Realtors, 7025 Augusta National Drive, Orlando, FL 32822, (407)438-1400

PURPOSE: Identify and discuss issues relating to onsite sewage treatment and disposal systems which may require changes to Chapter 64E-6, Florida Administrative Code, and to discuss proposed and current research relating to onsite sewage treatment and disposal systems.

A copy of the agenda may be obtained by contacting: Shirley Kugler, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, BIN #A08, Tallahassee, Florida 32399-1713.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact Shirley Kugler, (850)245-4070, at least two weeks prior to the meeting.

The **Correctional Medical Authority** announces a meeting to which all persons are invited.

DATE AND TIME: May 18, 2001, 8:30 a.m. – 12:30 p.m.

PLACE: Department of Health, Conference Room 310A, Prather Building, 2585 Merchant's Row Boulevard, Tallahassee, Florida 32399, (850)245-4044

PURPOSE: Continued discussion of issues relating to correctional health care in the Florida Department of Corrections.

A copy of the agenda may be obtained by writing: Executive Director, Correctional Medical Authority, 4052 Bald Cypress Way, BIN #B-04, Tallahassee, FL 32399-1732, (850)245-4044.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the staff, at least 48 hours prior to the meeting in order to request any special assistance.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Florida **Department of Children and Family Services** announces the next scheduled conference call meetings of the following workgroups of the Governor's Task Force on Domestic Violence. All interested people are invited to participate.

Court Systems Committee

DATE AND TIME: May 7, 2001, 12:00 Noon – 1:30 p.m.

PLACE: Conference Call #: (850)488-0979, Suncom 278-0979

PURPOSE: Committee Issues

Executive Committee

DATE AND TIME: May 8, 2001, 8:30 a.m. – 9:45 a.m.

PLACE: Conference Call #: (850)921-5470, Suncom 291-5470

PURPOSE: Committee Issues

Law Enforcement Committee

DATE AND TIME: May 8, 2001, 9:50 a.m. – 12:00 Noon

PLACE: Conference Call #: (850)921-5510, Suncom 291-5510

PURPOSE: Committee Issues

Governor's Task Force on Domestic Violence Meeting

DATE AND TIME: May 11, 2001, 10:30 a.m. – 5:00 p.m.

PLACE: Conference Call #: (850)921-6433, Suncom 291-6433

PURPOSE: Conclude Committee Work/Annual Report Draft

Locations: Department of Children and Family Services, District 7 Office, 400 West Robinson, South Tower 922, Orlando, FL 32801 and Department of Children and Family Services, District 2, Central Office, 1317 Winewood Blvd., Bldg. 8, Room 232, Tallahassee, Florida 32399-0700.

If you would like to participate in this meeting and cannot come to either of the two locations please contact Ms. Bonnie M. Flynn, (850)414-8317, for alternate Tele-video-conference sites are available to you in your area.

To participate in the conference call simply dial the conference call number at the designated time. First, you will hear a tone and then will be connected to the conference call. Please identify yourself once you are connected. If you do not hear any participants' voices, it simply means no one has called in. Stay on the line to allow others to call in and connect. If you have any trouble, call (850)488-1234 and tell the operator the trouble you are experiencing and reference confirmation number 20G0129. This is not a toll-free call.

Further information may be obtained by contacting: Prevention of Domestic and Sexual Violence Section, Florida Department of Children and Family Services, Bonnie M. Flynn, (850)414-8317.

The **Department of Children and Family Services**, District 4 announces the following public meetings to which all persons are invited.

COMMITTEE: Children and Families Community Alliance of NEFL

DATE AND TIME: May 16, 2001, 2:30 a.m.

PLACE: Roberts Building Auditorium, 5920 Arlington Expressway, Jacksonville, FL 32211

PURPOSE: Regular meeting of the 4 County Alliance.

COMMITTEE: Nassau County Community Alliance

DATE AND TIME: May 21, 2001, 2:00 p.m.

PLACE: Nassau Children and Families Education Center, 479 Felmore Road, Yulee, FL

PURPOSE: Regular meeting of the Alliance.

A copy of the agenda may be obtained by writing: Department of Children and Family Services, P. O. Box 2417, Jacksonville, FL 32231-0083 (Attention: Debbi Thomas).

If you need special accommodations (i.e. assistive listening devices, sign language interpreter, etc.) please notify Debbi Thomas, (904)723-2151, at least 48 hours in advance of the meeting. Hearing impaired please call (904)646-2859 (TDD).

The **Department of Children and Family Services**, Refugee Services Program Office announces the following public meetings to which all interested persons are invited.

*MEETING: Districts 5, 6 and 14/Tampa Bay Area Refugee Task Force

DATE AND TIME: May 29, 2001, 9:30 a.m.

PLACE: TBA (Contact person: Osman Uzun, (850)413-8200)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Tampa Bay Area/Children and Families, District 5, 6 and 14 areas.

A copy of the agenda may be obtained by writing: Osman Uzun, Refugee Services Office, 1317 Winewood Blvd., Building 1, Room 303, Tallahassee, Florida 32399-0700.

*MEETING: District 4/Jacksonville Refugee Task Force

DATE AND TIME: May 23, 2001, 1:30 p.m.

PLACE: Lutheran Social Services, 421 West Church St., Suite 322, Jacksonville, FL 32202 (Contact person: Juel Kamke, (850)413-8217)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Jacksonville/Children and Families, District 4 area.

A copy of the agenda may be obtained by writing: Juel Kamke, Refugee Services Office, 1317 Winewood Blvd., Building 1, Room 303, Tallahassee, Florida 32399-0700

*MEETING: District 9/Palm Beach County Refugee Task Force

DATE AND TIME: May 16, 2001, 1:30 p.m.

PLACE: Naval Marine Corps Reserve Center, 1227 Marine Drive, West Palm Beach, FL, (561)687-3954 (Contact person: Bill Long, (850)413-8207)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Palm Beach County/Children and Families, District 9 area.

A copy of the agenda may be obtained by writing: Bill Long, Refugee Services Office, 1317 Winewood Blvd., Building 1, Room 303, Tallahassee, Florida 32399-0700.

*MEETING: District 10/Broward County Refugee Task Force
DATE AND TIME: May 29, 2001, 9:00 a.m.

PLACE: First Lutheran Church, 441 N. E. 3rd Ave., Ft. Lauderdale, FL 33301 (Contact person: Cheraka Thomas, (850)414-0067)

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Discussion of issues relevant to refugee resettlement in the Broward County/Children and Families, District 10 area.

A copy of the agenda may be obtained by writing: Cheraka Thomas, Refugee Services Office, 1317 Winewood Blvd., Building 1, Room 303, Tallahassee, Florida 32399-0700.

*MEETING: District 11/Miami Area Refugee Task Force
DATE AND TIME: May 11, 2001, 10:00 a.m.

PLACE: Miami-Dade Community College, 300 N. E. Second Avenue, Building 2, Room 2106, Miami, Florida, (305)237-7069, contact person is Taddese Fessehay, (850)413-8227

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Discussion of issues relevant to refugee resettlement in the Miami Area County/Children and Families, District 11 area.

A copy of the agenda may be obtained by writing: Taddese Fessehay, Refugee Services Office, 1317 Winewood Blvd., Building 1, Room 303, Tallahassee, Florida 32399-0700.

Pursuant to the Provisions of the American's with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Refugee Services Office, (850)488-3791 or Fax (850)487-4272. If you are hearing or speech impaired, please contact the agency by calling TDD Number (850)922-4449 and reference the specific Refugee Task Force Meeting by location and date.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation**, Predevelopment Loan Program announces a Review Committee meeting to which all interested parties are invited.

DATE AND TIME: Wednesday, May 23, 2001, 2:00 p.m.

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 5th Floor, Formal Conference Room, Tallahassee, Florida 32301-1329

PURPOSE: To conduct discussions and reviews and make decisions in reference to the confirmation, rejection, approval or request for revision of PLP 2000 Applications and/or Development Plans.

Prior to the meeting, interested parties are advised to confirm the meeting date and time by calling Florida Housing, (850)488-4197, or checking Florida Housing's web site at www.floridahousing.org.

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Debbie L. Moran, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** has scheduled a public meeting to which all interested persons are invited.

DATES AND TIME: May 23-25, 2001, 8:30 a.m. each day

PLACE: Doubletree Hotel, 4431 PGA Boulevard, Palm Beach Gardens, Florida

PURPOSE: To review and discuss substantive and procedural issues associated with the Fish and Wildlife Conservation Commission and to take action on proposed rules and policy issues.

A copy of the proposed agenda may be obtained: Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

If any person decides to challenge any decision with respect to any matter considered at the above meeting, a record of the proceeding will be needed. For this purpose, you may need to ensure that a verbatim record of the proceeding is made which includes testimony and evidence upon which the challenge is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the workshop or meeting is asked to advise the Commission at least 5 calendar days prior by calling Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

LEGAL AUTHORITY: Article IV, Section 9, Florida Constitution.

The **Wildlife Foundation of Florida** announces a meeting to which all interested persons are invited.

DATE AND TIME: June 6, 2001, 10:00 a.m.

PLACE: Farris Bryant Building Auditorium, 620 South Meridian Street, Tallahassee, FL, (850)487-3796

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 Foundation at

least five calendar days before the meeting by contacting Terry Mara, (850)487-3796. If hearing or speech impaired, please call (850)488-9542.

AGENDA

1. Call to Order.
2. The Board of Directors will select projects for funding from Conserve Wildlife tag revenues, and hear and consider public comment.
3. Adjournment.

FLORIDA TELECOMMUNICATIONS RELAY

The Florida Telecommunications Relay, Inc. announces a regular meeting of the Board of Directors to which all interested persons are invited.

DATE AND TIME: Monday, May 14, 2001, 10:00 a.m.

PLACE: 1311A Paul Russell Road, Tallahassee, Florida

PURPOSE: Regular meeting of the Board of Directors.

A copy of the agenda may be obtained by phoning (850)656-1414 or by writing: Mr. James Forstall, Executive Director, 1311B Paul Russell Road, Suite 101B, Tallahassee, FL 32301-4860.

The meeting is subject to cancellation for lack of a quorum or unavailability of an interpreter.

SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION

The Sunshine State Governmental Financing Commission announces a public meeting where all interested parties are invited.

DATE AND TIME: Wednesday, May 16, 2001, 12:00 Noon

PLACE: Harbor Beach Marriott Hotel, Tallahassee/Jacksonville Room, Second Floor, 3030 Holiday Drive, Fort Lauderdale, Florida

PURPOSE: Annual Membership Meeting and Board of Directors Meeting.

Note: A copy of the agenda may be obtained by contacting: Mr. Richard C. Dowdy, Program Administrator, (850)878-1874.

WORKFORCE FLORIDA

The Workforce Florida, Inc., Board of Directors announces a Board of Directors' meeting in which all persons are invited to participate.

PLACE: Embassy Suites Hotel, 191 East Pine Street, Orlando, FL 32801, (407)841-1000

DATE AND TIME: May 24, 2001, 10:00 a.m. – 4:00 p.m.

PURPOSE: To conduct the business of the Board.

A copy of the agenda may be obtained by contacting: Pat Chalmers, after May 15, 2001, (850)921-1119, e-mail at pchalmers@workforceflorida.com or our website at www.workforceflorida.com.

Those individuals wishing to participate in this meeting on May 24, 2001, are advised that this location is accessible to those individuals with a disability or physical impairment. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771(TDD).

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF BANKING AND FINANCE

NOTICE IS HEREBY GIVEN that the Department of Banking and Finance, Division of Securities and Finance received a Petition for Declaratory Statement from Goodman & Nekvasil, P. A. of Clearwater, Florida, as counsel for Bernard Madden and Harold D. Schrag, on April 23, 2001. The Petition seeks clarification of the apparent inconsistencies between the Final Order issued in Department of Banking and Finance v. First American Capital Trust, (DOAH Case No. 97-5384) DBF Administrative Proceeding No. 2154-Si-3/95 and the Final Order issued In the Matter of: Joseph A. Best, Charon Marie Bogner, Terry E. McCormic, Barbara C. Dillow, and Jack C. Eaton, DBF Administrative Proceeding No. 2993-S-8/00. More specifically, the Petition seeks the Department's opinion as to whether the First American Capital Trust promissory notes that were sold were required to be registered pursuant to Section 517.07, F.S. or whether they were exempt from registration pursuant to Section 517.051(8), F.S.

A copy of the Petition can be obtained by writing: Agency Clerk, Department of Banking and Finance, Suite 526, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350 or calling (850)410-9896.

DEPARTMENT OF CITRUS

NOTICE IS HEREBY GIVEN that on April 12, 2001, the State of Florida, Department of Citrus, received a Petition to Initiate Rulemaking from Florida Citrus Packers, a voluntary cooperative association located in Lakeland, Florida. The petition requests that Chapter 20-40, Florida Administrative Code, which provides for fresh citrus fruit manifest requirements, be amended to exempt small shippers of fresh citrus fruit to supply information to FreshNet, an internet based system allowing for electronic transfer of sales manifests on a daily basis, from packinghouses to a website at the Florida Department of Agriculture and Consumer Services, Division of

Fruit and Vegetables. The small shipper would report the information on forms to be submitted to the Florida Department of Agriculture and Consumer Services.

A copy of the Petition may be obtained from: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148.

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from James Quigley. The Petitioner requested that the Department of Corrections amend Chapter 33-103, Florida Administrative Code, to include provisions allowing Florida prisoners who are confined in out of state facilities to file grievances to the Florida Department of Corrections.

The Department denied Inmate Quigley's Petition to Initiate Rulemaking since the requested amendment is unnecessary. Florida prisoners who are confined in out of state facilities are currently permitted to file grievances to the Department regarding matters which pertain to their Florida commitment or which relate to incidents that occurred prior to the time the inmate was transferred to the out of state facility.

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 Michael Newell. The Petitioner requested that the Department of Corrections amend Rule 33-103.014, Florida Administrative Code, to include a provision permitting the appeal of grievances that are returned without processing.

The Department denied Inmate Newell's Petition to Initiate Rulemaking on the grounds that the rules currently permit an inmate file a grievance to ascertain the appropriateness of the return of a grievance for noncompliance with the rules. Amendment is therefore unnecessary.

A copy of the Order may be obtained from: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on April 18, 2001 from Edward P. Campbell. Petitioner is seeking amendment of Rule 33-401.401, Florida Administrative Code, to require the Department to establish a non-smoking dorm or housing area at each facility.

A copy of the Petition may be obtained by writing: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

Wendy Betts and Donna Reuter vs. Department of Banking and Finance; Case No.: 01-1445RX; Rule No.: 3C-560.803

Linda Young vs. Department of Environmental Protection; Case No.: 01-1462RP; Rule No.: 62-303

Save our Bay, Air and Canals, Inc. vs. Department of Environmental Protection; Case No.: 01-1463RP; Rule No.: 62-303

Florida Public Interest Research Group Citizen Lobby, Inc. vs. Department of Environmental Protection; Case No.: 01-1464RP; Rule No.: 62-303

Santa Rosa Sound Coalition vs. Department of Environmental Protection; Case No.: 01-1465RP; Rule No.: 62-303

Friends of Saint Sebastian River vs. Department of Environmental Protection; Case No.: 01-1466RP; Rule No.: 62-303

Apalachicola Bay and River Keeper, Inc. vs. Department of Environmental Protection; Case No.: 01-1467RP; Rule No.: 62-303

Florida Association of Insurance Agents and Professional Insurance Agents of Florida, Inc. vs. Department of Insurance and Windstrom Underwriting Association; Case No.: 01-1427RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Florida Health Sciences Center, Inc., d/b/a/ Tampa General Hospital and Florida Society of Thoracic and Cardiovascular Surgeons, Inc. vs. Agency for Health Care Administration and Flagler Hospital, Inc.; Boca Raton Community Hospital, Inc.;

Indian River Memorial Hospital, Inc.; and Martin Memorial Medical Center, Inc.; Case No.: 01-0457RP; Rule Nos.: 59C-1.002(41), 59C-1.033; Dismissed

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

ADVERTISEMENT REQUESTING BIDS FOR
 FURNISHING INSTRUCTIONAL MATERIALS TO THE
 STATE OF FLORIDA

Sealed bids, addressed to the Florida Department of Education and marked "Sealed Bid," will be received in the offices of the Commissioner of Education no later than 5:00 p.m. (EDT), June 4, 2001.

Bids shall include proposals for furnishing instructional materials effective April 1, 2002, for a period six years in the areas of Developmental Reading K-5, Developmental and Remedial Reading 6-8 and Remedial Reading 9-12. A detailed list of the selection criteria may be obtained from: Instructional Materials Office, Room 532, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400 or by accessing the Department of Education website at <http://www.firn.edu/doe/bin00015/home0015.htm>. The bid shall state the lowest wholesale price at which the materials will be furnished, f.o.b. to the Florida depository of the bidder. Official minimum standards and specifications for paper, printing, binding, binderboard and cover fabric have been adopted by the Department of Education and are available for inspection in Room 532, Turlington Building.

Each bidder shall furnish specimen copies of all materials submitted at a time designated by the Department of Education, which specimen copies shall be identical with the copies approved and accepted by the state instructional

materials committee and copies furnished to district superintendents as provided in Section 233.18, Florida Statutes.

Contracts must be executed and required bonds submitted within 30 calendar days after receipt of the contract.

The Department of Education reserves the right to reject any or all bids.

Florida Department of Education
 Charlie Crist
 Commissioner of Education

Request for Information

Construction Training/Qualification Program

The University of Florida, Construction Training/Qualification Program (CTQP), is soliciting letters of interest and information for presentation of certain courses in conjunction with the Construction Training/Qualification Program. The courses will include, but not be limited to, Pile Driving Inspection and Drilled Shaft Inspection. Materials for these courses (Student/Instructor Workbooks, PowerPoint Presentations, Examinations and other Student Materials) have been prepared and will be made available to short-listed candidates.

The University of Florida will consider proposals for firms offering complete instructional services, as well as, individual experts. The successful responses must be able to demonstrate experience and expertise in Pile Driving and Drilled Shaft Inspection/Construction and expertise in training. Parties interested in being considered should submit a letter of interest. The letter should be limited to 2,000 words. Resumes of individual instructors should be submitted as an attachment and will not be included in the 2,000 word limit.

The selection committee will use this letter of interest to "short-list" the respondents. The "short-listed" respondents will then be invited to submit a written proposal and give an oral presentation.

Responses must be furnished in time to be delivered to 527 Weil Hall, P. O. Box 116585, Gainesville, FL 32611-6585, by May 15, 2001, 5:00 p.m. Details of requirements can be obtained from Vivi Kavadas, P. E., CTQP, (352)846-3593, Extension 336. Information about the overall program is available at <http://uftrc.ce.ufl.edu/ctqp>.

NOTICE TO PROFESSIONAL CONSULTANTS

Florida State University Seminole Boosters announce that Professional Services in the discipline of architecture will be required for the project listed below:

Project and Location: Dick Howser Stadium Improvements
 Florida State University
 Tallahassee, Florida

The project consists of renovation and new construction improvements to the existing stadium, including: grandstand and bleacher seating, field and practice facilities, field lighting, pressboxes, locker rooms and training spaces, concessions, administrative offices and the areas immediately around Howser Stadium. The primary goal of this project is to address these deficiencies and problems while, at the same time, installing new features and facilities that do not currently exist. For more information about the scope of this work, please refer to the Facilities Program. Copies of this document are available as noted below. The selected firm will provide design, construction documents and administration for the referenced project which is budgeted at \$9,921,120 for construction. The project delivery system will be construction management. Blanket professional liability insurance will be required for this project in the amount of \$1,000,000 and will be provided as a part of Basic Services.

INSTRUCTIONS

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed Board of Regents "Professional Qualifications Supplement," dated either 2/99 or 9/99. Applications on any other form or on versions dated prior to 2/99, will not be considered. Notwithstanding the prohibition in the Professional Qualifications Supplement against listing specialty consultants, a specialty sports consultant may be listed if a firm will require such services.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information and selection criteria may be obtained through our website, www.fpc.fsu.edu or by contacting: Lynetta Mills, Facilities Planning and Construction, 109

Mendenhall Maintenance Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843, (850)644-8351 Facsimile.

For further information on the project, contact John Ward, Project Manager, at the address and phone listed above.

Submittals must be received in the above office, by 2:00 p.m. (Local Time), Wednesday, May 30, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO PROFESSIONAL CONSULTANTS

Florida State University, State of Florida announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project No. BR-216
 Project and Location: Basic Sciences Building
 (College of Medicine)
 Florida State University
 Tallahassee, Florida

The project consists of construction of a 226,881 gsf Basic Sciences Building which will serve as home for the new College of Medicine at Florida State University. It will consist of classrooms, teaching labs, offices, an auditorium, student support spaces and building support spaces. It will also include research laboratories, such as imaging research, molecular biology, biochemistry, tissue culture labs and computational labs, as well as basic research laboratories. Located at the northwest corner of the main campus, this facility will serve as a prominent architectural gateway to FSU.

The selected firm will provide advanced programming, design, construction documents and administration for the referenced project which is budgeted at \$51,161,866 for construction. The project delivery system will be construction management. Blanket professional liability insurance will be required for this project in the amount of \$5,000,000, and will be provided as a part of Basic Services.

INSTRUCTIONS

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed Board of Regents "Professional Qualifications Supplement," dated either 2/99 or 9/99. Applications on any other form or on versions dated prior to 2/99, will not be considered. Notwithstanding the prohibition in the Professional Qualifications Supplement against listing specialty consultants, a specialty or architectural consultant may be listed along with a description of services to be provided if a firm will require such services.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the

Florida Department of State to operate in Florida. Note: Location Rating Tables A and B are replaced with the following criteria: in-state firms will receive 1 point and out-of-state firms will receive 0 points.

Submit six (6) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information and selection criteria may be obtained through our website, www.fpc.fsu.edu or by contacting: Lynetta Mills, Facilities Planning and Construction, 109 Mendenhall Maintenance Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843, (850)644-8351 Facsimile.

For further information on the project, contact Daryl Ellison, Project Manager, at the address and phone listed above.

Submittals must be received in the above office, by 5:00 p.m. (Local Time), Wednesday, June 20, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

A/E ADVERTISEMENT – BR-TBA
 Parking Garage I

NOTICE TO PROFESSIONAL CONSULTANTS

Florida Atlantic University, on behalf of the State of Florida, Board of Regents announces that Professional Services in the discipline of Architecture and/or Engineer, will be required for the project listed below:

Project No. BR-TBA

Project and Location: The project consists of site development and construction of a 1,000 car Parking Garage. The building will be located on Florida Atlantic University's Boca Raton Campus, on the east side of Broward Boulevard and on the north of Volusia Street.

The total Construction Budget is approximately \$8,640,000. The selected firm will provide design development, construction documents and construction administration for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$500,000, and will be provided as a part of Basic Services.

INSTRUCTIONS

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed Board of Regents "Professional Qualifications Supplement" dated 9/99. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit 5 (five) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information and selection criteria may be obtained by contacting: Carla Capeletti, Office of the Associate Vice President to the University Architect, Florida Atlantic University, 777 Glades Road, Building T-10, Room 16, Boca Raton, Florida 33431, (561)297-2663, (561)297-0224 Fax.

Submittals must be received in the Associate Vice President's Office, at the above address, by 5:00 p.m. (Local Time), Monday, May 21, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

ADVERTISEMENT FOR BIDS

Sealed bids will be received by the Duval County Public Schools, Division of Facilities Services, Room 546, School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207 for:

- PROJECT TITLE: Air Conditioning of Gymnasium at Robert E. Lee High School No. 33
- BID NUMBER: M-80050
- SCOPE OF WORK: Add A/C to gymnasium with chilled water stand alone HVAC system utilizing existing boiler and upgrade electrical service for new HVAC equipment.

BIDS: Bids will be received until 2:00 p.m., Tuesday, June 5, 2001 and immediately thereafter publicly opened, read aloud and recorded in the Conference Room, 5th Floor, Room 513D, Facilities, School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207

All general contractors or prime bidders that are interested in bidding are required to attend a mandatory pre-bid conference to be held on May 21, 2001, 9:00 a.m. (Local Time), Robert E. Lee High School No. 33, 1200 McDuff Avenue, Jacksonville, Florida 32205. 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, if applicable, as required by the laws of the State of Florida.

Contract documents for bidding may be obtained at the office of M. V. Cummings Engineers Inc., 6501 Arlington Expressway Suite B-211, Jacksonville, Florida 32211. A refundable deposit of fifty dollars per set is required.

Contract documents for bidding may be examined at Division of Purchasing Services, Duval County Public Schools;
 F. W. Dodge McGraw Hill Plan Room
 Construction Bulletin
 Construction Market Data, Inc.
 Business Service Center

MBE PARTICIPATION: A MINIMUM OF 20% OVERALL MINORITY BUSINESS ENTERPRISE PARTICIPATION REQUIRED.

INVITATION TO BID

Sealed bids will be received by the Columbia County Schools, Purchasing Department, 528 W. Duval Street, Lake City, Florida 32055 until 2:00 p.m., May 22, 2001, for the following:

Bid Number: 2945

Title: Bid for Bread, SFS

Detailed specifications may be obtained from the Purchasing Department at the above address or by calling (904)755-8038 or Fax (904)755-8077. The School Board reserves the right to reject any and all bids. This bid shall be for bread products delivered to twelve (12) schools on an as needed basis throughout the 2001-02 school year. Estimated annual purchase is \$100,000.00.

INVITATION TO BID

Sealed bids will be received by the Columbia County Schools, Purchasing Department, 528 W. Duval Street, Lake City, Florida 32055 until 2:00 p.m., May 24, 2001, for the following:

Bid Number: 2946

Title: Bid for Milk, SFS

Detailed specifications may be obtained from the Purchasing Department at the above address or by calling (904)755-8038 or Fax (904)755-8077. The School Board reserves the right to reject any and all bids. This bid shall be for milk and milk products delivered to twelve (12) schools on a daily basis throughout the 2001-02 school year. Estimated annual purchase is \$200,000.00.

WATER MANAGEMENT DISTRICTS

INVITATION TO BID

NWFWMD and Panacea Area Water System 2001
 Abandoned Well Plugging Project
 BID NUMBER 01B-006

The Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333, will receive sealed bids up to the bid opening at 3:00 p.m., (ET), June 4, 2001, from licensed water well contractors for the plugging of one abandoned 6-inch diameter well and one 10-inch diameter well in the Panacea Area Water System, Wakulla County, Florida.

All bids must conform to the applicable Florida statutes and to the instructions in the Invitation to Bid. Interested bidders may obtain a copy of the complete Invitation to Bid package at the above address or by calling Terri Peterson, Division of Resource Regulation, (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.

There will be a pre-bid conference in Panacea on Friday, May 18, 2001, 10:00 a.m. (ET), which will convene just west of the intersection of County Road 372 (Surf Road) and U.S. Highway 98 near the water tower on the north side of the road. The purpose of this conference is to answer technical or administrative questions and provide a tour of the scheduled abandoned well sites.

SPACEPORT FLORIDA AUTHORITY

Notice of Solicitation of Statements of Interest
 In Motor Handling Labor Specialists Support

The Spaceport Florida Authority (SFA) is soliciting proposals from qualified firms for participating with the Authority to serve as a resource in providing personnel in specific labor categories to support launch requirements for several Terrier Mk 70-configured Sounding Rocket launches.

SFA's goal is to launch three Terrier Mk 70-configured vehicles in preliminary stages of development. Interested parties should have experience with federal range launch operations and documentation related to solid rocket motor launches. Expertise is required in Ordnance operations, launch vehicle processing and vehicle integration using Terrier Mk. 70 motors and acceptable motor handling procedures. Experience with rail launched-Terriers is desirable. Familiarity with Cape Canaveral Air Force Station and the Eastern Range is desirable but not required. Expressions of interest should be in written form, not to exceed five pages. The responses should provide background information on the company (or individual), identify the key individuals, labor classifications and labor rates. Responses should describe relevant hands-on Terrier experience and cite Sounding Rocket programs and/or launch sites where experience was attained. Indicate years of experience directly related to Terrier Mk70 and Terrier Mk12 solid rocket motors. Expressions of interest and questions will be received until 12:00 Noon, May 10, 2001. Questions must be submitted electronically to Mr. Greg Popp as follows: Greg@Spaceportflorida.com. Questions and answers will be posted on the SFA web site. Proposals should be addressed to: Mr. Greg Popp, Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003, (321)730-5301, Ext. 1110.

It is SFA's intent to explore all potential contractual relationships, teaming arrangements or partnerships for participating with the Authority in supporting existing SFA launch requirements and facilities. Future procurement or other actions will be taken at SFA's sole discretion pursuant to its policies and procedures. Type of Contract: At SFA's sole discretion, this solicitation may result in award of a Task Order contract with each task separately scoped, negotiated and priced.

SFA reserves the right to select more than one winner. Winners will be notified during the week of May 21, 2001. The Authority also reserves the right to reject any and all proposals received.

DEPARTMENT OF HEALTH

INVITATION TO BID

Sealed bids will be accepted by the Pinellas County Health Department (PCHD), located at 300 31st St., North, Suite 602, St. Petersburg, FL 33713, until 1:00 p.m., May 25, 2001. Bid

No. 0001-06-RW, to furnish LAWN MAINTENANCE for five (5) locations within Pinellas County, may be secured from the Purchasing Department within the PCHD at the above address, telephone number (727)893-2209. Bid packages include specifications, terms and general conditions. A mandatory bidder's conference will be held on Wednesday, May 16, 2001, 10:00 a.m., at the PCHD in Suite 615. ATTENDANCE IS MANDATORY. Bidder's not in attendance will not be considered for award. Right is reserved for the PCHD to reject any or all bids.

SPECIAL NOTE: If you require accommodations because of a disability in order to participate in the bid process, please contact Rick Wallace, (727)893-2209, Ext. 137, by May 11, 2001.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE TO GENERAL CONTRACTORS
 INVITATION TO BID

Proposals are requested from qualified general contractors by the Department of Children and Family Services, hereinafter referred to as Owner, for the construction of:

PROJECT NUMBER: DCF 99340110
 PROJECT: WEST FLORIDA COMMUNITY CARE CENTER
 MILTON, FLORIDA
 EXTERIOR REPAIRS INCLUDES: WASHING, CLEANING AND SEALING, REPLACE GUTTERS AND DOWNSPOUTS, REMOVING LEAD-BASED PAINT AND PAINTING ALL WINDOWS, DOORS, WOOD, ALUMINUM AND METAL, AND VINYL WRAP FASCIA AND SOFFIT.

PREQUALIFICATION: The Owner accepts bids from those contractors who demonstrate current licensed status with the Department of Business and Professional Regulations. The Instructions to Bidders "Bidder Qualification Requirements and Procedures" are included in the specifications under Article B-2.

PERFORMANCE BOND AND LABOR AND MATERIAL BOND: On any construction contract for which the award amount is greater than \$100,000, a Performance Bond and Labor and Material Payment Bond are required.

DATE AND TIME: All bids must be in writing and delivered in a sealed envelope, Attention: Bob Scheer, 5500 Stewart Street, Milton, Florida 32570. All bids must be received by 11:00 a.m. (CST), Tuesday, May 22, 2001 at which time they

will be opened and read aloud. Bids received after the time set for the bid opening will be rejected and returned unopened to the bidder. Incomplete bids will be rejected in entirety.

PROPOSAL: The contact person is Bob Scheer, Director of Facility Operations. The phone number is (850)983-5500. Normal working hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. Interested bidder should visit the facility to see the exterior work areas, windows, soffit, fascia, etc. and to receive a "Bidding and Contractual Conditions" package.

CONTRACT AWARD: The bid tabulation and Notice of Award Recommendation will be posted at 2:00 p.m. (Local Time), May 23, 2001, at the location of the bid opening. In the event that the bid tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by Certified United States mail, Return Receipt Requested. Any protests of the bid must be made within 72 hours of posting of the results. "Failure to file a protest within the time prescribed in s. 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes." If no protest is filed per Section B-21 of the Instructions to Bidders, "Notice and Protest Procedures", the contract will be awarded to the qualified, responsive low bidder by the Owner.

PROPOSAL: Bids must be submitted in full accordance with the requirements of the drawings, specifications, bidding conditions and contractual conditions, and with a copy of the contractor's license. The contract documents may be examined and obtained from the Architect/Engineer:

MANAUSA, LEWIS AND DODSON, ARCHITECTS
 2074 RAYMOND DIEHL ROAD
 TALLAHASSEE, FLORIDA 32308
 TELEPHONE: (850)385-9200

CONTRACT AWARD: The bid tabulation and Notice of Award Recommendation will be posted at 2:00 p.m. (Local Time), May 25, 2001, at the architect's office. In the event that the bid tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by Certified United States mail, Return Receipt requested. Any protests of the bid must be made within 72 hours of posting of the results. "Failure to file a protest within the time prescribed in s. 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes." If no protest is filed per Section B-21 of the Instructions to Bidders, "Notice and Protest Procedures", the contract will be awarded to the qualified, responsive low bidder by the Owner.

**NOTICE TO ROOFING CONTRACTORS
 INVITATION TO BID**

Proposals are requested from qualified roofing contractors by the Department of Children and Family Services, hereinafter referred to as Owner, for the construction of:

PROJECT NUMBER: DCF 00240210
PROJECT: REROOFING OF THE
 GYMNASIUM
 SUNLAND TRAINING CENTER
 MARIANNA, FLORIDA

PREQUALIFICATION: The Owner accepts bids from those contractors who demonstrate current licensed status with the Department of Business and Professional Regulations. The Instructions to Bidders "Bidder Qualification Requirements and Procedures" are included in the specifications under Article B-2.

PERFORMANCE BOND AND LABOR AND MATERIAL BOND: A performance bond and labor and material payment bond are required.

DATE AND TIME: Sealed bids will be received at the architect's office on May 24, 2001, until 2:00 p.m. (Local Time), at which time they will be publicly opened and read aloud.

MANDATORY PRE-BID INSPECTION: We will conduct a mandatory prebid inspection with the architect at the project site on Tuesday, May 15, 2001, 10:00 a.m., for all interested contractors.

**DOMESTIC VIOLENCE UNIT
 INVITATION TO NEGOTIATE**

An Invitation to Negotiate (ITN) for the State of Florida STOP Violence Against Women Formula Grants Program will be available to interested parties as of May 4, 2001 to address programs focused on ending domestic violence and sexual assault by strengthening Florida's law enforcement and victims' services efforts. Eligible applicants include: state agencies, local governments and nonprofit, non-governmental victim service providers.

The deadline for submission of applications for victims' services efforts is June 4, 2001, 5:00 p.m. (E.S.T) and the deadline for submission of applications for law enforcement efforts is July 5, 2001, 5:00 p.m. (E.S.T) to: the Florida Department of Children and Family Services, Domestic Violence Unit, 1317 Winewood Boulevard, Building 7, Room 329, Tallahassee, Florida 32399-0700, Attn.: Vera Kirkland, Administrative Assistant II.

Copies of the 2001 STOP Violence Against Women Grant Application are available by contacting the Department of Children and Family Services, Domestic Violence Unit, (850)921-2168, Fax (850)922-6720 and providing your name and title, your agency's name, complete mailing address, telephone number, fax number and e-mail address.

The Department of Children and Family Services, Domestic Violence Unit reserves the right to reject any or all applications or waive minor irregularities, when to do so would be in the best interest of the State of Florida. Minor irregularities are those which will not have a significant

adverse effect on overall competition, cost or performance. Certified Minority Business Enterprises are encouraged to apply. For additional information, call (850)921-2168. All expenses incurred to develop and submit these applications will be the responsibility of the applicant. Expenses may not be charged to the STOP Violence Against Women Grant Program or application.

FISH AND WILDLIFE CONSERVATION COMMISSION

INVITATION TO BID

Proposals are requested from qualified contractors by the Florida Fish and Wildlife Conservation Commission for:

DATE: May 31, 2001, 2:00 p.m.
BID NO.: FWC 00/01-93
BID TITLE: HOG VALLEY BOAT RAMP
LOCATION: Hog Valley boat ramp is located approximately 10 miles north of County Road 316 near the city of Eureka in Marion County, Florida at the end of the dirt road that runs west from N. E. 160th Ave.

WORK: Work of this proposed Contract comprises construction of a single lane reinforced concrete boat ramp on the Oklawaha River.

PRE-BID CONFERENCE: A non-mandatory pre-bid conference has been scheduled for 10:00 a.m. (EDT), May 17, 2001 at the Hog Valley Site.

BID DOCUMENTS: May be examined and obtained from the Florida Fish and Wildlife Conservation Commission Engineering Construction Section, 600 N. Thacker Ave., Suite A-1, Kissimmee, Florida 34741, (407)846-5300, upon payment of \$25, non-refundable, for one set.

BIDS: Bids must be submitted in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions. Sealed bids will be received, publicly opened and read aloud on May 31, 2001, 2:00 p.m. (EDT), at the above mentioned Purchasing Office.

REQUIRED BONDS: After award of Contract, a 100% Performance Bond and a 100% Labor and Material Payment Bond will be required.

CONTACT PERSON: Jim Palmer, Engineer II
Tel. (407)846-5300

PROPOSAL: Proposals must be submitted in full accordance with requirements of the Bidding and Contractual Conditions. Bid specifications may be obtained from: Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Purchasing Room 364, Bryant Building, Tallahassee, Florida 32399-1600. A copy of the ITB maybe obtained from the above address or by calling (904)488-3427. The Commission reserves the right to reject any and all bid/proposals.

PRO 2-1

POLK COUNTY SHERIFF'S OFFICE

Notice of Request for Proposal – RFP # 2001-008

Inmate Video Visitation System for PCSO

Notice is hereby given that the Polk County Sheriff's Office – Department of Detention will be accepting sealed proposals from Qualified vendors to provide the following:

Complete Video Camera & Monitor System
to provide Inmate Visitation at two (2)
Detention Facilities

All prospective vendors are encouraged to attend a Pre-proposal Conference at the Central County Jail, as follows:

DATE AND TIME: Friday, May 18, 2001, 9:00 a.m.
PLACE: Central County Jail Training Room, 2390 Bob Phillips Road, Bartow, Florida 33830

Proposal Information Packets, which will provide Pertinent Dates/Times, Terms and Conditions, Complete Specifications and Bid Forms can be obtained by contacting the Purchasing Administrator, Louie H. Langford, (863)534-6243.

All sealed proposals must be received in the office of the Purchasing Administrator no later than 4:00 p.m., Monday, June 4, 2001.

Sheriff Lawrence W. Crow, Jr. reserves the right to accept or reject any or all proposals, to waive any informalities in a proposal, to accept the proposal that, in the judgement of the Sheriff, is in the best interest of the Polk County Sheriff's Office and the Taxpayers of Polk County.

/s/ Sheriff Lawrence W. Crow, Jr.

FLORIDA ASSOCIATION OF COURT CLERKS

**REQUEST FOR PROPOSAL
FOR AUDIT OF THE FLORIDA**

LOCAL GOVERNMENT INVESTMENT TRUST

FACC Services Group, LLC (the "Administrator"), on behalf of the Trustees of Florida Local Government Investment Trust, (the "Trust") is seeking a nationally or regionally recognized independent accounting firm to provide auditing services to the Trust.

To receive a copy of the RFP contact: Donald J. Ringheisen, Trust Services Manager, FACC Services Group, LLC, 3544 Maclay Blvd., Tallahassee, Florida 32312, (850)921-0808, Fax (850)921-4119.

Qualified accounting firms are invited to submit proposals to provide auditing services for the Trust. Written proposals will be received until 5:00 p.m. (EST), Friday, June 1, 2001 at the offices of Administrator. Proposals received after this date will not receive further consideration.

**Section XII
Miscellaneous**

DEPARTMENT OF BANKING AND FINANCE

NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following application and/or other notices. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Chapter 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., May 25, 2001):

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: First Choice Credit Union, 1055 South Congress Avenue, West Palm Beach, Florida 33406

Expansion Includes: Persons who are members of the Argentina Arts Organization of Palm Beach.

Received: April 19, 2001

Name and Address of Applicant: City County Credit Union of Fort Lauderdale, 1982 North State Road 7, Margate, Florida 33063-5710

Expansion Includes: The employees of ProxyMed, Inc., and individual or corporate contributors to the D.A.R.E. (Drug Abuse Resistance Education) program residing or working in

the cities of Dania, Deerfield Beach, Hillsboro Beach, Lauderdale-by-the-Sea, Lazy Lake Village, Lighthouse Point, Pompano Beach, Sea Ranch Lakes, Tamarac, Weston and Wilton Manors.

Received: April 24, 2001

IN RE: Administrative Proceeding
TAJ GLOBAL EQUITIES, INC., No.: 2987-S-7/00
ARAMYNTA
D. WEST, AND WILBER GLEN
JURDINE
Alice A. May, by Adam
Warcewicz, her Attorney-in-Fact
Respondent.

**NOTICE OF INTENT TO ENTER A FINAL ORDER
APPROVING RECOVERY FROM THE SECURITIES
GUARANTY FUND AND NOTICE OF RIGHTS**

The State of Florida Department of Banking and Finance, Division of Securities and Investor Protection (the "Department"), being authorized and directed to administer and to accept and pay claims against the Securities Guaranty Fund (the "Fund"), codified in Sections 517.131 and 517.141, Florida Statutes, does hereby give Notice of its intention to enter a Final Order approving the applications of Alice A. May, by Adam Warcewicz, her Attorney-in-Fact ("May" and "Claimant") for payment from the Fund for violations of the Florida Securities and Investor Protection Act by Respondents TAJ Global Equities, Inc., Aramynta D. West and Wilber Glenn Jurdine.

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. Under the provisions of the Florida Securities and Investor Protection Act (the "Act"), the Department is charged with the responsibility and duty of administering the fund, which includes the duty to approve or deny applications for payment from the Fund, as set forth in Section 517.141(3)(a), Florida Statutes.

2. At all times material hereto, TAJ Global Equities, Inc., ("TAJ") was registered pursuant to Chapter 517, Florida Statutes, (CRD No. 31768).

3. At all times material hereto, Aramynta D. West ("West") was registered pursuant to Chapter 517, Florida Statutes, (CRD No. 2677070).

4. At all times material hereto, Wilber Glen Jurdine ("Jurdine") was registered pursuant to Chapter 517, Florida Statutes, (CRD No. 1773721).

5. On July 10, 2000, the Department received a letter from William Kirtley ("Kirtley"), attorney for the Claimant. Kirtley's letter provided notice to the Department that the Claimant was making a claim against the Securities Guaranty Fund for acts committed by TAJ, West and Jurdine. With the letter, Kirtley also included:

a. a copy of the award in NASD Arbitration No. 97-02892 in which May was awarded compensatory damages in the amount of \$24,402.50 plus pre-judgment interest in the amount of \$6,887.50 and punitive damages in the amount of \$48,805.00;

b. a copy of the Final Judgment Order dated April, 26, 2000, from the Circuit Court of the Twelfth Judicial Circuit in and for Sarasota County, Florida, Case No. 99-10065CA confirming the arbitration award and awarding attorney fees in the amount of \$9,025.50 and costs of \$254.43.

c. a copy of the Statement of Claim and Amended Statement of Claim filed in NASD Arbitration No. 97-02892, alleging the sale of unsuitable securities commencing in April, 1996 and continuing through October, 1996.

d. a copy of the Power of Attorney appointing Adam Warcewicz as her attorney-in-fact for matters surrounding the prosecution of her claims against the Respondents.

6. Subsequent to the July 10, 2000, letter the Department received:

a. an affidavit from Kirtley in which he states that he has searched for the Respondents' assets and has been unable to locate any real or personal property liable to be levied upon in satisfaction of the judgement;

b. a copy of a Notice of Commencement of a Case Under Chapter 7 of the Bankruptcy Code from the United States Bankruptcy Court Middle District of Florida, Tampa Division, Case No. 96-10917-8G7, for the bankruptcy case of Aramynta West filed on August 20, 1996.

CONCLUSIONS OF LAW

7. The requirements for perfecting a claim to the Fund are found in Sections 517.131 and 517.141, Florida Statutes.

8. Based upon the foregoing Statement of Facts, the Department concludes that the Claimants have satisfied the requirements in Section 517.131, Florida Statutes, in that:

a. May has been adjudged by the Circuit Court of the Twelfth Judicial Circuit in and for Sarasota County, Florida, Case No. 99-10065CA, to have suffered monetary damages in the amount of \$24,402.50 plus pre-judgment interest in the amount of \$6,887.50 and punitive damages in the amount of \$48,805.00 resulting from the Respondents' conduct in violation of Section 517.301, Florida Statutes;

b. The Claimant has attempted to collect from the judgement debtor, but she has not recovered any amount from the Respondents, or any other source in satisfaction of these damages;

c. At all times material hereto, Respondent was licensed under Chapter 517, Florida Statutes; and

d. The act for which Claimant seeks recovery occurred after January 1, 1979.

9. Each Claimant is limited to recovering the amount equal to the unsatisfied portion of his judgment or \$10,000, whichever is less, as set forth in Section 517.141(1), Florida Statutes.

10. The total claims may not exceed \$100,000, and all claims will be prorated based upon the ratio that the person's claim bears to the total claims filed, as set forth in Section 517.141(2), Florida Statutes.

11. Section 517.141(3), Florida Statutes, provides that no payment from the Fund shall be made until 2 years after the first claim has been determined by the Department to be eligible for payment from the Fund. This subsection further provides that any additional claims or potential claims filed with or approved by the Department during the two year period shall also be considered by the Department and provision made for further prorations concerning such additional claims, if any, two years hence.

12. It is the conclusion of the Department that no payment shall be made in connection with the Claimant's claim until two years from the date of the first Final Order regarding the Respondents.

PROPOSED FINAL ORDER

Upon due consideration of the factual statement set forth above and the law applicable thereto, NOTICE is hereby given that the Department intends to and will issue a Final Order substantially as follows, subject only to the Notice of Rights attached hereto and made a part hereof:

1. The Department hereby approves Alice A. May's claim in the amount of \$10,000;

2. No payment from the Fund shall be made until two years from the date of entry of this first Final Order regarding TAJ, West and Jurdine;

3. Upon expiration of such period, provided that no further claims are duly received or approved by final order by the Department alleging violations of the Act by the Respondents, and subject to further proration and limitation as may be required by Section 517.141(3) and (4), Florida Statutes, the Department shall pay Alice A. May the amount of up to \$10,000 from the Fund; and

4. Alice A. May shall assign any right, title and interest in the debt to the Department to the extent of and prior to any payment by the Department from the Fund.

NOTICE OF RIGHTS

Notice is hereby given that the Respondent may request a hearing on the Notice of Intent to enter a Final Order Approving 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 Florida Administrative Code 28-106.201, and must be filed with:

Clerk
Office of the Comptroller
Department of Banking and Finance
Legal Section
101 East Gaines Street
The Fletcher Building, Room 526
Tallahassee, Florida 32399-0350

within twenty-one (21) days after Respondent receives a copy of this Notice of Intent to enter a Final Order Approving Recovery from the Securities Guaranty Fund and Notice of Rights, otherwise the Respondents shall be deemed to have waived all rights to such hearing. Should a Respondent request such a hearing, it is further advised that at such hearing the Respondent will have the right to offer testimony, either written or oral; to call and cross-examine witnesses; and to have subpoena and subpoenas duces tecum issued on his behalf.

/s/

Thomas Cibula
Assistant General Counsel
Office of the Comptroller
101 East Gaines Street
The Fletcher Building, Suite 526
Tallahassee, Florida 32399-0350
(850)410-9896

IN RE:
RICHARD A. STOCK Administrative Proceeding
Irene Rodriguez and Ethel B. 2960-S-5/00
Schlenkerman
Respondent.

**NOTICE OF INTENT TO ENTER A FINAL ORDER
APPROVING RECOVERY FROM THE SECURITIES
GUARANTY FUND AND NOTICE OF RIGHTS**

The State of Florida Department of Banking and Finance, Division of Securities and Investor Protection (the "Department"), being authorized and directed to administer and to accept and pay claims against the Securities Guaranty Fund (the "Fund"), codified in Sections 517.131 and 517.141, Florida Statutes, does hereby give Notice of its intention to enter a Final Order approving the applications of Irene Rodriguez ("Rodriguez") and Ethel B. Schlenkerman ("Schlenkerman") (hereinafter jointly referred to as "Claimants") for payment from the Fund for violations of the Florida Securities and Investor Protection Act by Respondent Richard A. Stock.

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. Under the provisions of the Florida Securities and Investor Protection Act (the "Act"), the Department is charged with the responsibility and duty of administering the fund, which includes the duty to approve or deny applications for payment from the Fund, as set forth in Section 517.141(3)(a), Florida Statutes.

2. At all times material hereto, Richard A. Stock ("Stock") was registered pursuant to Chapter 517, Florida Statutes (CRD No. 1026309).

3. On May 4, 2000, the Department received a letter from Kalju Nekvasil ("Nekvasil"), attorney for the Claimants. Nekvasil's letter provided notice to the Department that the Claimants were making a claim against the Securities Guaranty Fund for acts committed by Stock. With the letter, Nekvasil also included the following:

- a. a copy of the Award in NASD Arbitration No. 98-02739;
- b. a copy of the Final Judgment dated February 16, 2000, confirming the NASD arbitration award from the Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida, Case No. 99-09327 awarding compensatory damages of \$34,452.00 to Rodriguez and awarding compensatory damages of \$50,975.00 to Schlenkerman;
- c. a copy of the writs of execution of execution filed on behalf of the Claimants from the Clerk of the Court in the Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida, and their receipts from the Hillsborough County Sheriff's Office; and
- d. an affidavit from Stephanie McDowell, an employee of Nekvasil, in which she states that she has searched for assets belonging to Stock and has been unable to locate any of his assets.

4. Subsequent to the May 4, 2000, letter, the Department received a copy of the Statement of Claim filed in NASD Arbitration Proceeding No. 98-02739. The Statement of Claim alleged that Stock's conduct violated Section 517.301, Florida Statutes, during and subsequent to the sale of \$25,000 in securities sold to Rodriguez on October 14, 1996, and \$42,000 in securities sold to Schlenkerman on December 23, 1996.

CONCLUSIONS OF LAW

5. The requirements for perfecting a claim to the Fund are found in Sections 517.131 and 517.141, Florida Statutes.

6. Based upon the foregoing Statement of Facts, the Department concludes that the Claimants have satisfied the requirements in Section 517.131, Florida Statutes, in that:

- a. Rodriguez and Schlenkerman have been adjudged by the Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida, Case No. 99-09327 to have

suffered monetary damages in the amount of \$34,452.00 and \$50,975.00 respectively as the result of conduct in violation of Section 517.301, Florida Statutes;

b. The Claimants have attempted to collect from the judgement debtor, but they have not recovered any amount from the Respondent, or any other source in satisfaction of these damages;

c. At all times material hereto, Respondent was licensed under Chapter 517, Florida Statutes; and

d. The act for which Claimant seeks recovery occurred after January 1, 1979.

7. Each Claimant is limited to recovering the amount equal to the unsatisfied portion of his or her judgment or \$10,000, whichever is less, as set forth in Section 517.141(1), Florida Statutes.

8. The total claims may not exceed \$100,000, and all claims will be prorated based upon the ratio that the person's claim bears to the total claims filed, as set forth in Section 517.141(2), Florida Statutes.

9. Section 517.141(3), Florida Statutes, provides that no payment from the Fund shall be made until 2 years after the first claim has been determined by the Department to be eligible for payment from the Fund. This subsection further provides that any additional claims or potential claims filed with or approved by the Department during the two year period shall also be considered by the Department and provision made for further prorations concerning such additional claims, if any, two years hence.

10. It is the conclusion of the Department that no payment shall be made in connection with the Claimants' claim until two years from the date of the first Final Order regarding Stock.

PROPOSED FINAL ORDER

Upon due consideration of the factual statement set forth above and the law applicable thereto, NOTICE is hereby given that the Department intends to and will issue a Final Order substantially as follows, subject only to the Notice of Rights attached hereto and made a part hereof:

1. The Department hereby approves Irene Rodriguez's claim in the amount of \$10,000.00;

2. The Department hereby approves Ethel B. Schlenkerman's claim in the amount of \$10,000.00;

3. No payment from the Fund shall be made until two years from the date of entry of this first Final Order regarding Richard A. Stock;

4. Upon expiration of such period, provided that no further claims are duly received or approved by final order by the Department alleging violations of the Richard A. Stock, and subject to further proration and limitation as may be required by Sections 517.141(3) and (4), Florida Statutes, the Department shall pay Irene Rodriguez and Ethel B. Schlenkerman an amount of up to \$10,000.00 each from the Fund; and

5. Irene Rodriguez and Ethel B. Schlenkerman shall assign any right, title and interest in the debt to the Department to the extent of and prior to any payment by the Department from the Fund.

NOTICE OF RIGHTS

Notice is hereby given that the Respondent may request a hearing on the Notice of Intent to enter a Final Order Approving 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 Florida Administrative Code, Section 28-106.201, and must be filed with:

Clerk
Office of the Comptroller
Department of Banking and Finance
Legal Section
101 East Gaines Street
The Fletcher Building, Room 526
Tallahassee, Florida 32399-0350

within twenty-one (21) days after Respondent receives a copy of this Notice of Intent to enter a Final Order Approving Recovery from the Securities Guaranty Fund and Notice of Rights, otherwise Respondent shall be deemed to have waived all rights to such hearing. Should Respondent request such a hearing, he is further advised that at such hearing he will have the right to offer testimony, either written or oral; to call and cross-examine witnesses; and to have subpoena and subpoenas duces tecum issued on his behalf.

Thomas Cibula
Assistant General Counsel
Office of the Comptroller
101 East Gaines Street
The Fletcher Building, Suite 526
Tallahassee, Florida 32399-0350
(850)410-9896

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Global Electric Motorcars, LLC, intends to allow the establishment of Sarasota Chrysler Plymouth, as a dealership for the sale of GEM vehicles, at 6826 South Tamiami Trail, Sarasota (Sarasota County), Florida 34231, on or after April 18, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Sarasota Chrysler Plymouth are: dealer operator(s) and principal investor(s) are: Albert Berger, 6826 South Tamiami Trail, Sarasota, FL 34231.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Mr. Kenneth R. Montler, 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.

EXECUTIVE OFFICE OF THE GOVERNOR

DRUG-FREE COMMUNITIES PROGRAM FOR VIOLENCE AND SUBSTANCE ABUSE PREVENTION NOTICE OF FUNDING AVAILABILITY

The Florida Office of Drug Control (ODC) announces the release of a Notice of Funding Availability (NOFA) via the Drug-Free Communities Program for violence and substance abuse prevention. The application and instructions are immediately available to not for profit organizations, state, county and municipal governments plus law enforcement agencies within the State of Florida. The NOFA solicits subgrant applications to fund violence and substance abuse prevention for youth up to 19 years of age. The anticipated Federal funds available under this NOFA total \$4,000,000. The ODC anticipates making up to 70 awards. The maximum amount of any one award will be \$50,000. Subgrant applications and instructions can be obtained by contacting Ms. Gail Campbell, Planning Manager, (850)487-8440. Subgrant applications must be received by June 12, 2001, not later than 5:00 p.m. (Eastern Daylight Savings Time) and sent to the following address:

Ms. Gail Campbell
 Drug-Free Communities Program
 Governor's Office of Drug Control
 Attention: Drug-Free Communities Application Enclosed
 PL 04, The Capitol
 Tallahassee, Florida 32399-0001

All applications must be prepared in conformance with the instructions. The ODC reserves the right to reject any or all subgrant applications received or to cancel this NOFA when to do so would be in the best interest of the State of Florida. The ODC may waive minor irregularities in the subgrant applications received where such are merely a matter of form and not substance and the correction of such are not prejudicial to other applicants.

Questions or other inquiry regarding this NOFA should be directed to the Drug-Free Communities Program, (850)487-8440.

AGENCY FOR HEALTH CARE ADMINISTRATION

CERTIFICATE OF NEED NOTICE OF WITHDRAWAL

The Agency For Health Care Administration hereby notices withdrawal from review the following Certificate of Need applications:

- County: Volusia Service District: 4
 CON #: 9424 Decision Date: 3/29/2001 Decision: W
 Facility/Project: Memorial Hospital-Peninsula
 Applicant: Memorial Health Systems, Inc.
 Project Description: Establish up to 25 inpatient adult psychiatric beds through the conversion of up to 25 acute care beds
- County: Pasco Service District: 5
 CON #: 9430 Decision Date: 4/18/2001 Decision: W
 Facility/Project: East Pasco Medical Center
 Applicant: East Pasco Medical Center, Inc.
 Project Description: Add up to 36 acute care beds
- County: Hillsborough Service District: 6
 CON #: 9436 Decision Date: 4/16/2001 Decision: W
 Facility/Project: Brandon Regional Hospital
 Applicant: Galencare, Inc.
 Project Description: Establish an adult open heart surgery program
- County: Orange Service District: 7
 CON #: 9446 Decision Date: 4/16/2001 Decision: W
 Facility/Project: Florida Hospital
 Applicant: Adventist Health System/Sunbelt, Inc.
 Project Description: Establish a pediatric open heart surgery program
- County: Orange Service District: 7
 CON #: 9447 Decision Date: 4/16/2001 Decision: W
 Facility/Project: Florida Hospital
 Applicant: Adventist Health System/Sunbelt, Inc.
 Project Description: Establish a pediatric cardiac catheterization program
- County: Broward Service District: 10
 CON #: 9458 Decision Date: 4/18/2001 Decision: W

Facility/Project: Memorial Hospital West
 Applicant: South Broward Hospital District
 Project Description: Establish an adult open heart surgery program

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

AHCA Purchase Order Number S5900I0310.

CERTIFICATE OF NEED

DECISIONS ON EXPEDITED APPLICATIONS

The Agency for Health Care Administration made the following decisions on Certificate of Need applications for expedited review:

County: Dade	Service District: 11
CON #: 9414	Decision: A
	Date: 4/17/2001

Facility/Project: Palmetto General Hospital
 Applicant: Lifemark Hospitals of Florida, Inc.
 Project Description: Add 15 adult psychiatric beds through the delicensure of 16 child/adolescent beds
 Project Costs: \$121,725
 AHCA Purchase Order Number S5900I0310.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation announces it will be accepting applications for inclusion in the HARDEE COUNTY drawing for three (3) new quota liquor licenses beginning May 7, 2001 and continuing through August 4, 2001.

All interested persons should contact the Division's district office serving their area of interest.

Further information may be obtained by calling (850)488-8288 or writing: Division of Alcoholic Beverages and Tobacco, Bureau of Licensing and Auditing, New Quota License Drawing, 1940 North Monroe Street, Tallahassee, FL 32399-1021.

DEPARTMENT OF HEALTH

On April 18, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of April Stephen, CNA, license number CNA 0494372023305. Stephen's last known

address is: 11112 Black Walnut Street, Port Richey, FL 34667. 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 April 18, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Marcy Davis, TT, license number TT 006474. 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.

CITY OF CLEWISTON

CITY MANAGER – City of Clewiston, FL (Population 6,500). Salary range: \$50,000 to \$70,000 plus benefits. Chief administrative official for the city. Directs and coordinates administration of city government in accordance with the policies determined by the five-member city commission elected at large. The City's current budget is \$18 million; 115 full-time employees; full-service city.

Must possess skills and abilities including but not limited to: public works, fiscal management and intergovernmental relation experience; superior organization management and consensus-building skills; ability to formulate, submit and administer budgets; proficient in the use of computers and able to function in a sophisticated computer environment. Must be able to keep the city commission fully advised as to its financial condition and forecast future needs of the city.

Minimum qualifications: A bachelor's degree from an accredited college or university in public administration, government, accounting, business administration or related field and three years of professional experience as a city manager or related field with high level of management and supervisory experience.

Submit resume, cover letter and five professional references to: Interim City Manager Iva Pittman, City of Clewiston, 115 West Ventura Avenue, Clewiston, FL 33440. Position is open until filled. Under Florida Public Records Law, resumes are subject to disclosure. EOE/ADA/DFWP.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN April 16, 2001
 and April 20, 2001

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF INSURANCE

4-192.013	4/16/01	5/6/01	27/9	
4-192.023	4/16/01	5/6/01	27/9	
4-192.033	4/16/01	5/6/01	27/9	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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STATE BOARD OF ADMINISTRATION

19-10.001	4/19/01	5/9/01	27/5	27/12
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AGENCY FOR HEALTH CARE ADMINISTRATION
Office of Licensure and Certification

59A-23.003	4/18/01	5/8/01	26/50	27/10
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

61G3-16.0091	4/20/01	5/10/01	27/11	
61G3-20.009	4/20/01	5/10/01	27/11	

Board of Cosmetology

61G5-18.011	4/20/01	5/10/01	27/11	
61G5-30.004	4/20/01	5/10/01	27/11	

DEPARTMENT OF HEALTH

Board of Nursing

64B9-3.002	4/18/01	5/8/01	26/36	26/51
64B9-3.008	4/18/01	5/8/01	26/36	26/51

Board of Respiratory Care

64B32-6.004	4/17/01	5/7/01	27/7	
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FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Resources

68E-2.001	4/19/01	5/9/01	27/6	
68E-2.002	4/19/01	5/9/01	27/6	
68E-2.003	4/19/01	5/9/01	27/6	
68E-2.004	4/19/01	5/9/01	27/6	
68E-2.005	4/19/01	5/9/01	27/6	
68E-2.006	4/19/01	5/9/01	27/6	
68E-2.007	4/19/01	5/9/01	27/6	
68E-2.008	4/19/01	5/9/01	27/6	
68E-2.009	4/19/01	5/9/01	27/6	

Section XIV
List of Rules Affected

				Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
This "List of Rules Affected" is a cumulative list of all rules which have been proposed but not filed for adoption. Beginning with the February 2, 1996 issue, the list will be published monthly for the period covering the last eight weeks.				4-124.003	27/17		
w - Signifies Withdrawal of Proposed Rule(s)				4-124.004	27/17		
c - Rule Challenge Filed				4-124.005	27/17		
v - Rule Declared Valid				4-124.006	27/17		
x - Rule Declared Invalid				4-124.007	27/17		
d - Rule Challenge Dismissed				4-124.008	27/17		
dw - Dismissed Upon Withdrawal				4-124.009	27/17		
Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	4-124.012	27/17		
				4-124.026	27/17		
				4-137.001	27/2		27/13
				4-137.002	26/50	27/6	27/13
				4-141.0016	21/2c		
				4-149	24/3c		
				4-149.001	24/3c		
					23/45	26/22	
STATE					24/46	26/22	
				4-149.002	23/45	26/22	
1B-24.002	26/43				24/46	26/22	
1C-3.134	27/3			4-149.003	23/45	26/22	
1C-3.138	27/3				24/46	26/22	
1C-3.140	27/3			4-149.004	23/45	26/22	
					24/46	26/22	
LEGAL AFFAIRS				4-149.005	23/45	26/22	
					24/46	26/22	
2-37	27/15			4-149.006	23/45	26/22	
					24/46	26/22	
BANKING AND FINANCE				4-149.007	23/45	26/22	
					24/46	26/22	
3-1	26/43c			4-149.008	23/45	26/22	
	27/2c				24/46	26/22	
3A-10.083	27/5		27/12	4-149.009	23/45	26/22	
3C-1.022	21/25				24/46	26/22	
3C-100.970	27/17			4-149.010	23/45	26/22	
3C-560.704	27/7				24/46	26/22	
3C-560.803	27/7			4-149.020	23/45	26/22	
	27/18c				24/46	26/22	
3C-560.805	27/7			4-149.021	23/45	26/22	
3D-85.300	27/9		27/16		24/46	26/22	
3E-500.017	27/16			4-149.022	23/45	26/22	
3E-600.004	27/14				24/46	26/22	
3E-600.008	27/14			4-149.023	23/45	26/22	
3E-600.009	27/14				24/46	26/22	
3F-7.011	27/10			4-149.024	23/45	26/22	
3F-7.012	27/10				24/46	26/22	
3F-7.013	27/10			4-149.035	23/45	26/22	
3F-10.002	27/10				24/46	26/22	
3F-10.003	26/47			4-149.101	23/45	24/31	
	27/10c				24/3c		
3F-11.002	26/51		27/11		24/3c		
					24/46	26/22	
INSURANCE				4-149.102	23/45	24/31	
4-1	26/44c					26/12	
	27/16c					26/22	
	27/18c				24/3c		
4-5.074	27/15				24/3c		
					24/46	26/22	

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
4-149.103	23/45	24/31 26/12 26/22		4-149.111	23/45	24/31 26/12 26/22	
	24/3c 24/3c				24/3c 24/3c		
4-149.104	24/46 23/45	26/22 24/31 26/12 26/22		4-149.112	24/46 23/45	26/22 24/31 26/12 26/22	
	24/3c 24/3c				24/3c 24/3c		
4-149.105	24/46 23/45	26/22 24/31 26/12 26/22		4-149.113	24/46 24/3c 24/3c	26/22	
	24/3c 24/3c			4-149.114	24/3c		
4-149.106	24/46 23/45	26/22 24/31 26/12 26/22		4-149.115	24/3c		
	24/3c 24/3c			4-149.116	24/3c		
	24/46	26/22		4-149.117	24/3c		
	23/45	24/31 26/12 26/22		4-149.118	24/3c		
				4-149.119	24/3c		
	24/3c 24/3c			4-149.120	23/45	24/31 26/12 26/22	
4-149.107	24/46 23/45	26/22 24/31 26/12 26/22			24/3c 24/3c		
	24/3c 24/3c			4-149.121	24/46 23/45	26/22 24/31 26/12 26/22	
4-149.108	24/46 23/45	26/22 24/31 26/12 26/22			24/3c 24/3c		
	24/3c 24/3c			4-149.122	24/46 23/45	26/22 24/31 26/12 26/22	
4-149.109	24/46 23/45	26/22 24/31 26/12 26/22			24/3c 24/3c		
	24/3c 24/3c			4-149.123	24/46 23/45	26/22 24/31 26/12 26/22	
4-149.110	24/46 23/45	26/22 24/31 26/12 26/22			24/3c 24/3c		
	24/3c 24/3c			4-149.124	24/46 24/3c	26/22	
4-149.1105	24/46 23/45 24/3c	26/22 24/31		4-149.125	24/3c		
				4-149.126	24/3c		
				4-149.127	24/3c		
				4-149.128	24/3c		
				4-149.129	24/3c		
				4-149.130	24/3c		
				4-149.131	24/3c 24/3c		

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
4-149.132	24/3c			4-157.022(4)	23/19c		
	24/3c			4-157.022(5)	23/19c		
4-149.1325	24/20	24/20		4-157.023	23/10	23/42	
4-149.133	24/3c			4-157.023(1)(b)	23/52c		
	24/3c			4-166.023	27/15		
4-149.190	23/45	26/22			27/17		
	24/3c			4-166.026	27/15		
	24/46	26/22			27/17		
4-149.201	27/2		27/13	4-166.027	27/15		
4-149.202	27/2		27/13		27/17		
4-149.203	27/2		27/13	4-166.028	27/15		
4-149.204	27/2		27/13		27/17		
4-149.205	27/2		27/13	4-167.002	27/14		
4-149.206	27/2		27/13	4-176.022	25/33	26/24	
4-149.207	27/2		27/13	4-191.036	27/7		
4-154	27/3			4-191.043	27/14		
4-154.112(1)(b)	27/17c			4-191.046	27/7		
4-154.402	26/25			4-191.048	27/7		
4-154.403	26/25			4-191.073	27/7		
4-154.404	26/25			4-192.013	27/9		27/18
4-154.405	26/25			4-192.023	27/9		27/18
4-154.406	26/25			4-192.033	27/9		27/18
4-154.407	26/25			4-193.025	27/18		
4-154.4071	26/25			4-193.065	26/41		
4-154.408	26/25			4-211.0031	27/11	27/15	
4-154.411	26/25			4-211.006	26/52		27/14
4-154.412	26/25			4-223.001	27/9		27/16
4-154.502	26/25			4-223.002	27/9		27/16
4-154.503	26/25			4-223.003	27/9		27/16
4-154.504	26/25			4-223.004	27/9		27/16
4-154.506	26/25			4-223.005	27/9		27/16
4-154.507	26/25			4-223.006	27/9		27/16
4-154.508	26/25			4-223.007	27/9		27/16
4-154.511	26/25			4-223.008	27/9		27/16
4-154.512	26/25			4-223.009	27/9		27/16
4-154.513	26/25			4-223.010	27/9		27/16
4-154.515	26/25			4-223.011	27/9		27/16
4-154.516	26/25			4-223.019	27/9		27/16
4-154.517	26/25			4-223.020		22/12	27/16
4-154.518	26/25				27/9		27/16
4-154.5181	26/25			4-223.021	27/9		27/16
4-154.520	24/3c			4-223.022	27/9		27/16
4-155.001	27/9			4-223.023	27/9		27/16
4-155.003	27/9			4-223.024	27/9		27/16
4-157.001	23/10	23/42		4-223.025		22/12	27/16
4-157.002	23/10	23/42			27/9		27/16
4-157.002(2)	23/19c			4-223.026	27/9		27/16
4-157.004	23/10	23/42		4-223.027	27/9		27/16
4-157.004(2)(b)	23/19c			4-223.028		22/12	27/16
4-157.004(4)	23/19c				27/9		27/16
4-157.017	23/10	23/42		4-223.029	27/9		27/16
4-157.022	23/10	23/42		4-223.030	27/9		27/16
4-157.022(1)(b)	23/19c			4-223.031	27/9		27/16
4-157.022(1),(2)(c),(4)	23/52c			4-223.032		24/51	27/16
4-157.022(2)	23/19c				27/9		27/16
4-157.022(3)	23/19c			4-223.033	27/9		27/16

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
4-223.034	27/9		27/16	4A-21.302	27/14		
4-223.035		22/12	27/16	4A-21.303	27/14		
	27/9		27/16	4A-21.304	27/14		
4-223.036	27/9		27/16	4A-28.003	27/12		
4-223.037	27/9		27/16	4A-28.006	27/12		
4-228.010	26/35	27/9	27/17	4A-28.007	27/12		
4-228.020	26/35	27/9	27/17	4A-28.009	27/12		
4-228.030	26/35	27/9	27/17	4A-28.016	27/12		
4-228.040	26/35	27/9	27/17	4A-36.100	27/12		
4-228.050	26/35	27/9	27/17	4A-36.101	27/12		
4-228.055	26/35			4A-36.102	27/12		
4-228.060	26/35	27/9	27/17	4A-36.103	27/12		
4-228.070	26/35		27/17	4A-36.105	27/12		
4-228.080	26/35	27/9	27/17	4A-36.106	27/12		
4-228.090	26/35	27/9	27/17	4A-36.107	27/12		
4-228.100	26/35	27/9	27/17	4A-36.108	27/12		
4-228.110	26/35		27/17	4A-38.020	27/12		
4-228.120	26/35		27/17	4A-38.021	27/12		
4-228.130	26/35		27/17	4A-38.023	27/12		
4-228.140	26/35		27/17	4A-38.024	27/12		
4-228.150	26/35	27/9	27/17	4A-38.026	27/12		
4-228.160	26/35	27/9	27/17	4A-38.028	27/12	27/18	
4-228.170	26/35		27/17	4A-38.030	27/12		
4-228.180	26/35	27/9	27/17	4A-41.001	27/12		
4-228.190	26/35	27/9	27/17	4A-41.002	27/12		
4-228.210	26/35	27/9	27/17	4A-41.003	27/12		
4-228.220	26/35	27/9	27/17	4A-41.007	27/12		
		27/11	27/17	4A-41.011	27/12		
4-228.230	26/35	27/9	27/17	4A-41.012	27/12		
4-228.240	26/35		27/17	4A-41.013	27/12		
4-228.250	26/35		27/17	4A-41.014	27/12		
4-230.030	27/15			4A-41.016	27/12		
4A-2.024	26/31	27/10	27/15w	4A-41.017	27/12		
4A-3.002	27/12			4A-41.019	27/12		
4A-3.009	27/12			4A-41.020	27/12		
4A-3.011	27/12			4A-41.024	27/12		
4A-3.012	27/12			4A-41.025	27/12		
4A-21.102	27/14			4A-41.026	27/12		
4A-21.103	27/14			4A-42.002	27/12		
4A-21.104	27/14			4A-42.003	27/12		
4A-21.106	27/14			4A-42.005	27/12		
4A-21.107	27/14			4A-43.001	27/12		
4A-21.108	27/14			4A-43.003	27/12		
4A-21.109	27/14			4A-43.009	27/12		
4A-21.110	27/14			4A-43.009 ⁵	27/12		
4A-21.113	27/14			4A-43.011	27/12		
4A-21.114	27/14			4A-43.014	27/12		
4A-21.203	27/14			4A-43.015	27/12		
4A-21.238	27/14			4A-43.017	27/12		
4A-21.240	27/14			4A-43.018	27/12		
4A-21.241	27/14			4A-46.015	27/14		
4A-21.242	27/14			4A-46.016	27/14		
4A-21.245	27/14			4A-46.017	27/14		
4A-21.249	27/14			4A-46.035	27/14		
4A-21.251	27/14			4A-46.040	27/14		

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
4A-46.041	27/14			4E-1.005	27/15		
4A-47.001	27/12			4E-1.006	27/15		
4A-47.002	27/12			4H-1.001	26/43		
4A-47.003	27/12			4H-1.003	26/43		
4A-47.004	27/12			4H-1.007	26/43	27/11	
4A-47.005	27/12					27/16	
4A-47.006	27/12			4H-2.001	26/43		
4A-47.008	27/12			4H-2.003	26/43	27/11	
4A-47.009	27/12					27/17	
4A-47.010	27/12			4H-2.004	26/43	27/17	
4A-47.011	27/12			4H-2.005	26/43		
4A-48.002	27/12			4H-2.007	26/43		
4A-48.004	27/12			4H-2.008	26/43	27/17	
4A-48.005	27/12			4H-2.009	26/43	27/11	
4A-48.006	27/12					27/17	
4A-48.008	27/12			4K-1.001	27/8		
4A-49.003	27/12			4K-1.002	27/8		
	27/12			4K-1.003	27/8	27/12	
4A-49.004	27/12			4K-1.004	27/8		
4A-52.003	27/12						
4A-52.004	27/12						
4A-53.003	27/12						
4A-54.003	27/12			5C-22.002	27/6		
4A-54.004	27/12			5C-22.003	27/6		
4A-54.006	27/12			5C-22.004	27/6		
4A-54.007	27/12			5C-22.005	27/6		
4A-55.002	27/12			5C-22.009	27/6		
4A-55.003	27/12			5C-22.011	27/6		
4A-55.004	27/12			5E-1.023	27/10		27/17
4A-56.004	27/12						
4A-56.006	27/12						
4A-60.001	27/6						
4A-60.002	27/6			6-1	26/39c		
4A-60.003	27/6				27/10c		
4A-60.004	27/6			6A-1.0453	27/17		
4A-60.005	27/6			6A-1.0503	27/8		27/16w
4A-60.006	27/6			6A-1.09412	27/8		27/17
4A-60.007	27/6			6A-1.09441	27/8		27/17
4A-60.008	27/6			6A-1.0996	25/27	25/34	
4A-62.001	26/47			6A-6.080	16/30		
4A-62.002	26/47			6A-14.030	27/8		27/17
4A-62.003	26/47			6A-20.012	27/8		27/15w
	27/6c			6A-20.0131	27/8		27/17
4A-62.004	26/47			6A-20.025	27/8		27/15w
4C-4.001	27/15			6A-20.05281	26/1		
4C-4.002	27/15			6B-4.001	27/15		
4C-4.003	27/15			6B-4.004	27/15		
4C-4.0035	27/15			6B-4.0041	27/15		
4C-4.004	27/15			6B-4.0042	27/15		
4C-4.0045	27/15			6B-4.0044	27/15		
4C-4.009	27/15			6B-4.0046	27/15		
4E-1.001	27/15			6B-4.0048	27/15		
4E-1.0015	27/15			6B-4.010	27/15		
4E-1.002	27/15			6C-4.001	27/3		27/17
4E-1.003	27/15			6C-6.0103	27/3		27/17
4E-1.004	27/15			6C-6.0105	27/3		27/17
				6C-6.011	27/3		27/17

AGRICULTURE AND CONSUMER SERVICES

EDUCATION

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
6C-6.019	27/3		27/17	9J-5.0055	18/40		
6C-6.020	27/3		27/17	9J-8.004	22/39		
6C-6.021	27/3		27/17	9J-8.006	22/39		
6C-7.001	27/17			9J-41.003	20/47		
6C-7.003	27/17			9J-200.146	26/42		
6C-9.006	27/3		27/17	9K-7.001	27/14		
6C-9.012	27/3		27/17	9K-7.002	27/14		
6C-600.002	26/33			9K-7.003	27/14		
6C4-3.021	Newspaper		27/13	9K-7.004	27/14		
6C4-4.002	Newspaper		27/17	9K-7.005	27/14		
6C4-4.0021	Newspaper		27/17	9K-7.006	27/14		
6C4-4.00210	Newspaper		27/17	9K-7.007	27/14		
6C4-4.00211	Newspaper		27/17	9K-7.008	27/14		
6C4-4.00212	Newspaper		27/17	9K-7.009	27/14		
6C4-4.00213	Newspaper		27/17	9K-7.010	27/14		
6C4-4.00214	Newspaper		27/17	9K-7.011	27/14		
6C4-4.0023	Newspaper		27/17	9K-7.012	27/14		
6C4-4.0024	Newspaper		27/17	9K-7.013	27/14		
6C4-4.0025	Newspaper		27/17	9K-8.001	27/14		
6C4-4.0026	Newspaper		27/17	9K-8.002	27/14		
6C4-4.0027	Newspaper		27/17	9K-8.003	27/14		
6C4-4.0028	Newspaper		27/17	9K-8.004	27/14		
6C4-4.0029	Newspaper		27/17	9K-8.005	27/14		
6C4-11.002	Newspaper		27/15	9K-8.006	27/14		
6C4-14.002	Newspaper		27/13	9K-8.007	27/14		
6D-16.002	27/16			9K-8.008	27/14		
6S-16.026	26/2			9K-8.009	27/14		
				9K-8.010	27/14		
				9K-8.011	27/14		
				9K-8.012	27/14		
				9K-8.013	27/14		
				9K-8.014	27/14		
				9M-1.002	27/10		
				9M-1.003	27/10		
				9M-1.004	27/10		
				9M-1.0045	27/10		
				9M-1.005	27/10	27/16	
				9M-1.007	27/10		
				9M-1.009	27/10		
COMMUNITY AFFAIRS							
9B-1.002	27/12			HEALTH AND REHABILITATIVE SERVICES			
9B-1.003	27/12			10-5.011(1)(v)	15/46c		
9B-1.004	27/12			10D-6.046(7)(f)2.	20/11c		
9B-1.0055	27/12			10M-9.001	22/1		
9B-1.006	27/12			10M-9.026	22/1		
9B-1.007	27/12			10M-9.045	22/1		
9B-1.0085	27/12			LAW ENFORCEMENT			
9B-1.009	27/12			11-2.002	27/17		
9B-1.0095	27/12			11-2.003	27/17		
9B-1.010	27/12			11-2.004	27/17		
9B-1.011	27/12			11B-14.002	27/17		
9B-1.014	27/12			11B-20.001	27/17		
9B-1.016	27/12			11B-20.0012	27/17		
9B-1.020	27/12						
9B-1.021	27/12						
9B-1.022	27/12						
9B-1.023	27/12						
9B-1.026	27/12						
9B-1.027	27/12						
9B-1.028	27/12						
9B-1.030	27/12						
9B-3.047	26/51c						
9C-600.002	26/33						
9I-31.005	16/35						
9I-35.006	19/31	19/43					
9I-47.035	23/25						

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					REVENUE		
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11B-20.0014	27/17						
11B-20.0015	27/17			12-13.001	27/17		
11B-20.0016	27/17			12-13.002	27/17		
11B-20.0017	27/17			12-13.003	27/17		
11B-20.0018	27/17			12-13.004	27/17		
11B-21.005	27/17			12-13.005	27/17		
11B-27.002	27/17			12-13.006	27/17		
11B-27.0021	27/17			12-13.007	27/17		
11B-27.005	27/17			12-13.0075	27/17		
11B-27.006	27/17			12-13.008	27/17		
11B-27.013	27/17			12-13.009	27/17		
11B-30.0061	27/17			12-13.010	27/17		
11B-30.0062	27/17			12-26.003	27/17		
11B-30.0063	27/17			12-26.004	27/17		
11B-30.007	27/17			12-26.008	27/17		
11B-30.0071	27/17			12A-1.001	27/7		
11B-30.008	27/17				27/17		
11B-30.009	27/17			12A-1.001(16)	27/16c		
11B-30.010	27/17			12A-1.0011	27/7	27/16	
11B-30.011	27/17			12A-1.004	27/7		
11B-30.012	27/17			12A-1.007	27/7		
11B-30.013	27/17			12A-1.008	27/7	27/16	
11B-30.014	19/40			12A-1.009	27/7		
	27/17			12A-1.0091	27/7		
11B-35.001	27/17			12A-1.010	27/7		
11B-35.0011	27/17			12A-1.011	27/7		
11B-35.002	27/17			12A-1.013	27/7		
11B-35.0021	27/17			12A-1.014	27/7		
11B-35.0022	27/17			12A-1.0141	27/7		
11B-35.0023	27/17			12A-1.0161	27/17		
11B-35.0024	27/17			12A-1.018	27/7		
11B-35.003	27/17			12A-1.026	27/7		
11B-35.004	27/17			12A-1.027	27/7	27/16	
11B-35.005	27/17			12A-1.028	27/7		
11B-35.006	27/17			12A-1.030	27/7		
11B-35.007	27/17			12A-1.031	27/7		
11B-35.008	27/17			12A-1.034	27/7		
11B-35.010	27/17			12A-1.035	27/7		
11C-6.004	27/17			12A-1.037	27/7		
11D-6.003	27/17			12A-1.038	27/17		
11D-8.002	27/17			12A-1.039	27/17		
11D-8.003	27/17			12A-1.041	27/7		
11D-8.0035	27/17			12A-1.043	27/17		
11D-8.004	27/17			12A-1.044	27/7		
11D-8.006	27/17			12A-1.048	27/7		
11D-8.007	27/17			12A-1.051	27/17		
11D-8.0075	27/17			12A-1.052	27/7		
11D-8.008	27/17			12A-1.053	27/17		
11D-8.010	27/17			12A-1.056	27/7		
11D-8.012	27/17			12A-1.0565	27/7		
11D-8.015	27/17			12A-1.058	27/7		
11D-8.016	27/17			12A-1.059	27/17		
11D-8.017	27/17			12A-1.060	27/7		
11G-1.002	27/17				27/17		
11G-2.004	27/17			12A-1.061	27/17		
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