

**Section I**

**Notices of Development of Proposed Rules and Negotiated Rulemaking**

**DEPARTMENT OF BANKING AND FINANCE**

**Board of Funeral and Cemetery Services**

**RULE TITLE:** Procedure for Licensing Transferred Cemeteries  
**RULE NO.:** 3F-5.006  
**PURPOSE AND EFFECT:** This rule is being amended to incorporate by reference an updated version of Form DBF-F-35, Application for Authority to Acquire Control of an Existing Cemetery Company.  
**SUBJECT AREA TO BE ADDRESSED:** Procedure for Licensing Transferred Cemeteries.  
**SPECIFIC AUTHORITY:** 497.103 FS.  
**LAW IMPLEMENTED:** 497.201(1), 497.209 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-5.006 Procedure for Licensing Transferred Cemeteries.

(1) Application. When a person, a group of persons or a corporation proposes to purchase or acquire of an existing cemetery company either by purchasing the outstanding capital stock of any cemetery company, or the interest of the owner or owners, and thereby to change the control of said cemetery company, such person shall file an Application for Authority to Acquire Control of an Existing Cemetery Company, Form DBF-F-35, effective \_\_\_\_\_, and ~~October 23, 1991, which~~ is hereby incorporated by reference. This application shall be accompanied by a non-refundable applicatoin fee of \$5,000.

(2) through (7) No change.

Specific Authority 497.103 FS. Law Implemented 497.201(1), 497.209 FS. History–New 9-29-75, Amended 11-2-78, 1-27-81, Formerly 3D-30.17, Amended 10-23-91, Formerly 3D-30.017, Amended \_\_\_\_\_.

**DEPARTMENT OF INSURANCE**

**RULE TITLE:** Forms Incorporated By Reference  
**RULE NO.:** 4-193.065  
**PURPOSE AND EFFECT:** This rule is being amended to adopt and incorporate forms DI4-471, Application for Provisional Certificate, and form DI4-473, Application for Certificate of Authority, by reference.

**SUBJECT AREA TO BE ADDRESSED:** This rule is being amended to adopt and incorporate forms by reference.  
**SPECIFIC AUTHORITY:** 624.308(1), 651.013, 651.015(1),(3) FS.  
**LAW IMPLEMENTED:** 651.021, 651.022, 651.023, 651.024, 651.026, 651.033, 651.035 FS.  
**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**  
**TIME AND DATE:** 9:00 a.m., June 26, 2001  
**PLACE:** Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Raleigh Close, Sr. Management Analyst, Insurance Consumer Service, Department of Insurance, phone (850)413-5816  
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White at (850)922-3110, ext. 4214.  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IF AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON.**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

<b>RULE CHAPTER TITLE:</b>	<b>RULE CHAPTER NO.:</b>
Permitting and Inspection Requirements for Amusement Rides	5F-8
<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Qualified Inspectors	5F-8.003
Exempt Nonmotorized or Human Powered Amusement Rides	5F-8.024

**PURPOSE AND EFFECT:** Applicable law, Section 616.242(3)(q)2. and 3., Florida Statutes, requires the Department to identify, by rule, educational programs that will be accepted for certification as a “Qualified Inspector”. Section 616.242(10)(b), Florida Statutes, allows the Department to exempt from inspection and permitting, by rule, certain human powered equipment which might otherwise be classified as amusement rides. The purpose and effect of revising these rules is to identify certain educational programs which will be recognized as meeting education requirements for qualified inspectors and to exempt certain human powered equipment from permitting and inspection as amusement rides.

**SUBJECT AREA TO BE ADDRESSED:** Rule 5F-8.003, Florida Administrative Code, is the department rule defining educational requirements for qualified inspectors and Rule

5F-8.024, Florida Administrative Code, is a proposed Department Rule which excludes certain human powered equipment from permitting and inspection as amusement rides by the Department as required by s. 616.242(10)(b), F.S.

SPECIFIC AUTHORITY: 616.241, 616.242 FS.

LAW IMPLEMENTED: 616.241, 616.242(3)(q),(4)(b),(10)(b) FS.

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

TIME AND DATE: 10:00 a.m., July 5, 2001

PLACE: Division of Standards Conference Room, 131 Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Isadore Rommes, Bureau Chief, Bureau of Fair Ride Inspections, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650, Phone (850)488-9790, Fax (850)488-9023

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

#### 5F-8.003 Qualified Inspectors.

(1) Each person seeking to perform amusement ride inspections as a qualified inspector for an insurance underwriter and execute the Affidavit of Compliance or Affidavit of Nondestructive Testing required for the annual permit, shall provide the department the following documents:

(a) Written certification from an insurance company that the applicant is an employee or agent of the company and is authorized to act as a qualified inspector for that insurance company, which is insuring the amusement ride; and (b) Written references verifying employment dates together with names and addresses of employers for such period of time as will demonstrate the required experience in the amusement ride field; at least two years of which were involved in actual ride inspection with an amusement ride manufacturer, government agency, park, carnival or insurance company; and

(c) A written statement or certificate from a school or seminar which demonstrates at least eighty hours of formal education from a school or seminar for amusement ride inspection or ride safety, which is approved by rule of the department, during the past five years. Nondestructive testing training that meets the requirements of American Society of Nondestructive Testing (ASNT), may be substituted for up to half of the required hours of formal education; and

(d) A written statement or certificate from a school or sponsor of a seminar showing thirty two hours per year of continuing education annually at a school or schools, or a seminar, approved by the department. These continuing education hours may include in-service industry or manufacturer updates and seminars. Curriculum subjects considered for credits are ~~only~~ those subjects included in schools or seminars conducted or sponsored by: National

Association of Amusement Ride Safety Officials (NAARSO), Amusement Industry Manufacturers and Suppliers International (AIMS), Council for Amusement and Recreational Equipment Safety (CARES), Glenn Barclay and Associates or any nationally recognized amusement ride organization, ride inspector or ride safety training programs conducted or sanctioned by state or local government amusement ride regulatory agencies in any jurisdiction, exempt permanent facilities in the state of Florida, and vocational training programs that reasonably relate to amusement ride safety or inspection, or other nationally recognized programs relating to amusement ride inspection or ride safety in their respective school. Nondestructive testing training that meets the requirements of ASNT may be substituted for up to half of the required hours of continuing education.

(e) If the applicant possesses the requisite qualifications the department will provide the applicant a letter designating that person as a qualified inspector for the purpose of executing the Affidavit of Compliance and Affidavit of Nondestructive testing required for the annual permit and will assign a qualified inspector number which shall be used when executing the required affidavits. The letter of authorization and qualified inspector number issued by the department to a qualified inspector shall be valid for up to one year, if the applicant continuously possesses the qualifications required by s. 616.242(1), F.S.

(f) The department acknowledges the amusement ride inspection, safety and education programs of NAARSO, AIMS, CNA Insurance, Glynn Barclay and Associates, and the Pennsylvania Amusement Ride Safety Seminar, as educational programs meeting the department's requirements to certify a qualified inspector.

(g) A sponsor or an attendee of any school or seminar that concerns, or is reasonably related to, amusement ride inspection or ride safety may request consideration as an educational program which meets the requirements of this rule by contacting the Bureau Chief, Bureau of Fair Ride Inspections, Suite N Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650; Phone: 850/488-9790; FAX: 850/488-9023.

(2) Each person seeking authorization to perform amusement ride inspection as a professional engineer (PE) and execute the Affidavit of Compliance or Affidavit of Nondestructive Testing required for the Annual Permit shall submit to the department a copy of his or her professional engineer's license issued by the Department of Business and Professional Regulation of the State of Florida or the equivalent licensing body in another state. Upon receipt of proof of current licensure the department will provide the applicant a letter of authorization to act as a qualified inspector, and will assign a qualified inspector number which shall be used when executing any required affidavit, for the purpose of executing the Affidavit of Compliance and Affidavit of

Nondestructive testing required for the annual permit. The letter of authorization and qualified inspector number shall remain valid for up to one year, or until expiration of the professional engineer's license and may be renewed upon presentation of the new professional engineer's license.

(3) When a qualified inspector or PE ceases to possess the qualifications required by s. 616.242(1), F.S., the letter of authorization from the department shall be void, and that person shall immediately notify the department, cease to act as a qualified inspector and surrender the letter of authorization back to the department.

Specific Authority 616.165, 616.242(3)(q),(5) FS. Law Implemented 616.242 FS. (2000) History--New 9-15-92, Amended 2-23-94, 2-14-99.

5F-8.024 Exempt Nonmotorized or Human Powered Amusement Rides.

The following amusement rides, and those of comparable construction or function, are exempt from permitting and inspection by the Department pursuant to s. 616.242(10)(b), F.S., because they are nonmotorized or human powered.

(1) Orbitron, Gyro Sphere or other comparable equipment that allows the patron to rotate on several axes without mechanical assistance.

(2) Climbing Walls, Rock Climbs or other comparable equipment, which allows the patron to climb a vertical wall without mechanical assistance.

(3) Trampolines, or other comparable equipment, which use elastic cords to prevent a patron from falling from the trampoline. The elastic cords also assist the patron with jumping, but no additional mechanical assistance is provided.

(4) Single carrier "Spin the Apple" ride or other comparable equipment, which is mounted in a stationary position and is not motorized. The patron rotates the carrier by physically pushing against a wheel on the ride center.

(5) A "Swingin Gym" or other comparable equipment where the patron, through physical effort, swings on a frame supported platform and attempts to propel the platform in a 360 degree arc.

(6) "Ore cars" or other comparable equipment which are human powered train cars that are propelled around a flat track by the patron's physical effort.

Specific Authority 616.165, 616.242(4)(b),(10)(b) FS. Law Implemented 616.242 FS. (2000) History--New

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Food Safety**

RULE TITLE:

Grading Services for Poultry

RULE NO.:

5K-5.014

PURPOSE AND EFFECT: The rule amendment changes the fee and cost schedule for grading services provided by Department graders and amends the definitions used in the rule.

SUBJECT AREA TO BE ADDRESSED: Grading Services for Poultry.

SPECIFIC AUTHORITY: 570.07(23), 583.04, 570.07(23) FS.

LAW IMPLEMENTED: 583.051, 583.052 FS.

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

TIME AND DATE: 11:00 a.m., June 26, 2001

PLACE: Florida Department of Agriculture and Consumer Services, Conner Complex, Training and Education Center, 3125 Conner Boulevard, Tallahassee, FL, Telephone (850)488-3951

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. John Fruin, Chief, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, Telephone (850)488-3951

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5K-5.014 Grading Services for Poultry.

(1) Definitions. As used in this rule, the following definitions shall apply:

(a) Days not previously scheduled or non-specified days means days not scheduled in the application for service.

(b) Department means the Florida Department of Agriculture and Consumer Services.

(c) Non-resident location means a production site to which no full-time ~~grader inspector~~ has been assigned, but the site has been previously approved for grading inspection in accordance with an application for service.

(d) ~~Full-time resident~~ ~~resident~~ location means a production site to which a full-time ~~grader inspector~~ has been assigned in accordance with an application for service requesting 40 or more hours of grading services per week.

(e) Part-time resident location means a production site where a part-time grader has been assigned to the site in accordance with an application for service requesting less than 40 hours of grading services per week.

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

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

(a) Grader's time per hour for:

1. Resident location	<del>\$27.50</del> <u>21.05</u>
2. Overtime	<del>\$31.00</del> <u>26.50</u>
3. Non-resident location	<del>\$34.00</del> <u>28.50</u>
4. Non-specified days	<del>\$34.00</del> <u>28.50</u>

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

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

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

~~Non-resident location 28.50~~

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

~~Non-specified days \$28.50~~

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

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

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

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Food Safety**

RULE TITLE: Grading Services for Shell Eggs  
 RULE NO.: 5K-6.010

PURPOSE AND EFFECT: The rule amendment changes the fee and cost schedule for grading services provided by Department graders and amends the definitions used in the rule.

SUBJECT AREA TO BE ADDRESSED: Grading Services for Shell Eggs.

SPECIFIC AUTHORITY: 570.07(23), 583.04 FS.

LAW IMPLEMENTED: 583.051, 583.052 FS.

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

TIME AND DATE: 11:00 a.m., June 26, 2001

PLACE: Florida Department of Agriculture and Consumer Services, Conner Complex, Training and Education Center, 3125 Conner Boulevard, Tallahassee, FL, Telephone (850)488-3951

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. John Fruin, Chief, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, Telephone (850)488-3951

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5K-6.010 Grading Services for Shell Eggs.

(1) Definitions. As used in this rule, the following definitions shall apply:

(a) Days not previously scheduled or non-specified days means days not scheduled in the application for service.

(b) Department means the Florida Department of Agriculture and Consumer Services.

(c) Non-resident location means a production site to which no full-time ~~grader inspector~~ has been assigned, but the site has been previously approved for grading inspection in accordance with the application for service.

(d) ~~Full-time resident~~ Resident location means a production site to which a full-time ~~grader inspector~~ has been assigned in accordance with an application for service requesting 40 or more hours of grading services per week.

(e) Part-time resident location means a production site where a part-time grader has been assigned to the site in accordance with an application for service requesting less than 40 hours of grading services per week.

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

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

(a) Grader's time per hour for:

- 1. Resident location \$~~27.50~~ 24.05
- 2. Overtime \$~~31.00~~ 26.50
- 3. Non-resident location \$~~34.00~~ 28.50
- 4. Non-specified days \$~~34.00~~ 28.50

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

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

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

~~Non-resident location 28.50~~

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

~~Non-specified days \$28.50~~

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

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

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Pilot Commissioners**

RULE TITLE: Safety Guidelines

RULE NO.: 61G14-15.003

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

SUBJECT AREA TO BE ADDRESSED: Safety guidelines.

SPECIFIC AUTHORITY: 310.185 FS.

LAW IMPLEMENTED: 310.075(4), 310.101(1)(d) FS.

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

TIMES AND DATES: 1:00 p.m. or thereafter, July 19, 2001; and, if necessary 9:00 a.m. or thereafter, July 20, 2001

PLACE: Hampton Inn, 19 South 2nd Street, Fernandina Beach, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Anthony Spivey, Executive Director, Board of Pilot Commissioners, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

RULE TITLE: Practitioner Profile

RULE NO.: 64B-2.001

PURPOSE AND EFFECT: The Department of Health is proposing amendments to include additional information required by statute, and to clarify the time limit for submitting required license renewal information.

SUBJECT AREA TO BE ADDRESSED: Updating practitioner profile requirements and information.

SPECIFIC AUTHORITY: 456.004, 456.044, 456.046 FS.

LAW IMPLEMENTED: 456.039, 456.0391, 456.041, 456.042, 456.043, 456.044, 456.045, 456.046, 458.319, 459.008, 460.407, 461.007, 464.012 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND TO RECEIVE A PRELIMINARY DRAFT, IF AVAILABLE, IS: Lucy Gee, Chief of Operations, Department of Health, 4052 Bald Cypress Way, Bin #C10, Tallahassee, FL 32399-3255

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

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE CHAPTER TITLE: Organization

RULE CHAPTER NO.: 64B11-1

RULE TITLE: Attendance at Board Meetings

RULE NO.: 64B11-1.001

PURPOSE AND EFFECT: The Board proposes to define unexcused absences.

SUBJECT AREA TO BE ADDRESSED: Attendance at Board Meetings.

SPECIFIC AUTHORITY: 456.011(3) FS.

LAW IMPLEMENTED: 456.011(3) 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: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B11-1.001 Attendance at Board Meetings.

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

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

Specific Authority 456.011(3) FS. Law Implemented 456.011(3) FS. History—New \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE TITLE: Standards of Practice; Discipline  
RULE NO.: 64B11-4.003  
PURPOSE AND EFFECT: The Board proposes to update the existing rule text regarding violations and penalties as authorized by Chapter 456, Florida Statutes.  
SUBJECT AREA TO BE ADDRESSED: Discipline.  
SPECIFIC AUTHORITY: 455.627, 468.204 FS.  
LAW IMPLEMENTED: 455.627 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: Kaye Howerton, Board Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3259

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

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE TITLE: Address of Licensee  
RULE NO.: 64B11-4.007  
PURPOSE AND EFFECT: The Board proposes to define the requirement that the licensees must provide their address of record.  
SUBJECT AREA TO BE ADDRESSED: Address of Licensee.  
SPECIFIC AUTHORITY: 456.035 FS.  
LAW IMPLEMENTED: 456.035 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: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B11-4.007 Address of Licensee.

Each person holding a license issued pursuant to Part III of Chapter 468, Florida Statutes, must maintain on file with the Board a current mailing address at which any notice required by law may be served by the Department, the Board, or its agents, and the address of the current place of practice if different from the current mailing address. The licensee shall notify the Board in writing of any change of address within 60 days, whether or not within this state.

Specific Authority 456.035 FS. Law Implemented 456.035 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLES: Continuing Education Credits  
Manner of Application  
Tripartite Continuing Education Committee  
RULE NOS.: 64B16-26.103  
64B16-26.203  
64B16-26.600

PURPOSE AND EFFECT: The purpose of the rule amendment in Rule 64B16-26.103, FAC. is to update the rule text with regard to courses on HIV/AIDS. The purpose of the rule amendment in Rule 64B16-26.203, FAC. is to add additional rule text regarding the course work on HIV/AIDS. The purpose of the rule amendments in Rule 64B16-26.600, FAC. is to amend the rule title and rule text to reflect a Tripartite Continuing Education Committee and the authority delegated by the Board. Unnecessary language is being deleted.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Credits, Manner of Application, and Tripartite Continuing Education Committee.

SPECIFIC AUTHORITY: 456.033, 465.005, 465.009 FS.  
 LAW IMPLEMENTED: 456.013(1), 456.033, 465.007, 465.009, 465.022 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: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-26.103 Continuing Education Credits.

(1) through (2) No change.

(3) No biennial renewal of license shall be issued by the Board until the applicant submits proof satisfactory to the Board that during the biennial period preceding the renewal period the licensee has participated in a CE course approved by the Board on HIV/AIDS. The course shall be not less than 1 contact hour and must contain these components:

(a) through (e) No change.

(f) Protocols and procedures applicable to HIV counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues pursuant to §§381.004 and 384.25,F.S.

Notwithstanding the provisions of Section (2), proof of completion must be returned when submitting the biennial renewal fee. Hours obtained pursuant to Section (3) may be applied to the requirements of Section (1).

(4) through (7) No change.

Specific Authority 456.033, 465.009 FS. Law Implemented 456.033, 465.009 FS. History--New 3-19-79, Formerly 21S-6.07, Amended 1-7-87, Formerly 21S-6.007, Amended 7-31-91, 10-14-91, Formerly 21S-26.103, 61F10-26.103, Amended 7-1-97, Formerly 59X-26.103, Amended 7-11-00,\_\_\_\_\_.

64B16-26.203 Manner of Application.

All applicants for licensure shall complete a course on HIV/AIDS prior to licensure. The course shall be no less than 3 contact hours and shall cover the subjects listed in 64B16-26.103(3). For those applicants who apply within one year following receipt of their pharmacy degree, completed academic course work on HIV/AIDS will be accepted by the Board as an educational course under this section, provided such course work is no less than 3 contact hours and that it covers the subjects listed in Rule 64B16-26.103(3), as evidenced by a letter attesting to subject matter covered from the Dean of the University.

(1) through (3) No change.

Specific Authority 465.005, 456.033 FS. Law Implemented 465.007, 456.033, 456.013(1), 465.022 FS. History--New 10-17-79, Formerly 21S-12.04, 21S-12.004, Amended 7-31-91, 10-14-91, Formerly 21S-26.203, 61F10-26.203, Amended 7-1-97, Formerly 59X-26.203, Amended 8-17-99, \_\_\_\_\_.

64B16-26.600 Tripartite Continuing Education Committee.

The Tripartite Continuing Education Committee will be composed of equal representation from the Board of Pharmacy, each College and School of Pharmacy in the State, and practicing pharmacists within the State. The members of the Committee shall be selected by the Board of Pharmacy and shall serve for a period of two years. The chairman of the committee shall be selected by the chair of the Board. The Board delegates to the Tripartite Continuing Education Committee the authority to act upon applications to become a qualified continuing education provider as well as the approval of programs or courses submitted by such providers. Course outlines and materials reviewed by the Committee shall be kept on file at the executive offices of the Board in Tallahassee, Florida, for a period of one year. members of the committee. This committee is responsible for approval of the content of each program offered by a provider of Continuing Education Credit. In all other matters concerning the approval of Continuing Education providers, the role of the Committee is to advise and submit its recommendation to the Board. The Committee shall hold meetings as may be convened at the call of the Chairman of the Committee.

Specific Authority 465.005, 465.009(5) FS. Law Implemented 465.009 FS. History--New 10-18-79, Amended 7-29-81, Formerly 21S-13.01, 21S-13.001, 21S-26.600, 61F10-26.600, 59X-26.600, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLES:	RULE NOS.:
Oral Prescriptions and Copies	64B16-27.103
Pharmacy Technician 1:1 Ratio	64B16-27.410

PURPOSE AND EFFECT: The purpose of the rule amendments to Rule 64B16-27.103 is to update the rule text with regard to copies. The purpose of the rule amendments to Rule 64B16-27.410 is to update the rule text by adding additional rule text which will further clarify the functions of a pharmacy technician.

SUBJECT AREA TO BE ADDRESSED: Oral prescriptions and copies, pharmacy technical 1:1 ratio.

SPECIFIC AUTHORITY: 465.005, 465.0155, 465.022 FS.

LAW IMPLEMENTED: 465.003(13), 465.022 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: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-27.103 Oral Prescriptions and Copies.

Only a Florida registered pharmacist or registered pharmacy intern acting under the direct personal supervision of a Florida registered pharmacist may, in the State of Florida, accept an oral prescription of any nature. Upon so accepting such oral prescription it must immediately be reduced to a hard copy, writing, and only a Florida registered pharmacist or registered pharmacy intern acting under the direct personal supervision of a Florida registered pharmacist may, in the State of Florida, prepare a copy of a prescription or read a prescription to any person for purposes of providing reference concerning treatment of the person or animal for whom the prescription was written, and when said copy is given a notation shall be made upon the prescription that a copy has been given, the date given, and to whom given.

Specific Authority 465.005, 465.0155, 465.022 FS. Law Implemented 465.022, 465.003(13) FS. History—Amended 5-19-72, Repromulgated 12-18-74, Formerly 21S-1.18, 21S-1.018, 21S-27.103, 61F10-27.103, Amended 9-19-94, Formerly 59X-27.103, Amended.

64B16-27.410 Pharmacy Technician 1:1 Ratio.

Pharmacy technicians may assist a Florida licensed pharmacist in performing professional services within a community pharmacy or institutional pharmacy environment provided that no licensed pharmacist shall supervise more than one pharmacy technician unless otherwise permitted by the Florida Board of Pharmacy. A pharmacist's supervision of a pharmacy technician in a 1:1 ratio working environment requires that a pharmacy technician be under the direct and immediate personal supervision of a Florida licensed pharmacist. All pharmacy technicians shall identify themselves as pharmacy technicians by wearing a type of identification badge that is clearly visible which specifically identifies the employee by name and by status as a "pharmacy technician", and in the context of telephone or other forms of communication, pharmacy technicians shall state their names and verbally identify themselves (or otherwise communicate their identities) as pharmacy technicians. Pursuant to the direction of the licensed pharmacist, pharmacy technicians may engage in the following functions to assist the licensed pharmacist:

(1) through (4) No change.

(5) Initiate communication ~~a phone call~~ to a prescribing practitioner or their medical staffs (or agents) regarding patient prescription refill authorization requests. Such pharmacy technician activities allow initiating calls to the practitioner or agent, communicating the refill request and confirming the

patient's name medication, strength, quantity, directions and date of last refill. Any response to the above refill request that indicates a change in the order must be directly received by the pharmacist and/or pharmacy intern.

(6) Under the direction and supervision of a licensed pharmacist, initiate communication to a prescribing practitioner or their medical staff (or agents) to obtain clarification on illegible dates, prescriber name, brand/generic preference, or DEA and/or license numbers. Nothing in this rule shall be construed to allow a technician to obtain information which will result in a change concerning a dosage or directions to the patient.

Specific Authority 465.005 FS. Law Implemented 465.014 FS. History—New 2-14-77, Amended 3-31-81, Formerly 21S-4.02, Amended 8-31-87, Formerly 21S-4.002, Amended 9-9-92, Formerly 21S-27.410, 61F10-27.410, Amended 1-30-96, Formerly 59X-27.410, Amended 2-23-98, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLES:	RULE NOS.:
Record Maintenance Systems for Community, Special-Limited Community, Special-Closed Systems, Special-Parenteral/Enteral, and Nuclear Permits	64B16-28.140
Modified Class II Institutional Pharmacies	64B16-28.702
Special Pharmacies	64B16-28.800

PURPOSE AND EFFECT: The purpose of the rule amendments to Rule 64B16-28.140 is to update the rule text with regard to record maintenance. The purpose of the rule amendments to Rule 64B16-28.702 is to delete unnecessary rule text. The purpose of the rule amendments to Rule 64B16-28.800 is to update the rule text with regard to the policy and procedure manual.

SUBJECT AREA TO BE ADDRESSED: Record maintenance systems for community, special-limited community, special-closed systems, special-parenteral/enteral, and nuclear permits; modified class II institutional pharmacies; and special pharmacies.

SPECIFIC AUTHORITY: 465.005, 465.0155, 465.022 FS.

LAW IMPLEMENTED: 465.019(2)(c), 465.0196, 465.022, 465.026, 893.07 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: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254



THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-28.140 Record Maintenance Systems for Community, Special-Limited Community, Special-Closed Systems, Special-Parenteral/Enteral, and Nuclear Permits.

(1) Requirements for records maintained in a data processing system.

(a) through (c) No change.

(d) Original prescriptions, including prescriptions received as provided for in Section 64B16-28.130, F.A.C., Transmission of Prescription Orders, shall be reduced to a hard copy writing if not received in written form. All original prescriptions shall be retained for a period of not less than two years from date of last filling. To the extent authorized by 21 C.F.R. Section 1304.04, a pharmacy may, in lieu of retaining the actual original prescriptions, use an electronic imaging recordkeeping system, provided such system is capable of capturing, storing, and reproducing the exact image of the prescription, including the reverse side of the prescription if necessary, and that such image be retained for a period of no less than two years from the date of last filing.

(e) through (h) No change.

(2) through (5) No change.

(6) Any other records, policy and procedure manuals, or reference materials which are not specifically required by statute or rule to be kept in a hard copy may be kept in a readily retrievable data processing system which complies with the provisions of subparagraph (1)(f)1.

Specific Authority 465.005, 465.0155, 465.022 FS. Law Implemented 465.022, 465.026, 893.07 FS. History–New 3-16-94, Formerly 61F10-28.140, Amended 3-12-97, 6-4-97, Formerly 59X-28.140, Amended 10-29-97, 6-15-98, 11-11-98,\_\_\_\_\_.

64B16-28.702 Modified Class II Institutional Pharmacies.

(1) through (4) No change.

(5) A copy of the permittee's policy and procedure manual as provided herein shall accompany the permit application. The original policy and procedure manual shall be kept within the Modified Class II Institutional Pharmacy and shall be available for inspection by the Agency for Health Care Administration. ~~Changes in the policy and procedure manual shall be approved by the Board of Pharmacy prior to the implementation thereof.~~

(6) through (8) No change.

Specific Authority 465.005, 465.022 FS. Law Implemented 465.019(2)(c) FS. History–New 4-22-82, Amended 11-5-85, Formerly 21S-1.37, Amended 4-16-86, Formerly 21S-1.037, Amended 7-31-91, Formerly 21S-28.702, 61F10-28.702, Amended 9-4-96, Formerly 59X-28.702, Amended\_\_\_\_\_.

64B16-28.800 Special Pharmacies.

(1) through (2) No change.

(3) The Policy and Procedure Manual shall be prepared, maintained, and will be reviewed and is subject to approval by the Board of Pharmacy or its designee prior to the issuance of the permit and the initiation of the operation of the permittee.

The policy and procedure manual is reviewed to determine if the operation of the facility will be in compliance with Chapters 465 and 893, F.S., and Chapter 64B16, F.A.C. The Policy and Procedure Manual shall be made available upon request of the Board or its agents. The applicant who requests a special permit shall be subject to inspection prior to the issuance of the permit.

Specific Authority 465.005, 465.022 FS. Law Implemented 465.0196 FS. History–New 2-21-84, Formerly 21S-1.39, 21S-1.039, Amended 7-31-91, 10-14-91, Formerly 21S-28.800, 61F10-28.800, Amended 3-10-96, 6-4-97, Formerly 59X-28.800, Amended 11-11-98,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Division of Environmental Health and Statewide Programs**

RULE TITLES:	RULE NOS.:
Definitions	64E-5.101
Expiration and Termination of Licenses and Decommissioning of Sites and Separate Buildings or Outdoor Areas	64E-5.214
Radiological Criteria for License Termination	64E-5.221
Radiological Criteria for Unrestricted Use Criteria for License Termination Under Restricted Conditions	64E-5.222
Alternate Criteria for License Termination	64E-5.223
Public Notification and Public Participation	64E-5.224
Minimizing Contamination	64E-5.225
Posting of Notices to Workers	64E-5.226
PURPOSE AND EFFECT: The purpose of the proposed rules is to establish safety measures to terminate a radioactive materials license. The effect of the proposed rules is protection of the public from unnecessary radiation exposure from radioactive materials in facilities of former radioactive materials licensees.	64E-5.901

**SUBJECT AREA TO BE ADDRESSED:** Requirements for terminating radioactive materials licenses.

**SPECIFIC AUTHORITY:** 404.042, 404.051, 404.061, 404.081 FS.

**LAW IMPLEMENTED:** 404.051, 404.061, 404.081 FS.

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

**TIME AND DATE:** 9:00 a.m., July 10, 2001  
**PLACE:** 4042 Bald Cypress Way, Room 210J, Tallahassee, FL 32311

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS** William A. Passetti, Chief, Bureau of Radiation Control, (850)245-4266

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Stone Crabs

RULE TITLE:

RULE NO.:

Licenses, Endorsements, and Permits for

Experimental, Scientific and

Exhibitional Purposes

68B-13.006

PURPOSE AND EFFECT: The purpose of this rule development effort is to effect a one-year delay in the implementation of the stone crab trap limitation program. Other rules in the rule chapter were amended to accomplish the delay, in rulemaking concluded in the Commission's May 23, 2001 regular meeting. This rule was not before the Commission at that time. The effect of this effort will be to conform this rule to others in the chapter and accomplish the economic and environmental benefits of the program after the one-year delay.

SUBJECT AREA TO BE ADDRESSED: Stone Crab Trap Limitation Program.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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 LATER ANNOUNCED IN THIS PUBLICATION.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-13.006 Licenses, Endorsements, and Permits for Experimental, Scientific and Exhibitional Purposes.

(1)(a) Except as provided in Rule 68B-13.010(5), F.A.C., in addition to a saltwater products license, a stone crab endorsement is required in order to harvest stone crabs for commercial purposes. This endorsement shall only be issued to

a person, firm or corporation that possess a valid restricted species endorsement on their saltwater products license issued pursuant to s. 370.06, Florida Statutes.

(b) Until July 1, ~~2002~~ ~~2004~~, no stone crab endorsements shall be renewed or replaced except those endorsements that were active during the ~~2000-2001~~ ~~1999-2000~~ fiscal year. Renewal of such endorsements shall be made by the endorsement holder or an immediate family member on the endorsement holder's behalf, prior to September 30, ~~2001~~ ~~2000~~. Failure to renew by September 30, ~~2001~~ ~~2000~~, shall lead to the deactivation of the holder's endorsement.

(2) In accordance with Section 370.10(2), Florida Statutes, the Fish and Wildlife Conservation Commission may issue permits to collect and possess whole stone crabs, dead or alive, solely for experimental, scientific, educational or exhibitional purposes.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History--New 7-1-00, Amended.

**Section II  
Proposed Rules**

**DEPARTMENT OF INSURANCE**

**Division of State Fire Marshal**

RULE TITLE:

RULE NO.:

Construction Materials Mining Activities

4A-2.024

PURPOSE, EFFECT AND SUMMARY: Section 552.30, F.S., gives the State Fire Marshal the sole and exclusive authority to promulgate standards, limits, and regulations regarding the use of explosives in conjunction with construction materials mining activities. Previously the counties or municipalities regulated this area. The standards address such issues as ground vibrations, air blast, date/time restrictions, and notice requirements. The proposed rulemaking will establish the required standards.

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: 552.30 FS.

LAW IMPLEMENTED: 552.161, 552.211, 552.30 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., July 2, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Terry Hawkins, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)413-3624

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:

4A-2.024 Construction Materials Mining Activities.

(1) Scope.

(a) This section implements Section 552.30, Florida Statutes, which gives the State Fire Marshal sole and exclusive authority to promulgate standards, limits, and regulations regarding the use of explosives in conjunction with the extraction of limestone and sand by any person or company primarily engaged in commercial mining of limestone and sand suitable for production of construction aggregates, sand, cement, and road base materials and Section 552.211, Florida Statutes, which allows the State Fire Marshal to restrict the quantity and use of explosives at any location within the state where such explosive is likely to cause injury to life or property.

(b) Any person or company not primarily engaged in commercial mining of limestone and sand suitable for production of construction aggregates, sand, cement, and road base materials remains subject to the provisions of Section 552.25, Florida Statutes.

(c) Nothing in this section is intended to supercede the requirements of Chapter 552, Florida Statutes, or other sections in this rule chapter.

(2) Definitions. As used in this rule:

(a) "Blasting site" is a location within a mining area at which explosive charges are set.

(b) "Independent seismologist" means a person whose functions include vibration and air overpressure measurement and the analysis and evaluation of their effects upon structures. This person shall have credentials and actual field experience and not be an employee of the mining permit holder, blaster, or user.

(c) "Limestone" as used in Section 552.30(1), Florida Statutes, means any extracted material composed principally of calcium or magnesium carbonate. Coquina is a form of limestone composed of shell fragments.

(d) "Mining area" as used in this rule section is the area of land in which construction materials mining activity is to occur.

(e) "Urban development" is defined as a residential subdivision containing 25 or more occupied residences within the local urban development boundary or its equivalent.

(3) Mining Permit. A mining permit shall be issued only after:

(a) Payment of a fee established in subsection (10) below or by the county or municipality to cover costs.

(b) Filing of an application, signed by the applicant showing the applicant's name and address, on Form DI4-1498, Construction Mining Activity Application, which is hereby adopted and incorporated by reference and is available from Safety Program Manager, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342.

(c) The permit holder shall report all complaints to the authority issuing the permit.

(d) Standards for Mining Permit Approval. A mining permit shall be approved unless any item listed on Form DI4-1498 in paragraph (b) above is not provided.

(e) License period. Each mining permit shall be issued for a period of 10 years.

(f) Annual Report and Annual Permit Fee Procedure.

1. The mining activity covered by the mining permit will be reviewed on an annual basis for compliance with Chapter 552, Florida Statutes, including but not limited to compliance with the record keeping requirements.

2. The mining permit holder shall annually pay a permitting fee specified in (10) below.

(4) Ground Vibration, Frequency Limits.

(a)1. The maximum ground vibration shall not exceed the limits of particle velocity and frequencies established by the U.S. Bureau of Mines Report of Investigations, No. 8507, Appendix B-Alternative Blasting Level Criteria (Figure B-1). A blasting operation shall use a seismograph, as identified in (c) below, to monitor each blast to ensure compliance with the ground vibration limits established in Section 552.30, Florida Statutes.

2. The U.S. Bureau of Mines Report of Investigations No. 8507, Appendix B – Alternative Blasting Level Criteria (Figure B-1) and Table 8-1.3, established in Section 8-1 of the National Fire Protection Association Standard 495, 1996 Edition are hereby adopted and incorporated by reference. Copies may be obtained from the Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee FL 32399-0342.

(b)1. Ground vibration shall be measured for every blast at the location of any building that is not owned, leased, or contracted by the blasting or mining operation, or on property for which the owner has not provided a written waiver to the blasting operations, up to a maximum of one mile.

2. If there are no such buildings within one mile, measurement shall be made at one mile in the direction of the nearest such building.

3. If there is a building that is not owned, leased, or contracted by the blasting or mining operation, or on property for which the owner has not provided a written waiver to the blasting operations in a direction 90 to 270 degrees from the direction of the nearest building specified in (b)1. above, and that building is no more than 500 feet farther than the nearest building, measurement shall also be made at the nearest of those buildings.

4. If a measurement location determined pursuant to (b)1.-3. above is not practicable, such as in a wet swamp, measurement shall be made at a point nearer to but in the same direction from the blast site.

(c)1. All measurements shall be made by an independent seismologist using seismographic equipment meeting the specifications of the International Society of Explosives Engineers Blasters' Handbook, 17th Edition, Copyright 1998.

2. Measurements shall be taken and equipment shall be installed in accordance with the International Society of Explosives Engineers Blaster's Handbook, 17th Edition, Copyright 1998.

3. The International Society of Explosives Engineers Blaster's Handbook, 17th Edition, Copyright 1998, is hereby adopted and incorporated by reference and may be obtained from the International Society of Explosives Engineers, 29100 AVRA Road, Cleveland, Ohio 44131

(d)1. All seismographic equipment used within the boundaries of the State of Florida shall be calibrated according to the manufacturer's specifications and shall be certified as accurate by the manufacturer on an annual basis or as needed.

2. If the manufacturer is unavailable for such certification, the certification shall be performed by a person approved by the State Fire Marshal. Such approval shall be granted if the certifying person is known to be independent and reliable. "Independent" means not an employee or affiliate of a company engaged in construction materials mining activity, and "reliable" means never having been found to have willfully or negligently miscalibrated seismographic equipment.

3. Units not meeting current calibration guidelines shall be removed from service until calibration has been completed.

4. Calibration records shall be made available to the Division upon request.

(5) Airblast.

(a) Airblast limits shall conform with the limits established in Section 8-2 of National Fire Protection Association Standard Number 495, 1996 Edition, which is hereby adopted and incorporated by reference.

1. The codes and standards published by the National Fire Protection Association may be obtained by writing to the NFPA at: 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

2. All standards adopted and incorporated by reference in this rule are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Insurance, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303.

(b)1. Measurements shall be made by an independent seismologist using seismographic equipment meeting the specifications of the International Society of Explosives Engineers Blasters' Handbook, 17th Edition, Copyright 1998.

2. Measurements shall be taken and equipment shall be installed in accordance with the International Society of Explosives Engineers Blasters' Handbook, 17th Edition, Copyright 1998.

(6) Time and Date of Explosives Use.

(a) The use of explosives shall be conducted during daylight hours between 8:00 a.m. and 5:00 p.m. local time, Monday through Friday.

(b) No explosive blasting shall occur on Saturdays, Sundays, official holidays recognized by the State of Florida pursuant to Section 110.117, Florida Statutes, or hours other than specified in the prior sentence unless consent is granted by the State Fire Marshal. Such consent shall be granted if the consent is in the interest of public safety.

(7) Blasting Activities Reporting. Each person engaged in construction materials mining activity shall submit to the Division or its delegatee, upon request, the results of ground vibration and airblast measurements. This report shall be maintained in accordance with Section 552.112, Florida Statutes. The report shall contain, at a minimum, for each blast:

(a) Date and time of blast;

(b) Number of holes;

(c) Depth;

(d) Number of wet holes, water depth;

(e) Hole diameter;

(f) Spacing;

(g) Amount of explosives;

(h) Number of primers;

(i) Type of caps (i.e. electric or nonelectric);

(j) Number of caps;

(k) Stemming feet;

(l) Maximum pounds delay;

(m) Maximum hole delay;

(n) Weather;

(o) Wind direction;

(p) Type and make of blasting machine;

(q) Global positioning system direction and distance in feet to the nearest building;

(r) Decking feet;

(s) Location of each seismograph;

(t) Peak particle velocity inches per second;

(u) Sound decibels;

(v) Name, address, and license number of user of explosives; and

(w) Name, address, and permit number of blaster.

(8) Local Government Notice.

(a) Each person engaged in construction materials mining activity shall submit written notification to the county and or municipality in which construction materials mining activity is to be conducted at least 20 days prior to the initial blast for any blasting.

(b) As soon as practical, but no later than one hour prior to the time when a blast is scheduled to take place, the person or firm engaged in construction materials mining activity shall, if requested, notify the county or municipality of any revisions to the notice.

(9) Delegation of Authority.

(a) The delegation by the State Fire Marshal described in Section 552.30(2), Florida Statutes, shall be accomplished by written agreement.

(b) Fees charged by the delegatee for activities specified in the agreement shall not exceed an amount calculated to cover the reasonable costs of the activities performed under the agreement.

(10) Fees. The fees established pursuant to Section 552.26, Florida Statutes, shall be as follows:

(a) Initial permit \$4000;

(b) Renewal \$4000 after 10 years;

(c) Annual mining permit fee \$1500.

(11) Disciplinary Action: Mining Permit; Grounds For Denial; Nonrenewal, Suspension, or Revocation of A Mining Permit.

(a) The State Fire Marshal shall investigate any alleged violation of Chapter 552, Florida Statutes, or this rule.

(b) The following acts constitute cause for disciplinary action:

1. Violation of any provision of Chapter 552, Florida Statutes, or any rule adopted pursuant thereto.

2. Violation of the ground vibration, frequency limits set forth in Section 552.30, Florida Statutes.

3. Failing to obtain, retain or maintain one or more of the qualifications for a mining permit as specified in this chapter.

4. Making a material misstatement, misrepresentation, or committing fraud in obtaining or attempting to obtain a mining permit.

5. Failing to maintain any record required pursuant to Chapter 552, Florida Statutes, and any rule or code adopted pursuant thereto.

6. Falsifying any record required to be maintained by Chapter 552, Florida Statutes, or rules adopted pursuant thereto.

(c) The lapse or suspension of a mining permit by operation of law or by order of the State Fire Marshal or a court or its voluntary surrender by a mining permit holder does not deprive the State Fire Marshal of jurisdiction to investigate or act in disciplinary proceedings against the mining permit holder.

(d) In addition, the State Fire Marshal shall not issue a new mining permit if it finds that the circumstance or circumstances for which the mining permit was previously revoked or suspended still exist or are likely to recur.

(12) Nothing in this rule shall impact a county's or municipality's authority to exercise whatever powers are not prohibited by Section 552.30, Florida Statutes.

(13)(a) Notwithstanding the standards in this rule, the Division shall, pursuant to Section 552.211(3), Florida Statutes, restrict the quantity and use of explosives at any location within the state when the Division determines, subject to protections provided by Chapter 120, Florida Statutes, the use of such explosives is likely to cause injury to life or property.

(b) Such restrictions shall be to the extent necessary to render the use of such explosives unlikely to cause injury to life or property.

(c) In determining that the use of explosives is likely to cause injury to life or property in a given location, the Division shall consider the following factors:

1. Distance of blasting activity to structures;

2. Use and occupancy of structures near blasting activity;

3. Geology of area near blasting activity; and

4. Type of construction use in structures near blasting activity.

5. Any credible evidence relevant to the risk of injury to life or property, not excluding evidence that existing damage resulted from causes other than the use of explosives.

(14)(a) Based upon the safe level of blasting vibrations for houses as shown in Figure B-1, United States Bureau of Mines, Report of Investigations 8507, notwithstanding the limits in (4) above, the use of explosives within two miles of an urban development, as defined in (2)(e) above, shall not exceed a peak particle velocity of more than 0.5 inches per second due to the potential existence of plaster on lath construction.

(b) Measurement of such ground vibration levels shall be made consistent with (4)(c)2. above at the nearest occupied residential structure within the urban development, which structure is not owned, leased, or contracted with the blasting or mining operation.

Specific Authority 552.30 FS. Law Implemented 552.161, 552.211, 552.30 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Terry Hawkins, Safety Program Manger, Bureau of Fire  
 Prevention, Division of State Fire Marshal, Department of  
 Insurance  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: James Goodloe, Bureau Chief,  
 Bureau of Fire Prevention, Division of State Fire Marshal,  
 Department of Insurance  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: May 29, 2001  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: June 16, 2000

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLE:	RULE CHAPTER NO.:
Supplier Diversity & Outreach MBE Contracting Rule	40E-7
RULE TITLES:	RULE NOS.:
Policy	40E-7.611
Definitions	40E-7.621
Policy Review and Goal Setting Committee	40E-7.623
Bid Incentive Program	40E-7.628
Proposal Evaluation and MBE Criteria	40E-7.631
Sheltered Markets	40E-7.633
Annual, Long-Term, and Project-Specific Goals	40E-7.635
District Implementation	40E-7.637
Emergency Waiver of Participation Goals	40E-7.639
Compliance	40E-7.645
Good Faith Efforts	40E-7.647
Reciprocal Certification	40E-7.651
Certification Eligibility	40E-7.653
Certification Review Process	40E-7.655
Graduation from MBE Program	40E-7.659
Recertification Review Procedures	40E-7.661
Suspension, Debarment, Revocation or Decertification	40E-7.664
Penalties for Fraudulent MBE Representation	40E-7.6645
Application for Additional Areas of Certification	40E-7.665
Administrative Hearings	40E-7.667

PURPOSE AND EFFECT: The District intends to amend the current M/WBE Rule to address several legislative mandates in Chapter 288, Florida Statutes. In addition, the District is amending the rule to implement the District's Equity in Contracting Plan. Specifically, the rule amendments will delete those portions of the rule dealing with the policy review & goal setting committee, sheltered markets, bid incentives, good faith efforts and project specific goals for District procurements. The District also intends to streamline the certification criteria. Although this rule has been presented to the public, since that time there have been significant changes. Therefore, during

this rule making period, the District seeks to encourage participation by the contracting community in developing this rule, which will increase diversity.

SUMMARY: The proposed rule making concerns changes to the South Florida Water Management District's ("District") existing Chapter 40E-7 Part VI, F.A.C. Supplier Diversity & Outreach MBE contracting Rule.

SPECIFIC AUTHORITY: 373.607 FS.

LAW IMPLEMENTED: 373.607 FS.

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

TIME AND DATE: 9:00 a.m., Thursday, July 12, 2001

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33407

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sandy Hammerstein, Procurement Division, South Florida Water Management District, Post Office Box 24680, West Palm Beach, Florida 33416-4680 telephone 1(800)432-2045, Extension 2847 or (561)682-2847 (internet: shammer@sfwmd.gov). Although Governing Board meeting, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of Rule 40E-7.611 follows. See Florida Administrative Code for present text.)

40E-7.611 Policy.

(1) The rules under this Part establish policies and procedures designed to remedy documented disparities in District contracting and the present effects of past marketplace discrimination. The rules under this Part implement specific recommendations of the District's Minority Business Availability and Utilization Study ("Study") as developed by MGT of America, Inc., dated August, 1995 and made a part of the District's Supplier Diversity & Outreach Program ("Program").

(2) The District shall evaluate the progress of its Program to determine specific program provisions that require modification, expansion, and/or curtailment.

Specific Authority 373.607 FS. Law Implemented 373.607 FS. History--New 9-25-96, Amended \_\_\_\_\_.

(Substantial rewording of Rule 40E-7.621 follows. See Florida Administrative Code for present text.)

40E-7.621 Definitions.

(1) “Annual Contract Forecast Report” (ACFR) means a preliminary summary report estimating the number, probable dollar value and the planned solicitation date for budgeted contracts and purchases proposed for each fiscal year.

(2) “Certified Minority Business Enterprise” means a firm certified by the District pursuant to Rules 40E-7.651 and 40E-7.653, F.A.C and Section 287.0943(1) & (2), Florida Statutes.

(3) “Control” means to direct with primacy or cause the direction of all phases of the management and daily operations of the business, including, but not limited to, standard management practices and principles such as policy development, establishment of personnel reporting lines and operational procedures, problem solving, etc.

(4) “Domicile” means the state in which the business has its principal place of business and as it relates to corporations it also means the state under whose laws the corporation was formed.

(5) “Family member” means any person who is a spouse, parent, step-parent, grandparent, step-grandparent, child, step-child, grandchild, step-grandchild, sibling, half-brother, half-sister, step-sister, including adopted persons and those persons who are married to family members.

(6) “Federally recognized Indian Tribe” means an Indian Tribe, Band, Nation, Rancheria, Pueblo, Colony or other organized group or community, including any Alaskan Native Village, which is recognized by the Secretary of the Interior as having special rights and is recognized as eligible for the services provided by the United States to Indians because of their status as Native Americans.

(7) “Front” means a business concern which falsely claims to be owned and controlled by minority persons or women as defined herein.

(8) “Industry categories” mean construction, CCNA professional services, non-CCNA professional services, commodity/services procurement (manufacturing, wholesale, retail), and contractual (other) services.

(9) “Independently operated” means not dependent on the support, influence, guidance, control or not subject to restriction, modification or limitation from a non-minority, except for customary business auxiliary services, e.g., legal, banking, etc.

(10) “Joint Venture” means an association of two or more persons or businesses carrying out a single business enterprise for which purpose they combine their capital, efforts, skills, knowledge and/or property. Joint ventures must be established by written agreement.

(11) “Minority Business Enterprise” or “MBE” is as defined in Section 288.703(2), Florida Statutes.

(12) “Minority” person means an individual who is a citizen or lawful permanent resident of the State of Florida who is:

(a) African American: a person having origins in any of the racial groups of the African diaspora.

(b) Asian American: a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands, including the Hawaiian Islands prior to 1778.

(c) Hispanic American: a person with origins in Spain, Portugal, Mexico, South America, Central America, or the Caribbean Islands, regardless of race.

(d) Native American: a person who is a member of federally recognized Indian tribe.

(e) An American Woman.

(13) “Non-minority” means any person who does not meet the eligibility requirements of a minority person related to ethnicity, race or gender, permanent Florida residency or origins, even though such person has self-designated to be a member of a statutorily designated ethnic, racial or gender group.

(14) “Office of the Inspector General” – The District office which provides a central point for coordination of and responsibility for activities that promote accountability, integrity, and efficiency in government as referenced in Section 20.055(2), F.S.

(15) “Origins” means the minority owner's racial or cultural and geographic derivations, as substantiated by at least one grandparent's birth.

(16) “Permanent resident” means a resident whose true, fixed and permanent home and principal establishment is within the State of Florida, who has lived in the State of Florida for at least six (6) months out of the last twelve (12) months and who does not routinely and habitually establish occupancy in a personally owned, mortgaged or leased residence outside of Florida.

(17) “Program” means a blend of business initiatives, administered by the District, which include race, ethnic and gender neutral; and race, ethnic and gender specific provisions designed to:

(a) Increase diversity in District contracting and procurement; and

(b) Remedy disparity and the present effects of past marketplace discrimination.

(18) “Relevant Market Area” means the following Florida counties: Broward; Charlotte; Collier; Dade; Glades; Hendry; Highlands; Lee; Martin; Monroe; Okeechobee; Orange; Osceola; Palm Beach; Polk; St. Lucie; Alachua; Brevard; Duval; Hillsborough; Indian River; Leon; Pinellas; Seminole; and Volusia.

(19) “Responsible” means a firm is capable in all respects to fully perform the contract requirements and has the integrity and reliability, which will assure good faith performance.

(20) “Responsive” means a firm's bid or proposal conforms in all material respects to the invitation to bid or request for proposal and shall include compliance with MBE goals or good faith efforts.

(21) “A Small Business” – means an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million, or any firm based in this state which has a Small Business Administration 8(a) Certification. As applicable to sole proprietorships, the \$5 million net worth requirement shall include both personal and business investments.

(22) “Sole proprietorship” means a business concern owned by one minority person.

(23) “Supplier” means a firm that sells goods and commodities.

(24) “Third-Party Development Assistance Provider” – means local, regional, state or federal agencies, institutions and business development organizations that provide technical, management, financial and other related assistance to small, minority-owned businesses.

Specific Authority 373.607 FS. Law Implemented 373.607 FS. History–New 9-25-96, Amended \_\_\_\_\_.

40E-7.623 Policy Review and Goal Setting Committee

Specific Authority 373.607 FS. Law Implemented 373.607 FS. History–New 9-25-96, Repealed \_\_\_\_\_.

40E-7.628 Bid Incentive Program.

Specific Authority 373.607 FS. Law Implemented 373.607 FS. History–New 9-25-96, Repealed \_\_\_\_\_.

(Substantial Rewording of Rule 40E-7.631 follows. See Florida Administrative Code for present text.)

40E-7.631 Proposal Evaluations and M/WBE Criteria.

(1) For contracts awarded based on evaluation criteria, there shall be a MBE participation criterion of 10% or 20% of the total points awarded. The District shall award points as reflected in Table 7.6-3 below. Maximum points will be awarded to the proposer if 30% or more of the total project work is performed by MBE firms. Percentages reflect the amount of total contract value proposed to be assigned to MBE firms. In the case of CCNA contracts, the percentages reflect the amount of total project work which shall be equated to the project dollars assigned to MBE firms.

Table 7.6-3

10 POINTS FOR MBE PARTICIPATION

- > 30% = 10 points
- > 27% = 9 points
- > 24% = 8 points
- > 21% = 7 points
- > 18% = 6 points
- > 15% = 5 points
- > 12% = 4 points
- > 9% = 3 points
- > 6% = 2 points
- > 3% = 1 point

20 POINTS FOR MBE PARTICIPATION

- > 30% = 20 points
- > 27% = 18 points
- > 24% = 16 points
- > 21% = 14 points
- > 18% = 12 points
- > 15% = 10 points
- > 12% = 8 points
- > 9% = 6 points
- > 6% = 4 points
- > 3% = 2 points

(2) The proposer shall identify all certified MBE firms which will be utilized as subcontractors, and delineate for each the specific elements of work each MBE firm will be responsible for performing and the dollar value of the work as a percentage of the total contract value. All proposals with MBE participation shall contain documentation, signed by both the proposer and the selected MBE subcontractors which confirms their intent to establish a business relationship and confirms the MBE participation percent. All MBE's must submit proof of certification with the proposal.

(3) All MBEs must submit proof of certification with the proposal as described in Rule 40E-7.653, F.A.C.



(4) The percentage of MBE participation will be calculated by dividing the proposer's expenditures to a MBE subcontractor for providing direct labor or a bona fide service by the total project dollars as identified in the proposal.

(5) A proposer may count toward its MBE participation the fees or commissions charged for providing direct labor or a bona fide service, such as professional, technical, consultant or managerial services.

(6) For the purposes of this rule, the District will not count toward a proposer's MBE participation any portion or portions of the MBE subcontractor's work that is subcontracted back to:

(a) The proposer, either directly to, or through any other company or firm owned and/or controlled by the proposer, or

(b) Any non-MBE firm with which the MBE firm has a present business relationship. A present business relationship is defined as both firms having some of the same owners or the sharing of space, equipment, financing or employees.

(7) For the purposes of this rule, a MBE subcontractor shall not be allowed to subcontract all or a majority of the subcontractual portion of the work to another non-MBE firm or firms. A MBE subcontractor shall be prohibited from engaging in a subcontractual agreement with the intent of collecting a broker's fee or commission, and whose employees perform none of the direct labor or service activities specified in the contract.

(8) Participation by a MBE firm shall not be considered and the MBE firm shall be disqualified if the owner or owners of the MBE firm engages in an agreement with a non-MBE firm with the intent of securing employment with that non-MBE firm during the course of performing a District contract.

Specific Authority 287.055, 373.607 FS. Law Implemented 287.055, 373.607 FS. History—New 9-25-96, Amended \_\_\_\_\_.

#### 40E-7.633 Sheltered Markets Program.

Specific Authority 287.055, 373.607 FS. Law Implemented 287.055, 373.607 FS. History—New 9-25-96, Repealed \_\_\_\_\_.

#### 40E-7.635 Annual, Long-Term, and Project-Specific Goals.

Specific Authority 287.055, 373.607 FS. Law Implemented 287.055, 373.607 FS. History—New 9-25-96, Repealed \_\_\_\_\_.

(Substantial Rewording of Rule 40E-7.637 follows. See Florida Administrative Code for present text.)

#### 40E-7.637 District Implementation.

The District shall make affirmative efforts to ensure all businesses have the maximum opportunity to participate in the District's contracting and procurement processes. The following are examples of affirmative efforts by the District:

(1) Establish an office with sufficient staff and the necessary authority and responsibility to implement the rules established under this Part.

(2) Identify all competitive contracting opportunities within the District budget.

(3) Include MBEs on contract solicitation lists or vendor lists.

(4) Monitor and maintain records sufficient for verification of steps taken and results achieved to maximize MBE participation.

(5) Evaluate the District's efforts to achieve MBE participation.

(6) When requested by an unsuccessful bidder, conduct debriefing sessions on awarded contracts to explain why bids/proposals may have been unsuccessful.

(7) Coordinate outreach with Procurement and contracting departments to offer instructions and clarify bid/proposal specifications, procurement policy, procedures, and general bidding requirements.

(8) Divide purchases and contracts into smaller units, areas, or quantities where feasible and likely to increase MBE participation without substantial adverse fiscal impact to the District.

(9) Ensure that bid/proposals, specifications, and plans are written so as not to unreasonably limit MBE participation.

(10) Maintain a database of MBEs and encourage MBEs to participate in training programs offered by the District and/or third party development assistance providers.

(11) Encourage the development of MBEs by using services and assistance provided by the Small Business Administration and other third party development assistance providers.

(12) Refer businesses to third party development assistance providers for bonding, financial and technical assistance.

(13) Promote the District's Program internally and externally, through the use of an annual marketing and outreach plan.

(14) Collect and maintain information and reports to provide guidance to the Governing Board and staff regarding MBE participation.

(15) Schedule pre-bid or pre-proposal meetings, where appropriate, to inform potential contractors of Program requirements and other bid/proposal requirements.

(16) Maintain a file of successful bid/proposal documents from past procurement and encourage MBEs to review and evaluate such documents.

(17) Provide instructions on job performance requirements.

(18) Provide information and assistance on continued certification procedures, subcontracting practices, and bonding requirements.

(19) Provide supplier diversity training to District staff.

(20) Review multi-year contracts, amendments, and change orders for opportunities to increase MBE participation.

(21) Continue to investigate race, ethnic, and gender-neutral provisions to lessen barriers for participation by any business wishing to do business with the District.

(22) Place notices of contract opportunities and bids at District service centers, in the Dodge report, MBE trade association newsletters, major local or regional newspapers, and minority- and woman-focused media.

(23) Plan and participate in vendor training seminars for the purpose of informing potential bidders/proposers/vendors of the District's Program and the business opportunities available.

(24) Serve as liaison with economic development organizations and agencies working in support of economic development in the minority community.

(25) Provide notices of bids/business proposals to facilitate the participation of MBEs.

(26) Create and disseminate MBE directories to contractors for use in identifying subcontractors and material suppliers.

(27) Consider reducing bonding and insurance requirements for smaller projects.

Specific Authority 373.607 FS. Law Implemented 373.607 FS. History--New 9-25-96, Amended \_\_\_\_\_.

#### 40E-7.639 Emergency Waiver of Participation Goals.

Specific Authority 373.607 FS. Law Implemented 373.607 FS. History--New 9-25-96, Repealed \_\_\_\_\_.

(Substantial Rewording of Rule 40E-7.645 follows. See Florida Administrative Code for present text.)

#### 40E-7.645 Compliance.

(1) The District shall monitor and evaluate Program performance and compliance. Failure to comply with the MBE requirements of an awarded contract shall result in suspension or debarment of the firms or individuals involved.

(2) Suspension or debarment of firms for activity contrary to the Program, and the appeal process, shall be carried out pursuant to Rule 40E-7.664, F.A.C.

(3) Each District contract awarded with points provided for MBE participation shall contain a provision incorporating the rules under this Part by reference and a statement that failure to comply with any of the requirements by a contractor shall be considered a breach of contract.

(4) Each District contract shall contain a provision requiring the contractor, during the term of the contract, to comply with, as to tasks and proportionate dollar amounts throughout the term of the contract, all plans made in their proposal for use of MBEs.

(5) Each District contract shall contain a provision requiring maintenance of records, and information necessary to document compliance with the rules under this Part and shall include the right of the District to inspect such records.

(6) Each District contract shall contain a provision prohibiting any agreements between a contractor and a MBE in which the MBE promises not to provide subcontracting quotations to other bidders or potential bidders.

(7) The District shall ensure program compliance by a contractor or its participating subcontractors through contract provisions. Contractor compliance provisions include:

(a) Withholding from the contractor ten percent (10%) of all future payments, exclusive of any retainage, under the contract until it is determined that the contractor is in compliance;

(b) Withholding from the contractor all future payments under the contract until it is determined that the contractor is in compliance;

(c) Refusal of all future bids or offers submitted to the District by the Contractor for a period of three (3) years;

(d) Initiation of decertification action;

(e) Cancellation of the eligible project/contract for cause.

(8) Any individual who falsely represents any entity as a MBE or does not fulfill the contractual obligations is subject to the penalties under Section 287.094, F.S. To ensure that all obligations under contracts awarded to a MBE are met, the contractor's MBE efforts throughout the performance of the contract shall be reviewed. The contractor shall advise the District of any situation in which regularly scheduled progress payments are not made to MBE subcontractors.

(9)(a) After the date of contract execution, prime contractors shall make good faith efforts to maintain the level of MBE participation established in the contract by substituting a non-complying MBE subcontractor with another MBE subcontractor.

(b) Prime contractors must notify the District when the need to replace a MBE subcontractor arises.

(10) The District will not transact business with any vendor placed on the discriminatory vendor list maintained by the Department of Management Services pursuant to Section 287.134, Florida Statutes.

Specific Authority 373.607 FS. Law Implemented 373.607 FS. History--New 9-25-96, Amended \_\_\_\_\_.

#### 40E-7.647 Good Faith Efforts.

Specific Authority 373.607 FS. Law Implemented 373.607 FS. History--New 9-25-96, Repealed \_\_\_\_\_.

(Substantial Rewording of Rule 40E-7.651 follows. See Florida Administrative Code for present text.)

#### 40E-7.651 Reciprocal Certification.

(1) Reciprocal certification shall be granted to applicant businesses which have been certified by other jurisdictions and meet the District certification standards. An applicant business shall provide an affidavit attesting that the applicant business has sought to do business within the District's relevant market area prior to the time a bid or proposal is submitted.

(2) An applicant business is not eligible for reciprocal certification if the business exceeds a net worth of \$5 million. As applicable to sole proprietorships, the \$5 million net worth requirement shall include both personal and business investments.

(3) Eligibility for reciprocal certification shall be contingent upon (1) an agreement between the District and another certifying jurisdiction within the State of Florida, and (2) any additional requirements, pursuant to this Rule. The applicant businesses seeking reciprocal certification must submit to the District a copy of the current certification from the certifying jurisdiction and a copy of the completed application submitted to the certifying jurisdiction along with affidavits of continued eligibility.

Specific Authority 373.607 FS. Law Implemented 373.607 FS. History—New 9-25-96, Amended \_\_\_\_\_.

(Substantial Rewording of Rule 40E-7.653 follows. See Florida Administrative Code for present text.)

#### 40E-7.653 Certification Eligibility.

(1) The District shall have the authority to accept, review, approve and or deny applications for MBE certification. The District shall also have the authority to decertify, suspend and/or debar firms pursuant to Rule 40E-7.664, F.A.C.

(2) Applicant businesses shall submit applications for MBE certification using Form No. 0964, "Application for Certification", which is hereby incorporated by reference and which can be obtained from the District upon request. Mailing addresses must include the number, name of the street, suite number, if any, and correct zip code. A post office box will not be acceptable absent a street address. An applicant business shall provide an affidavit attesting that the applicant business has sought to do business within the District's relevant market area prior to the time a bid or proposal is submitted.

(3) An applicant business must satisfy subsection (4) below in order to be considered 51% owned by minority persons. The ownership exercised by minority persons shall be real, substantial, and continuing, and shall go beyond mere pro forma ownership of the firm as reflected in its ownership documents. In its' analysis, the District may also consider the transferal of ownership percentages with no exchange of capital at fair market value.

(4) If the applicant business was obtained by transfer, the minority person on whom eligibility is based must own 51% of the applicant firm for a minimum of two (2) years, when any previous majority ownership interest in the firm was by a non-minority who is or was a relative, former employer, or current employer of the minority person on whom eligibility is based. This requirement shall not apply to minority persons who are otherwise eligible who take a 51% or greater interest in a firm that requires professional licensure to operate and who will be the qualifying licensure for the firm when certified. A transfer made within a related immediate family

group from a nonminority person to a minority person in order to establish ownership by a minority person shall be deemed to have been made solely for purposes of satisfying certification criteria and shall render such ownership invalid for purposes of qualifying for such certification if the combined total net asset value of all members of such family group exceeds \$1 million. For purposes of this subparagraph, the term "related immediate family group" means one or more children under 16 years of age and a parent of such children or the spouse of such parent residing in the same house or living unit.

(a) The applicant business must satisfy either subparagraphs 1., 2., or 3. below:

1. In a corporate form of organization, the minority shareholders of the corporation must own at least 51% of all issued stock. Minority shareholders who own at least 51% of each and every class of stock will be presumed to have satisfied the conditions of this rule. Where the minority shareholders do not own at least 51% of each class of stock, the applicant shall establish that the aggregate of all stock owned by minority shareholders is equal to at least 51% of all issued shares. The applicant may establish that the aggregate of all stock owned by minority shareholders is equal to at least 51% of all issued shares by:

a. Using the par value of the stock, but only where each class of stock has a par value;

b. Using the fair market value of each class of stock;

c. Showing the numerical ratio of stock ownership where all shares, regardless of class, have the same par value or fair market value; or

2. In a partnership form of organization, the minority partners must own at least 51% of the partnership, or

3. In any other form of organization, the minority owners must own at least 51% of the business interest of the organization, including, but not limited to 51% of the ownership of assets, dividends, and intangible assets such as copyrights and patents.

(a) The minority owners must demonstrate that they share income, earnings and any other benefits from the business concern which are accorded to any other owner. The minority owners' share of income, earnings and benefits shall be commensurate with the percentage of their ownership in the business concern, including salaries, draws, bonuses, commissions, insurance coverage, proceeds from business investments and properties, and profit-sharing.

(b) The minority owners must demonstrate that they share in all the risks assumed by the business firm. Such sharing of business risks shall be demonstrated through the minority owners' primary role in decision-making, and negotiation and execution of related transaction documents either as individuals or as officers of the business. The minority owners' sharing in business risks shall be commensurate with their percentage of ownership, including start-up costs and contributions, acquisition of additional ownership interests,

third-party agreements, and bonding applications. Start-up contributions may be space, cash, equipment, real estate, inventory or services estimated at fair market value. All contributions of capital by the minority owners must be real and substantial. The following are presumed not to be real and substantial capital contributions:

1. Promises to contribute capital;
2. Notes payable to the applicant business;
3. Notes payable to the non-minority owners or to the non-minority family members of any owner; and
4. Past services rendered by the minority person as an employee, rather than as a decision-maker.

(c) The business firm cannot at any time enter into any agreement, option, scheme, or create any rights of conversion, which, when exercised, would result in less than 51% minority ownership or in the loss of the minority owners' control of the business firm.

(5) An applicant must establish that the minority owner seeking certification be the license holder, qualifying agent, and/or the professional license holder and possess the authority to control and exercise dominant control over the management and daily operations of the business.

(a) The discretion of the minority owners shall not be subject to any formal or informal restrictions (including, but not limited to, by-law provisions, purchase agreements, employment agreements, partnership agreements, trust agreements or voting rights, whether cumulative or otherwise), which would vary or usurp managerial discretion customary in the industry.

(b) The minority owners must exercise sufficient management and technical responsibilities and capabilities to maintain control of the business. If the owners of the business who are not minority persons are disproportionately responsible for the operations of the business, then the business shall not be considered to be controlled by minority owners.

(c) The control exercised by the minority owners shall be real, substantial and continuing. In instances where the applicant business is found to be a family-operated business, with duties, responsibilities and decision-making occurring either jointly or mutually among owners and principals, or severally along managerial and operational lines between minority owners and non-minority owners or principals, the minority owners shall not be considered as controlling the business. Where the minority owners substantiate that the assumption of duties is not based on their lack of knowledge or capability to independently make decisions regarding the business' management and day-to-day operations, the minority owners' control may not be affected. The minority owners shall establish that they have dominant responsibility for the management and daily operations of the business as follows:

1. The minority owners shall control the purchase of goods, equipment, business inventory and services needed in the day-to-day operation of the business. The minority owners'

control of purchasing shall be evidence of their knowledge of products, brands, manufacturers, types of equipment and products and their uses, etc., rather than merely reflective of the minority owners' ministerial execution of the ordering/acquisition of goods.

2. The minority owners shall control the hiring, firing and supervision of all employees, and the setting of employment policies, wages, benefits and other employment conditions. In instances where minority owners have delegated the hiring and firing of employees, the minority owners shall demonstrate that their knowledge and capability is sufficient to evaluate the employees' performance in the given industry.

3. The minority owners shall have knowledge and control of all financial affairs of the business. The ability of any non-minority owner or employee to sign checks and enter into financial transactions on behalf of the business shall be considered in determining financial control. The minority owners shall expressly control the investments, loans to/from stockholders, bonding, payment of general business loans, payroll and establishment of lines of credit.

4. The minority owners shall have managerial and technical capability, knowledge, training, education and experience required to make decisions regarding that particular type of work. In determining the applicant business' eligibility, the District will review the prior employment and educational requirements for the given industry, the previous and existing managerial relationship between and among all owners, especially those who are familiarly related, and the timing and purpose of management changes. If the minority owners have delegated management and technical responsibility to others, the minority owners must substantiate that they have caused the direction of the management of the business and each phase of the technical operations of the business through their demonstrable knowledge of and capability in the delegated areas.

5. The minority owners shall display independence and initiative in seeking and negotiating contracts, accepting and rejecting bids and in conducting all major aspects of the business in regard to any and all bidding and contracting. In instances where the minority owners do not directly seek or negotiate contracts, prepare estimates, or coordinate with contracting officials, but claim to approve or reject bids and contractual agreements, the minority owners shall demonstrate that they have the knowledge and expertise to independently make contractual decisions.

6. The minority owners shall substantiate personal direction and actual involvement with all major aspects of the applicant business. The major aspects shall be defined as those tasks essential to accomplish all objectives and operations related to those services or commodities for which the applicant business requests certification.

(6) To establish that it is a small minority business concern, the applicant shall:

(a) Demonstrate that it is an independently owned and operated business concern. In assessing business independence, the District shall consider all relevant factors, including the date the firm was established, the adequacy of its resources, and the degree to which financial, managerial and/or operational relationships exist with other persons and/or business concerns. For purposes of this rule, the District's consideration of such financial relationships, managerial and/or operational relationships shall not be affected by arrangements made out of necessity or due to the business' inability to secure traditional capitalization through banks, lending institutions or others.

(b) Demonstrate that it is not an affiliate of a non-minority business nor share (on an individual or combined basis) common ownership, directors, management, employees, facilities, inventory, financial resources and expenses, equipment or business operations with a non-minority person and/or business concern which is in the same or an associated field of operation.

(c) To establish that it is a small business concern, the applicant shall demonstrate that the net worth of the business concern, together with its affiliates, does not exceed five (5) million dollars and an average net worth after federal income taxes, excluding any carryover losses, for the preceding two years of not more than two (2) million dollars. In determining the net worth of the business and its affiliates, the District shall consider the most recent annual financial statements for the business and the business owner. If no annual financial statement is available, the applicant shall submit a financial statement for any quarter during the previous six (6) months. In determining the business' income, the District shall consider the two most recent financial statements for the business and/or the most recent federal income tax returns.

(d) To establish that it is a small business concern, the applicant shall provide documentation to demonstrate that it employs two-hundred (200) or fewer permanent, full-time employees. The number of permanent, full-time employees shall be determined by adding the number of employees the applicant acknowledges to be permanent, full-time employees to the number of permanent positions the applicant needs in order to carry out its business based upon the quantity of work performed and the annual gross receipts of the business concern. In determining whether the applicant meets the criteria for a small business, the District shall consider such documentation as:

1. Personnel records.
2. Florida Quarterly Unemployment Reports.
3. Annual Federal Unemployment Report.
4. Payroll ledgers.
5. Employee leasing agreement.

(e) The applicant must demonstrate that it is domiciled in Florida. In determining whether the applicant is domiciled in Florida, the District shall consider such documentation as:

1. Articles of Incorporation.
2. Partnership Agreement.
3. Certification required to be filed pursuant to Section 620.108, Florida Statutes.
4. Business licenses.

(7) The applicant business must demonstrate that it is at least 51% owned by minority persons who are permanent residents of Florida.

(8) The applicant business must provide evidence of the minority/women status of owners who are claiming to be minority persons, as follows:

(a) Demonstrate that the applicant business owners' ethnicity qualifies them as an eligible person pursuant to Rule 40E-7.621(8), F.A.C. In determining the ethnicity of a person, the District shall consider any of the following:

1. Birth certificate.
2. Passport.
3. Citizenship papers.
4. Driver license.
5. Voter registration card.
6. Death certificate.
7. Membership in a federally recognized Indian tribe.
8. Tribal registration.
9. Any other documentation that tends to substantiate the person's claim of minority status.

(b) Demonstrate that the applicant business owners' gender qualifies them as an eligible person pursuant to Rule 40E-7.621(19), F.A.C. In determining the gender of a person, the District shall consider any of the following:

1. Birth certificate.
2. Passport.
3. Citizenship papers.
4. Driver license.
5. Any other documentation that tends to substantiate the person's claim of minority status.

(c) Demonstrate that the applicant business owners' origin qualifies them as an eligible person pursuant to Rule 40E-7.621(8), F.A.C. When determining a person's origins, the District shall accept any of the following documentation in order to clearly establish a direct line of descent:

1. Marriage licenses.
2. Divorce decrees.
3. Adoption papers, to show the adopted person's original, not adopted, origins.
4. Court orders which have the effect of changing a person's name.
5. An Affidavit, except that of an official of the federal government, a state government or a municipality.
6. A "family tree" or "family chart".

(9) The applicant business shall establish that it is currently performing or seeking to perform a useful business function in each specialty area requested by the applicant. The applicant business is considered to be performing a useful business function when it is responsible for the execution of a distinct element of the work of a contract and carrying out its responsibilities in actually performing, managing and supervising the work involved. The useful business function of an applicant business shall be determined in reference to the products or services for which the applicant business requested certification. When the applicant business is required by law to hold a license, other than an occupational license, in order to undertake its business activity, the applicant business shall not be considered to be performing a useful business function unless it has the required license(s).

(a) In determining if an applicant business is acting as a regular dealer and that it is not acting as a conduit to transfer funds to a non-minority business, the District shall consider the applicant business' role as agent or negotiator between buyer and seller or contractor. Though an applicant business may sell products through a variety of means, the District shall consider the customary and usual method by which the majority of sales are made in its analysis of the applicability of the regular dealer requirements. Sales shall be made regularly from stock on a recurring basis constituting the usual operations of the applicant business. The proportions of sales from stock and the amount of stock to be maintained by the applicant business in order to satisfy the requirements of this rule will depend on the business' gross receipts, the types of commodities sold, and the nature of the business' operation. The stock maintained shall be a true inventory from which sales are made, rather than be a stock of sample, display, or surplus goods remaining from prior orders or by a stock maintained primarily for the purpose of token compliance with this rule. Consideration shall be given to the applicant's provision of dispensable services or pass-through operations which do not add economic value, except where characterized as common industry practice or customary marketing procedures for a given product. An applicant business acting as broker or packager shall not be regarded as a regular dealer absent a showing that brokering or packaging is the normal practice in the applicant business' industry. Manufacturer's representatives, sales representatives and non-stocking distributors shall not be considered regular dealers for purposes of the rules under this Part.

(b) Documentation to substantiate a useful business function may include but not be limited to the following:

1. Executed purchase orders.
2. Paid invoices.
3. Executed contracts.

Specific Authority 373.607 FS. Law Implemented 373.607 FS. History--New 9-25-96, Amended 6-16-98,\_\_\_\_\_.

(Substantial Rewording of Rule 40E-7.655 follows. See Florida Administrative Code for present text.)

40E-7.655 Certification Review Procedures.

(1) Upon receipt, all applications for MBE certification shall be given an initial screening to ensure appropriate signature and completeness. The application must bear the original signature of the minority owner who is submitting the application for review. If the application is submitted by means of a facsimile machine, the signature page of the application, with the original signature of the minority owner, must be submitted to the District within thirty (30) days of facsimile submission.

(2) Within sixty (60) days following initial receipt of the application, the District will request the applicant business to furnish omitted items or additional information. If all requested information or items are not received by the District within thirty (30) days from the date of the request, the District will deny the applicant business certification as a MBE.

(3) The on-site verification review may be conducted by the District upon receipt of the completed application. Failure to cooperate with the scheduling of the on-site review or during the on-site review shall result in the denial of the application.

(4) Applicants determined eligible shall receive a certification letter stating the length of time for which the business has been certified, the specialty areas of the business, the minority status categories in which the business is certified, and the business' responsibilities set out in Section 287.0943(1) & (2), F.S. Once certified, an applicant shall remain certified for a period of one (1) year unless otherwise revoked for cause. The District retains the right to reevaluate the certification of any business at any time.

(5) Applicants determined ineligible shall receive a letter stating the basis for the denial of certification and citing applicable rules and shall not be eligible to submit new applications until 180 days after the date of the notice of denial of certification or the District's final agency order denying certification.

Specific Authority 120.53, 120.54(1), 120.60(2), 373.607 FS. Law Implemented 120.53, 120.54(1), 120.60(2), 373.607 FS. History--New 9-25-96, Amended\_\_\_\_\_.

(Substantial Rewording of Rule 40E-7.659 follows. See Florida Administrative Code for present text.)

40E-7.659 Graduation from M/WBE Program.

(1) Participation in the District's Program will be dependent upon the MBE's need for the affirmative procurement initiatives extended to MBE's under this Part. The MBE shall be graduated and shall not be eligible for continued participation in the affirmative procurement initiatives contained in the rules under this Part as a prime contractor if the business exceeds a net worth of \$5 million. As applicable to sole proprietorships, the \$5 million net worth requirement shall include both personal and business investments.

(2) A MBE which is considered graduated under this section shall be counted towards prime contractor's goal attainment when utilized as a subcontractor or joint venture partner.

Specific Authority 373.607 FS. Law Implemented 373.607 FS. History--New 9-25-96, Amended \_\_\_\_\_.

(Substantial Rewording of Rule 40E-7.661 follows. See Florida Administrative Code for present text.)

40E-7.661 Recertification Review Procedures.

(1) Applications for recertification shall be submitted using Form No. 0958, "Application for Recertification", which is hereby incorporated by reference and available from the District upon request.

(2) The District will notify MBEs no later than sixty (60) days before the end of the certification period. If the minority owner is unable to use the recertification affidavit because changes in the applicant's business have occurred, the minority owner shall notify the District in writing. Recertification requests must be filed in the District no later than the last effective date of the current certification period. Recertification requests received by the District after the expiration of the certification period shall be given a ten (10) day grace period. Recertification requests received by the District after the ten (10) day grace period will not be processed for a period of 90 days.

(3) Upon receipt, all recertification requests shall be given an initial screening to ensure appropriate signature and completeness. Within sixty (60) days following initial receipt of the applicant's recertification request, the District will request the applicant to furnish omitted or additional information. If the requested information or items are not received by the District within thirty (30) days from the date of the request, the District will deny the applicant recertification as a MBE.

(4) The on-site verification review may be conducted by the District upon receipt and review of the recertification request. Failure to cooperate with the scheduling of the on-site review or during the on-site review shall result in the denial of recertification.

(5) Recertification shall be granted when the applicant has complied with this rule and substantiates eligibility for MBE status.

(6) Applicants deemed eligible shall receive a recertification letter stating the length of time for which the business has been certified, the specialty areas of the business, and the minority status categories in which the business is certified. Once recertified, an applicant shall remain certified for a period of one (1) year unless otherwise revoked for cause. The District retains the right to reevaluate the certification of any business at any time.

(7) Applicants determined ineligible shall receive a letter stating the basis for the denial of recertification and shall not be eligible to submit a new application for 180 days after the date of the notice of denial of recertification or the District's final agency order denying recertification.

(8) If an application for recertification is timely submitted, a MBE shall remain certified until the District has made a determination concerning eligibility.

(9) Applicant businesses failing to submit the District recertification application as required by Subsection (1) of this section, shall not be considered certified immediately subsequent to the anniversary date of the last certification. Applicant businesses shall receive written notification of the expiration of prior certification.

Specific Authority 373.607 FS. Law Implemented 373.607 FS. History--New 9-25-96, Amended \_\_\_\_\_.

(Substantial Rewording of Rule 40E-7.664 follows. See Florida Administrative Code for present text.)

40E-7.664 Suspension, Debarment, Revocation or Decertification.

(1) Prior to suspending, debarment, revoking or decertifying a firm from the Program, the District shall inform the firm in writing by certified mail, return receipt requested, of the facts or conduct which warrant such action.

(2) Facts or conduct that could warrant suspension, decertification, or debarment include but are not limited to:

(a) Failure to meet qualifying criteria.

(b) Fraud, deceit, or misrepresentation for the purpose of obtaining MBE status.

(c) Refusal to permit on-site inspections.

(d) Failure to report changes in the status or activities of the business entity or its minority ownership which affects the MBE's eligibility for certification.

(3) The written notice issued by the District shall contain:

(a) The statutory provision(s) or rule(s) of the Florida Administrative Code which is alleged to have been violated;

(b) The specific facts or conduct relied upon to justify the suspension, debarment, revocation or decertification; and

(c) A statement that the firm has the right to file a request for an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, within 14 days of receipt of the notice.

(d) A statement that the suspension, debarment, revocation or decertification shall become conclusive and final agency action if no request for a hearing is filed within 14 days of receipt of the notice.

(4) All requests for a hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, shall be made in the form of a Petition in accordance with Chapter 28-106, Florida Administrative Code.

(5) If the firm fails to file a request for a hearing within the timeframes prescribed in Chapter 120, Florida Statutes, and Chapter 28-106, Florida Administrative Code, the suspension, debarment, revocation or decertification shall become conclusive and final agency action.

Specific Authority 120.53, 373.607 FS. Law Implemented 120.53, 373.607 FS. History—New 9-25-96, Amended \_\_\_\_\_.

(Substantial Rewording of Rule 40E-7.6645 follows. See Florida Administrative Code for present text.)

40E-7.6645 Penalties for Fraudulent M~~A~~WBE Representation.

Applicant businesses are advised that criminal penalties can be imposed under Section 775.082, Section 775.083, or Section 775.084, F.S., for fraudulent MBE representation. It is the intent of the District to notify the proper law enforcement agency in all such instances.

Specific Authority 373.607 FS. Law Implemented 373.607 FS. History—New 9-25-96, Amended \_\_\_\_\_.

(Substantial Rewording of Rule 40E-7.665 follows. See Florida Administrative Code for present text.)

40E-7.665 Application for Additional Areas of Certification.

(1) Any business that is currently certified shall submit a written request when requesting certification as a MBE in additional specialty areas.

(2) Within sixty (60) days following initial receipt of the request, the District will request the applicant business to furnish omitted or additional information. If all the requested information or items are not received by the District within thirty (30) days from the date of the request, the District will deny the applicant business certification as a MBE in the requested additional specialty areas.

(3) The on-site verification review may be conducted by the District upon receipt and review of the request. Failure to cooperate with the scheduling of the on-site review or during the on-site review shall result in the denial of certification in the requested additional specialty areas.

(4) Certification in the additional specialty areas shall be granted when the applicant business has complied with this rule and substantiates eligibility for MBE status.

(5) Applicant businesses determined eligible shall receive a certification letter stating the length of time for which the business has been certified, all the specialty areas of the business, and the minority status categories in which the business is certified.

(6) Applicant businesses determined ineligible shall receive a letter stating the basis for the denial of certification in the additional specialty areas and shall not be eligible to submit a new application for certification for 180 days after the date of the notice of denial of certification or the District's final agency order denying certification. If a firm is denied twice within a

year the firm shall not be able to reapply for a period of one (1) year from the date of the second denial, or if appealed, the date of the decision to deny is upheld.

(7) Submittal of a request for certification in additional specialty areas shall not extend the applicant business' original certification period.

Specific Authority 120.53, 373.607 FS. Law Implemented 120.53, 373.607 FS. History—New 9-25-96, Amended \_\_\_\_\_.

(Substantial Rewording of Rule 40E-7.667 follows. See Florida Administrative Code for present text.)

40E-7.667 Administrative Hearings.

If an applicant business believes it has been wrongly denied certification or recertification as a MBE, the applicant business may file a request for hearing pursuant to Sections 120.569 and 120.57, F.S. in the form of a petition in accordance with Chapter 28-106, F.A.C. within 21 days of receipt of Notice of Denial of certification.

Specific Authority 120.53, 373.607 FS. Law Implemented 120.53, 373.607 FS. History—New 9-25-96, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jock Merriam, Deputy Executive Director, Corporate Resources

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 15, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 27, 2000

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Everglades Program	40E-63
RULE TITLES:	RULE NOS.:
Purpose and Policy	40E-63.400
Scope of Program	40E-63.401
Definitions	40E-63.402
Incorporation of Forms, Instructions and References	40E-63.404
Delegation	40E-63.406
Waivers	40E-63.410
No Notice General Permits	40E-63.415
BMP Plan Pre-approvals	40E-63.420
Permit Applications	40E-63.430
Permit Modifications, Transfers and Renewals	40E-63.432
Permit Duration	40E-63.434
Permit Application Processing Fees	40E-63.436
General Permit Application Requirements in the C-139 Basin	40E-63.440
Basis of Issuance of General Permits in the C-139 Basin	40E-63.442



Limiting Conditions for General Permits in the C-139 Basin 40E-63.444  
 Individual Permit Application Requirements in the C-139 Basin 40E-63.450  
 Basis for Issuance of Individual Permits in the C-139 Basin 40E-63.452  
 Limiting Conditions for Individual Permits in the C-139 Basin 40E-63.454  
 Optional Discharge Monitoring Program 40E-63.456  
 Limiting Conditions for the Optional Discharge Monitoring Program 40E-63.458  
 C-139 Basin Compliance 40E-63.460  
 C-139 Basin Works of the District Permit Compliance 40E-63.470

**PURPOSE AND EFFECT:** The purpose is to develop rules to implement the Everglades Forever Act (“EFA”), Section 373.4592(4)(f)5., Florida Statutes (F.S.), which specifies, “effective immediately, landowners within the C-139 Basin shall not collectively exceed an annual average loading of phosphorus . . . .” The proposed rules will establish the compliance methodology and compliance actions required by C-139 landowners if the phosphorus load limitation for the C-139 Basin is exceeded. The effect of the proposed rule will be potential enhancement of the downstream receiving water quality in accordance with the intent of the EFA.

**SUMMARY:** The proposed rules establish a compliance methodology for phosphorus load limitations for the C-139 Basin.

**STATEMENT OF ESTIMATED REGULATORY COSTS:** The proposed revisions to Rule Chapter 40E-63, F.A.C., regarding the C-139 Basin required to comply with the Everglades Forever Act, are expected to impose additional costs on permittees and permit applicants required to comply with the new provisions. However, the District has included features limiting the magnitude of cost increases to those directly affected. These features include: 1. a point system for required BMPs, so that the permittees and applicants can select that mix of BMPs which most cost-effectively reduces phosphorous discharges given the individual’s particular circumstances; 2. the availability of an optional discharge monitoring program, as specified in proposed Sub-sections 40E-63.456 and 40E-63.458, F. A. C.

In addition, there is a variety of Federal, state, District, and local programs available to share the costs of water quality improvement measures implemented by permittees or permit applicants.

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:** 373.044, 373.113, 373.4592 FS.

**LAW IMPLEMENTED:** 373.016, 373.451, 373.453, 373.4592 FS.

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

TIME AND DATE: 8:30 a.m., July 14, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: For technical questions, Pamela Sievers, P.E., Senior Supervising Engineer, Everglades Regulation Department, Environmental Resource Regulation Division, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6901 or (561)682-6901 (e-mail: psievers@sfwmd.gov); or for legal/administrative questions, Julie Jennison, Senior Legal Research Asst., 1(800)432-2045, Extension 6294 or (561)682-6294 (e-mail: jjennis@sfwmd.gov)

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

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-63.400 Purpose and Policy.

(1) This Program is intended to implement the requirements of the Everglades Forever Act, sec. 373.4592(4)(f), F.S., for the C-139 Basin. The goals of this Program are as follows:

(a) To provide economically feasible best management practices for controlling phosphorus discharges from the C-139 Basin;

(b) To ensure that the annual total phosphorus load discharged by surface water from the C-139 Basin does not exceed the historic average annual total phosphorus load recorded during the baseline period of October 1, 1978, to September 30, 1988, adjusted proportionately for rainfall;

(c) To establish the responsibility of C-139 Basin landowners to achieve their proportional share of compliance with the phosphorus load limitations of this Program; and

(d) To discourage conversion of current and low intensity land uses to different and more phosphorus intensive land uses.

(2) This Program provides a reasonable method for the landowners to reduce phosphorus discharges from the C-139 Basin, and in conjunction with the Stormwater Treatment Areas (STAs), especially STA-5, provides a sound basis for the State of Florida’s long-term cleanup and restoration objectives for the Everglades.

(3) The landowners within the C-139 Basin shall not be required to implement any additional water quality improvement measures before December 31, 2006, as long as they continue to:

(a) Maintain compliance with the phosphorus load limitation provided in this Part IV of Chapter 40E-63, F.A.C.; and

(b) Comply with conditions of their associated permits; and

(c) Pay their required taxes pursuant to the Everglades Forever Act, Section 373.4592, F.S.

(4) Unless otherwise provided by this Part IV of Chapter 40E-63, F.A.C., nothing herein shall be construed to modify any existing state water quality standards, nor to otherwise restrict the authority granted to the District pursuant to Chapter 373.

Specific Authority 373.044, 373.113, 373.4592 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History—New

#### 40E-63.401 Scope of Program.

(1) For the purposes of this rule, the Works of the District for the C-139 Basin include water control structures, right-of-ways, canals, and other water resources which the South Florida Water Management District owns, operates and controls, and that have been specifically named as Works of the District pursuant to Section 373.086, F.S. Works of the District for the C-139 Basin include G-136, G-150, G-151, G-152, G-406, G-342A, G-342B, G-342C, G-342D, L-1 Canal, L-2 Canal, L-3 Canal, and their open channel connections.

(2) Unless expressly exempted, all lands within the C-139 Basin are users of the Works of the District within the C-139 Basin, and as such must be granted a No Notice General Permit pursuant to the provisions of Rule 40E-63.415, F.A.C., or must obtain a General or Individual Permit pursuant to the provisions of Rules 40E-63.440 or 40E-63.450, F.A.C., respectively. The rules shall apply to existing and new releases of water to Works of the District within the C-139 Basin.

(3) Landowners in the C-139 Basin share responsibility for achieving phosphorus load limitations. The compliance program, as established in this Part, ensures that landowners are responsible for their proportional share of phosphorus load discharged from the C-139 Basin based upon their proportional share of acreage to the total C-139 Basin acreage.

(4) Permits issued under this Part do not eliminate or alter other applicable permit requirements for discharges that impact other water bodies, basins, or Works of the District, nor do they affect the permit requirements of other District regulatory programs.

Specific Authority 373.044, 373.113, 373.4592 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History—New

#### 40E-63.402 Definitions.

(1) “C-139 Basin” means those lands described in the EFA, Section 373.4592(16), F.S.

(2) “Nutrient Management Plan (NMP)” means a plan, applicable to cattle operations, to manage the amount, source, placement, form, and timing of nutrient application to optimize yields and minimize the movement of nutrients to surface and ground waters that ultimately discharge off-site. A site management plan and budget for tracking phosphorus shall be developed. The plan shall consider all nutrient sources (including but not limited to soil residual, crop residual, animal residual, organic and chemical fertilizer, soil amendments and supplements, irrigation water quantity and timing, animal nutrient supplements) versus the required amounts of nutrients. The plan shall utilize testing, analysis, and agricultural industry standards to determine nutrient needs. At a minimum, the plan shall address the timing, placement and method of nutrient application; optimization of nutrient uptake; prevention of nutrient movement off-site; site descriptions such as aerial photographs, crop maps, and soil maps; and implementation plans and schedules; sediment control BMPs; pasture management BMPs; and water quality monitoring for input into the mass balance prepared for the phosphorus budget.

(3) “Discharge” means any surface water runoff from a land area generated by rainfall, irrigation, or seepage. Runoff may occur through a structure or may flow as uncontrolled discharge from a land area.

(4) “Improved Pasture” means grazing lands that are not in crop rotation and are planted primarily to introduced domesticated native forage species that receive periodic renovation and/or cultural treatments such as tillage, fertilization, mowing, and weed control.

(5) “Land Practice Change” means any change in the use of a parcel which is likely to result in significant changes to the scope or type of Best Management Practice specified in the permitted BMP Plan for the parcel, or in the effectiveness of the Best Management Practice specified in the permitted BMP Plan.

(6) “Parcel” means a contiguous land area under single ownership within the C-139 Basin usually represented by a single county property tax identification number.

(7) “Range/Native Range Pasture” means raw, unimproved, native pasture suitable for grazing and browsing of domestic livestock at least part of the year. Rangeland includes any natural grasslands, savannas, shrublands, woodlands and wetlands that support a vegetative cover of native grasses, grasslike plants, forbs, shrubs, or other natural species. It does not include improvements such as seeding or application of fertilizer and lime.

(8) “Semi-improved Pasture” means range pasture having some improvements such as webbing, chopping, or mowing which increase the grazing capacity of the land but does not include improvements such as seeding or application of fertilizer and lime.

(9) “Structure” means a structural device or hydrologic feature (e.g. culvert, pump, open connection, surface grading, ditch) through which water is ultimately discharged/directed from one or more parcels in a hydrologic drainage area to a receiving water.

(10) “Water Management System” means the collection of devices, improvements or natural systems whereby surface waters are conveyed, controlled, impounded, or obstructed.

(11) “Water Year” means any 12-month period beginning on May 1 and ending on the following April 30.

Specific Authority 373.044, 373.113, 373.4592 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History–New \_\_\_\_\_.

#### 40E-63.404 Incorporation of Forms, Instructions and References.

(1) South Florida Water Management District Form 1045, dated August 2001, entitled, “Application For A C-139 Basin Works Of The District Permit”.

(2) “Appendix B1 – BMP Equivalent Points Table”, dated August 2001, and including Best Management Practices for controlling the movement of phosphorus off-site in discharges through nutrient control practices, water management practices, particulate matter and sediment control practices, and pasture management practices.

(3) “Appendix B2 – C-139 Basin Compliance”, dated August 2001, and setting forth the procedures the District will follow to determine whether the C-139 Basin is in compliance with the applicable phosphorus load limitation set forth in this Part IV of Chapter 40E-63, F.A.C., and the process that the District will follow if the C-139 Basin is determined to be out of compliance.

(4) “Appendix B2.1 – FORTRAN Program for Calculating C-139 Basin Flows and Phosphorus Loads”, dated August 2001.

(5) “Appendix B2.2 – Flow Computation Methods Used to Calculate C-139 Basin Flows”, dated August 2001, providing applicable mathematical methods for calculating flow rates through water management structures.

(6) “Appendix B3 – Permittee Phosphorus Load Determination Based on the Optional Discharge Monitoring Plan”, dated August 2001, setting forth the procedures the District will follow to calculate a permittee's proportional share of phosphorus load in order to determine eligibility for release from implementation of additional BMPs when the permittee has elected to implement the optional discharge monitoring plan and the C-139 Basin is out of compliance.

Specific Authority 373.044, 373.113, 373.4592 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History–New \_\_\_\_\_.

#### 40E-63.406 Delegation.

(1) The Governing Board delegates to and appoints the Executive Director and his or her designated agents to review and take final action on BMP Plan pre-approvals, applications to modify or transfer existing Individual Permits and all applications for General Permits issued under Chapter 40E-63, F.A.C., except when the staff recommendation is for denial of such applications.

(2) All recommendations for denial and all other applications regarding Individual Permits (new or renewals) shall be considered by the Governing Board.

Specific Authority 373.044, 373.113, 373.4592 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History–New \_\_\_\_\_.

#### 40E-63.410 Waivers.

Any landowner in the C-139 Basin, as described in EFA, Section 373.4592(16), F.S., may submit evidence to the District demonstrating that the water discharged from such property does not use the Works of the District within the C-139 Basin and request a written waiver from the requirements of this Chapter pursuant to Chapter 28-104.002, F.A.C., and Chapter 120.542, F.S.

Specific Authority 373.044, 373.113, 373.4592 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History–New \_\_\_\_\_.

#### 40E-63.415 No Notice General Permits.

(1) A No Notice General Permit for Use of Works of the District within the C-139 Basin is hereby granted for parcels of land that connect to or make use of the Works of the District within the C-139 Basin, subject to the requirements of Part IV of this Chapter, including Rule 40E-63.444(1)(e), (f), (g), and (i), F.A.C., and the conditions specified below:

(a) The land is not subject to the agricultural privilege tax, pursuant to the EFA, Section 373.4592(7)(a), F.S.; and

(b) The land is served by a properly permitted and operated surface water management system (Environmental Resource Program, ERP, or Surface Water Management Permit, SWM).

(2) No Notice General Permits for Use of Works of the District within the C-139 Basin granted upon adoption of Part IV remain effective for 5 year periods and shall be automatically renewed unless the District notifies a permittee in writing that the permit is revoked.

(3) In the event the C-139 Basin is determined to be out of compliance a fourth time, in accordance with Appendix B2 of Chapter 40E-63, F.A.C, the District shall revoke the No Notice General Permit and initiate rulemaking pursuant to Chapter 120, F.S., to revise this Chapter to ensure that the objectives of the EFA, Section 373.4592(4)(f)5., F.S., are met. Notification shall be by certified mail.

Specific Authority 373.044, 373.113, 373.4592 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History–New \_\_\_\_\_.

40E-63.420 BMP Plan Pre-approvals.

(1) In order to begin implementation as soon as possible, the proposed plan for the initial BMPs shall be submitted by the permittee for written pre-approval from the District. This will allow the permittee to initiate implementation of the approved BMP plan prior to the completion of the administrative review and processing of the permit application.

(2) A Level I BMP Plan, as described in Appendices B1 and B2, shall be submitted to the District for approval within 30 days of the effective date of Part IV of this Chapter. Failure to provide a complete Level I plan within the 30 days shall not justify a corresponding delay for full implementation of the plan.

(3) The District shall make a final determination on the Level I BMP Plan within 10 days of receipt of a complete plan.

(4) Implementation of Level I BMPs shall be initiated within 45 days and fully implemented within 90 days of the effective date of Part IV of this Chapter.

Specific Authority 373.044, 373.113, 373.4592 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History-New

40E-63.430 Permit Applications.

(1) Applications for Works of the District Permits, including General Permits pursuant to Section 40E-63.440, F.A.C., and Individual Permits pursuant to Section 40E-63.450, F.A.C., shall be submitted to the District within 45 days of the effective date of this Part IV of Chapter 40E-63, F.A.C., and shall be made using Form 1045.

(2) Landowners, lessees or operators of a parcel or parcels may submit applications for Works of the District Permits. A lessee or operator may submit an application provided the lease (or equivalent contract) is in writing and reasonable assurance is provided that the lessee/operator has the capability of implementing and complying with the BMP Plan and other permit conditions.

(3) All General or Individual Permit applications shall include the following:

(a) A clear delineation of the area and acreage contained in the permit application, including a map which is correlated with a list of all parcel owners, operators, and lessees with tributary discharge water and county tax identification numbers.

(b) Copies of existing contracts, agreements, or equivalent regarding use or operation of the property or control structure between the entity responsible for operation and the parcel owners included in the application, where applicable.

(c) A list of all existing and pending District permits for the application area and their status.

(d) A completed copy of Form 1045, entitled "Application for a C-139 Basin Works of the District Permit".

(e) All of the information necessary to satisfy the Basis for Issuance, including information as specified in the application Form 1045 and the Guidebook.

(4) If activities proposed in the permit application submitted pursuant to Part IV of this rule will affect water management systems or activities regulated pursuant to other rules (e.g. Surface Water Management, Environmental Resource Permit, Consumptive Water Use, Well Construction, Right-of-Way, or Lake Okeechobee SWIM) then the Applicant shall also submit applications for new permits or modifications to existing permits, as appropriate.

Specific Authority 373.044, 373.113, 373.4592 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History-New

40E-63.432 Permit Modifications, Transfers and Renewals.

(1) A permittee may apply for a modification to an existing Works of the District Permit issued under this Part IV of Chapter 40E-63, F.A.C., unless the permit has expired or has been otherwise revoked or suspended. An application for modification will not be processed as a complete application as long as the permit is not in compliance with applicable permit conditions, unless the permit modification is required to bring the permit into compliance. Modifications will be evaluated based on the criteria in effect at the time the application to modify is submitted. Permit modifications shall be subject to the following requirements and limitations:

(a) Applications to modify an existing Works of the District Permit shall contain the same information required in a new application, as applicable, and shall identify the portion of the existing authorization for which the modification is requested.

(b) Modifications to existing permits are acknowledged and approved by letter with an accompanying Permit Review Summary (Staff Report) from the District through correspondence to the permittee.

(2) A permittee shall notify the District within 30 days of any transfer, sale or conveyance of land or works permitted under Part IV of Chapter 40E-63, F.A.C. to allow time for processing the application for permit transfer. The permittee remains responsible for the requirements of the permit until the permit is transferred. A permittee or transferee may apply for a permit transfer, conveying responsibility for permit compliance. If the permit is not transferred within 90 days of the sale or conveyance of the property, the permit will become nontransferable and the transferee will be required to apply for a new permit. Permit transfers shall be subject to the following requirements and limitations:

(a) Applicants for permit transfers must use the appropriate Sections of Form 1045 and include the appropriate transfer fees.

(b) The District will transfer the permit only if the land practice remains the same and the permittee is in compliance with all conditions of the permit.

(c) All conditions of the existing permit will remain applicable to the new permittee.

(d) Any other changes or additions will require a permit modification in accordance with Rule 40E-63.432(1), F.A.C.

(3) A permittee shall apply for a permit renewal prior to the expiration of an existing permit, subject to the following requirements and limitations:

(a) Applications for renewals must contain all information required for new applications and will be evaluated based on the criteria in effect at the time the application is filed.

(b) Permit renewals will be effective for 5 years from the date of issuance.

(c) When timely application is made for a modification or renewal, the existing permit shall not expire until final agency action is taken by the District on the application. If the permit is denied or the pending approved permit conditions are modified from the previous issuance, the existing permit shall not expire until the last day for seeking review of the District order, or until any resulting legal proceedings are completed.

(d) If the permittee allows the permit to expire prior to applying for a permit renewal, an application for a new permit shall be required.

(4) Permit duration will not be affected by permit transfers or modifications of existing permits issued pursuant to this Part.

Specific Authority 373.044, 373.113, 373.4592 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History–New \_\_\_\_\_.

40E-63.434 Permit Duration.

Pursuant to the EFA, Section 373.4592(4)(f)2., F.S., new permits or permit renewals issued pursuant to this Part are valid for a 5-year term, unless:

(1) The permit is automatically terminated at the expiration of the permittee’s lease or contract (where the permittee is the lessee or equivalent) that authorized the permittee to control operations (and permit compliance) on the permitted land; or

(2) The permit is otherwise modified by enforcement actions pursuant to Rule 40E-63.470(1), F.A.C.; or

(3) The permit is otherwise renewed pursuant to Rule 40E-63.432(3), F.A.C.; or

(4) The permit is extended through an administrative continuance in accordance with Chapter 120, F.S., for the purpose of rulemaking.

Specific Authority 373.044, 373.113, 373.4592 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History–New \_\_\_\_\_.

40E-63.436 Permit Application Processing Fees.

(1) The following permit application processing fees shall be paid to the District at the time the permit applications are filed.

Permit Type	New	Renewal	Modification	Transfer
General Permit	\$250	\$250	\$100	\$100
Individual Permit	\$1880	\$1880	\$500	\$100

(2) Without the proper fee, the application shall be considered incomplete and will result in denial of the application if the fee is not paid upon notice.

(3) Notwithstanding the table above, no fees shall be charged for clerical modifications that do not alter the Best Management Practices Plan or monitoring requirements of the underlying permit.

(4) In cases where more than one permit application type applies, the application shall be submitted as the permit type with the higher application fee.

Specific Authority 373.044, 373.113, 373.4592 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History–New \_\_\_\_\_.

40E-63.440 General Permit Application Requirements in the C-139 Basin.

(1) General Permit applications shall be submitted by a single operating entity (a single owner, operator, or lessee of all parcels identified in the permit) that is responsible for implementing the BMP Plan for all lands specified within the permit.

(2) Applications for General Permits shall contain all of the following:

(a) Date, signature and title of an individual landowner, lessee or other single operating entity submitting the application;

(b) Information which demonstrates that the applicant possesses the authority and ability to carry out all acts necessary to implement the terms and conditions of the permit, including, at a minimum:

1. A description of the legally responsible entity, and copies of recorded deeds, contracts, leases, property tax record of ownership, or other evidence of ownership or authority; and

2. Written contracts or agreements with landowners, lessees or other entities indicating their consent and intent to comply with the permit and specifying the terms of participation, where applicable.

Specific Authority 373.044, 373.113, 373.4592 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History–New \_\_\_\_\_.

40E-63.442 Basis for Issuance of General Permits in the C-139 Basin.

In order to obtain a General Permit, applicants must submit and implement a BMP Plan which includes a multi-level approach to implementation and operation including the following:

(1) A Best Management Practice Plan based on selection of BMPs specifically listed in Appendix B1 of Chapter 40E-63, F.A.C., for each crop or land use within each hydrologic drainage area described within the permit. The BMP Plan shall propose:

(a) A total of 15 BMP points for initial implementation (herein after referred to as a “Level I” BMP Plan).

(b) The continued implementation of a Level I BMP Plan, for the first time the C-139 Basin is determined to be out of compliance (herein after referred to as “Level II”).

(c) An additional 10 BMP points for a total 25 BMP points to be implemented the second time the C-139 Basin is determined to be out of compliance (herein after referred to as "Level III"), and

(d) An additional 10 BMP points for a total of 35 points to be implemented the third time the C-139 Basin is determined to be out of compliance (herein after referred to as "Level IV").

(2) A description of Best Management Practice rationale for those selected, where appropriate;

(3) An education and training program, for the management and operation staff responsible for implementing and monitoring the approved BMP Plan, arranged by the permittee or other educational resources;

(4) A description of records and documentation to be maintained on-site to verify BMP implementation, as described in the post-permit compliance section, Appendix C of the Guidebook on the form entitled "C-139 Basin Annual Report – Certification of BMP Implementation"; and

(5) A BMP Plan implementation schedule that includes at minimum the initial BMPs being fully implemented within 90 days of the effective date of this Part IV of Chapter 40E-63, F.A.C. The 90-day implementation period may be exceeded if the following conditions are met:

(a) The BMP Implementation delay is because a new permit or a modification of an existing permit is required pursuant to Chapters 40E-4, 40E-40, and/or 40E-400, F.A.C., to construct the BMP; and

(b) The SWM/ERP permit applications have been submitted to the District pursuant to Chapters 40E-4, 40E-40, and/or 40E-400, F.A.C.; and

(c) Other approved BMPs, as defined in Appendix B-1, that are not subject to further regulatory review pursuant to sections 5(a) and (b) above, will be implemented until the BMP proposed under the application described in (a) and (b) above is operational.

Specific Authority 373.044, 373.113, 373.4592 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History—New

40E-63.444 Limiting Conditions for General Permits in the C-139 Basin.

(1) All of the following standard limiting conditions (a) through (j) shall be attached to all General Permits:

(a) The permittee shall implement all elements and requirements of the approved BMP Plan according to schedule, including documentation of implementation, operation, and rationale where applicable.

(b) The permittee shall submit to the District an annual report certifying BMP implementation in accordance with the permit. The first report is due February 1, 2002, and annually thereafter. Failure to submit the report by February 1, will result in onsite verification of BMP implementation by District staff or the requirement for the permittee to submit a detailed report documenting implementation of the approved BMP Plan

for the previous calendar year. Failure to submit the required annual report or provide documentation of BMP implementation by April 30 of each year will result in revocation of the General Permit. If the permit is revoked, the permittee shall be required to apply for a new Individual Permit and shall be subject to enforcement under Rule 40E-63.470(1), F.A.C.

(c) The permittee shall allow District staff and designated agents reasonable access to the permitted property at any time to verify compliance with the rule and the permit. Since it is not possible to predict precisely when discharges will occur or problems will arise resulting in the need for a site visit, the District may not be able to provide a lengthy period of notice to the designated person in advance of a visit. However, at a minimum, the District will provide notice at least 24 hours prior to a site visit for verifying Best Management Practice installation or operation.

(d) The permittee shall notify the District in writing within 30 days of any:

1. Significant change in land practice, as described in Rule 40E-63.402(6), F.A.C.; or

2. Change in the approved BMP Plan for the permitted parcel; or

3. Transfer, sale or conveyance of land or works described in the permit.

(e) This permit does not relieve the permittee of the responsibility to comply with all other laws or regulations applicable to the use of or discharges from the parcel.

(f) This permit does not convey to the permittee any property right nor any rights or privileges other than those specified in the permit.

(g) This permit does not relieve the permittee from liability from harm or injury to human health or welfare; animal, plant or aquatic life; or property.

(h) The surface water management and monitoring system must be effectively operated and maintained in accordance with the Environmental Resource/Surface Water Management Permit. Any changes in drainage, land use or operations that could affect the BMP Plan or water quality of the discharge must be reported in writing to the District.

(i) The permitted discharge shall not otherwise be harmful, or adversely affect proper use and operation of the Works of the District.

(j) The C-139 Basin is required to achieve compliance with the phosphorus load limitation requirement as specified in Appendix B2 (C-139 Basin Compliance) of Chapter 40E-63, F.A.C.

(2) In the event that the District determines that any participant in a General Permit is not complying with the specific terms and conditions of the General Permit, the District may institute enforcement proceedings against the Permit holder, the landowner, or both, as applicable pursuant to

Rule 40E-63.460, F.A.C. If additional specific conditions become necessary, the District shall also require the Permit holder to apply for an Individual Permit.

Specific Authority 373.044, 373.113, 373.4592 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History–New

40E-63.450 Individual Permit Application Requirements in the C-139 Basin.

(1) An applicant shall apply for an Individual Permit if the applicant is proposing:

(a) A discharge monitoring program, pursuant to Rule 40E-63.456, F.A.C.;

(b) A BMP not described in Appendix B1 of Chapter 40E-63, F.A.C.; or

(c) A BMP implementation schedule that exceeds 90 days, unless the situation qualifies for an exception as described in Rule 40E-63.442(6), F.A.C.

(2) An Individual Permit may be issued to any operating entity or entities, owners, or lessees of all parcels identified in the permit that are singly or collectively responsible for implementing the BMP Plan for all lands specified within the permit, as applicable.

(3) Applications for Individual Permits shall contain all of the following:

(a) Date, signature, title and authority of the entity submitting the application;

(b) For each participant, information that demonstrates that the participant possesses the legal, financial, and institutional (as applicable) authority and ability to carry out all acts necessary to implement the terms and conditions of the permit, including, at a minimum:

1. A description of the legally responsible entity or cooperating group of landowners, and copies of enabling legislation, articles of incorporation, interlocal agreements, landowner agreements, recorded deeds, contracts, leases, property tax record of ownership or other evidence of ownership or authority;

2. Completed and signed Certificates of Participation indicating the participant's consent and intent to participate in the Permit; and

3. Written contracts or agreements with participants indicating their consent and intent to participate and specifying the terms of participation, as applicable.

Specific Authority 373.044, 373.113, 373.4592 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History–New

40E-63.452 Basis for Issuance of Individual Permits in the C-139 Basin.

(1) In order to obtain an Individual Permit, applicants must submit and implement a BMP Plan which includes a multi-level approach to implementation and operation including the following:

(a) A description of a Best Management Practice Plan, including implementation and operation, with consideration of BMPs described in Appendix B1 of Chapter 40E-63, F.A.C. The BMP Plan shall propose a total of 35 points at Levels as described in Rule 40E-63.442(1)(a) through (d), F.A.C.;

(b) A description of Best Management Practice rationale for those selected, where appropriate. If BMPs not listed in Appendix B1 of Chapter 40E-63, F.A.C., are proposed, provide an explanation for why the BMPs in the Appendix are not suitable for implementation. If an application includes proposed BMPs not listed in Appendix B1 of Chapter 40E-63, F.A.C., the application shall also include the following:

1. An explanation of the proposed BMP;

2. A schedule for implementation of the BMP;

3. Sample documentation of the BMP implementation; and

4. Other information providing a basis for the effectiveness of the proposed BMP (This may be verified through a proposed monitoring program or by reference to applicable research data).

(2) Applicants for an Individual Permit must also submit all of the information required by Subsections 40E-63.442(3) through (5), F.A.C. If the proposed implementation schedule is anticipated to take longer than 90 days, justification must be provided and accepted by the District.

Specific Authority 373.044, 373.113, 373.4592 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History–New

40E-63.454 Limiting Conditions for Individual Permits in the C-139 Basin.

(1) The Board shall impose on any Individual Permit granted under this Part IV of Chapter 40E-63, F.A.C., such reasonable conditions as are necessary to assure that the permitted discharge will be consistent with the overall objectives of the District and will not be harmful to the water resources of the District.

(2) In addition to special conditions, all of the following standard limiting conditions (a) through (c) shall be attached to all Individual Permits:

(a) All conditions required by Subsections 40E-63.444(1)(a) through (j), F.A.C. (Limiting Conditions for General Permits in the C-139 Basin).

(b) Legal entities or groups of cooperating owners or operators responsible for implementing an Individual Permit shall remain legally and financially capable of performing their responsibilities required by the permits issued pursuant to this Section.

(c) If the District determines that any participant in an Individual Permit is not complying with the specific terms and conditions of the Individual Permit, the District will institute enforcement proceedings against either the Individual Permit holder, the participant, or both.

Specific Authority 373.044, 373.113, 373.4592 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History–New

40E-63.456 Optional Discharge Monitoring Program.

(1) Permittees may elect to participate in an optional discharge monitoring program, and shall be subject to individual compliance evaluations, including:

(a) Compliance with permit conditions, in accordance with Rule 40E-63.470(1), F.A.C.:

(b) Compliance with Level I requirements to implement 15 BMP points;

(c) Compliance with Level II requirements to continue implementation of Level I BMPs and undergo BMP inspections; and

(d) Alternative, site-specific evaluations of compliance with phosphorus load targets and limits when the C-139 Basin is collectively required to implement Level III or Level IV BMP requirements.

(2) Applicants proposing to implement the optional discharge monitoring program, must provide the following information:

(a) An acceptable discharge (quantity and quality) monitoring plan that provides reasonable assurance that annual water discharge and total phosphorus load are accurately documented. A plan that includes the items specified in the application Form 1045 generally provides reasonable assurance, but other alternatives may be proposed by the applicant and authorized by the District; and

(b) A schedule to install equipment and implement the monitoring plan no later than 30 days after issuance of the permit.

Specific Authority 373.044, 373.113, 373.4592 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History–New

40E-63.458 Limiting Conditions for the Optional Discharge Monitoring Program.

For those applicants proposing to implement the optional discharge monitoring program, all of the following conditions shall be attached to the Individual Permit:

(1) Those conditions listed under Rule 40E-63.454, F.A.C.; and

(2) The following additional conditions:

(a) The approved discharge monitoring plan shall be incorporated by reference and made part of this permit.

(b) Within 30 days of the permit issuance date, the permittee shall contact the District to verify that installation of the monitoring equipment is complete and to schedule an inspection.

(c) The permittee shall implement the discharge monitoring plan in accordance with the permit and shall submit to the District any proposed modification of the plan by submitting an application to modify the permit for review and approval prior to implementation.

(d) The location of sample collection shall be such that water sampled is representative of all water that discharges off site through the structure being monitored.

(e) All water quality sample collection, preservation, handling, transport, and chain-of-custody documentation shall be conducted in accordance with an approved Comprehensive Quality Assurance Plan as specified in the approved discharge monitoring plan. All laboratory analyses shall be conducted by a laboratory with proper certification for the specified parameter (e.g. phosphorus).

(f) In the event that water quality automatic sampling equipment becomes inoperable for any reason, grab samples shall be temporarily taken on a daily basis during flow events and composited for a maximum of 14 days for total phosphorus analysis. Reasonable effort must be made to render the automatic sampling equipment operable within 14 days.

(g) Monitoring conditions may be reduced or adjusted upon submission of data and/or studies that provide the basis for such, reasonably demonstrating that equivalent data will be obtained with the reduction or adjustment in monitoring.

(h) The District will provide at least one week notice to the permittee of the intent to conduct a quality assurance field audit of the sampling collection procedures.

(i) The water quantity and quality data shall be submitted to the District in a timely manner and in a consistent electronic format. Water quantity data shall be submitted to the District in proper electronic format on a monthly basis. Water quality data shall be submitted to the District in accordance with timeframes as specified in Special Limiting Conditions of the permit.

(j) All flow quantity discharged from the property shall be calculated using a method proposed by a Florida-registered Professional Engineer in a Calibration Report approved by the District. A Calibration Report shall be required for each pump, culvert or other discharge structure. Each Calibration Report shall contain at a minimum: data collection methodology, instrumentation and procedures; the actual field data collected; the basis for the full operating range represented by the data; the methodology for development of the calibration equation; operational information needed to calculate flow with a temporary backup methodology to be used if the primary equipment becomes inoperable; and the final calibration equation and primary method for calculating the flow. Any modification to the approved calibration shall require an application to modify the existing permit application.

Specific Authority 373.044, 373.113, 373.4592 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History–New

40E-63.460 C-139 Basin Compliance.

(1) Landowners within the C-139 Basin shall not collectively exceed the annual average loading of phosphorus computed in accordance with the EFA, Section 393.4592(4)(f)5., F.S., and based proportionately on the historical rainfall for the basin as calculated pursuant to



Appendix B2 of Chapter 40E-63, F.A.C. "C-139 Basin" compliance will be determined by the District as specified in Appendix B2 (C-139 Basin Compliance) of Chapter 40E-63, F.A.C. The District will make the compliance determination and publish the results annually.

(2) In accordance with Appendix B2 the District shall continue collecting monitoring data from the C-139 Basin for the purpose of determining compliance with the phosphorus load limitation requirement. When the District periodically evaluates the collected monitoring data to assess the general trend in phosphorus load, the evaluation shall be included in an annual report.

(3) If the C-139 Basin is determined to be in compliance with the phosphorus load limitation requirement, permittees in the C-139 Basin shall not be subject to compliance and enforcement action by the District in regard to achievement of the phosphorus load limitation requirement so long as the C-139 Basin remains in compliance.

(4) If the C-139 Basin is determined to be out of compliance with the phosphorus load limitation requirement calculated in accordance with Appendix B2 of Chapter 40E-63, F.A.C., the District shall provide written notice to the C-139 Basin landowners. The District shall attempt to transmit the written notices by July 1 of any year the C-139 Basin is determined to be out of compliance. The notices shall describe the permittee's required actions as follows:

(a) First Time Out of Compliance – Continued implementation of the initial 15 points in the permitted BMP Plan and preparation for the District's on-site verification of BMP implementation;

(b) Second Time Out of Compliance – Implementation of a total of 25 points in the permitted BMP Plan (the initial 15 points and 10 additional points) and continued on-site verification of implementation by District staff;

(c) Third Time Out of Compliance – Implementation of a total of 35 points in the permitted BMP Plan (the initial 15 points, the second 10 points, and 10 additional points) and continued on-site verification of implementation by District staff.

(d) Fourth Time Out of Compliance – Initiation of rulemaking by the District, pursuant to Chapter 120, F.S., to revise this Chapter to ensure that the objectives of the EFA, Section 373.4592(4)(f)5., F.S., are met.

Specific Authority 373.044, 373.113, 373.4592 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History—New

#### 40E-63.470 C-139 Basin Works of the District Permit Compliance.

(1) The District is authorized to seek any enforcement or corrective action available under Florida law for permittees out of compliance with the provisions of this Chapter, pursuant to Chapter 373, F.S., and rules adopted thereunder, as follows:

(a) The District shall begin reviewing "permit compliance" with Best Management Practice implementation, documentation, and operation by permittees in the C-139 Basin no later than February 1, 2002 (the deadline for submitting the first "C-139 Basin Annual Report – Certification of BMP Implementation").

(b) All landowners who are not in compliance with their permit are subject to notification and enforcement actions by the District.

(c) All permittees who receive notice of non-compliance with their permit from the District must submit to the District, within 10 business days of receipt of the notice, a plan and schedule for achieving permit compliance within 60 days after transmittal of the District notice.

(2) If the C-139 Basin is determined to be out of compliance, permittees shall implement additional BMPs as follows:

(a) Permittees that do not propose to change their permitted BMP Plan shall submit to the District, within 15 days of transmittal of the written notification of out-of-compliance, confirmation that the next level of the approved BMP plan will be initiated within 45 days of receipt of the notification of out-of-compliance. Complete implementation of the BMPs shall be within 90 days of the District's transmittal of the notice that the C-139 Basin is not in compliance.

(b) Permittees that propose to revise the permitted BMP Plan shall:

1. Submit to the District within 15 days of transmittal of the written notification of out-of-compliance, the page entitled "C-139 Basin BMP Plan" of Form 1045 with proposed changes in BMPs and/or implementation schedules. The District shall provide pre-approval of the BMP Plan within 10 days of receipt of a complete plan, as applicable. Failure to provide a complete revised BMP Plan within 15 days shall not justify a corresponding delay of the date on which a permittee is required to implement the revised BMP Plan.

2. The implementation of the BMP Plan shall be initiated by the permittee within 45 days of the transmittal of the notification of out-of-compliance by the District.

3. The permittee's notice to the District to change the previously permitted BMP Plan shall be followed by submittal of the application for a modification to the existing Permit within 45 days of transmittal of the notice that the C-139 Basin is out of compliance. The application shall include all elements specified in Rule 40E-63.440 or 40E-63.450, F.A.C., as applicable; or explain why an omitted element is not relevant to evaluation of the revised plan. The modification shall propose a BMP implementation schedule that calls for complete implementation of the specified Level within 90 days of the District's transmittal of the notice that the C-139 Basin is out of compliance. Upon justification by the permittee, the

implementation schedule may be increased as a condition of the permit for Individual Permits only. Permittees shall make good faith efforts to provide complete revised BMP Plans.

4. Permittees who fail to complete the implementation of BMPs according to the approved implementation schedule, as verified by site visits and records review, shall be subject to enforcement action pursuant to Rule 40E-63.470(1), F.A.C.

(c) Permittees implementing an approved Optional Monitoring Program and meeting their compliance requirements will not be required to implement additional BMPs.

(3) If the C-139 Basin does not achieve the phosphorus load limitation requirement, by the water year following the determination that the basin was out of compliance, the District shall repeat the procedures specified in Rule sections 40E-63.460(4), F.A.C. above, and seek corrective action as appropriate, including those set forth in Appendix B2 of Chapter 40E-63, F.A.C., against all landowners and permittees within the C-139 Basin.

(4) If a permittee is authorized to implement an optional discharge monitoring plan, pursuant to Rules 40E-63.456 and 40E-63.458, F.A.C., the permittee may make a written request to the District for a release of Level III and/or IV BMPs. Upon receipt of the written request, the District shall individually evaluate the permittee's compliance. This evaluation shall compare the data collected pursuant to the optional discharge monitoring plan with the permittee's proportional share of the C-139 Basin's phosphorus load targets and limits, as calculated in accordance with Appendix B.3. Permittees with an approved optional discharge monitoring plan, that have made the written request, shall not be required to implement additional BMPs solely because the C-139 Basin is collectively out of compliance with Rule 40E-63.460, F.A.C. and Appendix B2.

Specific Authority 373.044, 373.113, 373.4592 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Sharon Trost, Director, Everglades Stormwater Program Department

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 19, 2000, July 7, 2000, August 4, 2000

**DEPARTMENT OF ELDER AFFAIRS**

**Federal Aging Programs**

RULE TITLE:  
Program Forms

RULE NO.:  
58A-1.010

PURPOSE AND EFFECT: An amendment to rule 58A-1.010, F.A.C., Program Forms, is proposed creating subsection (3) which identifies revised DOEA Forms 203A, Care Plan, and 203B, Care Plan Instructions, dated July 2001, which will be incorporated by reference therein.

SUMMARY: For the purpose of documenting planned services of care, the Program Forms rule is amended to identify and incorporate by reference a revised care plan form and its instructions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 430.08, 430.101 FS.

LAW IMPLEMENTED: 20.41, 430.101 FS.

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

TIME AND DATE: 10:00 a.m., Monday, July 2, 2001

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pat Dunn, Office of the General Counsel, (850)414-2000, Sharlene Davis or Mary Hodges, Division of Statewide Home and Community-Based Services, (850)414-2108, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000

THE FULL TEXT OF THE PROPOSED RULE IS:

58A-1.010 Program Forms.

The following forms shall be used for programs regulated by this chapter, are hereby incorporated by reference, and are available in the Office of the Secretary and at each Area Agency on Aging:

(1) through (2) No change.

(3) For purposes of documenting planned services of care: DOEA Forms 203A, Care Plan, and 203B, instructions dated July 2001.

Specific Authority 430.08, 430.101 FS. Law Implemented 20.41, 430.101 FS. History-New 8-20-00, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Marshall Kelley, Division Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gema G. Hernandez, Secretary

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 14, 2000 and April 27, 2001

**DEPARTMENT OF ELDER AFFAIRS****Community Care for the Elderly**

RULE TITLE: Program Forms  
 RULE NO.: 58C-1.008

PURPOSE AND EFFECT: An amendment to Rule 58C-1.008, F.A.C., Program Forms, is proposed creating subsection (3) which identifies revised DOEA Forms 203A, Care Plan, and 203B, Care Plan Instructions, dated July 2001, which will be incorporated by reference therein.

SUMMARY: For the purpose of documenting planned services of care, the Program Forms rule is amended to identify and incorporate by reference a revised care plan form and its instructions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 430.08, 430.203-.205 FS.

LAW IMPLEMENTED: 430.201-.207 FS.

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

TIME AND DATE: 10:00 a.m., Monday, July 2, 2001

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pat Dunn, Office of the General Counsel, (850)414-2000, Sharlene Davis or Mary Hodges, Division of Statewide Home and Community-Based Services, (850)414-2108, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000

THE FULL TEXT OF THE PROPOSED RULE IS:

58C-1.008 Program Forms.

The following forms shall be used for programs regulated by this chapter, are hereby incorporated by reference, and are available in the Office of the Secretary and at each Area Agency on Aging:

(1) through (2) No change.

(3) For purposes of documenting planned services of care: DOEA Forms 203A, Care Plan, and 203B, instructions dated July 2001.

Specific Authority 430.08, 430.203-.205 FS. Law Implemented 430.201-.207 FS. History—New 8-20-00, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marshall Kelley, Division Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gema G. Hernandez, Secretary

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 14, 2000, and April 27, 2001

**DEPARTMENT OF ELDER AFFAIRS****Alzheimer's Disease Initiative**

RULE TITLE: Program Forms  
 RULE NO.: 58D-1.007

PURPOSE AND EFFECT: An amendment to Rule 58D-1.007, F.A.C., Program Forms, is proposed creating subsection (3) which identifies revised DOEA Forms 203A, Care Plan, and 203B, Care Plan Instructions, dated July 2001, which will be incorporated by reference therein.

SUMMARY: For the purpose of documenting planned services of care, the Program Forms rule is amended to identify and incorporate by reference a revised care plan form and its instructions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 430.08, 430.501-.503 FS.

LAW IMPLEMENTED: 430.501-.504 FS.

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

TIME AND DATE: 10:00 a.m., Monday, July 2, 2001

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pat Dunn, Office of the General Counsel, (850)414-2000, Sharlene Davis or Mary Hodges, Division of Statewide Home and Community-Based Services, (850)414-2108, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000

THE FULL TEXT OF THE PROPOSED RULE IS:

58D-1.007 Program Forms.

The following forms shall be used for programs regulated by this chapter, are hereby incorporated by reference, and are available in the Office of the Secretary and at each Area Agency on Aging:

(1) through (2) No change.

(3) For purposes of documenting planned services of care: DOEA Forms 203A, Care Plan, and 203B, instructions dated July 2001.

Specific Authority 430.08, 430.501-.503 FS. Law Implemented 430.501-.504 FS. History—New 8-20-00, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marshall Kelley, Division Director  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gema G. Hernandez, Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 22, 2001  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 14, 2000 and April 27, 2001

**DEPARTMENT OF ELDER AFFAIRS**

**Home Care for the Elderly**

RULE TITLE: Program Forms  
PURPOSE AND EFFECT: An amendment to Rule 58H-1.009, F.A.C., Program Forms, is proposed creating subsection (3) which identifies revised DOEA Forms 203A, Care Plan, and 203B, Care Plan Instructions, dated July 2001, which will be incorporated by reference therein.

RULE NO.: 58H-1.009

SUMMARY: For the purpose of documenting planned services of care, the Program Forms rule is amended to identify and incorporate by reference a revised care plan form and its instructions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 430.08, 430.603 FS.

LAW IMPLEMENTED: 430.601-.608 FS.

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

TIME AND DATE: 10:00 a.m., Monday, July 2, 2001

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pat Dunn, Office of the General Counsel, (850)414-2000, Sharlene Davis or Mary Hodges, Division of Statewide Home and Community-Based Services, (850)414-2108, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000

THE FULL TEXT OF THE PROPOSED RULE IS:

58H-1.009 Program Forms.

The following forms shall be used for programs regulated by this chapter, are hereby incorporated by reference, and are available in the Office of the Secretary and at each Area Agency on Aging:

- (1) through (2) No change.

(3) For purposes of documenting planned services of care: DOEA Forms 203A, Care Plan, and 203B, instructions dated July 2001.

Specific Authority 430.08, 430.603 FS. Law Implemented 430.601-.208 FS. History-New 8-20-00, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marshall Kelley, Division Director  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gema G. Hernandez, Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 22, 2001  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 14, 2000 and April 27, 2001

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE TITLE: Statement of Authority  
RULE NO.: 61G4-15.002

PURPOSE AND EFFECT: The Board proposes to modify this rule to allow applicants who are qualifying corporations to engage in contracting to use an alternative method with which to provide a statement of authority establishing the applicant has the authority to legally bind the corporations, similar to that language in the existing rule providing the same method in the case of joint venture, business trusts and other legal business organizations.

SUMMARY: This rule is being amended in order to allow an alternative method to legally bind corporations to applications submitted on their behalf.

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

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

SPECIFIC AUTHORITY: 489.108 FS.

LAW IMPLEMENTED: 489.105(4), 489.119, 489.1195 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Marlene Gundy, Interim Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.002 Statement of Authority.

Any person applying for the issuance of a certificate or registration to engage in contracting in other than an individual capacity, or any registrant or certificate holder applying to qualify a partnership, corporation, business trust or other legal business organization shall furnish as part of the application a statement that the applicant is legally qualified to act for the business organization in all matters connected with its contracting business and that the applicant has authority to supervise construction undertaken by such business organization.

(1) No change.

(2) If the business organization is a corporation, such statement shall either be contained in a copy of the official minutes of that corporation, certified and attested to by its secretary, or be signed by such other persons as will legally bind that business organization.

(3) through (4) No change.

Specific Authority 489.108 FS. Law Implemented 489.105(4), 489.119, 489.1195 FS. History-New 1-6-80, Formerly 21E-15.02, 21E-15.002, Amended 7-18-94,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2001

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Landscape Architecture**

RULE TITLES:	RULE NOS.:
Continuing Education Requirements	61G10-13.003
Obtaining Inactive Status	61G10-13.005
Reactivation of Inactive License	61G10-13.007
Delinquent License Status	61G10-13.008

PURPOSE AND EFFECT: The Board proposes to amend rules.

SUMMARY: The proposed rules will set forth the requirements for Continuing Education Requirements; Renewal and Reactivation of Fees; Obtaining Inactive Status; Reactivation of Inactive License; Delinquent License Status; Continuing Education Requirements.

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

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

SPECIFIC AUTHORITY: 481.315(2), 481.306, 481.315(2), 481.315, 455.271(2),(4),(5),(6),(7),(9),(11), 481.315, 455.2177 FS.

LAW IMPLEMENTED: 481.315(2), 455.271(2),(4),(5), (7),(9),(11), 455.2177 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sherry Landrum, Executive Director, Board of Landscape Architecture, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G10-13.003 Continuing Education Requirements.

(1) The continuing education requirements for reactivating a license are twelve (12) instructional classroom hours for each year the license was inactive but in no event shall exceed forty-eight (48) one hundred twenty (120) instructional classroom hours.

(2) Only those continuing education classroom hours earned at continuing education courses approved pursuant to Rule 61G10-18, F.A.C. and programs offered by providers also approved pursuant to Rule 61G10-18, F.A.C. for the purpose of keeping the licensee apprised of advancements and new developments in the following progression service areas will be accepted able:

~~(a) consultation, investigation, research, planning, design, preparation of drawings, specifications, contract documents and reports, responsible construction supervision, or landscape management in connection with the planning and development of land and incidental water areas where the dominant purpose of the program is the preservation, conservation, enhancement, or determination of proper land uses, natural land features, ground cover and planting, or naturalistic and aesthetic values;~~

~~(b) the determination of settings, grounds and approaches for building and structures or other improvements; and~~

~~(c) the setting of grades, the shaping and contouring of land and water forms, determination of drainage, and provision for storm drainage and irrigation systems.~~

Specific Authority 481.315(2) FS. Law Implemented 481.315(2) FS. History-New 2-4-80, Formerly 21K-13.03, 21K-13.003, Amended \_\_\_\_\_.

61G10-13.005 Obtaining Inactive Status.

(1) No change.

(2) A registered landscape architect may apply to the Department to place his license on inactive status. The application shall be made on forms provided by the Board

Office and shall be accompanied by an application fee ~~that complies with Rule 61G10-13.004, F.A.C. for inactive status in the amount specified in Rule 61G10-12.011(1), F.A.C.~~ Applications for inactive status will be considered by the Department only during the biennium license renewal period.

(3) through (4) No change.

Specific Authority 481.306, 481.315(2), 481.315, 455.271(2), (5) FS. Law Implemented 481.315(2), 455.271(2), (5) FS. History—New 3-13-89, Formerly 21K-13.005, Amended 11-19-00, \_\_\_\_\_.

61G10-13.007 Reactivation of Inactive License.

(1) through (2) No change.

(3) A licensee whose license has become null and void which has become inactive for more than two consecutive bienniums may reapply for licensure, reactivate his or her license upon application to the Department and demonstration of compliance with all of the requirements for active status and the following conditions:

(a) ~~Payment of the reactivation fee specified in Rule 61G10-12.002, F.A.C.~~

(b) ~~Proof of completion of 12 classroom hours of continuing education which fulfills the requirements of Rule 61G10-13.003(2), F.A.C., for each year or part of the year the license was inactive.~~

(4) through (5) No change.

Specific Authority 481.306, 481.315, 455.271(4), (9), (11) FS. Law Implemented 481.315, 455.271(4), (9), (11) FS. History—New 3-13-89, Formerly 21K-13.007, Amended 11-19-00, \_\_\_\_\_.

61G10-13.008 Delinquent License Status.

(1) The failure of a licensee to elect active or inactive status before the renewal period ends ~~license expires~~ shall cause the license to become delinquent as soon as the new biennium begins.

(2) The delinquent status licensee must apply for active or inactive status during the biennium in which the license becomes delinquent. Failure to timely apply for active or inactive status before the expiration of ~~the~~ biennium ~~during which the license became delinquent~~ shall render the license null and void without further action by the Board or the Department.

(3) The delinquent status licensee who applies for active or inactive status shall submit a complete application on a form provided by the ~~Board office~~ Department and:

(a) Pay the active status fee prescribed by Rule 61G10-12.002(1), F.A.C., or the inactive status fee prescribed by Rule 61G10-12.002(7), F.A.C., the delinquent status fee prescribed by Rule 61G10-12.002(10), F.A.C., and if applicable, the processing fee prescribed by Rule 61G10-12.002(11), F.A.C.; and

(b) Demonstrate compliance with the continuing education requirements prescribed by Rule 61G10-13.003, F.A.C., and Section 455.2177, F.S., and the rules promulgated thereunder.

(4) No change.

Specific Authority 481.306, 481.315, 481.325, 455.271(7), 455.2177 FS. Law Implemented 481.315, 481.325, 455.271(6), 455.271(7), 455.2177 FS. History—New 11-6-00, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Landscape Architecture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 9, 2001

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Landscape Architecture**

RULE TITLES:	RULE NOS.:
Continuing Education Credit for Biennial Renewal	61G10-18.001
Board Approval of Continuing Education Providers	61G10-18.002
Obligations of Continuing Education Providers	61G10-18.003
Evaluations of Providers	61G10-18.004
Duration of Provider Status	61G10-18.005
Approval of Continuing Education Courses	61G10-18.006
Revocation of Provider Approval	61G10-18.007

PURPOSE AND EFFECT: The Board proposes to promulgate new rules.

SUMMARY: The proposed rules will set forth the requirements for Continuing Education Credit for Biennial Renewal; Board Approval of Continuing Education Providers; Obligations of Continuing Education Providers; Evaluations of Providers; Duration of Provider Status; Approval of Continuing Education Courses; Revocation of Provider Approval.

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

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

SPECIFIC AUTHORITY: 455.2124, 481.306, 481.313, 455.2179, 455.219, 481.325(2) FS.

LAW IMPLEMENTED: 481.313, 553.841, 455.2179, 481.313 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sherry Landrum, Executive Director, Board of Landscape Architecture, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G10-18.001 Continuing Education Credit for Biennial Renewal.

(1) Every person licensed pursuant to Chapter 481, Part II, Florida Statutes, must obtain at least sixteen (16) continuing education credits per biennium.

(a) During the biennium ending November 30, 2003, four (4) of the required sixteen credits must be obtained by attending the four (4) hour course on the Uniform Building Code prescribed by Sections 553.841 and 481.313(5), Florida Statutes.

(b) A minimum of six (6) of the sixteen (16) credits must be obtained by attending an approved provider's advanced or specialized course in the following areas of study:

1. A minimum of a (4) four hour course on the Uniform Building Code approved by the Florida Building Commission and

2. A minimum two (2) hour course on Florida's laws affecting the practice of landscape architecture according to Chapter 481, Florida Statutes.

(c) A minimum of six (6) continuing education credits must be obtained for:

1. The completion of previously untaken courses in landscape architecture subjects at universities and colleges which are accredited by an accrediting agency that is recognized by the United States Office or Department of Education, including accredited junior and community college programs. No more than six (6) continuing education credits may be obtained for each semester hour or quarter hour equivalent thereof. A fifty minute instructional class shall equal one academic hour and each 15 academic semester or quarter hours or an equivalent shall equal one hour of continuing education credit. A "course in a landscape architecture subject" is a course that is defined in Rule 61G10-18.006(4), F.A.C.

2. The completion of courses approved by the Board and offered by continuing education providers approved by the Board for the provision of continuing education credit hours. The number of hours of credit shall be consistent with 61G10-18.003.

3. Any continuing education credit from an academic institution must be submitted to the Department 90 days prior to the licensees renewal on November 30th of odd-numbered years. A certified copy of the transcript from the registrar of the academic institution shall be evidence of the continuing education credit for the academic institution.

(2) A first time Florida licensee, licensed 12 or more months prior to the end of a biennial period, is required to complete eight (8) hours of continuing education as a condition of renewal. A person initially licensed for less than 12 months prior to the end of a biennial period need not complete any continuing education as a condition of renewal.

Specific Authority 455.2124, 481.306, 481.313 FS. Law Implemented 481.313, 553.841 FS. History--New

61G10-18.002 Board Approval of Continuing Education Providers.

(1) To demonstrate the education and/or experience necessary to instruct landscape architects in the conduct of their practice for continuing education credit, an applicant for continuing education provider status must be either a vendor of equipment or software used in the practice of landscape architecture, an accredited educational institution, a commercial educator, a governmental agency, a state or national professional association whose primary purpose is to promote the knowledge, skills and abilities associated with the practice of landscape architecture, or a landscape architect with a Florida license to practice landscape architecture who is not under disciplinary restrictions pursuant to any order of the Board. In addition, the applicant must demonstrate particular education, experience or skill which sets the applicant apart from the landscape architects who the applicant proposes to instruct.

(2) To allow the Board to evaluate an application for continuing education provider status, the applicant must submit the following on form Number DBPR-LA-001, effective \_\_\_\_\_, adopted and incorporated herein by reference and copy of which can be obtained from the Board office:

(a) The name, address and telephone number and if available email address and fax number of the prospective provider;

(b) A description of the type of courses the provider expects to conduct for credit;

(c) An outline and course materials for each course;

(d) The particular qualifications of the prospective provider to conduct the proposed courses, which qualifications set the applicant apart from the landscape architects the applicant proposes to instruct;

(e) The name, address and telephone number of both a prospective instructor and alternate instructor as well as the qualifications that set the instructor and alternate instructor apart from the landscape architects the applicant proposes to instruct;

(f) A sample certificate of completion for the course to be conducted by the applicant which certificate shall state the provider number and the course number assigned to the provider by the Board office for that course;

(g) A non refundable application fee of \$250;

(h) A licensure fee of \$200, which, upon request, will be refundable if the applicant is denied provider status;

(7) Upon approval, each continuing education provider shall be issued a provider number. That provider number shall be used in all advertising, course materials, promotional materials and on the certificate required pursuant to Rule 61-6.015, F.A.C.

Specific Authority 455.2179, 481.306, 481.313 FS. Law Implemented 455.2179, 481.313 FS. History–New \_\_\_\_\_.

61G10-18.003 Obligations of Continuing Education Providers.

To maintain status as a continuing education provider, the provider must:

(1) Require each course attendee to remain for the entire course in order to receive a certificate of completion for the course.

(2) Comply with the requirements set forth in Rule 61-6.0015, F.A.C.

(3) Not permit a landscape architect or other qualified instructor to instruct a continuing education course for credit while under a disciplinary order from any professional regulatory board in any jurisdiction.

(4) Upon receipt of notice that an instructor is under discipline, the provider shall, within fifteen (15) days, confirm to the Board, in writing, that the instructor is no longer conducting any course offered by the provider. For the purpose of this subsection, a letter of guidance or a reprimand shall not constitute “under discipline.”

(6) Not advertise or offer for credit any course which does not have a current course approval number assigned by the board. Should any course approval number or the provider number be revoked, or otherwise inactive, all planned offerings of the course or provider, shall be cancelled and all tuition refunded.

(7) Not permit an instructor to teach a course until and unless that instructor’s credentials have been reviewed by the Board and approved to teach the specific course.

(8) Ensure that all promotional material for courses offered to professional landscape architects for credit contain the provider number assigned to the provider and the course approval number.

(9) Allow only one hour of continuing education credit for each fifty minutes of instruction time.

(10) Notify the Board within two (2) weeks of any change in the address, contact name or telephone number of the provider.

(11) Allow the Department of Business and Professional Regulation access to information concerning courses conducted by the provider for continuing education credit.

(12) Provide courses designed to enhance the education of landscape architects in the practice of landscape architecture that complies with Chapter 481, Florida Statutes and Rule 61G10-18.006(4), F.A.C.

Specific Authority 455.219, 481.306, 481.313 FS. Law Implemented 481.313 FS. History–New \_\_\_\_\_.

61G10-18.004 Evaluations of Providers.

(1) The Board will evaluate continuing education courses offered to landscape architects for credit by:

(a) Attending such courses; or

(b) Reviewing the files of the provider to gain information about any course offered to landscape architects; or

(c) Polling of attendees;

(2) If any evaluation results in revocation of either a provider or course number, credit for previous attendance shall be awarded. After revocation, no credit shall be given for subsequent attendance.

Specific Authority 481.306, 481.313 FS. Law Implemented 481.313 FS. History–New \_\_\_\_\_.

61G10-18.005 Duration of Provider Status.

(1) Continuing education providers are approved only for the biennium during which they apply or for which they have been renewed by the Board. Continuing education providers expire and shall renew by May 31st of odd-numbered years.

(2) If the Board denies the initial application or the renewal of any provider, the Board will issue a Notice of Intent to Deny.

Specific Authority 481.306, 481.313 FS. Law Implemented 481.313 FS. History–New \_\_\_\_\_.

61G10-18.006 Approval of Continuing Education Courses.

(1) Application for approval for each continuing education course offered by an approved provider shall be made on the Application for CE Course Approval – Landscape Architecture, number DPBR-LA-002, effective \_\_\_\_\_, adopted and incorporated herein by reference, a copy of which can be obtained from the Board Office.

(2) Continuing education courses shall expire two years from the date of approval. Continuing education providers shall reapply for approval of any course that has expired by complying with Rule 61G10-18.006, F.A.C.

(3) The application shall be submitted so that it is received four (4) months prior to the date on which the course is first to be conducted. It shall include:

(a) A description of the subject or subjects to be covered;

(b) An outline of the course;

(c) A current bibliography;

(d) The names of each proposed instructor and alternate instructor with the education, experience, publication lists and other information relative to his or her qualifications to teach the particular course;



(e) And the total hours of instruction which will be given.

(4) Complete applications shall be reviewed and approved by the Board. incomplete applications shall be returned to the provider with instructions to complete.

(5) Each course must be identified as falling within Rule 61G10-15.001, F.A.C. by addressing one or more of the following categories:

(a) Consultation, investigation, research, planning, general business, design, preparation of drawings, specifications, contract documents and reports, responsible construction supervision, or landscape management in connection with the planning and development of land and incidental water areas where the dominant purpose of the program is the preservation, conservation, enhancement, or determination of proper land uses, natural land features, ground cover and planting, or naturalistic and aesthetic values;

(b) The determination of settings, grounds and approaches for building and structures or other improvements;

(c) The setting of grades, the shaping and contouring of land and water forms, determination of drainage, and provision for storm drainage and irrigation systems;

(d) The design of such tangible objects and features as are necessary to the purpose defined in Rule 61G10-15.002, F.A.C.; and

(e) Professional practice management.

(6) Approval of an instructor shall be limited by the Board to courses he/she is qualified to teach by education or experience.

(7) Notice of any change in the title of a course shall be provided to the Board office thirty (30) days prior to implementation of the change.

(8) Any change in the name or the qualifications of the course instructor or an increase in the number of continuing education credits to be awarded for the course must be submitted on the form identified in subsection one (1) of this rule in time to permit review and approval or disapproval of the changed course by the Board prior to implementation of the proposed change.

(9) Any portion of a course approved by the Board during the biennium in progress may be shortened by the elimination of certain content, and offered for credit equal to the time spent in the shortened presentation during the biennium with Board Approval. The provider must comply with Rule 61G10-18.006, F.A.C.

Specific Authority 481.306, 481.325(2), 425.2179 FS. Law Implemented 425.2179 FS. History--New

61G10-18.007 Revocation of Provider Approval.

At any time, the Board shall request the Department to revoke its approval of a continuing education provider if it finds that such approval is sought or was received by fraud or misrepresentation by the provider, the provider has failed to adhere to the standards and other requirements as set forth in

this rule, or that the provider has engaged in fraudulent behavior relating to the provision of continuing education. Before requesting that the Department revoke a provider's approval, the Board shall give the provider notice and an opportunity to be heard. If the approval of a provider is revoked, the continuing education provider shall thereafter be barred from presenting any continuing education courses to licensees or registrants for credit unless the provider demonstrates to the Board that the provider has been sufficiently rehabilitated to be trusted to provide such courses to licensees or registrants in the future. Revocation of a continuing education provider's approval shall also operate as a revocation of all previously approved continuing education courses for all future offerings by the provider.

Specific Authority 455.2179 FS. Law Implemented 455.2179 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Landscape Architecture

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 9, 2001

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

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

PURPOSE AND EFFECT: The purpose is to clarify supervisor qualifications and to add specifics in the category of histology and for technologists in lieu of an examination.

SUMMARY: The purpose of the rule amendments are to correct rule text, to specify baccalaureate degree courses, to add the specialty of histology, and to provide an experience and continuing education alternative for technologists.

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

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

SPECIFIC AUTHORITY: 483.805(4), 483.823 FS.

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

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

TIME AND DATE: 3:00 p.m., June 21, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE 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), F.A.C. 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) An earned doctoral degree in medical technology or clinical laboratory science, one of the licensure categories, or one of the chemical or biological sciences, and three years of pertinent clinical laboratory experience in the categories for which licensure is sought.

(b) A masters degree in medical technology or clinical laboratory science, one of the licensure categories, or one of the chemical or biological sciences, and three years of pertinent clinical laboratory experience in the categories for which licensure is sought, one (1) year of which shall be post masters.

(c) A baccalaureate degree, which shall include 16 semester hours of academic science in clinical laboratory sciences, one of the licensure categories, or one of the chemical or biological sciences, and five (5) years of pertinent clinical laboratory experience in the categories for which licensure is sought, two (2) years of which shall be post baccalaureate, including a minimum of one (1) year in each category for which licensure is sought.

(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) For the category of blood gas analysis only, an associate degree in cardiopulmonary function technology or respiratory care, five (5) years of pertinent clinical laboratory experience and be licensed as a technologist in the category of Blood Gases, or as a respiratory care practitioner certified in critical care services or a respiratory therapist pursuant to Chapter 468, Part V, F.S.

(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 obtained 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.

(i) When the applicant is licensed in a specialty as a technologist and meets the experience requirement under Rule 64B3-5.002(1)(a), (b) or (c) and completes 25 hours of Board approved continuing education in the area of administration and supervision accumulated over no longer than 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,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 15, 2001

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Citations RULE NO.: 64B8-44.005

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

SUMMARY: The Board is updating the rule text with regard to the required continuing education courses for renewal of initial licensure.

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

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

SPECIFIC AUTHORITY: 468.507, 456.077 FS.

LAW IMPLEMENTED: 456.077, 46.517, 468.518 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-44.005 Citations.

(1) through (3) No change.

(4) The Board designates the following as citation violations, which shall result in a penalty of \$100:

(a) through (c) No change.

(d) Falsely certifying timely completion of required continuing education courses for renewal or initial licensure, if completed by the time the citation is to be issued; penalty of \$100 per contact hour wrongfully claimed.

(5) through (6) No change.

Specific Authority 468.507, ~~455.617~~, 456.077 FS. Law Implemented 456.077, 468.517, 468.518 FS. History--New 1-1-92, Formerly 21M-50.005, 61F6-50.005, 59R-44.005, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dietetics and Nutrition Practice Council

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

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

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

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

PURPOSE AND EFFECT: The rule amendment is for the purpose for updating the application form and procedures.

SUMMARY: The Board proposes to update the rule text by clarifying the area for applying for licensure as an electrologist.

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

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

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

LAW IMPLEMENTED: 478.45 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-51.001 Manner of Application.

(1) All persons applying for licensure as an electrologist shall submit a signed application to the Executive Director of the Council on forms provided by the Council and approved and incorporated herein by reference by the Board as Form DOH/MQA/EO APP/Rev. 01/01 ~~DOH/MQA/EO APP/REV 7/97~~, entitled "Application for Electrologist Licensure," effective 12-23-97, which can be obtained from the Council ~~at address set forth in Rule 64B8-50.002(3)(b), F.A.C.~~ The initial application must be accompanied by the application fee.

(2) through (4) No change.

Specific Authority 478.43(1),(4) FS. Law Implemented 478.45 FS. History--New 5-31-93, Formerly 21M-76.001, Amended 11-10-93, Formerly 61F6-76.001, Amended 5-29-96, Formerly 59R-51.001, Amended 12-23-97, 5-28-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrolysis Council

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

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

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

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLE: Recommendation by the Tripartite Continuing Education Committee  
 RULE NO.: 64B16-26.602

PURPOSE AND EFFECT: The Board proposes to repeal this rule because the rule text is being incorporated into Rule 64B16-26.600.

SUMMARY: Repeal of Rule 64B16-26.602.

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

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

SPECIFIC AUTHORITY: 465.005 FS.

LAW IMPLEMENTED: 465.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

**THE FULL TEXT OF THE PROPOSED RULE IS:**

64B16-26.602 Recommendation by the Tripartite Continuing Education Committee.

Specific Authority 465.005 FS. Law Implemented 465.009 FS. History--New 10-17-79, Amended 7-29-81, Formerly 21S-13.03, 21S-13.003, 21S-26.602, Amended 7-18-94, Formerly 61F10-26.602, 59X-26.602, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

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

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

**Section III  
 Notices of Changes, Corrections and  
 Withdrawals**

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral and Cemetery Services**

RULE NO.: 3F-10.003  
 RULE TITLE: Remittances to the Preneed Funeral Contract Consumer Protection Trust Fund

**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 published in Vol. 26, No. 47, November 24, 2001, issue of the Florida Administrative Weekly.

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

3F-10.003 Remittances to the Preneed Funeral Contract Consumer Protection Trust Fund.

For the quarter beginning October 1, 2001, and each quarter thereafter, the following amounts should be remitted to the Preneed Funeral Contract Consumer Protection Trust Fund.

Each certificateholder offering the sale of insurance or by establishing a trust pursuant to s. 497.417 or 497.429 shall remit the sum of \$1.00 per preneed contract. Each certificateholder utilizing s. 497.423 and s. 497.425 shall remit the sum of ~~\$5.00~~ ~~\$1.00~~ for each preneed contract.

Specific Authority 497.417, 497.423, 497.425, 497.429 FS. Law Implemented 497.413(12), 497.417, 497.423, 497.425, 497.429 FS. History--New 3-19-97, Amended.

**DEPARTMENT OF INSURANCE**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
4-157.001	Purpose
4-157.002	Applicability and Scope
4-157.004	Out-of-State Group Long-Term Care Insurance
4-157.017	Prior Institutionalization
4-157.022	Loss Ratio Requirements
4-157.023	Nonforfeiture Protection Provision

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rules, as noticed in Vol. 23, No. 10, March 7, 1997, of the Florida Administrative Weekly, have been withdrawn.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-302.106  
 RULE TITLE: Offender Travel

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 3, January 19, 2001, Florida Administrative Weekly, has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

RULE NO.: 61G5-32.001  
 RULE TITLE: Continuing Education

**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. 11, March 16, 2001, issue of the Florida Administrative Weekly. In subsection (6)(e), delete sentence, "No provider shall reapply for continuing education provider status until at least two (2) years have elapsed since the entry of the final order against the provider."

When changed, subsection (6)(i) shall read as follows:

(6)(i) At any time, the Board shall recommend to the Department to revoke its approval of a continuing education provider if it finds that such approval is sought or was received by fraud or misrepresentation by the provider, the provider has failed to adhere to the standards and other requirements as set forth in this rule or Rule 61-6.015, FAC, or that the provider has engaged in fraudulent behavior relating to the provision of continuing education. Before requesting that the Department revoke a provider's continuing education approval, the Board shall give the provider notice and an opportunity to be heard. If the approval of a provider is revoked, the continuing education provider shall thereafter be barred from presenting any continuing education courses to licensees or registrants for credit unless the provider demonstrates to the Board that the provider has been sufficiently rehabilitated to be trusted to provide such courses to licensees or registrants in the future. Revocation of a continuing education provider's approval shall also operate as a revocation of all previously approved continuing education courses for all future offerings by the provider.

When changed, subsection (7)(d)(3) and (4) shall read as follows:

(7)(d)(3) A course shall not be offered or credit given for hours other than what was approved by the Board.

(7)(d)(4) A course shall not be offered other than in the manner the Board initially approved the course material. In subsection (7)(j), between the words "shall" and "deny" add the phrase, "request the Department revoke the provider's." Delete the phrase "deny or rescind its."

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

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE NO.: 64B1-6.005  
 RULE TITLE: Standards for Approval of Continuing Education Credit

**NOTICE OF PUBLIC HEARING**

The Board of Acupuncture hereby gives notice of a public hearing on the above-referenced rule to be held on August 3, 2001, 9:00 a.m., 4042 Bald Cypress Way, Room 301,

Tallahassee, Florida. The rule was originally published in Vol. 26, No. 50, of the December 15, 2000, Florida Administrative Weekly.

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

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE NO.: 64B11-5.001  
 RULE TITLE: Requirements for License Renewal of an Active License

**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. 9, March 2, 2001, issue of the Florida Administrative Weekly. These changes are in response to comments received from the Joint Administrative Procedures Committee, and Board discussion contained in the record of the public hearing held by the Board during a telephone conference call on March 26, 2001.

The rule as changed will read as follows:

64B11-5.001 Requirements for License Renewal of an Active License

(1) through (7) No change.

(8) Active status licensees may apply to the Board for inactive license status at any time by paying a \$50 fee to change licensure status. Additionally, the licensee shall pay any applicable inactive status renewal fee or delinquent fee.

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE NO.: 64B11-5.003  
 RULE TITLE: Requirements for Reactivation of an Inactive License

**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. 9, March 2, 2001, issue of the Florida Administrative Weekly. These changes are in response to comments received from the Joint Administrative Procedures Committee, and Board discussion contained in the record of the public hearing held by the Board during a telephone conference call on March 26, 2001.

The rule as changed will read as follows:

64B11-5.003 Requirements for Reactivation of an Inactive License.

(1) through (3) No change.

(4) Inactive status licensees applying for active status shall pay a \$50 fee to change licensure status. Additionally, the licensee shall pay the reactivation fee and any applicable active status renewal fee or delinquent fees.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-9.004  
 RULE TITLE: Permits for Hunting or Other Recreational Use on Type I Wildlife Management Areas

**NOTICE OF CHANGE TO PROPOSED RULE**

Notice is hereby given that the following change, in accordance with subparagraph 120.54(3)(d)1., F.S., has been made to subparagraph 68A-9.004(1)(b)1.,3.,4.,5.,(c)4.,5., of this proposed rule which was published in Vol. 27, No. 16, Florida Administrative Weekly, April 20, 2001, so that when adopted, it will read as follows:

(b) The cost of recreational user permits as required for hunting on the following privately owned wildlife management areas as provided by s. 372.57(4)(b)2., F.S., shall be:

- 1. Nassau WMA – ~~\$197 96.25~~
- 3. Moore's Pasture WMA – ~~\$125 99~~
- 4. Bluewater Creek ~~Champion International~~ – ~~\$180 140~~
- 5. Flint Rock – ~~\$206 98~~

(c) The total number of permits available for each of the following privately owned wildlife management areas established pursuant to s. 372.57(4)(b)2., F.S., shall be:

- 4. Bluewater Creek ~~Champion International~~ – ~~400 325~~
- 5. Flint Rock – ~~450 600~~

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-15.063  
 RULE TITLE: Specific Regulations for Type I Wildlife Management Areas – Northwest Region

**NOTICE OF CHANGE TO PROPOSED RULE**

Notice is hereby given that the following change, in accordance with subparagraph 120.54(3)(d)1., F.S., has been made to subparagraph 68A-15.063(9)(d)4. of this proposed rule which was published in Vol. 27, No. 16, Florida Administrative Weekly, April 20, 2001, so that when adopted, it will read as follows:

(d) General regulations:

4. Vehicular access into the portion of the still hunt area lying east of S.R. 65 will be limited to designated hunting days and for a period of one week prior to the archery and general gun seasons for scouting. Hunters shall enter and exit the area through Road 2, Road 1; ~~or Road 114 or Sadberry Road~~ only.

5. Hunting with dogs other than bird dogs is prohibited in the still hunt area (that portion of the area lying east of State Road 65, ~~CC Road 28 and CC Road 29~~; also that portion of the area encompassed by County Roads 270, 269 and 269B).

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Stone Crabs  
 RULE NOS.: 68B-13.0015, 68B-13.008, 68B-13.009, 68B-13.010, 68B-13.011, 68B-13.012  
 RULE TITLES: Definitions, Gear, Trap Construction, Commercial Trap Marking Requirements, Trap Working Regulations, Trap Transfer, Recreational Stone Crab Harvest: Bag Limit, Trap Limit, Trap Marking Requirements, Trap Pulling, Stone Crab Trap Limitation Program, Prohibitions, Commission Policy Regarding the Assessment of Administrative Penalties

**NOTICE OF CHANGES TO PROPOSED RULES**

The Fish and Wildlife Conservation Commission announces changes to proposed amendments and new rule for Rule Chapter 68B-13, F.A.C., as published in the April 20, 2001 issue of the Florida Administrative Weekly. The changes are in response to public comment, testimony, and Commission discussion contained in the record of the public hearing held by the Commission on May 23, 2001, in Palm Beach Gardens, Florida. No changes were made to proposed amendments to Rules 68B-13.0015, 68B-13.008, 68B-13.009, or 68B-13.011, or to proposed new Rule 68B-13.012. Proposed amendments to Rule 68B-13.010 were changed to read as follows:

68B-13.010 Stone Crab Trap Limitation Program.

(2) CERTIFICATES AND TRAP TAGS. Each holder of a stone crab trap endorsement must have a certificate on record for stone crab trap used or possessed in or on the water. In addition, attached to each trap shall be a tag, issued annually by the Commission, which corresponds to a valid certificate.

(a) Certificates.

1. A person is eligible for the initial allocation of stone crab trap certificates if he or she possessed a Saltwater Products License (SPL) with a restricted species endorsement and a stone crab endorsement during the 1999-2000 fishing

season, and can establish pursuant to Commission trip ticket records generated under the provisions of s. 370.07(6), Florida Statutes, that he or she had at least 300 pounds of stone crab claw landings associated with any one SPL, during any one fishing season from 1993/1994 through 1998/1999. A SPL with less than 300 pounds is not eligible to receive stone crab trap certificates.

2. Once eligible, a person will qualify for the initial allocation of certificates for each SPL based on whichever is less, the number of traps listed on the SPL application, or the pounds of claws landed divided by 2., as reported through the trip ticket program during any one of the applicable fishing seasons. The number of certificates allocated will be based on the highest cumulative total of qualified certificates for each SPL during one fishing season, 1995/1996 through 1997/1998.

a. A person who possesses an individual SPL and a vessel SPL with the number of traps listed only on one license's application form and landings primarily reported on the other license shall be considered to have only one SPL for purpose of this section and allocated trap certificates as described above.

b. A person who has purchased another's stone crab business, between July 1, 1995 and July 1, 2000 shall receive the trap certificates allocated to the seller, without a passive reduction, provided that they can submit documentation showing that the seller's landings history was specifically part of the sale-purchase agreement. Acceptable documentation includes a copy of a contract or bill of sale specifically identifying landings history as one of the items included in the sale of the business or a letter from the seller to the Commission stating that he/she is the recipient of the original trap certificate allocation and describing what specifically was included in the sale of the business. The seller of a stone crab business that included the landings history cannot receive an additional allocation of certificates based on landings subsequent to sale of that business. Any trap certificates obtained through purchase of a stone crab business after July 1, 2000 will be subject to passive reduction at the time of transfer.

3. Certificates shall only be issued to natural persons. For the purposes of this section, the term "natural person", or "person", refers to a human being and does not include a firm, organization, partnership, association, corporation, or other business or legal entity or group or combination. All endorsement holders other than natural persons shall designate the person or persons to whom they are assigning their certificates ~~will be allotted~~ and the number thereof to each, if more than one person is designated, on Commission Form DMF-SL3070 (Certificate Designation For Business or Corporation), incorporated herein by reference.

4. A firm, organization, partnership, association, corporation, or other business entity or legal entity or group or combination can neither receive an initial allocation nor purchase and possess in their name stone crab trap certificates.

5.4. Certificates shall only be issued to persons who possess a current year Saltwater Products License with a stone crab endorsement, neither of which are under suspension or revocation.

6. The Commission shall notify all holders of a 1999/2000 Saltwater Products License with a stone crab endorsement of their initial allocation of stone crab trap certificates; those persons will indicate either their acceptance of or intent to appeal the initial allocation on Commission Forms DMF-SL3050 (Statement of Acceptance or Appeal of Stone Crab Certificate Allocation), and DMF-SL 3060 (Application for Appeal/Review of Stone Crab Trap Certificate Allocation), incorporated herein by reference.

7.5. In no event shall any person, firm, corporation, or other business entity, possess or control, directly or indirectly, more than 1% of the total available certificates issued in any fishing season.

8. Certificates will only be issued in whole numbers; there are no fractional certificates.

9. There must be one or more certificates allocated to a certificate holder in order for the certificate holder to have a trap certificate account established. A person may have an Saltwater Products License/stone crab endorsement with no trap certificates; a person may not receive trap certificates without a stone crab endorsement.

10. Partial payment of annual certificate fees will not be accepted. However, upon receipt of the trap certificate billing statement for 2002/2003 stone crab trap tags, a certificate holder may submit fees for only those trap certificates that they wish to retain in their account. Any trap certificates for which the fees are not paid at that time will be forfeited and permanently removed from the fishery.

11. Any payment of certificate fees by an invalid check is cause for suspension of all current certificates if valid payment is not received within thirty days of notification of insufficient funds. Payment shall include any returned check charges incurred by the Commission.

12. Stone crab trap certificates and tags shall not be issued to certificate holders until all license fees, certificate fees, surcharges and any other outstanding fees owed the Commission have been paid in full and are current and the certificate holder's SPL, stone crab endorsement are not otherwise inactive.

13. Trap certificates are considered to be inactive if:

a. The certificate holder fails to renew his/her Saltwater Products License or has his/her license suspended or revoked;

b. The certificate holder does not renew his/her stone crab endorsement or the endorsement has been suspended or revoked;

c. All annual certificate fees have not been paid in full;

d. The certificates holder is deceased;

14.6. The fees for unpaid certificates will accumulate each year a certificate holder fails to pay his or her annual certificate fee. In the event a holder's annual certificate fee is not paid for a period of 3 years, the certificates shall be considered abandoned and permanently be removed from the pool of available certificates. All prior certificate fees must be paid in order to keep certificates current and avoid a declaration of abandonment.

(b) Trap tags. Beginning October 1, ~~2002~~ 2004, each trap used for the directed harvest of stone crabs in state waters or adjacent federal waters shall, in addition to having the stone crab endorsement number permanently attached as required in Rule 68B-13.008(3)(a), F.A.C., also have firmly affixed thereto a current trap tag issued annually by the Commission. Each such tag shall be made of durable plastic or material similarly durable and shall have printed ~~stamped~~ thereon the owner's endorsement number. The number of trap tags issued to each endorsement holder shall not exceed the number of trap certificates held by the endorsement holder at the time of issuance. To facilitate enforcement and record keeping, such tags shall be issued each year in a different color from that of each of the previous 3 years. ~~Replacement tags for lost or damaged tags may be obtained from the Commission.~~ Traps with tags which are not firmly affixed by nails, staples, or otherwise securely fastened as may be provided ~~specified~~ by the Commission, shall be considered untagged for enforcement purposes. A federal stone crab trap tag issued by the National Marine Fisheries Service meets the requirements of this rule for traps fished in federal waters or in transit to federal waters.

(c) Lost or damaged tags may be replaced using Commission Form DMF-SL3010 (Stone Crab Trap Tag Replacement Application), herein incorporated by reference, and upon proper verification of loss as defined in (e) below, and payment of the replacement tag fee. Damaged tags must be returned to the Commission.

(d) Cost of the replacement tags for tags lost in the event of a major natural disaster will reasonably reflect the actual cost incurred by the Commission, which is construed to include shipping and handling fees.

(e) Notification of lost or damaged tags shall be a written report made to the Commission on the NOAA/National Marine Fisheries Service Report of Lost or Stolen Fish and Shellfish Traps Form, which may be obtained from the local Division of Law Enforcement offices. The report shall include the certificate holder's name, license number, endorsement number, and tag numbers lost, location or area tags lost in, and circumstances of the loss.

(3) CERTIFICATE TRANSFERABILITY AND PASSIVE REDUCTION. After initial issuance, trap certificates are transferable on a market basis and may be transferred for a fair market value agreed upon between the transferor and transferee.

(a) Transfer window. Trap certificates shall only be transferred from the trap certificate account of one person to the account of another during the period August 1 through March 1 each year. However, requests to transfer trap certificates received after February 15 may not be completed during the current season if all required information and fees are not also received at that time.

(b) Both the purchaser and seller of stone crab trap certificates must hold a valid Saltwater Products License with a stone crab endorsements at the time of transfer.

(c) A person who intends to close their trap certificate account by transferring all of their trap certificates to another person, and does not qualify for the restricted species endorsement, shall be exempt from the restricted species requirement of Rule 68B-13.006(1)(a).

(d)(a) Transfer of any certificates shall, within 72 hours thereof, be reported ~~recorded~~ on a Commission ~~notarized~~ Form DMF-SL3000 (Stone Crab Trap Certificate Transfer Application), incorporated herein by reference, which has been signed by both parties, notarized, ~~provided for that purpose by the commission~~ and hand delivered or sent by certified mail, return receipt requested, to the Commission for recording in the seller's and purchaser's trap certificate accounts ~~record keeping purposes~~. No transfer of ~~for~~ any certificates will be effective, resulting in the issuance of transfer tags, until:

1. The Commission receives the notarized transfer form from the seller ~~and the transfer fee is paid~~; and
2. The Commission receives a notarized copy of the bill of sale from the purchaser; and
3. All outstanding license fees, endorsement fees, trap tag fees, transfer fees, surcharges and any other charges owed the Commission by either party in the transaction are paid; and
4. The Saltwater Products License, stone crab endorsement, and all certificates or other required licenses, endorsements or authorizations held by both parties in the transaction are not suspended, revoked, or inactive.

(e) The certificate holder transferring his/her trap certificates shall designate in detail which type of certificates (A1, A2 or B) are being transferred, and in what combinations thereof. B-certificates will be reduced prior to A-certificates at the time of transfer.

(f)(b) Upon the sale or transfer of certificates outside the immediate family of the certificate holder, the number of certificates received by the purchaser shall be reduced by the following percentages depending on the overall number of certificates available to harvesters throughout the state at the time of sale:

1. If more that 1 1/2 million certificates are available, there shall be a 25 percent reduction in the number of certificates received by the purchaser.



2. If more than 1 1/4 million, but fewer than 1 1/2 million certificates are available, there shall be a 22 1/2 percent reduction in the number of certificates received by the purchaser.

3. If more than 1 million, but fewer than 1 1/4 million certificates are available, there shall be an 18 1/2 percent reduction in the number of certificates received by the purchaser.

4. If more than 3/4 of a million, but fewer than 1 million certificates are available, there shall be a 15 percent reduction in the number of certificates received by the purchaser.

5. If more than 600,000, but fewer than 3/4 million certificates are available, there shall be a 10 percent reduction in the number of certificates received by the purchaser.

6. When 600,000 certificates or fewer are available, there shall be no percentage reduction in the number of certificates received by the purchaser.

(g) If the percentage reduction results in a fractional number, that fraction, which represents a partial trap certificate/trap, will be rounded off to the nearest whole number, representing a whole trap certificate/trap. Only whole trap certificates will be removed from an account during reduction.

(h)(e) The Commission will maintain records of all certificates and their transfers and annually provide each endorsement holder with a statement of their certificate account.

(i)(d) In the event of death or disability, endorsements and certificates may be transferred to a member of the immediate family without the family member being subject to any transfer fees or a reduction in the number of certificates transferred. However, certificates will only be transferred if all outstanding license fees, endorsement fees, trap tag fees, surcharges and any other charges owed by either party to the Commission are paid, and both parties' Saltwater Products License, stone crab endorsement and all certificates or other required licenses, endorsements or authorizations are not suspended, revoked or inactive.

(j) A person is eligible for the reduced transfer fee of s. 370.13(1)(b)2., F.S., if he/she:

1. Has crew share statements and IRS Forms 1099 and 1040 or IRS Forms W2 and 1040 showing participation in the stone crab fishery as a crew member on a properly licensed vessel during at least one of two previous stone crab fishing seasons;

2. Qualifies for a restricted species endorsement;

3. Is sponsored by a captain who has knowledge and expertise in the stone crab fishery with annual landings of stone crab claws of at least 1000 pounds in any two of the previous three stone crab seasons and who certifies, on Commission Form DMF-SL3020 (Eligible Mate, Stone Crab

Certificate Sponsorship Form), incorporated herein by reference, that the person is knowledgeable and possess skills necessary for participation in the stone crab fishery; and,

4. Has not received an initial allocation of one or more stone crab trap certificates from the Commission.

A person requesting the reduced transfer fee shall submit their request, with supporting eligibility documentation, at the same time they submit the stone crab trap certificate transfer application (Form DMF-SL 3000) to report their first purchase of trap certificates. Once eligible, a person will receive the reduced transfer fee on all purchases of trap certificates made within a 12 month period beginning with the date of first purchase.

(k)(e) Each year as the numbers of certificates are reduced, the Commission may make up to 5% of the total amount of reduced certificates available to persons properly licensed and qualified to harvest stone crab pursuant to the requirements of this rule chapter.

(5) INCIDENTAL TAKE ENDORSEMENT. Persons possessing valid crawfish or blue crab endorsements may land and sell 5 gallons of stone crab claws per day if the stone crab claws are harvested from legal crawfish or blue crab traps and the crawfish or blue crab endorsement holder also possesses a stone crab incidental take endorsement. Application for an incidental take endorsement shall be on Commission Form DMF-SL2800 (05-00) (Application for a Stone Crab Incidental Take Endorsement (I#)), incorporated herein by reference.

(7) TRAP CERTIFICATE ADVISORY AND APPEALS BOARD. There is hereby established the Trap Certificate Advisory and Appeals Board. Such board shall consider and advise the Commission on disputes and other problems arising from the implementation of the stone crab trap limitation program. The board may also provide information to the Commission on the operation of the trap limitation program.

(a)1. Board Composition. The board shall consist of a member of the Commission staff appointed by the executive director, and eight members appointed by the executive director according to the following criteria, except as otherwise provided in subparagraph 2:

a. All appointed members other than the commission staff person, shall be stone crab trap certificate holders, none of whom are appealing their trap certificate allotment. Two shall hold fewer than 200 certificates, two shall hold at least 200 but no more than 750 certificates, two shall hold more than 750 but not more than 2,000 certificates, and two shall hold more than 2,000 certificates.

b. At least one member shall come from each of the following regions:

(I) Wakulla, Taylor, Dixie, or Levy Counties;

(II) Citrus, Hernando, Pasco, Pinellas, or Hillsborough Counties;

(III) Manatee, Sarasota, Charlotte, or Lee Counties; and

c. The remaining five members of the board shall come from Collier, Monroe, and Dade Counties.

d. At least one appointed member shall be a person of Hispanic origin capable of speaking conversational English and Spanish.

2. If there are not enough individuals that meet the above-referenced criteria, the executive director of the Commission may fill any position on the initial board with an individual who does not fulfill the requirements of subparagraph 1. However, as soon as individuals are available that meet the requirements of subparagraph 1, the executive director may replace any individual who does not meet the above-referenced criteria, and fill the position on the board with the qualified appointees. The executive director of the commission shall replace any board member who is cited for and convicted of a violation of Chapter 68B-13, F.A.C. or who misses more than two scheduled meetings of the board without approval from the board chair with another stone crab fisherman from any region.

3. Stone crab endorsement holders wanting to be considered for appointment to the Trap Certificate Technical Advisory and Appeals Board shall make their request on Commission form DMF-SL3080 (Application for Stone Crab Trap Certificate Technical Advisory and Appeals Board), incorporated herein by reference.

Specific Authority Art. IV, Sect. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-00, Amended.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Pompano, African Pompano, and Permit

RULE NOS.:	RULE TITLES:
68B-35.003	Size and Bag Limits; Prohibition of Sale
68B-35.004	Gear Specifications and Prohibited Gear
68B-35.005	Commercial Pompano Harvest Requirements; Pompano Endorsement Criteria; Pompano Special Activity License Criteria; State Waters Pompano Daily Harvest Limits

**NOTICE OF CHANGES TO PROPOSED RULES**

The Fish and Wildlife Conservation Commission announces changes to proposed amendments and new rule for Rule Chapter 68B-35, F.A.C., as published in the April 20, 2001 issue of the Florida Administrative Weekly. The changes are in response to public comment, testimony, and Commission discussion contained in the record of the public hearing held by the Commission on May 23, 2001, in Palm Beach Gardens, Florida. The proposed amendments to Rules 68B-35.003 and

68B-35.004 and proposed new Rule 68B-35.005 were changed. The proposed amendments to the rules and new rule will now read as follows:

68B-35.003 Size and Bag Limits; Prohibition of Sale.

(1) No change.

(2) Bag Limits

(a) Except for persons harvesting pompano or permit pursuant to a valid saltwater products license with a restricted species endorsement, persons harvesting pompano from federal EEZ waters pursuant to Rule 68B-35.005, or persons harvesting pompano as bycatch in a federal gill net fishery for other species pursuant to Rule 68B-35.004(3)(c), no person shall harvest in or from state waters more than a total of 10 pompano or permit per day, in any combination of species, nor possess while in or on state waters more than 10 such fish. No more than one (1) of such fish shall exceed 20 inches length.

(b) Each harvester of African pompano is subject to a bag limit of 2 African pompano per day, however, no more than 2 African pompano shall be possessed aboard any vessel while in or on state waters at any time.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-89, Amended 1-1-96, Formerly 46-35.003, Amended.

68B-35.004 Gear Specifications and Prohibited Gear.

(1) No change.

(2)(a) The harvest or attempted harvest of any African pompano or permit in or from state waters, by or with the use of any gear other than a hook and line gear is prohibited.

(b) The harvest or attempted harvest of any pompano in state waters by or with the use of any gear other than a beach or haul seine, a cast net, or hook and line gear is prohibited.

(3) Except as provided in this subsection, no person shall simultaneously possess aboard any vessel in state waters any pompano together with any gill or entangling net.

(a) Such possession is allowed by persons who have harvested pompano in adjacent federal Exclusive Economic Zone (EEZ) waters and who possess a valid saltwater products license with a restricted species endorsement and a pompano endorsement issued pursuant to Rule 68B-35.005(1), only in the following areas of state waters:

1. In the area of state waters between 25°09' North Latitude and 26°00' North Latitude, between Cape Sable and Hurricane Pass.

2. In specified state waters, upon designation by the Executive Director of the Commission, after a total of at least 1,500 pounds of pompano have been landed on two different observer trips where pompano are caught, by a person taking pompano pursuant to Rule 68B-35.005(2), harvested with a gill or entangling net in federal EEZ waters adjacent to such specified state waters on each trip.

(b) Such possession is allowed by persons who have harvested pompano in adjacent federal EEZ waters and who possess a valid Pompano Special Activity License issued pursuant to Rule 68B-35.005(2).

(c) Such possession is allowed by persons who have harvested pompano in adjacent federal EEZ waters as an incidental bycatch in gill or entangling nets fished for other species, which persons possess a valid saltwater products license with a restricted species endorsement and provided the amount of all pompano aboard such vessel at any time does not exceed 100 individual fish.

(d) Paragraphs (a), (b), and (c) shall not apply to any person or vessel returning from federal EEZ waters that stops to fish in state waters or otherwise fails to meet all requirements of Section 370.092, Florida Statutes.

(4) Each pompano gill or entangling net possessed in state waters or used in federal EEZ waters pursuant to subsection (3) shall meet the following specifications, except that the mesh size requirement in paragraph (c) shall not apply to the exception in paragraph (3)(c):

(a) Such net shall not be less than 400 yards in length, along the cork line and along the lead line.

(b) Such net shall be at least 70 meshes deep at its shallowest point.

(c) Such net shall have a mesh size of at least 4 1/2 inches stretched mesh, throughout the net.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., Art. X, Sec. 16, Fla. Const., 370.021(3) FS, History—New 7-1-89, Amended 1-1-96, Formerly 46-35.004, Amended \_\_\_\_\_.

68B-35.005 Commercial Pompano Harvest Requirements: Pompano Endorsement Criteria; Pompano Special Activity License Criteria; State Waters Pompano Daily Harvest Limits and License Requirements for Sale or Purchase.

(1) POMPANO ENDORSEMENT – No person shall be issued a pompano endorsement on their saltwater products license without first meeting each of the following criteria:

(a) The applicant must possess a Vessel Saltwater Products License with a Restricted Species Endorsement.

(b) The applicant must own a commercially registered vessel no smaller than 22 feet in documented length, except in the case of a vessel with the primary power mounted forward of the center point of the vessel, in which case the vessel shall not be smaller than 25 feet in documented length.

(c) No applicant shall receive a pompano endorsement who, in the previous three license years, has been charged with violating any provision of Article X, Section 16 of the State Constitution, Section 370.092 or Section 370.093, Florida Statutes, or Rule 68B-4.0081(2), F.A.C., and who has received a judicial disposition other than acquittal or dismissal on such charges.

(2) POMPANO SPECIAL ACTIVITY LICENSE (PSAL) – The Fish and Wildlife Conservation Commission intends to issue PSALs to qualified commercial fishers to allow them to

use gill and entangling nets for an exploratory fishery to harvest pompano in federal Exclusive Economic Zone (EEZ) waters adjacent to state waters, for the sole purpose of establishing that a federal waters fishery exists in specific areas. No person shall be issued a PSAL without first meeting each of the following criteria and conditions:

(a) The applicant must possess a Vessel Saltwater Products License with a Restricted Species Endorsement.

(b) The applicant must own a commercially registered vessel no smaller than 22 feet in documented length, except in the case of a vessel with the primary power mounted forward of the center point of the vessel, the vessel shall not be smaller than 25 feet in documented length.

(c) The applicant must have documented landings of pompano of at least 2,000 pounds from state waters or from federal EEZ waters during any continuous 24-month period.

(d) No applicant shall receive a PSAL who, in the previous three license years, has been charged with violating any provision of Article X, Section 16 of the State Constitution, Section 370.092 or Section 370.093, Florida Statutes, or Rule 68B-4.0081(2), F.A.C., and who has received a judicial disposition other than acquittal or dismissal on such charges.

(e) Any person issued a PSAL must agree to notify the Division of Law Enforcement, by submission of a float plan, at least 24 hours prior to all exploratory fishing trips pursuant to the license. The licenseholder shall submit a trip report, after all exploratory fishing trips using the trip ticket record, to the Division of Marine Fisheries within 72 hours of completion of each trip. The licenseholder must agree to take an FWC observer aboard once she/he has used the PSAL to determine the extent of the fishery. The PSAL will contain a condition requiring notification of FWC's Marine Research Institute at least 48 hours prior to any trip the licenseholder intends to allow placement of an observer on board the vessel. The named licenseholder/vessel owner must always be on board during exploratory fishing trips.

(f) PSALs will be issued at any time during the fishing year and they will be valid for a period of six (6) months. The licenseholder may apply for a single six-month extension of the PSAL. If during that extension, no federal waters gill or entangling net fishery is established pursuant to Rule 68B-35.004(3)(a)2., the licenseholder is barred for a period of one year from the expiration of the extension from applying for another PSAL.

(g) The licenseholder must acknowledge that violation of any of the terms or conditions stated in the license may result in the revocation of the license or denial of a requested extension.

(3) STATE WATERS DAILY COMMERCIAL HARVEST LIMITS – Persons harvesting pompano in state waters pursuant to a saltwater products license with a restricted species endorsement, shall be subject to a daily harvest and landing limit of 250 individual pompano; provided, however,

that no more than 250 pompano harvested pursuant to this subsection shall be possessed aboard any vessel at any time. Such persons are subject to the gear limitations of Rule 68B-35.004(2)(b).

(a) No person shall sell more than 250 individual pompano per day, unless such person possesses either a valid PSAL or a valid Pompano Endorsement, in addition to a saltwater products license with a restricted species endorsement.

(b) No wholesale dealer shall purchase more than 250 individual pompano per day from any person who does not possess and present to the dealer either a valid PSAL or a valid Pompano Endorsement, in addition to a saltwater products license with a restricted species endorsement.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., Art. X, Sec. 16, Fla. Const., 370.021(3) FS. History—New

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Vessel Registration and Boating Safety**

RULE CHAPTER NOS.:	RULE CHAPTER TITLES:
68D-23	Uniform Waterway Markers in Florida Waters
RULE NOS.:	RULE TITLES:
68D-23.003	Placement of Regulatory Markers in Waters of the State
68D-23.101	Intent
68D-23.102	Scope
68D-23.103	Definitions
68D-23.104	Placement of Markers
68D-23.105	Criteria for Approval
68D-23.106	Permit Conditions
68D-23.107	Federal System Adopted
68D-23.108	Specifications for Markers
68D-23.109	Additional Specifications for Information and Regulatory Markers
68D-23.110	Triennial Inspection
68D-23.111	Enforcement
68D-23.112	Exemptions

**NOTICE OF DEFERRAL**

The Florida Fish and Wildlife Conservation Commission announces that it has deferred the final public hearing on the above rules as published in the May 11, 2001 Florida Administrative Weekly, until its next regularly scheduled meeting on September 5 though 7, 2001, at Amelia Island, Florida. These rules were noticed for rule development in the December 22, 2000, issue of the FAW. The notice of proposed rulemaking was published in the January 26, 2001, issue of the FAW on pages 377 through 385. A notice of change was published in the May 11, 2001, issue of the FAW on pages 2345 through 2351.

DATES AND TIMES: 8:30 a.m. each day, September 5-7, 2001

PLACE: Amelia Island Plantation, Amelia Island, Florida

THIS MEETING IS OPEN TO THE PUBLIC

Section 286.0105, Florida Statutes, provides that, if any person decides to appeal any decision with respect to any matter considered at the above meeting, he or she will need a record of the proceedings, and that, for such purposes, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least five calendar days before the meeting by contacting Terry Mara, (850)487-3796. If hearing or speech impaired, please contact the agency by calling (850)488-9542.

**Section IV  
Emergency Rules**

**NONE**

**Section V  
Petitions and Dispositions Regarding Rule  
Variance or Waiver**

**WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN that on May 11, 2001, the South Florida Water Management District (SFWMD) received a petition for waiver from the Hillsboro Pines Civic Association, for utilization of works or land of the SFWMD known as the Hillsboro Canal, Broward County. The petition seeks relief from the Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which requires payment of an application processing fee for 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 May 18, 2001, the South Florida Water Management District (SFWMD) received a petition for waiver from David Bratt, for utilization of works

or land of the SFWMD known as the Golden Gate Main Canal, Collier County. The petition seeks relief from the Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which governs the placement of above-ground permanent or semi-permanent encroachments within 40' of the top of the canal bank within works or lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail at jsluth@sfwmd.gov.

The SFWMD will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The Barber's Board hereby gives notice that it has received a petition, filed on April 19, 2000, by Freddie J. Parson, seeking a variance or waiver of Rule 61G3-20.020, with respect to the required delinquent fee of a hundred dollars (\$100.00). Written comments on this petition should be filed with Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, FL 32399-0750, within 14 days of publication of this notice.

For a copy of the petition, contact: Julia Baker, Executive Director, Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

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The Board of Cosmetology hereby gives notice that it has received a petition, filed on May 16, 2001, by Christopher R. Cruse, seeking a variance of Rule 61G5-18.003(2)(b), or, in the alternative, a permanent waiver of Rule 61G5-18.004.

A required minimum score by the applicant shall be 75 on a scale of 0 to 100. An applicant who has twice failed the examination or any part thereof, shall return to an approved school of cosmetology for a minimum of 40 hours of remedial instruction prior to taking any part of the examination for the third time. An applicant who fails any portion for the third time shall return to an approved school of cosmetology for 80 hours of remedial instruction. Written comments on this petition should be filed with Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, FL 32399-0750, within 14 days of publication of this notice.

For a copy of the petition, contact: Julia Baker, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

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#### **DEPARTMENT OF HEALTH**

The Board of Dentistry hereby gives notice that it has received a petition from Steven D. Baxter, DDS, which was filed on April 4, 2001. The Petitioner is seeking a waiver or variance of Rule 64B5-14.009(3)(e), Florida Administrative Code, with respect to the requirement that a facility must have defibrillator equipment appropriate for the patient population being treated. The Board will discuss this matter at its next scheduled board meeting to be held on June 29, 2001, at 10:00 a.m., or thereafter at the Hyatt Regency at the Orlando International Airport, 9300 Airport Boulevard, Orlando Florida.

Comments on this petition should be filed with Board of Dentistry, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256, within 14 days of publication of this notice.

For additional information, contact: Sue Foster, Executive Director, Board of Dentistry, at above address or telephone (850)245-4444, Ext. 3490.

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The Board of Medicine hereby gives notice that it has filed a Final Order in the Petition for Waiver of Charles M. Weber, M.D. The Final Order was filed in this matter on May 10, 2001, and denied the Petition for Waiver with regard to payment of the delinquent status fee by the Petitioner. The Board, at its meeting held on March 31, 2001, in Jacksonville, Florida found that the Petitioner was seeking a waiver from the statutory requirement of Section 456.036(7), Florida Statutes, (formerly Section 455.711(7)), and that the Board has no authority to waive the provisions of statutes.

A copy of the Final Order may be obtained by writing: Tanya Williams, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

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NOTICE IS HEREBY GIVEN that on May 17, 2001, the Board of Orthotists and Prothetists filed an Order and Notice disposing of a petition for permanent variance from Rule 64B14-4.001(2)(a), Florida Administrative Code, filed by David Garcia. Rule 64B14-4.001(2)(a), Florida Administrative Code, requires that an applicant for licensure as an orthotist, prothetist, or prothetist/orthotist must pass the written and simulation modules of the ABC examination in order to qualify under the grandfathering statute. The petition was filed with the Board on February 13, 2001, and noticed in Florida Administrative Weekly on March 30, 2001.

No comments from interested persons were received.

The Order, which was filed May 17, 2001, provides, in summary, that:

The Petitioner has failed to satisfy all the requirements for entitlement to a variance. Petitioner's years of experience do not entitle him to a variance from the examination requirement as it is required by statute when a licensure applicant has not been national certified. Petitioner is not nationally certified and chooses not to take the next ABC examination thereby creating his own hardship. Accordingly, the petition for permanent variance from Rule 64B14-4.001(2)(a), Florida Administrative Code, has been DENIED.

A copy of the Order may be obtained from: Ronda Bryan, Deputy Agency Clerk, Department of Health, Division of Medical Quality Assurance, BIN #C01, 4052 Bald Cypress Way, Tallahassee, FL 32399-3251, (850)245-4121.

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NOTICE IS HEREBY GIVEN that on May 17, 2001, the Board of Orthotists & Prothetists filed an Order and Notice disposing of a petition for a temporary variance from Rule 64B14-4.004, Florida Administrative Code, filed by Rosario V. Carrazana. Rule 64B14-4.004, Florida Administrative Code, requires that an applicant for licensure take and pass the examination within 24-months of the date of the first examination for which the candidate was eligible. The petition was filed with the Board on January 22, 2001, and noticed in Florida Administrative Weekly on March 30, 2001.

No comments from interested persons were received.

The Order, which was filed May 17, 2001, provides, in summary, that:

The Petitioner has satisfied all the requirements for entitlement to a variance. Petitioner registered for two prior examinations during the 24-month period in which she was eligible to sit for the examination but failed them. The November 2000 examination she registered for was the last one she could take and still qualify for licensure. Petitioner failed to sit for the examination due to flooding in her home and business the month before. Petitioner did not create her own hardship because she made three efforts to sit for the examination and sat for two of them. Strict compliance with the rule would create a substantial hardship for her and violate principles of fairness. Accordingly, the petition for variance from Rule 64B14-4.004, Florida Administrative Code, has been GRANTED.

A copy of the Order may be obtained from: Ronda Bryan, Deputy Agency Clerk, Department of Health, Division of Medical Quality Assurance, BIN #C01, 4052 Bald Cypress Way, Tallahassee, FL 32399-3251, (850)245-4121.

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NOTICE IS HEREBY GIVEN that on May 17, 2001, the Board of Orthotists and Prothetists filed an Order and Notice disposing of a petition for a temporary variance from Rule 64B14-4.004, Florida Administrative Code, filed by Elvio J. Carrazana. Rule 64B14-4.004, Florida Administrative Code, requires that an applicant for licensure take and pass the examination within 24-months of the date of the first

examination for which the candidate was eligible. The petition was filed with the Board on January 22, 2001, and noticed in Florida Administrative Weekly on March 30, 2001.

No comments from interested persons were received.

The Order, which was filed May 17, 2001, provides, in summary, that:

The Petitioner has failed to satisfy all the requirements for entitlement to a variance. Petitioner registered for only one examination during the 24-month period in which he was eligible to sit for the examination. The examination he registered for was the last one he could take and still qualify for licensure. Petitioner failed to sit for the examination due to flooding in his home and business the month before. Petitioner created his own hardship by choosing to wait to the last examination. Accordingly, the petition for variance from Rule 64B14-4.004, Florida Administrative Code, has been DENIED.

A copy of the Order may be obtained from: Ronda Bryan, Deputy Agency Clerk, Department of Health, Division of Medical Quality Assurance, BIN #C01, 4052 Bald Cypress Way, Tallahassee, FL 32399-3251, (850)245-4121.

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NOTICE IS HEREBY GIVEN that on May 17, 2001, the Board of Orthotists and Prothetists filed an Order and Notice disposing of a petition for a variance from Rule 64B14-4.003(2)(c), Florida Administrative Code, filed by Joseph A. Pezzimenti. Rule 64B14-4.003(2)(c), Florida Administrative Code, requires that an applicant for licensure as a orthotic fitter have two years experience as an orthotic fitter assistant prior to licensure. The petition was filed with the Board on January 5, 2001, and noticed in Florida Administrative Weekly on March 30, 2001.

No comments from interested persons were received.

The Order, which was filed May 17, 2001, provides, in summary, that:

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NOTICE IS HEREBY GIVEN THAT ON May 23, 2001, the Department of Health received a Petition for Variance from Rules 64E-5.1403(2)(a) and (b), F.A.C., and Petition for Waiver from Rule 64E-5.1403(9)(g), F.A.C., from University of Miami. The Petitioner requests permanent variance from rules that specify classroom and on-the-job training for irradiator operators and permanent waiver from the rule that specifies fire protection system requirements.

Comments on this Petition should be filed with: Theodore Henderson, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, Bin #A-02, Tallahassee, FL 32399-1703.

A copy of the petition may be obtained from: Theodore Henderson, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, Bin #A-02, Tallahassee, FL 32399-1703.

The Division of Medical Quality Assurance, hereby gives notice that it has received a petition filed on May 21, 2001, by Sherry S. Jordan, seeking a variance from Rule 64B21-500.005, FAC., with regard to the experience required for an applicant for licensure as a school psychologist.

To file provide comments on this petition, or to receive a copy of the petition, contact: Division of Medical Quality Assurance, attn: Kaye Howerton, Executive Director, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3255.

**FLORIDA HOUSING FINANCE CORPORATION**

Florida Housing Finance Corporation gives notice of the entry of an Order Granting Petition for Waiver of Rule 67-47.150(1), Florida Administrative Code.

NAME OF THE PETITIONER: Jubilee Community Development Corporation

DATE PETITION WAS FILED: March 29, 2001.

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rule 67-47.150(1), Florida Administrative Code (F.A.C.) requires that: Construction Loan proceeds shall be disbursed during the construction/rehabilitation phase in an amount per Draw, on a pro-rata basis with other financing. The Petition requested that FHFC waive the 1998 Rule 67-47-150(1), F.A.C., allowing the use of The Federal Home Loan Bank AHP funds and the Miami-Dade County funds at the beginning of the construction phase as opposed to the pro-rata disbursement.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, April 15, 2001, Vol. 27, No. 15.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: May 10, 2001.

THE GENERAL BASIS FOR THE DECISION: The underlying purpose of the statute will be served by granting a waiver of Rule 67-47.150(1), F.A.C., pursuant to Section 120.542, Florida Statutes, the underlying intent of Section 420.5089, Florida Statutes, will be achieved. Jubilee will be able to proceed with the construction of affordable housing for Floridians by providing loans to an eligible housing provider.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order Granting Variance is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Requests for copies or inspections should be made to Deanne

Coughlin, Public Records Clerk, at the above address, telephone (850)488-4198, or e-mail: Deanne.Coughlin@floridahousing.org.

**Section VI  
Notices of Meetings, Workshops and Public Hearings**

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
  - Department of Veterans' Affairs
  - Department of Highway Safety and Motor Vehicles
  - Department of Law Enforcement
  - Department of Revenue
  - Department of Education
  - Administration Commission
  - Florida Land and Water Adjudicatory Commission
  - Board of Trustees of the Internal Improvement Trust Fund
  - Department of Environmental Protection
- DATE AND TIME: June 26, 2001, 9:00 a.m.  
 PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida  
 PURPOSE: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Information Resource Commission will take action on matters duly presented on its agenda, which may include administrative procedures matters, adoption of rules, approval of agency plans for the use of information technology

resources, adoption of policies for the use of such resources, and other matters under the commission's authority pursuant to law.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation And Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management,

the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

**CABINET AIDES BRIEFING:** On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

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#### DEPARTMENT OF LEGAL AFFAIRS

The Annual Report Committee of the **Florida Commission on the Status of Women** will hold a conference call:

DATE AND TIME: June 28, 2001, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

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#### DEPARTMENT OF BANKING AND FINANCE

The **Bureau of Unclaimed Property** announces a public Rules Workshop and all persons are invited to attend:

DATES AND TIMES: June 25, 2001, 9:00 a.m.; July 2, 2001, 1:00 p.m. if needed

PLACE: Department of Banking and Finance, Room 547, Fletcher Building, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Unclaimed Property Rules Workshop.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise Anne Bodiford, (850)410-9923, at least 48 hours before the meeting. If you are



hearing or speech impaired, contact Anne Bodiford via the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) for assistance.

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#### **DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The **Department of Agriculture and Consumer Services** announces a meeting of the Florida Aquaculture Review Council:

DATE AND TIME: June 28, 2001, 12:30 p.m.

PLACE: Division of Aquaculture, Conference Room, Fifth Floor, 1203 Governor's Square Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues affecting the growth of aquaculture in Florida.

A copy of the agenda can be obtained by contacting: Karen Metcalf, 1203 Governor's Square Boulevard, Tallahassee, FL 32301, (850)488-4033.

If special accommodations are needed to attend this meeting because of disability, please contact Karen Metcalf, as soon as possible.

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#### **DEPARTMENT OF EDUCATION**

The **Florida Rehabilitation Council** announces the following meeting:

MEETING: Florida Rehabilitation Council Conference Call Coordinating Committee

DATE AND TIME: June 20, 2001, 10:00 a.m. – 11:00 a.m.

PLACE: VR Headquarters, 2002 Old St. Augustine Road, Tallahassee, FL 32399-0696

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the FRC Planning Committee.

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 be advised 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)

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The **Board of Regents** announces a public meeting of the Leadership Board for Applied Research and Public Service to which all persons are invited:

DATE AND TIME: June 21, 2001, 2:00 p.m. – 4:00 p.m.

PLACE: Florida Education Center, Turlington Building, Room 1704, 325 West Gaines Street, Tallahassee, Florida 32399-1950

GENERAL SUBJECT MATTER TO BE CONSIDERED: On-going projects of the Leadership Board for Applied Research and Public Service.

A copy of the agenda may be obtained by contacting: Amber Whetstone, (850)644-0830.

Any person requiring a special accommodation to participate in the meeting because of a disability should contact Amber Whetstone, (850)644-0830, at least five (5) business days in advance to make appropriate arrangements.

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#### **DEPARTMENT OF TRANSPORTATION**

The Florida **Department of Transportation**, District 5 announces a public hearing to which all persons are invited:

DATE AND TIMES: July 12, 2001, Open House 6:00 p.m.; Presentation 7:00 p.m.

PLACE: Oviedo High School, 601 King Street, Oviedo, FL 32765

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of FID Number 404525-1-22-01, Federal Aid Project Number 5691 003 U, otherwise known as State Road 426. The project limits are from Mitchell Hammock Road to Pine Avenue in Oviedo, which is located in Seminole County, Florida.

A copy of the agenda may be obtained by contacting: Mr. Harold Webb, Project Manager, 385 CenterPointe Circle, Suite 1303, Altamonte Springs, FL 32701.

Anyone needing project or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call toll-free, 1(888)797-1616. Special accommodations requests under the Americans With Disabilities Act should be made at least seven days prior to the public hearing.

**DEPARTMENT OF CITRUS**

The **Department of Citrus**, announces a public meeting of the Florida Citrus Commission to which all persons are invited:

DATE AND TIME: June 20, 2001, 9:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will convene for the purposes of standing committee meetings, annual organizational meeting, and for the regular monthly meeting. The Commission will swear in the newly appointed Commissioners, elect the Chairman of the Florida Citrus Commission for 2001/02, approve appointments to standing committees for the upcoming year, approve the 2001/02 budget and address issues pertaining to contracts, programs, budget items and other matters that are addressed during monthly meetings of the Commission.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone, (863)499-2510.

**FLORIDA PAROLE COMMISSION**

The **Florida Parole Commission** announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, June 20, 2001, 9:00 a.m.

PLACE: Florida Parole Commission, Bldg. C, Third Floor, 2601 Blairstone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

A copy of the agenda may be obtained by contacting: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980).

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency by 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 Energy 2020 Study Commission** will be touring Florida Power & Light Company's System Control Center and Turkey Point generating complex and Dade County/Montenay Power Corp's waste-to-energy facility.

DATE AND TIME: June 14, 2001, 7:30 a.m.

PLACE: Various locations in or near Miami, Florida.

**FLORIDA ENERGY 2020 STUDY COMMISSION**

ITINERARY – June 14, 2001

- 7:30 a.m. Depart Miami Airport Hilton by bus (5101 Blue Lagoon Drive, Miami, FL)
- 8:00 a.m. – 9:15 a.m. FPL System Control Center Tour, Room 3400 (4200 W. Flagler St., Miami, FL)
- 9:15 a.m. – 9:45 a.m. Travel by bus to Dade Co./Montenay (6990 N.W. 97th Ave., Miami, FL)
- 9:45 a.m. – 11:15 a.m. Dade Co./Montenay Waste to Energy Plant Tour
- 11:15 a.m. – 12:00 Noon Travel by bus to Turkey Point Plant (9700 S.W. 344th St., Miami, FL)
- 12:00 Noon – 1:00 p.m. Lunch and briefing on nuclear and fossil power generation
- 1:00 p.m. – 3:15 p.m. Turkey Point Nuclear Plant Tour
- 3:15 p.m. – 4:30 p.m. Travel by bus to Airport Hilton/Miami Airport

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will be touring several facilities to obtain a better understanding of the electric industry. The Study Commission was formed for the purpose of determining what Florida's electric energy needs will be over the next 20 years and how best to supply those needs in an efficient, affordable and reliable manner that will ensure adequate electric reserves.

A copy of the itinerary for the tour may be obtained by contacting: Executive Director, Florida Energy 2020 Study Commission, Office of the Governor, Room 225B, Knott Building, Tallahassee, Florida 32399-0001. Information about the tour and other information about the Study Commission is posted on the Study Commission's web site: <http://www.myflorida.com/energy>.

The **Florida Public Service Commission** announces its regularly scheduled conference to which all persons are invited:

DATE AND TIME: June 25, 2001, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Rule 25-22.002, F.A.C.), by contacting: Division of Records and Reporting, (850)413-6770 or writing to the Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the conference. 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).

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The Florida **Public Service Commission** announces its Internal Affairs meeting for June 25, 2001, to which all interested persons are invited:

DATE AND TIME: June 25, 2001, immediately following the Commission Conference which commences at 9:30 a.m., in Commission Hearing Room 148

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda may be obtained by contacting: Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the meeting. 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).

**\*\*THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.\*\***

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The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited:

Docket No. 991666-WU – Application for amendment of Certificate No. 106-W to add territory in Lake County by Florida Water Services Corporation.

DATE AND TIME: June 26, 2001, 9:30 a.m.

PLACE: Betty Easley Conference Center, Commission Hearing Room 152, 4075 Esplanade Way, Tallahassee, Florida  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

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

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The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited:

Docket No. 001797-TP – Petition by DIECA Communications, Inc. d/b/a Covad Communications Company for arbitration of unresolved issues in interconnection agreement with BellSouth Telecommunications, Inc.

DATES AND TIME: June 27-29, 2001, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the petition by DIECA Communications, Inc. d/b/a Covad Communications Company for arbitration of unresolved issues in interconnection agreement with BellSouth Telecommunications, Inc., and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on June 11, 2001. The proceedings will be governed by the provisions of Chapter 120, F.S. and Chapter 25-28, F.A.C.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of 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).

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## REGIONAL PLANNING COUNCILS

The **Withlacoochee Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Thursday, June 21, 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 contacting: 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 District XI, **Local Emergency Planning Committee** announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, June 20, 2001, 10:00 a.m.

PLACE: Fire Fighters Memorial Hall, Fire Tower Building, 8000 N. W. 21st Street, Miami, Florida 33122-1605

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the LEPC's ongoing regional hazardous materials training and planning activities for FY 2000/01 and FY 2001/02.

A copy of the agenda may be obtained by contacting: 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 **Town of Southwest Ranches** announces a public meeting to which all persons are invited to observe:

DATE AND TIME: Saturday, June 23, 2001, 8:30 a.m.

PLACE: City of Pembroke Pines, Charter High School, Cafeteria, 17189 Sheridan Street, Pembroke Pines, Florida 33331

GENERAL SUBJECT MATTER TO BE CONSIDERED: A workshop for invited participants to begin to discuss a vision of the future of the municipality: The Town of Southwest Ranches.

A copy of the agenda may be obtained by contacting: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD) if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

**DEPARTMENT OF CORRECTIONS**

Under authority of the Florida Criminal Justice Standards and Training Commission, the Florida **Department of Corrections**, Region XVI, Criminal Justice Standards and Training Trust Fund Training Council announces a public meeting to which all interested persons are invited:

DATE AND TIME: June 21, 2001, 9:30 a.m.

PLACE: Florida Department of Corrections, Headquarters Building A, 2nd Floor, Room A390, 2601 Blair Stone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regularly scheduled meeting of the Region XVI Training Council of the Florida Criminal Justice Standards and Training Commission. The primary business of the meeting will be to discuss training and budget issues.

A copy of the agenda for the above meeting may be obtained by contacting: Florida Department of Corrections, Bureau of Human Resources, Staff Development, Attention: Clara Floyd, Room A333, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

The **Florida Corrections Commission** announces the following public meeting to which all interested persons are invited:

DATE AND TIME: Thursday, June 21, 2001, 10:00 a.m. – 3:00 p.m.

PLACE: Department of Juvenile Justice, Falkenberg Academy, 9507 Columbus Drive, E., Tampa, Florida 33619

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will hold a meeting for the purpose of discussing issues to be included in the 2001 Annual Report and participate in a tour of the facility.

A copy of the agenda may be obtained by contacting: Mr. John Fuller, Executive Director, Florida Corrections Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500 or call (850)413-9330.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff, at least 48 hours prior to the meeting in order to request any special assistance.

**METROPOLITAN PLANNING ORGANIZATIONS**

The **Metropolitan Planning Organization for the Orlando Urban Area** announces the following meeting of it's Governing Board to which all persons are invited:

MEETING: Regularly Scheduled Board Meeting

DATE AND TIME: Wednesday, June 13, 2001, 9:00 a.m.

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

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 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.

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#### WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public hearing to which all interested persons are invited:

DATE AND TIME: June 12, 2001, 3:00 p.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public hearing in accordance with Section 373.59, F.S., concerning the proposed acquisition of 375 acres +/- for the High Springs Well Field in Alachua County, Florida, with funds from the Water Management Lands Trust Fund.

A copy of the agenda may be obtained by contacting: SRWMD, 9225 CR 49, Live Oak, FL 32060.

If any person decides to appeal any decision made with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The Suwannee River Water Management District does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the District's functions, including one's access to, participation, employment or treatment in its programs or activities. Anyone requiring reasonable accommodation as provided for in the

Americans with Disabilities Act should contact Lisa M. Cheshire, Administrative Assistant, (904)362-1001 or 1(800)226-1066 (Florida only), Fax (904)362-1056.

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The **St. Johns River Water Management District** announces a Southern Region Recreation Advisory Council Meeting to which all persons are invited. The meeting is scheduled for:  
MEETING: Southern Region Recreation Advisory Council  
DATE AND TIME: Thursday, June 21 2001, 2:00 p.m. – 4:00 p.m.

PLACE: Indian River County Commission Building, County Commission Chambers, 1840 25th Street, Vero Beach, Florida, (561)567-8000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss recreation on District lands in the Southern Region.

If any person decides to appeal any decision with respect to any matter considered at the above listed meeting such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

If, due to disability, you require a special accommodation to participate in this public meeting, contact Linda Lorenzen, (386)329-4262 or (386)329-4450 (TDD) at least five work days before the date of the meeting.

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The **South Florida Water Management District** announces a public meeting to which all interested persons are invited:

DATE AND TIME: Monday, June 25, 2001, 2:00 p.m.

PLACE: Northern Palm Beach County Improvement District, Auditorium, 357 Hiatt Drive, Palm Beach Gardens, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of The Loxahatchee River Management Coordinating Council.

A copy of the agenda may be obtained by contacting: 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.

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**REGIONAL UTILITY AUTHORITIES**

The **Peace River/Manasota Regional Water Supply Authority** announces the following public meeting to which all interested parties are invited:

DATE AND TIME: Friday, June 15, 2001, 10:00 a.m.

PLACE: Manatee Convention and Civic Center, One Haben Boulevard, Palmetto, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Peace River/Manasota Regional Water Supply Authority will host a forum for local government officials for the purpose of seeking concurrence among local governments regarding a process for furthering regional water supply planning and development in the region. In attendance at this meeting may be members of the Southwest Florida Water Management District's Governing Board and Basin Boards.

A copy of the agenda may be obtained by contacting: Peace River Manasota Regional Water Supply Authority, Suite A, 1645 Barber Road, Sarasota, Florida 34240.

Persons with disabilities who need assistance may call (941)316-1776, at least two business days in advance to make appropriate arrangements.

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**SPACEPORT FLORIDA AUTHORITY**

The **Florida Ports Conference** announces a public meeting to which all persons are invited:

DATE AND TIME: June 15, 2001, 8:00 a.m.

PLACE: Key West Hilton Resort and Marina, 245 Front Street, Key West, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: James C. Massie, General Counsel, (850)222-8021.

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 James C. Massie, (850)222-8021.

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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The Florida **Board of Architecture and Interior Design** announces the following meetings to which all persons are invited to attend:

DATE AND TIME: August 1, 2001, 9:00 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Architecture Committee, Interior Design Committee, Rules Committee and Continuing Education Task Force.

DATE AND TIME: August 2, 2001, 9:00 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

PLACE: Renaissance Vinoy Resort and Golf Club, 501 5th Avenue, Northeast, St. Petersburg, FL

To obtain a copy of the agenda, further information or submit written or other physical evidence, contact in writing: Board of Architecture and Interior Design, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)488-6685, 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).

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The Florida **Board of Landscape Architecture** announces the following meeting to which all parties are invited to attend:

DATE AND TIME: July 20, 2001, 9:00 a.m.

PLACE: Celebration Hotel, 700 Bloom Street, Celebration, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

To obtain a copy of the agenda, further information or submit written or other physical evidence, contact in writing: Board of Landscape Architecture, 1940 North Monroe Street, 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 of Landscape Architecture, (850)488-0937, 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).

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The Florida **Board of Pilot Commissioners** announces the following meeting via telephone conference, to which all persons are invited to attend:

DATE AND TIME: Friday, June 15, 2001, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)488-0698, Access Phone (850)921-6513 or Suncom 291-6513

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot advancement in Florida port training program.

To obtain a copy of the agenda, further information or submit written or other physical evidence, contact in writing: Board of Pilot Commissioners, 1940 N. Monroe Street, Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)488-0698, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Pilot Commissioners** announces the following meeting via telephone conference, to which all persons are invited to attend:

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

PLACE: Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)488-0698, Access Phone (850)921-6433 or Suncom 291-6433

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot advancements in Florida port training program. Agenda available upon request.

To obtain a copy of the agenda, further information or submit written or other physical evidence, contact in writing: Board of Pilot Commissioners, 1940 N. Monroe Street, Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)488-0698, at least five calendar days prior to the meeting. If you are hearing or speech impaired,

please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Pilot Commissioners** announces the following meetings, to which all persons are invited to attend:

DATE AND TIME: July 19, 2001, 1:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rules Committee Meeting, immediately followed by the Finance Committee Meeting, immediately followed by Probable Cause Panel meeting, which portions may be closed to the public. Committee agenda available on request.

DATE AND TIME: July 20, 2001, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting.

PLACE: Hampton Inn & Suites – Amelia Island – Historic Harbor Front Hotel, 19 South Second Street, Fernandina Beach, Florida 32034, (904)491-4911 or 1(800)HAMPTON

To obtain a copy of the agenda, further information or submit written or other physical evidence, contact in writing: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)488-0698, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Engineers Management Corporation** announces a public meeting of the Finance Committee to which all persons are invited:

DATE AND TIME: Wednesday, June 20, 2001, 10:00 a.m. – conclusion of meeting

PLACE: Holiday Inn Select, Fort Myers Airport Area, 13051 Bell Tower Drive, Ft. Myers, FL 33907

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the budget for 2002-2003.

A copy of the agenda may be obtained by contacting: Florida Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301.

If any person decides to appeal a decision made by the Corporation with respect to any matter considered at this meeting, they will need a record of the proceedings, and for

such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

The Florida **Board of Professional Geologists** announces the following meetings to which all parties are invited to attend:

**DATES AND TIMES:** July 9, 2001, 1:00 p.m.; July 10, 2001, 9:00 a.m.

**PLACE:** Sheraton Suites, Tampa Airport, 4400 W. Cypress Street, Tampa, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General Board and Business Meeting.

To obtain a copy of the agenda, further information or submit written or other physical evidence, contact in writing: Board of Professional Geologists, 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)487-7990, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

## **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The **Department of Environmental Protection** announces a public workshop to which all persons are invited:

**DATE AND TIME:** June 29, 2001, 9:30 a.m. – 4:30 p.m.

**PLACE:** Orange County Convention Center, Conference Rooms 311A-B, 9800 International Drive, Orlando, Florida 32819

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To provide information on the Florida Water Conservation Initiative that has been established pursuant to the state's Drought Action Plan, and to obtain public input on water conservation issues. The primary goal of the workshop is to begin gathering information in preparation for developing a November 1, 2001 draft Department report on ways to increase water use efficiency. Representatives from the Department, the five water management districts and the Department of Agriculture and Consumer Services will be present at the

workshop and wish to encourage participation from the public and all water use sectors and other interested parties, including public and private water suppliers, agriculture, commercial users, industry, developers, commercial landscaping and grounds maintenance companies, golf course and hotel managers, environmental groups, local governments and state agencies. Participants at the meeting will be encouraged to join in "Work Groups" to identify strategies and incentives and make recommendations later this summer to improve the conservation and efficient use of water (including reclaimed water) throughout the state. Water users, environmental groups and other parties are welcome to participate in more than one Work Group if they choose to do so. The following Work Groups are expected to be formed: Non-Agricultural Irrigation; Indoor and Aesthetic Water Use; Agriculture; Commercial/Industrial; Water Pricing to Promote Conservation; Reclaimed Water Use Efficiency.

The Work Groups can begin work on June 29, 2001 and continue separately after the workshop ends. A later public workshop in early August (date not yet selected) will allow all interested parties to continue discussions, with written recommendations from each Work Group requested by October 1, 2001. Each Work Group will be asked to develop priority recommendations that will result in significant savings of water over either the short term or long term. The recommendations from the public workshop and the Work Groups will be important to the Department in preparing its water conservation recommendations.

A copy of the agenda, workshop location and a description of the Florida Water Conservation Initiative may be obtained by contacting: Yvonne Zola, Florida Department of Environmental Protection, 2600 Blair Stone Road, Mail Station #46, Tallahassee, Florida 32399-2400, (850)488-0784, email Yvonne.Zola@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting the Personnel Service Specialist, Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The **Department of Environmental Protection** announces four public workshops to which all persons are invited:

**DATE AND TIME:** June 29, 2001, 10:00 a.m.

**PLACE:** Southwest Florida Water Management District office, 7601 U.S. Highway 301, Tampa, Florida

**DATE AND TIME:** July 6, 2001, 10:00 a.m.

**PLACE:** South Florida Water Management District office, 3301 Gun Club Road, West Palm Beach, Florida

**DATE AND TIME:** July 11, 2001, 10:00 a.m.

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



DATE AND TIME: July 13, 2001, 10:00 a.m.

PLACE: St. Johns River Water Management District office, 4049 Reid Street, P. O. Box 1429, Palatka, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Development of a wetland assessment method and rule, in accordance with Section 373.414(18), F.S., to be applied to wetland impact applications and associated mitigation, in addition to the awarding and debiting of credits from mitigation banks.

A copy of the agenda may be obtained by contacting: Constance Bersok, Department of Environmental Protection, 2600 Blair Stone Road, MS #2500, Tallahassee, Florida 32399-2400, by calling (850)921-9858 or by e-mailing [connie.bersok@dep.state.fl.us](mailto:connie.bersok@dep.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting the Personnel Service Specialist, Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited:

DATE AND TIME: Tuesday, July 10, 2001, 7:00 p.m. (EDT)

PLACE: Senior Citizens and Community Center, 120 Library Drive, Port St. Joe, Florida 32456

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive comments from the public regarding management and land uses for Constitution Convention Museum State Park before the development of a new park management plan.

A copy of the agenda may be obtained by contacting: Florida Department of Environmental Protection, Division of Recreation and Parks, Office of Park Planning, 3900 Commonwealth Boulevard, Mail Station #525, Tallahassee, Florida 32399-3000.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by calling Anne Harvey, Park Manager, Constitution Convention Museum State Park, (850)229-8029. If you are hearing or speech impaired, please contact the agency by calling 1(800)342-1335.

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## DEPARTMENT OF HEALTH

The **Board of Clinical Laboratory Personnel** will hold a duly noticed Rules Workshop, to which all persons are invited to attend:

DATE AND TIME: Thursday, June 21, 2001, 9:00 a.m.

PLACE: Holiday Inn Select, 5750 T. G. Lee Boulevard, Orlando, FL 32822, (407)851-6400

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Rule Chapter 64B3, Florida Administrative Code.

A copy of the agenda may be obtained by contacting: Sherra Causey, Board of Clinical Laboratory Personnel, BIN #C07, 4052 Bald Cypress Way, Tallahassee, FL 32399-3257.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Clinical Laboratory Personnel, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board using the Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Board of Clinical Laboratory Personnel** will hold a duly noticed meeting, to which all persons are invited to attend:

DATES AND TIMES: Thursday, June 21, 2001, 1:30 p.m.; Friday, June 22, 2001, 8:30 a.m., if necessary

PLACE: Holiday Inn Select, 5750 T. G. Lee Boulevard, Orlando, FL 32822, (407)851-6400

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Business.

A copy of the agenda may be obtained by contacting: Sherra Causey, Board of Clinical Laboratory Personnel, BIN #C07, 4052 Bald Cypress Way, Tallahassee, FL 32399-3257.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Clinical Laboratory Personnel, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board using the Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Department of Health, Board of Physical Therapy Practice** announces a meeting to which all persons are invited:

DATES AND TIME: June 29-30, 2001, 8:00 a.m. or soon thereafter

PLACE: The Embassy Suites Hotel, 1100 S. E. 17th Street, Ft. Lauderdale, FL 33316, (954)527-2700

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting, Rules Review.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, BIN #C05 Tallahassee, Florida 32399-3255 or by calling the board office, (850)245-4373.

Please note that if a person decides to appeal any decision made by the board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The **Department of Health** announces a meeting of the Research Review and Advisory Committee to which all persons are invited:

DATE AND TIME: June 21, 2001, 10:00 a.m.

PLACE: Hurston Building, Conference Room B, 400 West Robinson Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed and current research projects, including the review and comment on the draft "Seasonally Inundated Area Study".

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, (850)245-4070 or by email at shirley\_kugelr@doh.state.fl.us.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The **Health and Human Services Workgroup** will meet on the following dates and times:

DATES AND TIME: Wednesday, June 20, 2001; Wednesday, July 18, 2001; Wednesday, August 15, 2001, 9:00 a.m. – 4:00 p.m.

PLACE: Winewood Complex, Building 8, Room 232, 1317 Winewood Boulevard, Tallahassee, Florida

In accordance with the Americans with Disabilities Act, persons needing an accommodation to participate in this meeting should contact Susan Moore prior to the meeting at the Department of Children and Family Services, Building 1,

Room 202, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)487-1111, Suncom 277-1111 or call via The Florida Relay Service, 1(800)955-8771 (TDD).

The **Department of Children and Family Services**, Refugee Services Program Office announces the following meetings to which all interested persons are invited:

\*MEETING: Districts 5, 6 and 14/Tampa Bay Area Refugee Task Force

DATE AND TIME: June 26, 2001, 9:30 a.m.

PLACE: TBA, contact person is 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 contacting: Osman Uzun, Refugee Services Office, Building 1, Room 303, 1317 Winewood Blvd., Tallahassee, Florida 32399-0700.

\*MEETING: District 7/Orlando Refugee Task Force

DATE AND TIME: June 13, 2001, 9:30 a.m.

PLACE: Catholic Charities of Orlando, 1771 North Semoran Blvd., Orlando, FL 32897, contact person is Taddese Fessehaye, (850)413-8227

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Orlando Area/Children and Families District 7 area.

A copy of the agenda may be obtained by contacting: Taddese Fessehaye, Refugee Services Office, Building 1, Room 303, 1317 Winewood Blvd., Tallahassee, Florida 32399-0700.

MEETING: District 9/Palm Beach Area Refugee Task Force

DATE AND TIME: June 20, 2001, 1:30 p.m.

PLACE: Naval and Marine Reserve Center, 1227 Marine Drive, West Palm Beach, FL, contact person is Taddese Fessehaye, (850)413-8227

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Palm Beach Area/Children and Families, District 9 area.

A copy of the agenda may be obtained by contacting: Taddese Fessehaye, Refugee Services Office, Building 1, Room 303, 1317 Winewood Blvd., Tallahassee, Florida 32399-0700.

\*MEETING: District 10/Broward County Refugee Task Force

DATE AND TIME: June 26, 2001, 9:00 a.m.

PLACE: First Lutheran Church, 441 N. E. 3rd Ave., Ft. Lauderdale, FL 33301, contact person is Cheraka Thomas, (850)414-0067

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Broward County/Children and Families, District 10 area.

A copy of the agenda may be obtained by contacting: Cheraka Thomas, Refugee Services Office, Building 1, Room 303, 1317 Winewood Blvd., Tallahassee, Florida 32399-0700.

\*MEETING: District 11/Miami Area Refugee Task Force

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

PLACE: Miami-Dade Community College, Building 2, Room 2106, 300 N. E. Second Avenue, Miami, Florida, (305)237-7069, contact persons are Bill Long, (850)413-8207 and Vinayak Sharma, (850)413-9225

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Miami Area County/Children and Families, District 11 area.

A copy of the agenda may be obtained by contacting: Bill Long or Vinayak Sharma, Refugee Services Office, Building 1, Room 303, 1317 Winewood Blvd., 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.

The **Department of Children and Family Services**, Alcohol, Drug Abuse and Mental Health Program Office, announces a public meeting to which all persons are invited:

DATE AND TIME: June 29, 2001, 10:00 a.m. – 11:00 a.m.

PLACE: Hurston Building, North Tower, Conference Room B, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department is seeking public input and information regarding the designation or re-designation of District 7, Public Baker Act receiving facilities.

AGENDA: Lakeside Alternatives, Inc., Princeton Plaza.

A copy of the agenda may be obtained by contacting: Roxanne Marques, 400 West Robinson Street, Suite S430, Orlando, Florida 32801, (407)245-0420.

NOTE: Persons with disabilities requiring accommodations in order to participate in this event should contact the following person(s) by telephone or in writing: Roxanne Marques, 400 West Robinson Street, Suite S430, Orlando, Florida 32801, (407)245-0420 or 1(800)955-8771 (TDD/TTY) or 1(800)955-8770 (Voice), by close of business (5:00 p.m.), June 22, 2001.

## NAVIGATION DISTRICTS

The Board of Commissioners of the **Florida Inland Navigation District** announces a public meeting to which all persons are invited:

DATES AND TIME: Friday and Saturday, June 22-23, 2001, 8:30 a.m.

PLACE: The Radisson Resort at the Port, 8701 Astronaut Boulevard, Port Canaveral, Brevard County, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Board of Commissioners to conduct the regular business of the District. Additionally, the District's Property Acquisition and Management and Manatee Sign Committees will meet.

A copy of the agenda may be obtained by contacting: District Office, 1314 Marcinski Road, Jupiter, FL 33477, (561)627-3386 for more information.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceeding, and for such purposes, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the District prior to the meeting.

## FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission** announces a series of public workshops concerning sponges, to which all interested persons are invited:

DATE AND TIME: June 25, 2001, 6:00 p.m. – 8:00 p.m.

PLACE: Old City Hall, 512 Greene Street, Key West, Florida

DATE AND TIME: June 26, 2001, 6:00 p.m. – 8:00 p.m.

PLACE: Monroe County Public Library, Islamorada, Florida

DATE AND TIME: June 27, 2001, 6:00 p.m. – 8:00 p.m.

PLACE: Phichol Williams Community Center, 951 S. W. 4th Street, Homestead, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission is holding a series of workshops to gather public testimony regarding the fishery for "commercial" sponges in the Florida Keys, including, but not limited to, whether to impose restricted species status, a recreational bag limit, a different minimum size limit, a sponge endorsement or limited entry.

A copy of the agenda may be obtained by contacting: Roy Crabtree, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all interested persons are invited:

DATE AND TIME: June 21, 2001, 9:00 a.m. – 4:30 p.m.

PLACE: Holiday Inn, Palm Beach Airport, 1301 Belvedere Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and discuss substantive and procedural issues associated with uniform waterway markers, forms and boating restricted areas, as part of the regularly scheduled meeting of the Boating Advisory Council.

A copy of the agenda may be obtained by contacting: Boating Advisory Council, FWC Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

If any person decides to appeal any decision made with respect to any matter considered at the above meeting, he or she will need a record of the proceedings. For this purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record 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 this meeting is asked to advise the agency at least five calendar days before the meeting by contacting Andrena Knicely, (850)487-1406. If hearing or speech impaired, please contact the agency by calling (850)488-9542.

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#### TALLAHASSEE COMMUNITY COLLEGE

The **Florida Criminal Justice Standards and Training Commission**, Region XV, Training Advisory Council announces a public meeting to which all interested persons are invited:

DATE AND TIME: June 13, 2001, 9:00 a.m.

PLACE: Pat Thomas Law Enforcement Academy, U.S. Highway 90, 14 miles west of Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regularly scheduled meeting of the Region XV Training Advisory Council of the Florida Criminal Justice Standards and Training Commission. The primary business of the meeting will be to discuss training issues and to elect a chairman and vice-chairman for FY 2001/2002.

A copy of the agenda may be obtained by contacting: Chief Jim Howell, Florida Highway Patrol Training Academy, 2908 Ridgeway Street, Tallahassee, Florida 32308.

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#### OFFICE OF LEGISLATIVE SERVICES

The **Legislative Committee on Intergovernmental Relations** (LCIR) announces a meeting of the LCIR on Monday, June 20, 2001, to which all persons are invited to attend:

DATE AND TIME: June 20, 2001, 10:30 a.m. – 3:30 p.m.

PLACE: Brevard County, Supervisor of Elections, Canvassing Room, The Government Center, Building C, 1st Floor, 2725 Judge Fran Jamieson Way, Viera, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the following: Update on Legislative Session; Implementation of Simplified Communications Tax (SB 1878): Pam Cook – BellSouth; John Wayne Smith – Florida League of Cities, Bob McKee – Florida Association of Counties; LCIR Projects for 2001-2002 Interim; Voting Systems in Florida – Implementation of Florida's Election Reform Act of 2001 (Ch. 2001-40, L.O.F.), Pam Iorio, Hillsborough County, Supervisor of Elections and President of Florida State Association of Supervisors of Elections; Federal Issues: 1) Update on Federal/State Summit – March 19, 2001, and 2) Highlights of Federal Funding to Florida; Approval of Review of Draft Report – Methods to Improve Intergovernmental Coordination; Other Business.

A copy of the agenda may be obtained by contacting: Legislative Committee on Intergovernmental Relations c/o House Office Building, Tallahassee, Florida 32399-1300 or (850)488-9627.

Special accommodations at this meeting for persons with disabling conditions should be requested in writing at least 48 hours in advance. Contact Sandy Brooks, Legislative Committee on Intergovernmental Relations, Room 4, Holland Building, Tallahassee, Florida.

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#### FLORIDA CONFLICT RESOLUTION CONSORTIUM

The **Florida Conflict Resolution Consortium** announces a meeting of its Advisory Council to which all interested parties are invited:

DATE AND TIME: Thursday, June 21, 2001, 9:00 a.m. – 3:00 p.m.

PLACE: Florida Atlantic University, Reubin O' D. Askew University Tower, Room 724, 220 Southeast Second Avenue, Ft. Lauderdale, Florida 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be a strategic planning session.

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The **Able Trust** (Florida Endowment Foundation for Vocational Rehabilitation) will hold a Board teleconference on:

DATE AND TIME: Thursday, June 21, 2001, 10:00 a.m.

PLACE: The Able Trust office, 106 E. College Avenue, Suite, 820, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda will include approval of recommended grants to assist citizens with disabilities in achieving employment.

A copy of the agenda, special accommodations or alternative format may be obtained by contacting: The Able Trust, (850)224-4493 or 1(888)838-2253.

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**FLORIDA SURPLUS LINES SERVICE OFFICE**

The **Florida Surplus Lines Service Office** announces a quarterly meeting of its Board of Governors, to which all interested parties are invited:

DATE AND TIME: Wednesday, July 25, 2001, 1:00 p.m.

PLACE: Boca Raton Resort & Club, N. E. Kingman Room, 501 East Camino Real, Boca Raton, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Matters.

A copy of the agenda may be obtained by sending a faxed request to: Kristen Bertagnoli, (850)513-9624.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact Kristen a week prior to the meeting, (850)224-7676, Ext. 16.

**SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION**

The **Sunshine State Governmental Financing Commission** announces a public meeting, where all interested parties are invited:

DATE AND TIME: Friday, June 29, 2001, 11:00 a.m.

PLACE: Miami-Dade County Seaport Administration Building, Second Floor, Main Conference Room, 1015 North American Way, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors Meeting.

Note: A copy of the agenda may be obtained by contacting: Mr. Richard C. Dowdy, Program Administrator, (850)878-1874.

**Section VII  
Notices of Petitions and Dispositions  
Regarding Declaratory Statements**

**PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN THAT the Florida Public Service Commission has received the petition for a Declaratory Statement of GTC, Inc., d/b/a GT Com. The petition inquires as to whether GT Com's transfer of telephone number (850)227-2121 from Sea Cliff's Beach Homes to Abacus Realty in March of 2000 constituted a valid initiation and transfer of service as contemplated by Rule 25-4.108, Florida Administrative Code, and Section 2.18 of GT Com's Commission-approved tariff. Docket No. 010699-TL.

**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:**

Punta Gorda HMA, Inc., Licensee for Charlotte Regional Medical Center vs. Agency for Health Care Administration; Case No.: 01-1915RP; Rule No.: 59C-1.033(7)(b),(c)

Naples Community Hospital, Inc. vs. Agency for Health Care Administration; Case No.: 01-1957RP; Rule No.: 59C-1.033(7)(b),(c)

Florida Health Sciences Center, Inc., d/b/a Tampa General Hospital vs. Agency for Health Care Administration; Case No.: 01-1958RP; Rule No.: 59C-1.033(7)(b),(c)

Florida Hospital Association, Inc. vs. Agency for Health Care Administration; Case No.: 01-1959RP; Rule No.: 59C-1.033(7)(b),(c)

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**

**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**

## Section XI Notices Regarding Bids, Proposals and Purchasing

### DEPARTMENT OF EDUCATION

#### REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: 02L-17, BOR-131-296, Diamond Village, Renovate Building 296, estimated budget: \$300,000-\$350,000, to be opened June 29, 2001, 11:00 a.m. (Local Time), in Purchasing, Elmore Hall, Radio Road, Gainesville, FL. Scope of work: Major partial demolition and complete reconstruction with new material. A complete new mechanical split system. Portions of the existing electrical and plumbing systems will be re-used. All cabinets, stove, refrigerator, plumbing fixtures with trim and all electrical fixtures will be supplied by the Owner and installed by the Contractor. All new interior finishes, some new exterior finishes. New electrical sitework. Specifications and Plans will be available in Purchasing, Elmore Hall, Radio Road, Gainesville, FL, (352)392-1331. A Mandatory Pre-bid Meeting will be held June 12, 2001, 1:00 p.m., in the Housing Office Conference Room, southwest corner of Museum Road and S. W. 13th Street, Gainesville, FL. All questions should be directed to: A. J. Sontag, Assistant Director, UF Purchasing, (352)392-1331, Ext. 306. AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-bid or Bid opening, contact Emily J. Hamby, (352)392-1331, Ext. 303, within three (3) days of the event.

#### NOTICE TO CONSTRUCTION MANAGERS

Florida Atlantic University, on behalf of the State of Florida, Board of Regents announces that Construction Management services will be required for the project listed below:

Project No.: BR-663, Student Support Services located at Florida Atlantic University Boca Raton Campus.

The project consists of site development and construction of a 95,775 gross square feet consisting of primarily office space and general use areas. This new facility will house the offices of Admissions, Registrar, Student Academic Support Services, Cashier, Graduate Studies and Enrollment Management. The building will be located on the Boca Campus, on the east side of Broward Avenue, adjacent to the existing University Center. The estimated construction cost is \$12,033,700.00.

The contract for Construction Management services will consist of two phases. Phase one is pre-construction services, for which the Construction Manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 50%

Construction Document phase. If the GMP is accepted, Phase two, the construction phase, will be implemented. In phase two of the contract, the Construction Manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, ensuring the inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract or to arrive at an acceptable GMP within the time provided in the agreement, may result in the termination of the Construction Manager's contract.

Selection of finalists for interviews will be made on the basis of Construction Manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping, administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard State University System's Construction Management Agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The Construction Manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide Construction Management services for the project shall submit a letter of application and a completed Board of Regents "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a Construction Management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected Construction Management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Board of Regents "Construction Manager Qualifications Supplement" forms and the Project Fact Sheet may be obtained by contacting: Carla Capeletti, Office of the Associate Vice

President to the University Architect, Florida Atlantic University, Building T-10, Room 16, 777 Glades Road, Boca Raton, Florida 33431, (561)297-2663, (561)297-0224, Fax.

Five (5) bound copies of the required proposal data shall be submitted to: Mr. Tom Donaudy, Associate Vice President, Florida Atlantic University, Building T-10, Room 16, 777 Glades Road, Boca Raton, Florida 33431.

Submittals must be received at Facilities Planning Department, at the above address, by 5:00 p.m. (Local Time), Wednesday, July 18, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

**NOTICE TO PROFESSIONAL CONSULTANTS  
OFFICE OF FACILITIES PLANNING AND  
CONSTRUCTION  
FOR  
Professional Services**

Facilities Planning and Construction announces that Mechanical/Engineer services are required for a project entitled Replace Unit Ventilators and Controls at Andrew Jackson High School, No. 35, for Duval County Public Schools. The work is expected to consist of major maintenance to replace HVAC unit ventilators and their controls throughout the Main Building No. 1.

Applications are to be sent to: Facilities Planning and Construction  
1701 Prudential Drive  
5th Floor  
Jacksonville, FL 32207-8182  
M-88630

PROJECT NO.:  
PROJECT MANAGER.: Kevin Trussell  
PHONE NO.: (904)390-2279  
PROJECT BUDGET: \$800,000.00  
CONSTRUCTION BUDGET: \$585,000.00  
RESPONSE DUE DATE: June 13, 2001  
MBE GOALS: 20% Overall

**PUBLIC SCHOOLS  
ADVERTISEMENT FOR BIDS  
For  
General Contractor**

Sealed bids will be received by Duval County Public Schools, Division of Facilities Services, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207 until the 2:00 p.m., Tuesday, June 12, 2001, recorded below and immediately thereafter publicly opened and recorded in Room 513B, 1701 Prudential Drive, Jacksonville, Florida 32207.

June 12, 2001

**BIDS WILL BE OPENED AT 2:00 P.M.**

DCSB Project No. C-90840 – New Elementary School “X”  
No. 217 (Hartsfield Road, Jacksonville, Florida)

New two-story, 87,000 square foot elementary school with one story kitchen/cafetorium. Structure is tilt-up concrete wall/steel frame. Site work includes new driveways, sidewalks, parking lots, associated water retention ponds, landscaping and irrigation system. A sewage lift station, underground septic tanks and natural gas tanks are part of the project. Electrical work includes an emergency generator. Mechanical work includes an air-cooled chiller. A portion of the building will be built as an Enhanced Hurricane Shelter.

The construction budget is \$7,777,548.00.

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 29, 2001, 10:00 a.m., in Duval County School Board Building, Room 307, 1701 Prudential Drive, Jacksonville, Florida 32207. Failure to attend the pre-bid conference shall result in disqualification of that firm’s proposal. Attendees will be required to sign an attendance register.

All bidders and subcontractors shall be licensed contractors and registered corporations as required by the laws of the State of Florida.

Contract documents for bidding may be obtained for a fee of \$150.00 at the office of Reynolds, Smith and Hills, Inc., 4651 Salisbury Road, Suite 400, Jacksonville, Florida 32256, (904)296-2000.

Contract documents for bidding may be examined at but not obtained at Duval County Public Schools, Facilities Services, 5th Floor, 1701 Prudential Drive, Jacksonville, FL. If you have any questions, please contact Mr. John Nicholson, (904)390-2484.

MBE Participation Goal: 10% AA; 3% HANA; 7% WBE

**ADVERTISEMENT FOR BIDS**

Sealed bids will be received by the Duval County Public Schools, Division of Facilities Services, School Board Building, Room 546, 1701 Prudential Drive, Jacksonville, Florida 32207 for:

**PROJECT TITLE:** Roof Replacement at Terry Parker High School, No. 86, Duncan U. Fletcher High School, No. 223 and Darnell-Cookman Middle School, No. 145 (Stage I)

**BID NUMBER:** M-85020 (Stage I is for roof replacement at Darnell-Cookman Middle School No. 145)

**SCOPE OF WORK:** Replace all old built up roofing on all buildings at Darnell-Cookman Middle School No. 145.

**BIDS:** Bids will be received until 2:00 p.m., Tuesday, July 10, 2001 and immediately thereafter publicly opened, read aloud and recorded in Conference Room No.

513D, 5th Floor Facilities, School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207.

All roofing contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on July 2, 2001, 10:00 a.m. (Local Time), Darnell-Cookman Middle School, No. 145, 1701 Davis Street, Jacksonville, Florida 32209. 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 prime bidders shall be licensed state certified roofing contractors and registered corporations, subcontractors shall be licensed contractors as required by the laws of the State of Florida.

Contract documents for bidding may be obtained at the office of Akel, Logan & Shafer P. A., 704 Rosselle Street, Jacksonville, Florida 32204. A refundable deposit of seventy-five dollars per set is required.

Duval County School Board point of contact is Dale Hughes, Plant Services, (904)858-6300.

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:** Minority Business Enterprise participation will be 10% overall.

**DEPARTMENT OF TRANSPORTATION**

The Florida Department of Transportation, District 5 is soliciting bids. Sealed bids will be received in the Mail Room or reception desk on the 1st Floor of the Florida Department of Transportation, District Five Office, 719 S. Woodland Boulevard, DeLand, Florida 32720, until 3:00 p.m. (Local Time), Wednesday, August 1, 2001, for the work described below. Address mailed Packages: Attention, Sealed Bid, MS-522P. Bid's will be publicly opened and read aloud on:

**DATE AND TIME:** August 1, 2001, 3:15 p.m. (Local Time)

**PLACE:** Florida Department of Transportation, District Five Office, Conference Room, 4th Floor, 719 S. Woodland Boulevard, DeLand, Volusia County, Florida

State Project Number: 403994 1 52 01

Work under this contract consists of the following: Renovations and Modifications to the existing DeLand District Office Complex Facilities located at 720 South Alabama Avenue, DeLand, Florida and to the Departments existing storage facility located under the ramp for the parking garage located at 719 South Woodland Boulevard, DeLand, Florida 32720.

**ALTERNATE NO. 1** – Removal and replacement of the existing East wall of the storage area located under the ramp of the Departments Parking Garage, this work will include removal of existing wall system and HVAC units and duct system, Florida Power primary power supply to this area, telephone wiring and Fire Alarm panel.

A PRE-BID CONFERENCE is scheduled for July 12, 2001, 10:00 a.m. (Local Time), at the Departments DeLand District Office, in the Cypress B/C Meeting Room located at, 719 South Woodland Boulevard, DeLand, Florida 32720, (904)943-5005. Agency representatives will be present to discuss the Plans, Specifications and Contract Documents for this project.

**PREQUALIFICATION:** Each bidder shall submit with his bid a copy of his current General or Building Contractors License issued by the State of Florida and, if a Florida Corporation, a copy of the Corporate Charter as pre-qualification of their eligibility to submit bids. After the bid opening, the lowest responsible bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of the rule requirements is included in the Bid Proposal package.

**PLANS AND SPECIFICATIONS/BID DOCUMENTS:** Orders for Plans, Specifications and/or Bid Documents should be directed to Cindy Maluda, District Contracts, 719 S. Woodland Boulevard, DeLand, Florida 32720, (904)943-5534 or (904)943-5523.

**NOTE:** Proposal documents will not be issued after 3:30 p.m. (Local Time), Tuesday, July 31, 2001. Bids must be submitted in full accordance with the requirements of the Plan Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the Contracts Administration Office. Requirements for project noted above:

1. **MINORITY PROGRAM:** The Department encourages the recruitment and utilization of certified and non-certified minority businesses. The Department, its contractors, suppliers, and consultants should take all necessary and reasonable steps to ensure that minority businesses have an opportunity to compete for and perform contract work for the Department in a nondiscriminatory environment.
2. **BID BOND:** If the bid on a project exceeds \$100,000, the bidder must provide with the bid, a good faith deposit in the amount of five percent of the bid. This may be accomplished by way of a bid bond from a surety insurer



authorized to do business in this State as surety, a certified check made payable to Florida Department of Transportation, a cashier's check, treasurer's check or bank draft of any national or state bank. A bid bond, check or draft in an amount less than five per cent of the actual bid will invalidate the bid. Bid bonds shall conform to (Exhibit) provided with the proposal forms.

3. **PERFORMANCE AND LABOR AND MATERIAL PAYMENT BOND:** If the contract award amount exceeds \$100,000, a Performance Bond and Labor and Material Payment Bond for the full amount will be required.
4. **BID POSTING:** Unless otherwise notified in writing, the Summaries of Bids and Notices of Intent will be posted in Cubicle Number 30, 4th Floor of the DeLand District Office, 719 S. Woodland Boulevard, DeLand, Florida on August 3, 2001. In the event that the Summary of Bids and Notice of Intent cannot be posted on this date, then all bidders will be notified by certified United States mail or express delivery, return receipt requested. Information concerning the posted projects can be obtained by calling the District Contracts Office, (904)943-5523.
5. **BID SOLICITATION / AWARD / NON-AWARD PROTEST RIGHTS:** Any person adversely affected by this Bid Solicitation shall file a notice of protest within 72 hours of receipt of the bid documents. Any person adversely affected by the intended decision of the Department to award a contract or to reject all bids shall file a notice of protest within 72 hours after the posting of the Summary of Bids. If notice of intended decision is given by certified mail or express delivery, the adversely affected person must file the notice of protest within 72 hours after receipt of the notice of intent. A formal written protest must be filed within ten days after filing the notice of protest. The formal written protest shall state with particularity the facts and law upon which the protest is based. All protests must be submitted in accordance with Section 120.57(3), Florida Statutes. The required notice of protest and formal protest must each be timely filed with the Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

The Department reserves the right to reject any or all bids.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

The Agency for Health Care Administration (AHCA) released a Request for Proposals (AHCA-0108) on June 1, 2001 for the Medicaid Area One Prepaid Mental Health Plan, as authorized by subsection 409.912(3)(b)2., Florida Statutes.

**SPECIAL INSTRUCTIONS:** All sealed technical proposals must be received by AHCA on or before August 1, 2001, 4:00 p.m.

**QUESTIONS AND PROPOSALS SHOULD BE SUBMITTED TO:** Wendy Smith, Issuing Officer, Medicaid Program Development, Agency for Health Care Administration, Building 3, 2728 Mahan Drive, Tallahassee, FL 32308, (850)487-2618, Fax (850)414-1721.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**NOTICE OF INVITATION TO BID**

**BID NO. BDRS 75-00/01**

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the project listed below:

**PROJECT NAME:** Visitors Center  
**SCOPE OF WORK:** The contractor shall provide the necessary labor, supervision, equipment and materials to construct a new 2800 sq. ft. Visitors Center including utilities and associated site amenities.

**PARK LOCATION:** Ichetucknee Springs State Park  
 On S.R. 47, 4 miles N. W. of Fort White, (Columbia Co.) FL

**PROJECT MANAGER:** Marvin Allen  
 Bureau of Design and Recreation Services

**TELEPHONE NUMBER:** (850)488-5372  
**FAX NUMBER:** (850)488-1141

**MINORITY DIVERSITY:** The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

**PREQUALIFICATION:** When the total bid price including alternates exceeds \$200,000, bidders whose fields are governed by Chapters 399, 489 and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their

eligibility to submit bids five (5) calendar days prior to the opening date.

**INSTRUCTIONS:** Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number listed below:

Plans and specifications will be available on Friday, June 8, 2001 at:  
Ichetucknee Springs State Park  
Route 2, Box 5355  
Fort White, Florida 32038-9667  
Attention: Azell Nail, Park Manager  
Telephone Number: (386)497-4690

**ADA REQUIREMENTS:**

Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Bureau of Design and Recreation Services, (850)488-5372, at least five (5) workdays prior to opening.

**BID SUBMITTAL DUE DATE:**

No later than 3:30 p.m., Tuesday, July 10, 2001 to the below address:  
Florida Department of Environmental Protection  
Bureau of Design and Recreation Services  
3540 Thomasville Road  
Tallahassee, Florida 32308

The Department reserves the right to reject any or all bids.  
Michael Renard, Contracts Manager, Bureau of Design and Recreation Services

**DEPARTMENT OF MILITARY AFFAIRS**

**NOTICE OF CANCELLATION – ADVERTISEMENT FOR BIDS**

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS, LISCENSED BY THE STATE OF FLORIDA, FOR THE CONSTRUCTION OF:

PROJECT NO: CFMO-200287 ACCOUNTING CODE:  
PROJECT NAME AND LOCATION: Construct Building 3050 (Guard House) CBTS, Starke, Florida

FOR: Department of Military Affairs, Construction and Facility Management Office

**MINORITY PROGRAM:** An MBE participation goal of 10% has been established for this project. The Bidder is required to meet or exceed MBE participation goals or make good faith effort to contract with certified Minority Business Enterprises. The Bidder is advised to review the contract documents immediately in order to schedule the necessary tasks to accomplish good faith efforts.

**QUALIFICATIONS:** General Contractors licensed by the state of Florida.

**PUBLIC ENTITY CRIME INFORMATION STATEMENT:** A person or affiliate, who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

**BID SECURITY:** If the bid proposal amount is \$100,000 or less, a bid security (5%) is not required.

**PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND:** If the construction contract award amount is \$100,000 or less, a Performance Bond and Labor Material Payment Bond are not required.

Sealed bids will be received, publicly read aloud on:

**DATE AND TIME:** June 8, 2001, until 10:00 a.m. (Local Time)

**PLACE:** Robert F. Ensslin Armory, 2305 State Road 207, St. Augustine, Florida

**PROPOSAL:** Bids must be submitted to the Department of Military Affairs, CFMO ATTN: Woodruff Ken, 2305 State Road 207, St. Augustine, Florida 32086, (904)823-0288, in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained, as of May 11, 2001, from Pitman, Hartenstein and Associates, Inc., (904)724-3546, for \$50.00 (non-refundable).

All Technical question shall be directed to the A/E.

**ARCHITECT-ENGINEER:** Pitman, Hartenstein and Assoc., Inc., 7820 Arlington Expressway, Suite 640, Jacksonville, Florida 32211, Mark Norton, (904)724-3546

**CONTRACT AWARD:** The Bid Tabulation and Notice of Award Recommendation will be posted at the location where the bids were opened. In the event that the Bid tabulation and Notice of Award Recommendation can not be posted in this manner, then all bidders will be notified by certified United

States Mail, return receipt requested. If no protest is filed per Section B-21 of the Instructions To Bidders, "Notice and Protests Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5, F.A.C., by the Owner. **AWARD OF CONTRACT IS CONTINGENT UPON THE AVAILABILITY OF FUNDS.**

**NOTICE OF CANCELLATION – ADVERTISEMENT FOR BIDS**

PROJECT NO: CFMO-200287      ACCOUNTING CODE:  
 PROJECT NAME AND LOCATION: Construct Building  
 3050 (Guard House) CBTS, Starke, Florida  
 FOR: Department of Military Affairs, Construction and  
 Facility Management Office.  
 DATE AND TIME: June 29, 2001, until 10:00 a.m. (Local  
 Time)  
 PLACE: Robert F. Ensslin Armory, 2305 State Road 207, St.  
 Augustine, Florida  
 PROPOSAL: Bids must be submitted to the Department of  
 Military Affairs, CFMO ATTN: Master Sergeant Kevin  
 McElroy, 2305 State Road 207, St. Augustine, Florida 32086,  
 (904)823-0283, in full accordance with the requirements of the  
 Drawings, Specifications, Bidding Conditions and Contractual  
 Conditions, which may be examined and obtained, as of June  
 8, 2001, from Pitman, Hartenstein and Associates, Inc.,  
 (904)724-3546, for \$50.00 (non-refundable).  
 All Technical question shall be directed to the A/E  
 ARCHITECT-ENGINEER: Pitman, Hartenstein and Assoc.,  
 Inc., 7820 Arlington Expressway, Suite 640, Jacksonville,  
 Florida 32211, (904)724-3546, Mark Norton.

**CANAVERAL PORT AUTHORITY**

**INVITATION TO BID**

Sealed proposals will be received from pre-qualified bidders by the undersigned in the Commission Meeting Room at the office of the Canaveral Port Authority, 200 George King Blvd., Cape Canaveral, Florida 32920 for construction of SR 401 Overpass and the West Turning Basin Cruise Intermodal Gate. until 2:00 p.m., June 14, 2001, at which time and place they will be publicly opened and read aloud. Project cost is estimated at approximately from \$15,000,000.00 to \$17,000,000.00; not including alternates if any. The Work is generally described as follows: Construct a fly-over bridge on S.R. 401. Make improvements to Charles M. Rowland Drive including utilities for water, reuse water, wastewater, stormwater, irrigation, landscaping and construction of parking and bus and car unloading facilities.

All work performed shall be in accordance with the Contract Documents pertaining thereto, which may be examined at the office of Gee & Jenson, Engineers-Architects-Planners, Inc.,

730 Mullet Road, Unit A, Cape Canaveral, Florida 32920, or at the office of the Canaveral Port Authority, May 14, 2001 and thereafter.

Copies of the Contract Documents, including blank bid forms may be obtained May 14, 2001 and thereafter at the office of Gee & Jenson, Inc., upon payment of \$250.00 for each set which amount will not be refundable.

Make checks payable to Canaveral Port Authority and send to  
 Gee & Jenson, E.A.P., Unit A, 730 Mullet Road, Cape  
 Canaveral, FL 32920

Bid sets may be picked up at the offices of Gee & Jenson, E.A.P. at the address above.

A certified or cashier's check on a national or state bank or a bid bond in a sum not less than five percent (5%) of the amount of the base bid, made payable to the Canaveral Port Authority shall accompany each proposal as a guarantee that the bidders will not withdraw from the competition after the opening of proposals. In the event the contract is awarded to the bidder, he will be required to furnish a Public Construction Bond before entering into a contract. Failing to do so may result in the Owner retaining the bid bond for liquidated damages. Proposals shall be prepared, addressed and submitted in compliance with detailed instructions as set forth in the Contract Documents.

The Owner reserves the right to reject all proposals with or without cause, to waive technical errors and informalities and to accept the proposal which in its judgement best serves the Owner.

Bidders must be pre-qualified by the Florida Department of Transportation for the type of work contemplated.

The Canaveral Port Authority  
 By \_\_\_\_\_  
 Barbara Smith, Assistant Secretary

**TAMPA INTERNATIONAL AIRPORT**

**NOTICE TO PROFESSIONAL CONSULTANTS**

Pursuant to the Consultants Competitive Negotiation Act, Florida Statutes 287.055, the Hillsborough County Aviation Authority (HCAA) hereby requests, letters of interests from firms or individuals experienced in managing and implementing Residential Sound Insulation Programs at airports for the following project at Tampa International Airport, Tampa, Florida:

**RESIDENTIAL SOUND INSULATION AND PURCHASE OF AVIGATION EASEMENTS**

Based on the findings of the HCAA's year 2000 Part 150 Noise Compatibility Program, approximately forty-eight (48) single family homes are affected by the 65 dnl contour depicted on the 2005 Noise Exposure Map approved by the Federal Aviation Administration. Sound insulation services for these houses shall include, but not be limited to, acoustical testing, acoustical treatment recommendations, final design, bid

document preparation, bidding, construction management, inspection services, resident notification, program participant communication, eligibility requirements, database management and general record keeping, contracting procedure, code compliance, quality control, pilot program evaluation, progress reports, assist with Federal Aviation Administration coordination and compliance. Determining the value, administrative and legal services required to purchase avigation easements for properties that are not sound insulated will also be required. All avigation easements are to be acquired consistent with FAA standards. To receive a Request for Proposal, consultants or individuals must submit letters of interest to:

William J. Connors, Jr., Senior Director  
Planning and Design  
Hillsborough County Aviation Authority  
P. O. Box 22287  
Tampa, Florida 33622

Interested parties may address questions regarding this project to Nadine S. Jones, Director, Planning and Environmental Services, (813)870-8773. ONLY A LETTER EXPRESSING INTEREST IN RECEIVING THE REQUEST FOR PROPOSAL IS REQUIRED AT THIS TIME. A Request for Proposal will be sent in response to all letters of interest received.

A MANDATORY Pre-proposal Conference will be held Tuesday, July 24, 2001, 2:00 p.m. (Local Time), at the Hillsborough County Aviation Authority’s Board Room. All sections of the Request for Proposal and submittal requirements will be presented during the Pre-Proposal Conference.

Letters of Interests must be received at or before 5:00 p.m. (Local Time), Friday, June 29, 2001.

HILLSBOROUGH COUNTY AVIATION AUTHORITY  
By: /s/ Louis E. Miller  
Louis E. Miller, Executive Director

**NOTICE TO PROFESSIONAL CONSULTANTS**

Pursuant to the Consultants Competitive Negotiation Act, Florida Statutes 287.055, the Hillsborough County Aviation Authority (HCAA) hereby requests, letters of interests from firms or individuals experienced in preparing design specifications for the following project at Tampa International Airport, Tampa, Florida:

**DEVELOPMENT OF DESIGN CRITERIA AND SPECIFICATIONS FOR AN ENGINE RUN-UP ENCLOSURE**

Services to be provided shall include, but not be limited to, determining design aircraft for an engine run-up enclosure based on acoustics, aerodynamics, aircraft size, aircraft movement clearances, compatibility with airport operations and engine height. In addition, firms or individuals will be

required to prepare Design/Build specifications, cost estimates and implementation schedule. Services will also include preparing evaluation criteria and participating in the review of Design/Build submittals for the Engine Run-up Enclosure at Tampa International Airport. A more detailed Scope of Services will be included in the “Request for Proposal for Development of Design Criteria and Specifications for an Engine Run-up Enclosure”. To receive a Request for Proposal, consultants or individuals must submit letters of interest to:

William J. Connors, Jr., Senior Director  
Planning and Design  
Hillsborough County Aviation Authority  
P. O. Box 22287  
Tampa, Florida 33622

Interested parties may address questions regarding this project to Nadine S. Jones, Director, Planning and Environmental Services, (813)870-8773. ONLY A LETTER EXPRESSING INTEREST IN RECEIVING THE REQUEST FOR PROPOSAL IS REQUIRED AT THIS TIME. A Request for Proposal will be sent in response to all letters of interest received.

A MANDATORY Pre-proposal Conference will be held Wednesday, July 25, 2001, 10:00 a.m. (Local Time), at the Hillsborough County Aviation Authority’s Board Room. All sections of the Request for Proposal and submittal requirements will be discussed during the Pre-Proposal Conference.

Letters of Interests must be received at or before 5:00 p.m. (Local Time), Thursday, June 28, 2001.

HILLSBOROUGH COUNTY AVIATION AUTHORITY  
By: /s/ Louis E. Miller  
Louis E. Miller, Executive Director

**Section XII  
Miscellaneous**

**DEPARTMENT OF BANKING AND FINANCE**

**NOTICE OF FILINGS**

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following application and/or other notice. Comments may be submitted to the Director, Division of Banking, Suite 636, Fletcher Building, 101 East Gaines Street, 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, Suite 526, Fletcher Building, 101 East Gaines Street, 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., June 29, 2001):

**APPLICATION FOR A NEW FINANCIAL INSTITUTION**  
 Applicant and Proposed Location: The Royal Palm Bank of Florida, 1255 Creekside Parkway, Naples, Florida 34110  
 Correspondents: John V. Boardman, 452 Barcelona Court, Marco Island, Florida 34145 and Arnold J. Haake, 24712 Lakemont Cove Lane, Suite 101, Bonita Springs, Florida 34134, Received: May 23, 2001

**EXPANDED FIELD OF MEMBERSHIP**

Name and Address of Applicant: Gulf States Credit Union, 9405 South Highway 17-92, Maitland, Florida 32751  
 Expansion Includes: Employees of Xact Telesolutions  
 Received: May 24, 2001

**DEPARTMENT OF COMMUNITY AFFAIRS**

**NOTICE OF APPROVAL FOR PRESERVATION  
 2000 FUNDS**

The Florida Communities Trust (Trust) reviewed and approved project plans for land acquisition projects submitted under the Trust Preservation 2000 Program P8A and P9A funding cycles. The project plans listed below were approved by the Executive Director under authority delegated from the governing body. The Executive Director is authorized to execute the agreements for acquisition of the project sites and all other documents necessary to close the project and release funds as follows:

- Project: 98-033-P8A/Fort Fanning Heritage Park (Secreast parcel)
- Grantee: City of Fanning Springs
- Amount of Approved Funds: the lesser of 100.00% of the final total project costs or \$1,266,800.00.
- Project: 98-036-P8A/Lake Helen Greenway (Titus)
- Grantee: City of Lake Helen
- Amount of Approved Funds: the lesser of 100.00% of the final total project costs or \$1,465,000.00.
- Project: 99-015-P9A/High Ridge Scrub Natural Area (Reimbursement)
- Grantee: Palm Beach County
- Amount of Approved Funds: the lesser of 40.00% of the final total project costs or \$285,600.00.
- Project: 99-083-P9A/Timberlane Ravine (Diocese of Pensacola Parcel)
- Grantee: City of Tallahassee
- Amount of Approved Funds: the lesser of 40.00% of the final total project costs or \$364,240.00.

**NOTICE OF ADMINISTRATIVE HEARING RIGHTS**

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant

to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, F.A.C. A petition is filed when it is received by the Trust Clerk, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

**BOARD OF TRUSTEES OF THE INTERNAL  
 IMPROVEMENT TRUST FUND**

**NOTICE**

Notice is hereby given that the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, or designee, is proposing the establishment of an Erosion Control Line, pursuant to Section 161.161, Florida Statutes, and will hold a Public Hearing at Town Council Chambers, Town of Fort Myers Beach, 2523 Estero Blvd., Fort Myers Beach, Florida 33931, June 21, 2001, 7:00 p.m., for the purpose of considering evidence bearing on the location of a proposed Erosion Control Line for the beach erosion control project known as Estero Island Beach Restoration Project. The location of the proposed Erosion Control Line is as follows:

The proposed Erosion Control Line lies along: Estero Island and Lovers Key fronting the Gulf of Mexico at the line of mean high water. The Erosion Control Line lies in Sections 23 and 24, Township 46 South, Range 23 East, Sections 19, 28, 29, 30 and 33, Township 46 South, Range 24 East, Sections 2, 3, 11 and 14, Township 47 South, Range 24 East, Lee County, Florida.

Written objections to, or inquires regarding, the proposed Erosion Control Line should be submitted to the: Office of Beaches and Coastal Systems, Department of Environmental Protection, Mail Station 300, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, prior to the date mentioned above. The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida reserves the right to deny establishment of the Erosion Control Line.

BY ORDER OF THE BOARD OF TRUSTEES  
OF THE INTERNAL IMPROVEMENT TRUST  
FUND OF THE STATE OF FLORIDA  
JEB BUSH, GOVERNOR

**AGENCY FOR HEALTH CARE ADMINISTRATION**

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for Hospital Outpatient Services.

**PURPOSE:** To comply with federal public notice requirements in Section 1902(a)(13)(A), of the Social Security Act in changing reimbursement for Hospital Outpatient Services, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Florida Title XIX Outpatient Hospital Reimbursement Plan (The Plan) with the Health Care Financing Administration (HCFA). The proposed amendment will revise the current plan to incorporate changes to the reimbursement methodology effective July 1, 2001.

**PROPOSED RATES:** The proposed rates, effective July 1, 2001, for hospital outpatient services will provide for the following:

1. Outpatient reimbursement ceilings will be eliminated for hospitals whose charity care and Medicaid days as a percentage of total hospital days equals or exceeds fifteen percent. The agency shall use the disproportionate share hospital 1997 audited data available as of March 1, 2001.
2. Outpatient reimbursement ceilings will be eliminated for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6%, and are a trauma center. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.
3. Hospital outpatient rates shall be reduced by 6% effective July 1, 2001 and restoring effective April 1, 2002.

4. Special Medicaid Payments will be made to outpatient hospitals providing enhanced services to low-income individuals.

**METHODOLOGIES:** The methodology underlying the establishment of the proposed rates for inpatient hospital services is based on the methodology currently being used for calculating rates, except that it will include:

1. Elimination of the outpatient reimbursement ceilings for hospitals whose charity care and Medicaid days as a percentage of total hospital days equals or exceeds fifteen percent. The agency shall use the disproportionate share hospital 1997 audited data available as of March 1, 2001.
2. Elimination of the outpatient reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6%, and are a trauma center. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.
3. Reducing hospital outpatient rates by 6% effective July 1, 2001 and restoring effective April 1, 2002.
4. Special Medicaid Payments to outpatient hospitals providing enhanced services to low-income individuals.

**JUSTIFICATION:** The justification for the proposed rate changes is the legislative direction provided in Specific Appropriation 257, Senate Bill 2000, General Appropriations Act 2001-2002.

The Agency is proposing the above rates and changes in methodology, effective July 1, 2001. Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: Carol Shotwell, Agency for Health Care Administration, Building 3, Mail Stop 21, 2727 Mahan Drive, Tallahassee, Florida 32308. Written comments should be submitted no later than June 15, 2001.

Copies of the proposed reimbursement plan incorporating the above changes may be obtained by contacting Carol Shotwell, Medicaid Cost Reimbursement Section, at the address above.

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for Hospital Inpatient Services.

**PURPOSE:** To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for Hospital Inpatient Services, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Florida Title XIX Inpatient Hospital Reimbursement Plan (The Plan) with the Health Care

Financing Administration (HCFA). The proposed amendment will revise the current plan to incorporate changes to the reimbursement methodology effective July 1, 2001.

**PROPOSED RATES:** The proposed rates, effective July 1, 2001, for hospital inpatient services will provide for the following:

1. Special Medicaid payments will be made to statutory teaching hospitals, hospitals providing primary care to low-income individuals, hospitals which operate designated or provisional trauma centers and rural hospitals. Statutory teaching hospitals that qualify for Graduate Medical Education disproportionate share (DSH) hospital program shall be paid \$15,066,569 distributed in the same proportion as the Graduate Medical Education DSH payments. Hospitals providing primary care to low-income individuals and participating in the Primary Care DSH program shall be paid \$15,066,569 distributed in the same proportion as the Primary Care DSH payments. Hospitals, which are designated or provisional trauma centers, shall be paid \$15,400,000. Of this amount, \$6,000,000 shall be distributed equally between the hospitals which are a Level I trauma center; \$6,000,000 shall be distributed equally between the hospitals which are either a Level II or Pediatric Trauma Center; \$3,400,000 shall be distributed equally between the hospitals which are both a Level II and Pediatric Trauma Center. Rural hospitals participating in the Rural Hospital DSH program shall be paid \$11,500,000 distributed in the same proportion as the DSH payments.
2. Inpatient reimbursement ceilings will be eliminated for hospitals whose charity care and Medicaid days as a percentage of total hospital days equals or exceeds fifteen percent. Hospitals that exceed the fifteen percent as described above and are a trauma center shall be paid \$2,000,000 if their variable cost rate is less than their variable cost target or county ceiling target. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.
3. Inpatient reimbursement ceilings will be eliminated for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6%, and are a trauma center. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.
4. Special Medicaid payments will be made to hospitals which serve as a safety net in providing emergency and inpatient care to low-income and indigent individuals. Payments will be made in the following manner: \$12,185,472 shall be paid to University Medical Center – Shands, \$6,999,743 shall be

paid to All Children's Hospital, \$2,769,180 shall be paid to Miami Children's Hospital, \$2,487,882 shall be paid to Orlando Regional Medical Center, and \$3,596,914 shall be paid to Mt. Sinai Medical Center.

5. Special Medicaid payments of \$14,884,011 will be made to the statutory teaching hospitals. These funds shall be used by the statutory teaching hospitals in coordination with the Florida Department of Health and the Area Health Education Centers to enhance medical education programs.
6. The Medicaid inpatient per diem rate will be adjusted for Lake Wales Hospital, Winter Haven Hospital, Health Central Hospital and Larkin Community Hospital in accordance with s. 409.905(5)(c), Florida Statutes.
7. Hospital inpatient rates shall be reduced by 6 percent effective July 1, 2001 and restored effective April 1, 2002.
8. From the funds made available under the Medicare program, the Medicaid program and the State Children's Health Insurance Program Benefits Improvement and Protection Act of 2000 for the 2001 federal fiscal year, disproportionate share program funds shall be distributed as follows: \$13,937,997 to Jackson Memorial; \$285,298 to Mount Sinai Medical Center; \$313,748 to Orlando Regional Medical Center; \$2,734,019 to Shands – Jacksonville; \$1,060,047 to Shands – University of Florida; \$1,683,415 to Tampa General Hospital; and \$2,231,910 to North Broward Hospital District.
9. Special Medicaid payments of \$394,015,569 will be made to inpatient hospitals providing enhanced services to low-income individuals.

**METHODOLOGIES:** The methodology underlying the establishment of the proposed rates for inpatient hospital services is based on the methodology currently being used for calculating rates, except that it will include:

1. Special Medicaid payments to statutory teaching hospitals, hospitals providing primary care to low-income individuals, hospitals which operate designated or provisional trauma centers and rural hospitals, and statutory teaching hospitals that qualify for Graduate Medical Education disproportionate share (DSH) hospital program.
2. Elimination of the inpatient reimbursement ceilings for hospitals whose charity care and Medicaid days as a percentage of total hospital days equals or exceeds fifteen percent. Hospitals that exceed the fifteen percent as described above and are a trauma center shall be paid \$2,000,000 if their variable cost rate is less than their

variable cost target or county ceiling target. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.

3. Elimination of the inpatient reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6%, and are a Trauma Center. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.
4. Special Medicaid payments to hospitals which serve as a safety net in providing emergency and inpatient care to low-income and indigent individuals.
5. Special Medicaid payments to the statutory teaching hospitals. These funds shall be used by the statutory teaching hospitals in coordination with the Florida Department of Health and the Area Health Education Centers to enhance medical education programs.
6. Adjust per diem rates for Lake Wales Hospital, Winter Haven Hospital, Health Central Hospital and Larkin Community Hospital in accordance with s. 409.905(5)(c), Florida Statutes.
7. Hospital inpatient rates shall be reduced by 6 percent effective July 1, 2001 and restored effective April 1, 2002.
8. Disproportionate share program funds shall be distributed as follows: \$13,937,997 to Jackson Memorial; \$285,298 to Mount Sinai Medical Center; \$313,748 to Orlando Regional Medical Center; \$2,734,019 to Shands – Jacksonville; \$1,060,047 to Shands – University of Florida; \$1,683,415 to Tampa General Hospital; and \$2,231,910 to North Broward Hospital District
9. Special Medicaid payments of \$394,015,569 to inpatient hospitals providing enhanced services to low-income individuals.

**JUSTIFICATION:** The justification for the proposed rate changes is the legislative direction provided in Specific Appropriation 254, Senate Bill 2000, General Appropriations Act 2001-2002 and Sections 5 and 12 of Senate Bill 792.

The Agency is proposing the above rates and changes in methodology, effective July 1, 2001. Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: Carol Shotwell, Agency for Health Care Administration, Building 3, Mail Stop 21, 2727 Mahan Drive, Tallahassee, Florida 32308. Written comments should be submitted no later than June 15, 2001.

Copies of the proposed reimbursement plan incorporating the above changes may be obtained by contacting Carol Shotwell, Medicaid Cost Reimbursement Section, at the address above.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**NOTICE OF AVAILABILITY**

**FLORIDA CATEGORICAL EXCLUSION NOTIFICATION  
CITY OF PORT ORANGE**

The Florida Department of Environmental Protection has determined that the proposed construction for the Western Service Area Loop Distribution Mains, the Eastern Service Area Distribution Mains, Interconnects with Other Systems, Rehabilitation of Existing Distribution System and the Wellfield Expansion Phase III project will not adversely affect the environment. The projects consist of upgrades and expansion to the existing system. The total cost of the projects is estimated to be \$15,911,700. The project may qualify for a Drinking Water State Revolving Fund loan composed of federal funds and state funds.



A full copy of the Florida Categorical Exclusion Notification can be obtained by writing to: Bob Holmden, Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

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#### **DEPARTMENT OF HEALTH**

On May 25, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of William Neal Curry, RN license number RN 3316242. Curry's last known address is 16520 S. W. 294th Terrace, Homestead, Florida 33033. 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.

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On May 25, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Christopher Scot Richwine, RN license number RN 2897962. Richwine's last known address is 1603 North Park Road, Plant City, Florida. 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.

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On May 25, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of William J. Goldsmith, M.H.C., license number MH 3305. Goldsmith's last known address is 27384 Treadmill Drive, Punta Gorda, Florida 33955. 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.

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On May 9, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Deborah Hulbert, license number SW 4434. Hulbert's last known addresses are 101 A. Fairview Avenue, Ft. Myers, Florida 33905 and 2234 Stella Street, Ft. Myers, Florida 33901. 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.

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On May 25, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Margaret Gorham, RN license number RN 2993602. Gorham's last known address is 2785 50th Avenue, West, Suite 24, Bradenton, FL 34207. 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.

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**NOTICE OF SETTLEMENT DISCUSSION**

NOTICE IS HEREBY GIVEN THAT the Board of Nursing will conduct a closed session during its regularly scheduled meeting on June 15, 2001, 11:00 a.m. or shortly thereafter, at the Holiday Inn Select, 13051 Bell Tower Drive, Ft. Myers, Florida 33907, (941)482-2900, for the purpose of conducting an attorney-client settlement discussion in the matter of case number 00-2026F, Florida Medical Association, Florida Osteopathic Medical Association, Florida Academy of Family Physicians, Florida Chapter, American College of Physicians, American Society of Internal Medicine, Florida Chapter of the American College of Surgeons, Florida Psychiatric Society, Florida Academy of Pain Medicine, Florida Society of Anesthesiologists, Florida Society of Ophthalmology, Florida Ob-Gyn Society, Florida College of Emergency Physicians vs. State of Florida, Department of Health, Florida Board of Nursing.

The parties who will be in attendance are as follows: Dr. Ruth Stiehl, Executive Director, Edward A. Tellechea, Board Counsel and Board Members Cathy Oles, Anne Miller, Dr. Pamela Chally, Christine Gerace Crawford, Patricia W. Dittman, Michael Gotschall, Dr. Mary Kay Habgood, Keri A. Hockett, Mignon M. Perry, Patsey Powers, Rosa Ramos and Gloria Underhill.

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**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.

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

**RULES FILED BETWEEN May 14, 2001  
 and May 18, 2001**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF LEGAL AFFAIRS**

2-37.010	5/16/01	6/5/01	27/15	
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**DEPARTMENT OF INSURANCE**

4-191.036	5/14/01	6/3/01	27/7	
4-191.043	5/15/01	6/4/01	27/14	
4-191.046	5/14/01	6/3/01	27/7	
4-191.048	5/14/01	6/3/01	27/7	
4-191.073	5/14/01	6/3/01	27/7	

**DEPARTMENT OF EDUCATION**

**Florida A and M University**

6C3-10.117	5/14/01	6/3/01	Newspaper	
6C3-10.130	5/14/01	6/3/01	Newspaper	
6C3-10.133	5/14/01	6/3/01	Newspaper	
6C3-10.143	5/14/01	6/3/01	Newspaper	
6C3-10.230	5/14/01	6/3/01	Newspaper	
6C3-10.233	5/14/01	6/3/01	Newspaper	
6C3-10.337	5/14/01	6/3/01	Newspaper	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**STATE BOARD OF ADMINISTRATION**

19-8.010	5/14/01	6/3/01	27/7	27/16
19-8.029	5/14/01	6/3/01	27/7	27/16

**COMMISSION FOR THE TRANSPORTATION  
 DISADVANTAGED**

41-2.006	5/14/01	6/3/01	27/5	27/14
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
 REGULATION**

**Florida Building Code Administrators and Inspector**

61G19-9.003	5/16/01	6/5/01	27/6	27/16
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**DEPARTMENT OF HEALTH**

**Board of Dentistry**

64B5-12.020	5/18/01	6/7/01	27/11	27/15
64B5-14.003	5/18/01	6/7/01	27/11	27/15

**Board of Osteopathic Medicine**

64B15-19.002	5/18/01	6/7/01	27/11	
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**Board of Psychology**

64B19-11.003	5/16/01	6/5/01	27/15	
64B19-12.001	5/16/01	6/5/01	27/15	