

## Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF INSURANCE**

RULE TITLE: Guaranteed Availability of Individual Health Coverage to Eligible Individuals  
 RULE NO.: 4-154.112

PURPOSE AND EFFECT: The proposed amendment arose from a rule challenge. Paragraph 4-154.112(1)(b) was challenged on the grounds that the rule language conflicted with paragraph 627.6487(4)(a), F.S. The conflicting language is being deleted.

SUBJECT AREA TO BE ADDRESSED: Deletion of conflicting language.

SPECIFIC AUTHORITY: 624.308, 627.6487(4)(b) FS.

LAW IMPLEMENTED: 624.307(1), 627.6487 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: 2:00 p.m., July 10, 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 IS: Richard Robleto, Chief, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5110

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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-154.112 Guaranteed Availability of Individual Health Coverage to Eligible Individuals.

(1)(a) Each health insurance issuer that offers individual health insurance coverage shall make available to eligible individuals the two policy forms with the largest and the next to largest premium volume of all such policy forms offered by the issuer in the state or a particular marketing or service area in the individual market.

~~(b) Where the policy form provides multiple benefit structures, such as indemnity and PPO in one form, the aggregate of all options shall be used in making this determination.~~

~~(b)(e)~~ First year premium volume shall be calculated by using first year premium for the calendar year. In compiling the earned first year premium for the year, the company shall include earned premium for individuals renewing into a replacement form where a previously approved form has been discontinued.

~~(c)(d)~~ An insurer offering coverage in the individual market is not prohibited from establishing premium discounts.

(2) through (8) No change.

Specific Authority 624.308, 627.6487(4)(b) FS. Law Implemented 624.307(1), 627.6487 FS. History--New 9-19-00, Amended \_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

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

PURPOSE AND EFFECT: The purpose of this rule development is to revise certification rules to align with requirements in Florida Statutes. It is anticipated that as a result of the amendment to the rules listed above, the following rules will be recommended for repeal: 6A-4.050, 6A-4.052, 6A-4.066, 6A-4.068, and 6A-4.072, FAC. The effect of this action will be rules that are streamlined and reflect current requirements of Florida Statutes.

SUBJECT AREAS TO BE ADDRESSED: General certification requirements, professional education requirements, and requirements for renewal of Florida Educator Certificates.

SPECIFIC AUTHORITY: 229.053(1), 231.15(1), 231.17(5),(11), 231.24 FS.

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

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

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

#### 6A-4.001 Instructional Personnel Certification.

(1) The purpose of instructional personnel certification is to provide evidence that ~~educators~~ ~~the teachers~~ in the State of Florida are professionally qualified in order to protect the educational interests of students, parents, and the public at large. Instructional personnel who obtain certification in the State of Florida shall possess adequate pedagogical and relevant subject matter knowledge and demonstrate an acceptable level of professional performance.

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

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

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

#### 6A-4.002 General Provisions.

##### (1) Educator's certificates.

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

(b) The professional, nonrenewable professional, and temporary certificates are full-time educator's certificates. An applicant for a full-time Florida educator's certificate shall be governed by Florida Statutes and rules for the temporary and professional certificates that are in effect at the time of application and qualification for the initial full-time certificate provided successive full-time certificates are issued for consecutive school fiscal years. An individual who permits a

temporary certificate to expire for at least one (1) school fiscal year may secure another full-time certificate in accordance with Florida Statutes and rules for temporary and professional certificates which are in effect at the time the most recent application is received in the Bureau of ~~Educator Teacher~~ Certification, Florida Department of Education.

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

(d) Definition of coverage. The term "coverage" as used in Florida State Board of Education rules for ~~educator teacher~~ certification purposes shall be defined as the designation on a Florida educator's certificate which indicates the area in which an individual has a content knowledge base. The term "coverage" shall be used synonymously with the terms "subject," "area," or "field."

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

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

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

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

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

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

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

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

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

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

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

(2) Degree major.

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

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

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

(4) Waiver of college credit.

(a) Course exemption. Exemption from a college course shall be accepted the same as credit earned in that course to meet a specific course requirement for certification.

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

(5) Teaching experience.

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

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

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

(b) Utilization of teaching experience. A year of full-time teaching experience may be accepted in lieu of three (3) semester hours of college credit. A maximum of three (3) years of teaching experience may be used in lieu of nine (9) semester hours of college credit. Not more than two (2) years of teaching experience may be used in lieu of six (6) semester hours of college credit toward satisfying requirements in general preparation, professional preparation, or a specialization area. When teaching experience is used to satisfy a course requirement in a specialization area or to satisfy a

methods course requirement in professional preparation, the teaching experience shall be comparable to the course requirement acquired in the subject or field and at the appropriate instructional level to which it is applied.

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

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

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

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

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

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

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

(c) Exchange teachers.

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

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

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

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

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

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

6A-4.003 Degrees, Programs, and Credits.

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

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

(a) Regional accrediting associations.

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

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

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

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

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

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

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

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

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

year period immediately preceding the date of initial accreditation of the institution shall be considered as having been granted by a standard institution.

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

(b) Council on Postsecondary Accreditation. A bachelor's or higher degree awarded by an institution in the State of Florida accredited by an accrediting association which is a member of the Council on Postsecondary Accreditation shall be accepted as granted by a standard institution. The institution shall have been accredited at the level of the degree at the time the degree was awarded.

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

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

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

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

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

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

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

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

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

(c) The institution is a newly created university in the State University System of Florida that offers degree programs.

(d) The institution is located outside the United States and awards a degree that is the equivalent to a bachelor's or higher degree awarded by an accredited or approved institution in the United States. Isolated credit will be acceptable for certification purposes provided the credit is the equivalent of college credit earned in the United States, or

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

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

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

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

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

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

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

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

(4) Validation of degrees.

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

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

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

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

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

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

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

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

2. Master's degree. An earned master's degree or an earned advanced bachelor's degree of a professional nature, such as library science, in combination with an earned four-year bachelor's degree; or a post-bachelor's foreign degree that required at least five (5) years of higher education; or a foreign post-bachelor's degree that has been evaluated by an education credential evaluation agency or an accredited or approved standard institution and as the verified by the validating institution to be equivalent to a master's degree from an institution as described in Subsections (1) and (2) of this rule of higher learning in the United States shall be recognized as the master's degree level of training.

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

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

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

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

(a) ~~Teacher education programs at institutions accredited by the National Council for the Accreditation of Teacher Education. A teacher education program at the bachelor's degree level at an institution of higher learning which was accredited by the National Council for the Accreditation of Teacher Education shall fulfill the general and professional preparation requirements and the specialization requirements in the major subject of the approved program indicated on the college transcript. The institution shall have been accredited by~~

~~the National Council for the Accreditation of Teacher Education at the time the degree was awarded. A degree granted within the four (4) year period immediately preceding the date of initial accreditation of the institution shall be considered as having been granted by an institution which is accredited by the National Council for the Accreditation of Teacher Education.~~

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

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

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

~~1. The teacher education program shall have been approved for the initial regular certificate at the time of completion by the state department of education in the state where the institution is located, or by the National Council for the Accreditation of Teacher Education; and~~

~~2. The major subject of the approved program shall be in a subject in which Florida offers certification; and~~

~~3. The instructional level of the major subject of the approved program shall be comparable to or broader than the instructional level at which Florida offers certification in the subject; and~~

~~4. When a master's or higher degree is required for Florida certification in a subject, the program must have been completed at the same level provisions of (6)(d) of this rule are not applicable.~~

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

~~1. The certificate shall be the standard certificate issued by that state and comparable to the professional certificate issued by Florida; and~~

~~2. The subject shown on the certificate shall be a subject in which Florida offers certification, and the instructional level of the subject shall be comparable to or broader than the instructional level at which Florida offers certification in the subject; and~~

~~3. Two (2) years of successful full-time teaching experience shall have been gained under the certificate. The experience shall have been gained during two (2) of the five (5) years immediately preceding the date of application for the Florida certificate.~~

~~4. When a master's or higher degree is required for Florida certification in a subject, a master's or higher degree shall have been used as a basis for issuance of the certificate and certification in that subject.~~

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

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

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

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

(1) Temporary certificate.

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

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

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

3. Satisfies the fingerprint requirement as follows:

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

(I) Original fingerprint reports shall be provided by the employing district, state supported school, or nonpublic school. A name and description search shall be acceptable in lieu of a technical fingerprint search after two (2) sets of fingerprints are declared illegible by the Florida Department of Law

Enforcement or the Federal Bureau of Investigation or when an individual is unable to provide fingerprints because of a physical disability, and

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

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

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

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

(3) Nonrenewable certificates covering speech-language impaired.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) Expired certificates.

(a) Certificates which have expired are permanently invalid.



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

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

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

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

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

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

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

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

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

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

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

3. College credit and inservice training. A combination of college credit and inservice points may be used to renew the professional certificate provided the combined college credit and inservice points are equal to one hundred twenty (120) inservice points. One (1) semester hour of college credit shall be equal to twenty (20) inservice points. The inservice points shall be verified by the Florida district school superintendent as specified in Rule 6A-4.0051(1)(b)2., FAC.

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

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

5. Summer work programs. Completion of summer work programs in two (2) of the certification areas shown on the certificate may be used to renew the professional certificate. A summer work program shall be approved by the Florida Department of Education and shall be completed in a business

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

(2) Professional certificate — inactive status:

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

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

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

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

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

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

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

2. Completes one (1) of the following:

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

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

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

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

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

(c) To retain more than two (2) certification coverages on a professional certificate, the applicant shall be permitted two (2) successive validity periods for renewal of all specialization areas, but must earn no fewer than six (6) semester hours or the equivalent in any one (1) validity period. To retain more than two (2) certification coverages on a professional certificate, at least three (3) semester hours of college credit or the equivalent shall be completed in the specialization area of at least two (2) certification coverages shown on the certificate. For the first renewal subsequent to June 30, 1988, all coverages on the certificate shall be retained for the next validity period. A coverage shall not continue to be retained on a certificate unless three (3) semester hours or the equivalent is completed in the specialization area or an appropriate category in

accordance with Section 231.24(3)(a), Florida Statutes, of that coverage during one (1) of two (2) successive validity periods. When requirements specified herein have not been satisfied for the retention of a certification coverage or coverages on a certificate, the coverage or coverages shall be deleted from the certificate when the certificate is renewed.

~~(3)~~(4) General requirements.

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

(b) Application and appropriate fee as specified in Rule 6A-4.0012, FAC. for renewal of a certificate shall be submitted to the Bureau of ~~Educator~~ Teacher Certification, Florida Department of Education or the employing Florida school district, during the last year of the validity period of the certificate and prior to the expiration date of the certificate. However, if the renewal application form is not received by the Bureau of ~~Educator~~ Teacher Certification or the employing Florida school district, before the expiration of the professional certificate, the application form, application fee, and a thirty (30) dollar late fee shall be submitted prior to July 1 of the year following expiration of the certificate in order to retain the professional certificate. ~~In no event will a professional certificate be renewed if it has expired for more than one (1) fiscal year or if requirements for renewal have not been completed prior to the expiration of the professional certificate.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6A-4.006 General and Professional Preparation.

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

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

~~(a) Arts of communication.~~

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

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

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

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

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

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

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

(a) Course requirements in education.

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

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

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

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

3. Special methods.

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

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

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

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

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



(7) “Master Menu Manual” refers to that food service technical manual that provides procedural information, such as daily menus, production sheets, and recipes for the service of the regular menu, the alternate entrée and vegan meal pattern, religious and secular holiday menus, the special management meal, and sack lunches.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS., Child Nutrition Act of 1966, 42 USC § 1773, Richard B. Russell National School Lunch Act, 42 USC § 1751 et seq. History—New 1-18-89, Amended 7-21-97, Formerly 33-30.002, Amended 8-9-00, 11-16-00.

### 33-204.003 Food Services – Standards of Operation.

(1) General. Inmates in general population shall receive three meals per day, of which at least two shall be hot meals. The meals shall be provided at regular meal times during each 24-hour period, with a period of no more than 14 hours between the end of the evening meal and the beginning of the morning meal, weather and security permitting. The warden or work release center major shall be allowed to authorize an altered meal schedule of two meals for approved holidays listed in the master menu manual, but both must be hot meals. Holiday substitutions that deviate from the master menu must be approved in advance by the chief of food services or the central office food service managers coordinator. An alternate meal schedule for therapeutic diets shall provide regular meal times during each 24-hour period with no more than 14 hours between the end of the evening and the beginning of the morning meal.

#### (2) Confinement.

(a) All inmates in confinement shall receive normal institutional meals as are available to the general population, except that if any item on the normal menu or any food utensil might create a security problem in the confinement area, then another item of comparable quality or other appropriate utensils shall be substituted. Substitutions shall be documented on the Daily Record of Segregation and Confinement, Form DC6-229 DC4-815. Form DC6-229 DC4-815 has been previously incorporated by reference in Rule Section 33-602.220, F.A.C.

(b) Hot food shall be served hot and cold food shall be served cold in accordance with the standards of the State Sanitary Code, Department of Health, Chapter 64E-11, F.A.C.

(c) The provisions of Rule section 33-602.223, F.A.C., shall be utilized in placing inmates on the special management meal.

#### (d) No change.

(3) Menus. The Recommended Dietary Allowances or the Dietary Reference Intakes of the Food and Nutrition Board – National Academy of Sciences shall serve as the standard for the preparation of menus and the evaluation of menus served. The Recommended Dietary Allowances and the Dietary Reference Intakes of the Food and Nutrition Board are hereby incorporated by reference. A copy of the Recommended Dietary Allowances or the Dietary Reference Intakes may be

obtained from the Bureau of Food Services, Office of Administration, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of the Revised Recommended Dietary Allowances is January 18, 1989. The Dietary Reference Intakes were copyrighted in 2001 2000.

#### (a) through (c) No change.

(d) The master menu shall be adhered to except that specific menus and menu items are subject to change by the person in charge of food service at each facility due to production problems, product availability, cost, or security issues. When menu substitutions are required, the substitutions will be from the same food group as the original menu item. Menu substitutions will be initially reviewed and approved by a field food service manager. If menu substitutions are determined to deviate from the list of approved substitutions, they will be referred by the field food service manager to the central office public health nutrition program manager for evaluation and final approval. The master menu manual provides a list of appropriate substitutions within food groups.

(e)(d) All vegetables shall be prepared without meat, meat fat, meat-based broth or butter so as to be suitable for all religious and strict vegetarian diets.

#### (4) Sanitation.

(a) All food service areas shall meet the standards of the State Sanitary Code, Department of Health, Chapter 64E-11, F.A.C Florida Administrative Code. Food and beverages shall not be consumed in food preparation areas.

(b) Personnel assigned to food service shall meet the standards set by the State Sanitary Code, Department of Health Rule 64E-11.005, F.A.C Florida Administrative Code.

#### (c) No change.

1. Writing instructions for the operation and cleaning of the physical plant, equipment and utensils. A current copy of these instructions shall be forwarded to the regional food service manager coordinator for review initially and as revised to check for compliance with the State Sanitary Code, Department of Health Rule 64E-11.005, F.A.C Florida Administrative Code.

#### 2. through (5) No change.

(6) Security. The person in charge of food service food service director and correctional officer chief of security shall jointly write and post a plan and schedule for supervision of inmates during meals. The correctional officer chief of security shall be responsible for enforcement of the written plan for control.

(7) Therapeutic Diets. Therapeutic diets for medical or dental reasons shall be provided as ordered by a Department of Corrections credentialed physician, clinical associate (physicians assistant, advanced registered nurse practitioner) or dentist. All orders for therapeutic diets shall be in writing utilizing the Diet Prescription/Order, Form DC4-728. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road,

Tallahassee, Florida 32399-2500. The effective date of this form is August 9, 2000. Non-standard therapeutic modified diets shall be approved by the public health nutrition program manager and the regional medical executive director. Therapeutic diets shall be served for a maximum of 90 days. Diets extending for periods longer than 90 days shall require a new diet order from the attending Department of Corrections credentialed physician, clinical associate (physicians assistant or advanced registered nurse practitioner) or dentist. Diet prescription orders must be received in food services prior to the expiration of the current prescription to avoid interruption of the therapeutic modified diet. The Bureau of Food Services shall be responsible for providing consultation to health and food service personnel regarding therapeutic diets.

(8) No change.

(9) National Child Nutrition Program.

(a) It is the intent of the department that all institutions that qualify will participate in the National Child Nutrition Program. To qualify, an institution will have a sufficient number of offenders qualified to be NCNP participants so that adequate revenues will be generated to offset the costs associated with implementing program requirements.

(b) The youthful offender master menu will be utilized to provide enhanced nutrition to program participants who are under the age of 21.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS., Child Nutrition Act of 1966, 42 USC § 1773, Richard B. Russell National School Lunch Act, 42 USC § 1751 et seq. History—New 1-18-89, Amended 7-21-97, Formerly 33-30.003, Amended 8-9-00, 11-16-00.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Inmate Telephone Use

RULE NO.: 33-602.205

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise current telephone procedures in order to provide for the use of a proposed new telephone system, and to provide correct titles for staff with responsibilities related to inmate telephones.

SUBJECT AREA TO BE ADDRESSED: Inmate telephone use.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.205 Inmate Telephone Use.

(1) This subsection sets forth the minimum telephone privileges that shall be granted to inmates housed in institutions or facilities other than community correctional centers, Florida State Prison, or death row at Union Correctional Institution. All inmate calls, with the exception of those calls placed to attorneys pursuant to (3)(a) shall be subject to monitoring and recording. Due to the high level of security needs at Florida State Prison and death row at Union Correctional Institution, the only telephone privileges available to FSP and UCI death row inmates are those set forth in (3)(a), private calls to attorneys, and (4), calls made in the event of family crisis.

(2) Inmate telephone procedures will be conducted as follows:

(a) No change.

(b) The reception center classification staff shall compile the inmate calling list through use of Form DC6-223, in conjunction with the acquisition of the inmate visiting list. Form DC6-223 shall become part of the inmate's permanent file and shall accompany the inmate with each subsequent transfer. Form DC6-223 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, FL 32399-2500. ~~If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope.~~ The effective date of this form is 2-7-00.

(c) An inmate shall be allowed to change his or her telephone list once every six months. Changes can be made more frequently for the following reasons only:

1. No change.

2. The inmate has married and wishes to add the name and telephone number of the spouse. The inmate shall be responsible for providing documentation of the marriage before the list will be amended.

3. An inmate shall be allowed to update his or her telephone list when there is a change in telephone providers, an installation of updated equipment or software, or a repair to the equipment, if the department determines that an update of the phone list would be more efficient in completing the change, installation, or repair.

(d) No change.

(e) Except for calls to attorneys as provided in (3)(a), or calls during family crisis as provided in (4), calls shall be limited to 15 ~~40~~ minutes. Calls to attorneys as provided in (3)(a) and calls in time of family crisis as provided in (4) shall be limited to the amount of time reasonably necessary to accomplish the purpose of the call.

(f) No change.

(g) All calls from the monitored telephones shall be collect and shall contain a prompt which clearly identifies the call as coming from a Florida Department of Corrections institution.

1. No change.

2. The prompt shall clearly identify the caller on a prerecorded ~~message~~ message which is input at the time of the inmate's first call.

3. No change.

4. The system will detect conference calls or three-way calling activity and terminate the call when such activity is detected.

(h) through (j) No change.

(k) Tape recordings of monitored calls shall be kept in an area where staff access is controlled. Records and tapes of monitored calls shall be retained for a minimum of one year. Access to tapes and records shall be limited to the following persons:

1. No change.

2. ~~Director of Institutions Assistant Secretary for the Office of Security and Institutional Operations~~ or her or his designee;

3. Regional ~~d~~Directors;

4. through 6. No change.

(l) No change.

(3) Calls to attorneys.

(a) Inmates shall be allowed to make private telephone calls to attorneys upon presentation to the warden or his designee of evidence that the call is necessary. Such evidence shall be a letter from the attorney requesting the return call due to an impending court deadline, or a court order containing a deadline, the inmate cannot meet if he must communicate by letter with the attorney. Except as authorized by warrant or order of court, telephone calls to attorneys made pursuant to this section shall not be monitored or electronically recorded. These calls will be placed on telephones designated for this purpose; there shall be at least one telephone at each institution that is not connected to the monitoring system for these calls.

(b) If an inmate requests to place his or her attorney's telephone number on his or her calling list, the attorney must provide written acknowledgment of the telephone procedures by completing Form DC6-214, Inclusion of Attorney on Inmate Telephone List and indicating that he or she understands that there are options available for private calls. The requesting inmate will be responsible for notifying the attorney and arranging for the correspondence to the institution. ~~There will be no special provisions for these calls.~~ They will be placed on regular inmate telephones, will be collect, ~~subject to monitoring and recording~~, and limited to 15 ~~10~~ minutes. The telephone calls will not be monitored or recorded. However, staff will call the numbers submitted to verify the phone number is to the office of a licensed attorney. If the inmate and the attorney want to have non-monitored conversations, the procedures in (3)(a) must be followed. Form DC6-214, Inclusion of Attorney on Inmate Telephone List, is hereby incorporated by reference. A copy of this form is

available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida, 32399-2500. The effective date of this form is \_\_\_\_\_.

(4) No change.

(5) Telephone privileges for inmates in aAdministrative or dDisciplinary cConfinement shall be in accordance with Rules 33-602.220 (Administrative Confinement) and 33-602.222 (Disciplinary Confinement) are not allowed telephone privileges except in cases of emergency or when necessary to insure the inmate's access to attorneys or courts, provided that in Disciplinary Confinement privileges will only be allowed when alternative means of access are not feasible.

(6) No change.

(7) All long distance calls shall be "collect" calls except:

(a) No change.

(b) Calls to courts when the inmate is required to participate in a telephone conference hearing. Institutional staff shall place a direct call to the court, using the most efficient and economical means available. If the department is involved as a party, the inmate's account shall not be charged for the cost of such call, unless it can be demonstrated that the hearing was scheduled at the inmate's request. In all other circumstances, the inmate's account shall be charged in full for such cost. The charge shall be based on the current SUNCOM telephone rate for State telephone calls.

(c) If funds are not available in the account to pay the charge in full, then the account shall be charged in part, up to the amount available. A hold shall then be placed on the inmate's account and all subsequent deposits to the inmate's account shall be applied against the unpaid costs until the debt has been paid.

(8) through (10) No change.

(11) The ~~d~~Department is not responsible for maintaining telephone equipment damaged by inmate abuse or for providing telephone service if the telephone company discontinues service as a result of inmate abuse.

(12) Misuse of telephone privileges.

(a) through (b) No change.

(c) Inmates found to have abused telephone privileges shall be subject to disciplinary action in accordance with Rules 33-601.301-33-601.314, F.A.C. In addition, wardens are authorized to suspend an inmate's telephone privileges, other than calls to attorneys as outlined in (3)(a), during an investigation for abuse of telephone privileges.

(12)(d) through (13) No change.

(14) Crime-stoppers Hotline.

(a) A two-digit, toll-free number will be available for dialing from any telephone designated for inmate use to report suspected criminal activity or crimes that occur inside or outside the institution.



(b) The inmate will not have to enter his or her personal identification number (PIN) to access the crime-stoppers hotline.

(c) Signs that reference the toll-free number will be prominently displayed within the institution and on its grounds.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 11-19-81, Formerly 33-3.125, Amended 11-21-86, 1-6-92, 3-24-97, 7-22-97, 12-21-98, Formerly 33-3.0125, Amended 2-7-00.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE TITLE: Grounds for Disciplinary Proceedings  
 RULE NO.: 61G1-12.001  
 PURPOSE AND EFFECT: The Board proposes to review the current rule text to determine if changes are necessary.  
 SUBJECT AREA TO BE ADDRESSED: Grounds for disciplinary proceedings.  
 SPECIFIC AUTHORITY: 455.304, 481.2055 FS.  
 LAW IMPLEMENTED: 455.303, 455.304, 481.219, 481.225, 481.2251 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. or thereafter, August 1, 2001  
 PLACE: Renaissance Vinoy Resort and Golf Club, 501 5th Avenue, Northeast, St. Petersburg, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sherry Landrum, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE CHAPTER TITLE: Continuing Professional Education  
 RULE CHAPTER NO.: 64B5-12  
 PURPOSE AND EFFECT: The Board proposes to discuss the rules within this chapter to determine if amendments are necessary.  
 SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirements; licensees excused from continuing educational requirements; committee on continuing professional education; subject area requirements; application for provider status; standards for approved providers; individual study; standards for board approval of pro bono

programs; courses required for initial licensure, renewal, or reactivation; courses required of dentists for renewal and reactivation.

SPECIFIC AUTHORITY: 456.013(8), 456.027, 456.031, 456.033, 466.004, 466.0135, 466.014, 466.017(3),(4) FS.  
 LAW IMPLEMENTED: 456.013(8), 456.027, 456.031, 456.033, 466.0135, 466.014, 466.017(3),(5), 466.028(1)(i),(bb) 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. or thereafter, June 30, 2001  
 PLACE: The Hyatt Regency at the Orlando International Airport, 9300 Airport Boulevard, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE CHAPTER TITLE: Fee Schedule  
 RULE CHAPTER NO.: 64B5-15  
 PURPOSE AND EFFECT: The Board proposes to discuss the rules within this chapter to determine if amendments are necessary.  
 SUBJECT AREA TO BE ADDRESSED: Increase in fees.  
 SPECIFIC AUTHORITY: 456.013, 456.017(2), 456.023, 456.025(2),(4),(5), 456.036, 456.064, 465.0276, 466.004, 466.006(1), 466.007(1), 466.013, 466.015, 466.017 FS.

LAW IMPLEMENTED: 456.013, 456.017(2), 456.023, 456.025(2),(5), 456.0276, 456.036, 456.064, 466.004(4), 466.006(1),(3)(c), 466.007(1), 466.009(1), 466.013, 466.015, 466.017 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. or thereafter, June 30, 2001  
 PLACE: The Hyatt Regency at the Orlando International Airport, 9300 Airport Boulevard, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Definitions  
 RULE NO.: 64B8-2.001

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to clarify “direct supervision and responsibility.”

SUBJECT AREA TO BE ADDRESSED: Clarification of the term “direct supervision and responsibility.”

SPECIFIC AUTHORITY: 458.309, 458.315(1), 458.317(1)(c), 458.319(1), 766.314(4) FS.

LAW IMPLEMENTED: 458.303, 458.311, 458.313, 458.315(1), 458.317(1)(c), 458.331(1)(u), 458.3485, 766.314(4) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-2.001 Definitions.

(1) through (5) No change.

(6) The phrase “direct supervision and responsibility,” as defined by the Board of Medicine, and as used in Chapter 458 Section 458.3485, Florida Statutes, shall mean that the responsible physician need not be physically present on the premises but must be within close physical proximity and easily accessible.

(7) through (11) No change.

Specific Authority 458.309, 458.315(1), 458.317(1)(c), 458.319(1), 766.314(4) FS. Law Implemented 458.303, 458.311, 458.313, 458.315(1), 458.317(1)(c), 458.331(1)(u), 458.3485, 766.314(4) FS. History—New 11-10-82, Amended 12-4-85, Formerly 21M-29.01, Amended 12-4-86, 11-15-88, 3-13-89, 1-1-92, 9-24-92, 2-21-93, Formerly 21M-29.001, Amended 4-14-94, Formerly 61F6-29.001, 59R-2.001, Amended 4-7-99.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Requirement for Physician Office Registration; Inspection or Accreditation  
 RULE NO.: 64B8-9.0091

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to reference the Department’s inspection fee.

SUBJECT AREA TO BE ADDRESSED: The Department’s inspection fee for office surgical sites.

SPECIFIC AUTHORITY: 458.309(1),(3) FS.

LAW IMPLEMENTED: 458.309(3), 456.069 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-9.0091 Requirement for Physician Office Registration; Inspection or Accreditation.

(1) No change.

(2) Inspection.

(a) Unless the physician has previously provided written notification of current accreditation by a nationally recognized accrediting agency or an accrediting organization approved by the Board the physician shall submit to an annual inspection by the Department. Nationally recognized accrediting agencies are the American Association for Accreditation of Ambulatory Surgery Facilities (AAAASF), Accreditation Association for Ambulatory Health Care (AAAHC) and Joint Commission on Accreditation of ~~for Ambulatory~~ Healthcare Organizations (JCAHO). All nationally recognized and Board-approved accrediting organizations shall be held to the same Board-determined surgery and anesthesia standards for accrediting Florida office surgery sites.

(b) The office surgery inspection fee set forth in the Department’s Rule 64B-4.002, F.A.C., shall be remitted for each practice location.

(b) through (f) renumbered (c) through (g) No change.

(3) No change.

Specific Authority 458.309(1),(3) FS. Law Implemented 458.309(3), 456.069 FS. History—New 5-15-00, Amended.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Fluoride Containing Products  
 RULE NO.: 64B8-36.004

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment designed to make the rule consistent with the Board of Pharmacy’s rule on the same subject.

SUBJECT AREA TO BE ADDRESSED: Fluoride containing products.

SPECIFIC AUTHORITY: 465.186(2) FS.

LAW IMPLEMENTED: 465.186 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 64B8-36.004 follows. See Florida Administrative Code for present text.)

64B8-36.004 Fluoride Containing Products.

Oral medicinal drug products containing fluoride may be ordered by pharmacists for their patients who do not have fluoride supplement in their drinking water, pursuant to the following limitations:

(1) The fluoride content of drinking water does not exceed 0.5 ppm.

(2) Once a fluoride treatment has been initiated with one specific fluoride medicinal drug product it should not be interchanged with a product of a different manufacturer for the course of the treatment.

(3) If the fluoride content is less than 0.5 ppm then the following dosage schedule for oral usage shall be followed.

(a)1. For ages 0 – 6 months

a. less than 0.3 ppm in water – no supplementation

b. 0.3 – 0.6 ppm in water – no supplementation

c. 0.6 ppm in water – no supplementation

2. For ages 6 months – 3 years

a. less than 0.3 ppm in water – supplement with 0.25 mg.

F/day

b. 0.3 – 0.6 ppm in water – no supplementation

c. 0.6 ppm in water – no supplementation

3. For ages 3 – 6 years

a. less than 0.3 ppm in water – supplement with 0.5 mg.

F/day

b. 0.3 – 0.6 ppm in water – supplement with 0.25 mg.

F/day

c. 0.6 ppm in water – no supplementation

4. For ages 6 – 16 years

a. less than 0.3 ppm in water – supplement with 1.00 mg.

F/day

b. 0.3 – 0.6 ppm in water – supplement with 0.5 mg. F/day

c. 0.6 ppm in water – no supplementation

(b) No more than 264 mg. of sodium fluoride may be dispensed at any one time to a patient.

(c) Notwithstanding the provisions of Section 64B8-36.002(3) a pharmacist may continue a course of therapy with fluoride products until appropriate referral to another health care practitioner is indicated or in no event shall the course of therapy be more than one (1) year.

Specific Authority 465.186(2) FS. Law Implemented 465.186 FS. History–New 5-1-86, Formerly 21M-39.004, 61F6-39.004, 59R-36.004. Amended

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE CHAPTER TITLE: Organization  
 RULE CHAPTER NO.: 64B11-1

RULE TITLE: Other Business Involving the Board  
 RULE NO.: 64B11-1.002

PURPOSE AND EFFECT: The Board proposes to define other business involving the Board for the purpose of Board member compensation.

SUBJECT AREA TO BE ADDRESSED: Other Business Involving the Board.

SPECIFIC AUTHORITY: 456.011(4) FS.

LAW IMPLEMENTED: 456.011(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, 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 NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE TITLE: Initial Licensure Fee For Physical Therapists  
 RULE NO.: 64B17-2.002

PURPOSE AND EFFECT: The Board proposes to raise the initial licensure fees.

SUBJECT AREA TO BE ADDRESSED: Initial Licensure Fee for Physical Therapists.

SPECIFIC AUTHORITY: 455.564(2), 486.025, 486.061 FS.

LAW IMPLEMENTED: 455.564(2), 486.081(2) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-2.002 Initial Licensure Fee for Physical Therapists.

(1) An applicant who has been certified by the Board during the first year of the biennial renewal period as having satisfied the licensure requirements of either Rule 64B17-3.001 or 64B17-3.003, Florida Administrative Code, shall not be issued a license until he remits to the Department an initial licensure fee in the amount of \$100 ~~\$55~~.

(2) An applicant who has been certified by the Board during the second year of the biennial renewal period as satisfying requirements of Rule 64B17-3.001 or 64B17-3.003, Florida Administrative Code, shall not be issued a license until he remits to the Department an initial licensure fee in the amount of \$50 ~~\$30~~.

Specific Authority 456.013(2) ~~455.564(2)~~, 486.025, 486.061 FS. Law Implemented 456.013(2) ~~455.564(2)~~, 486.081(2) FS. History—New 8-6-84, Formerly 21M-7.35, Amended 6-20-89, Formerly 21M-7.035, Amended 10-17-90, Formerly 21MM-2.002, 61F11-2.002, 59Y-2.002, Amended

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE TITLE: Initial Licensure Fee for Physical Therapist Assistants  
RULE NO.: 64B17-2.004

PURPOSE AND EFFECT: The Board proposes to raise the initial licensure fees.

SUBJECT AREA TO BE ADDRESSED: Initial Licensure Fee for Physical Therapist Assistants.

SPECIFIC AUTHORITY: 486.025 FS.

LAW IMPLEMENTED: 455.564(2), 486.106, 486.107(2) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-2.004 Initial Licensure Fee for Physical Therapist Assistants.

(1) An applicant who has been certified by the Board during the first year of the biennial renewal period as having satisfied the licensure requirements of either Rule 64B17-2.001 or 64B17-2.004, Florida Administrative Code, shall not be issued a license until he remits to the Department an initial licensure fee in the amount of \$100 ~~\$55~~.

(2) An applicant who has been certified by the Board during the second year of the biennial renewal period as satisfying the licensure requirements of Rule 64B17-2.001 or

64B17-2.004, Florida Administrative Code, shall not be issued a license until he remits to the Department an initial licensure fee in the amount of \$50 ~~\$30~~.

Specific Authority 486.025 FS. Law Implemented 456.013(2) ~~455.564(2)~~, 486.106, 486.107(2) FS. History—New 8-6-84, Formerly 21M-10.35, Amended 4-12-87, 9-22-87, 6-20-89, Formerly 21M-10.035, Amended 10-17-90, Formerly 21MM-2.004, 61F11-2.004, 59Y-2.004, Amended

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE TITLE: Biennial Renewal Fee for Physical Therapists and Physical Therapist Assistants  
RULE NO.: 64B17-2.005

PURPOSE AND EFFECT: The Board proposes to raise the biennial renewal fees.

SUBJECT AREA TO BE ADDRESSED: Biennial Renewal Fee for Physical Therapists and Physical Therapist Assistants.

SPECIFIC AUTHORITY: 486.025, 486.085(1), 486.108(1) FS.

LAW IMPLEMENTED: 486.085, 486.108(1) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-2.005 Biennial Renewal Fee for Physical Therapists and Physical Therapist Assistants.

Each licensed physical therapist and physical therapist assistant shall submit a biennial fee for the renewal of his or her license no later than the last day of each biennial period, as defined by the Department.

(1) The biennial renewal fee for physical therapists shall be \$100 ~~\$55~~.

(2) The biennial renewal fee for physical therapist assistants shall be \$100 ~~\$55~~.

Specific Authority 486.025, 486.085(1), 486.108(1) FS. Law Implemented 486.085, 486.108(1) FS. History—New 8-6-84, Formerly 21M-8.10, Amended 9-22-87, 6-20-89, Formerly 21M-8.010, Amended 10-17-90, 3-24-93, Formerly 21MM-2.005, 61F11-2.005, 59Y-2.005, Amended

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE TITLE: Citations  
RULE NO.: 64B17-7.002

PURPOSE AND EFFECT: The Board proposes to add minor violations and penalties for which a citation should be issued.

SUBJECT AREA TO BE ADDRESSED: Citations.  
 SPECIFIC AUTHORITY: 486.025, 455.617 FS.  
 LAW IMPLEMENTED: 455.617 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: 4:00 p.m., June 30, 2001  
 PLACE: The Embassy Suites Hotel, 1100 S. E. 17th Street, Ft. Lauderdale, FL 33316  
 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:

- 64B17-7.002 Citations.
- (1) through (3) No change.
- (4) The Board designates the following as citation violations:
  - (a) through (c) No change.
  - (d) Obtaining a license by issuing a bad check (456.072(1)(h)) – If the check and bad check fee are paid, \$100 fine.
  - (e) Failure to report in writing to the Board within 30 days after criminal conviction of licensee (456.072(1)(w)) – If reported within six months of conviction, \$250 fine.
  - (f) First-time failure of the licensee to satisfy continuing education requirements established by the Board – If the licensee rectifies the deficiencies within six months after notification of audit deficit, \$500 fine.
  - (g) Failure to notify the Board office in writing within 60 days of a change of address, \$250 fine.
  - (h) Failure to comply with a continuing education audit request within 30 days of the request, \$250 fine.
- (5) through (6) No change.

Specific Authority 486.025, 456.077 FS. Law Implemented 456.077 FS. History–New 1-19-92, Formerly 21MM-7.003, Amended 10-28-93, Formerly 61F11-7.003, 59Y-7.003, Amended 1-6-99, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE TITLE: Continuing Education  
 RULE NO.: 64B17-9.001  
 PURPOSE AND EFFECT: The Board proposes to amend continuing education requirements and to allow for emergency or hardship exceptions.  
 SUBJECT AREA TO BE ADDRESSED: Continuing Education.  
 SPECIFIC AUTHORITY: 486.025 FS.

LAW IMPLEMENTED: 456.109(2) 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: 4:00 p.m., June 30, 2001  
 PLACE: The Embassy Suites Hotel, 1100 S. E. 17th Street, Ft. Lauderdale, FL 33316  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, 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 NOT AVAILABLE.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE TITLE: Overpayment and Benefit Recovery  
 RULE NO.: 65A-1.900  
 PURPOSE AND EFFECT: This proposed rule amendment makes changes to food stamp program policies used in benefit recovery. These policy changes are primarily the result of federal regulation changes to 7 CFR s. 273.18 published in the July 6, 2000 federal register.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment provides for: a change in the maximum monthly amount that can be recovered due to intentional program violation; changes in demand letters to provide calculation of the overpayment and a post-hearing demand letter; collection of overpayment from stale electronic benefit transfer (EBT) benefits; adjustment to the claim amount by using expunged EBT benefits and a notice letter to the client; allotment reduction at the time a claim is established; and, a compromise policy for claims.

SPECIFIC AUTHORITY: 414.41, 414.45 FS.  
 LAW IMPLEMENTED: 24.115(4), 414.31, 414.41 FS.  
 IF REQUESTED IN WRITING AND DEEMED NECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP(S) WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
 TIME AND DATE: 2:00 p.m., July 2, 2001  
 PLACE: Building 3, Room 455, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John Bowman, Acting Coordinator for Special Programs, 1317 Winewood Boulevard, Building 3, Room 417, Tallahassee, Florida 32399-0700, Telephone (850)921-5549

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

## Section II Proposed Rules

### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

DOCKET NO.: 98-08R

RULE CHAPTER TITLE: Sovereignty Submerged Lands Management

RULE CHAPTER NO.: 18-21

<p>RULE TITLES:</p> <p>Definitions</p> <p>Management Policies, Standards, and Criteria</p> <p>Applications for Letter of Consent</p> <p>Applications for Lease</p> <p>Applications for Public Easement</p> <p>Applications for Private Easement Forms</p>	<p>RULE NOS.:</p> <p>18-21.003</p> <p>18-21.004</p> <p>18-21.007</p> <p>18-21.008</p> <p>18-21.009</p> <p>18-21.010</p> <p>18-21.900</p>
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**PURPOSE AND EFFECT:** The proposed amendments clarify the nature of interest in riparian uplands necessary to make application for a Board of Trustees' authorization for activities on sovereign submerged lands. These amendments are needed to ensure that DEP deals with the person or entity having sufficient interest in the riparian uplands and the riparian rights necessary to conduct activities on sovereign submerged lands. The current rule requires a warranty deed, title insurance, or an attorney's opinion of title but does not require documentation of riparian rights. The proposed rule adds a certificate of title issued by a clerk of the court; a lease; an easement; and condominium, homeowners or similar association documents to the list of acceptable forms of title and requires that the documentation clearly demonstrate that the holder has control and interest in the riparian uplands adjacent to the project area and the riparian rights necessary to conduct the proposed activity. Other forms of documentation may be accepted if they clearly demonstrate that the holder has control and interest in the riparian uplands adjacent to the project area and the riparian rights necessary to conduct the proposed activity. An exception is provided for public utilities and the Department of Transportation that requires these entities to obtain satisfactory evidence of upland interest prior to construction but does not require that such evidence be submitted as part of the application or authorization process. The proposed amendments also conform the terms used to refer to the type of upland interest required for different forms of authorizations.

The proposed amendments provide that, where an applicant has less than fee simple interest in the uplands, the term of the applicable sovereign submerged lands authorization shall be limited to the term allowed by rule or the term of the upland

interest, whichever is less, unless the fee simple title owner agrees to be a co-holder of the sovereign submerged lands authorization.

The proposed amendments provide that for the construction of docks or piers, when the upland interest is less than fee simple title, the upland interest must cover the entire shoreline of the upland parcel or 65 feet of shoreline, whichever is less.

The proposed rule clarifies the riparian line setback provisions for shared single-family docks; situations where riparian lines converge to less than 65 feet apart; and shoreline protection structures and clarifies the requirement for concurrence of the adjacent property owner to a waiver of the setback provision. In addition, a provision has been added enabling the Board of Trustees (or staff to the Trustees) to authorize a structure within the setback area if such location is necessary to avoid or minimize impacts to natural resources.

**SUMMARY:** Clarification of the types of interest in riparian uplands required to make application to conduct activities on sovereign submerged lands.

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

Any person who wishes to provide information regarding a statement of estimated regulatory 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:** 253.03, 253.03(7), 253.0345, 253.73, 370.021 FS.

**LAW IMPLEMENTED:** 253.002, 253.02, 253.03, 253.034, 253.0345, 253.04, 253.115, 253.12, 253.1221, 253.141, 253.47, 253.51, 253.512, 253.52-.54, 253.61, 253.67-.75, 253.77, 370.16 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., (Tuesday), July 10, 2001

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

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Alice Heathcock, Department of Environmental Protection, 2600 Blair Stone Road, MS 2500, Tallahassee, Florida 32399-2400, telephone (850)921-9899, or e-mail Alice.Heathcock@dep.state.fl.us.

**THE FULL TEXT OF THE PROPOSED RULES IS:**

## 18-21.003 Definitions.

When used in these rules, the following definitions shall apply unless the context clearly indicates otherwise:

(1) through (48) No change.

(49) ~~“Satisfactory evidence of sufficient upland interest title” means may be demonstrated by documentation, such as a warranty deed; a certificate of title issued by a clerk of the court; a lease; an easement; or condominium, homeowners or similar association documents that clearly demonstrate that the holder has control and interest in the riparian uplands adjacent to the project area and the riparian rights necessary to conduct the proposed activity. Other forms of documentation may be accepted if they clearly demonstrate that the holder has control and interest in the riparian uplands adjacent to the project area and the riparian rights necessary to conduct the proposed activity or a current title insurance policy issued by a title insurance company authorized to do business in the State of Florida, or an opinion of title prepared by a member of the Florida Bar, covering title to lands involved and indicating, at least, such minimum interest in the applicant which may entitle the applicant to the relief sought, or such affidavits as may be required by the department to establish the currency of title status of an applicant.~~

(50) through (57) No change.

Specific Authority 253.03(7), 253.0345 FS. Law Implemented 253.002, 253.02, 253.03, 253.0345, 253.1221, 253.67, 253.77 FS. History—New 9-26-77, Formerly 16C-12.01, 16Q-17.01, Amended 3-27-82, 8-1-83, 2-25-85, Formerly 16Q-21.03, 16Q-21.003, Amended 12-25-86, 1-25-87, 3-15-90, 7-21-92, 3-20-94, 10-15-98.

## 18-21.004 Management Policies, Standards, and Criteria.

The following management policies, standards, and criteria shall be used in determining whether to approve, approve with conditions or modifications, or deny all requests for activities on sovereign submerged lands.

(1) General Proprietary

(a) through (b) No change.

~~(c) When satisfactory evidence of sufficient upland interest is not fee simple title, the term of the sovereign submerged lands authorization will be determined by Rule 18-21.008, .009, or .010, F.A.C., if applicable. However, in no case shall the term exceed the remaining term of the sufficient upland interest unless the fee simple title holder agrees to become a co-holder of the sovereign submerged lands authorization.~~

~~(d) For construction of docks and piers when satisfactory evidence of sufficient upland interest is not fee simple title, the applicant’s interest must cover the entire shoreline of the adjacent upland fee simple parcel or 65 feet, whichever is less.~~

(c) through (j) renumbered (e) through (l) No change.

(2) No change.

(3) Riparian Rights

(a) None of the provisions of this rule shall be implemented in a manner that would unreasonably infringe upon the traditional, common law riparian rights, as defined in s. 253.141, F.S., of upland property owners adjacent to sovereignty submerged lands.

~~(b) Applications Satisfactory evidence of sufficient upland interest is required for activities on sovereignty submerged lands riparian to uplands, can only be made by and approved for the upland riparian owner, their legally authorized agent, or persons with sufficient title interest unless otherwise specified in this chapter in uplands for the intended purpose. Public utilities and state and other governmental agencies proposing activities such as utility lines, roads or bridges must obtain satisfactory evidence of sufficient upland interest prior to beginning construction, but need not provide such evidence as part of any required application. Satisfactory evidence of sufficient upland interest is not required for activities on sovereign submerged lands that are not riparian to uplands, or when a governmental entity conducts restoration and enhancement activities, provided that such activities do not unreasonably infringe on riparian rights.~~

(c) All structures and other activities must be ~~within the riparian rights area of the applicant and must be designed and conducted~~ in a manner that will not unreasonably restrict or ~~otherwise~~ infringe upon the riparian rights of adjacent upland riparian owners.

~~(d) Except as provided herein, a~~ All structures, including mooring pilings, breakwaters, jetties and groins, and ~~other~~ activities must be set back a minimum of 25 feet inside from the applicant’s riparian rights lines. Marginal docks, however, must ~~may~~ be set back a minimum of only 10 feet. ~~There shall be no~~ Exceptions to the setbacks are: private residential single-family docks or piers associated with a parcel that has a unless the applicant’s shoreline frontage of is less than 65 feet, where portions of such structures are located between riparian lines less than 65 feet apart, or where such structure is shared by two adjacent single-family parcels; or a sworn affidavit of no objection is obtained from the affected adjacent upland riparian owner, or the proposed structure is a subaqueous utility lines; bulkheads, seawalls, riprap or similar shoreline protection structures located along the shoreline; structures and activities previously authorized by the Board; structures and activities built or occurring prior to any requirement for Board authorization; when a letter of concurrence is obtained from the affected adjacent upland riparian owner; or when the Board determines that locating any portion of the structure or activity within the setback area is necessary to avoid or minimize adverse impacts to natural resources.

(e) No change.

(4) through (5) No change.

Specific Authority 253.03, 253.73 FS. Law Implemented 253.03, 253.034, 253.04, 253.041, 253.141, 253.51, 253.61, 253.68, 253.72, 253.74, 253.75, 253.77 FS. History—New 3-27-82, Amended 8-1-83, Formerly 16Q-21.04, 16Q-21.004, Amended 12-25-86, 1-25-87, 3-15-90, 7-21-92, 10-15-98, \_\_\_\_\_.

18-21.007 Applications for Letter of Consent of Use.

(1) Applications for a letter of consent of use shall include the following:

(a) through (b) No change.

(c) Satisfactory evidence of sufficient upland interest to the extent required by Rule 18-21.004(3)(b), F.A.C. title in subject riparian upland property or demonstration of sufficient title interest in uplands for the intended purpose;

(d) through (g) No change.

Specific Authority 253.03(7) FS. Law Implemented 253.03, 253.12, 253.77 FS. History—New 3-27-82, Formerly 16Q-21.07, 16Q-21.007, Amended \_\_\_\_\_.

18-21.008 Applications for Lease.

Applications for the following categories of leases are found in this section: standard, extended term, aquaculture, and oil and gas. Special event leases are addressed in Section 18-21.0082, F.A.C. divided into four categories. All leases, except extended term, aquaculture, and oil and gas, are handled under the standard lease provisions.

(1) Standard Lease.

The term for standard leases shall be 5 years. However, the term for leases for marinas where at least 90 percent of the slips are maintained for rent to the public on a first-come, first-served basis shall be 10 years.

(a) Applications for leases shall include the following:

1. through 2. No change.

3. Satisfactory evidence of sufficient upland interest to the extent required by Rule 18-21.004(3)(b), F.A.C. title in applicant's riparian upland property.

4. through 10. No change.

(b) No change.

(2) Extended Term Leases

(a) through (b) No change.

(c) Applications for extended term leases shall be made using the criteria of Rule 18-21.008(1)(a), F.A.C. shall be used to apply for extended term leases.

(d) No change.

(3) through (4) No change.

Specific Authority 253.03(7), 253.73, 370.021 FS. Law Implemented 253.03, 253.04, 253.115, 253.12, 253.47, 253.512, 253.52-.54, 253.61, 253.67-.75, 370.16 FS. History—New 12-20-78, Formerly 16C-12.14, 16Q-17.14, Amended 3-27-82, 8-1-83, 2-25-85, 3-19-85, Formerly 16Q-21.08, 16Q-21.008, Amended 1-25-87, 10-11-98, \_\_\_\_\_.

18-21.009 Applications for Public Easement.

(1) Applications for easements across sovereignty submerged land for public purposes such as public utilities, bridges, and roads, shall include the following:

(a) through (b) No change.

(c) Satisfactory evidence of sufficient upland interest to the extent required by Rule 18-21.004(3)(b), F.A.C. title or extent of interest of the applicant to the riparian uplands or consent of upland owners for proposed use;

(d) through (h) No change.

(2) through (3) No change.

Specific Authority 253.03(7) FS. Law Implemented 253.03, 253.12 FS. History—New 9-26-77, Formerly 16C-12.09, 16Q-17.09, Revised 3-27-82, Formerly 16Q-21.09, 16Q-21.009, Amended \_\_\_\_\_.

18-21.010 Applications for Private Easement.

(1) Applications for easements across sovereignty submerged lands for private purposes shall include the following:

(a) through (b) No change.

(c) Satisfactory evidence of sufficient upland interest to the extent required by Rule 18-21.004(3)(b), F.A.C. title or extent of interest of the applicant to the riparian uplands or consent of upland owners for proposed use;

(d) through (l) No change.

(2) though (4) No change.

Specific Authority 253.03(7) FS. Law Implemented 253.03, 253.12 FS. History—New 12-20-78, Formerly 16C-12.10 and 16Q-17.10, Revised 3-27-82, Formerly 16Q-21.10, 16Q-21.010, Amended \_\_\_\_\_.

18-21.900 Forms.

Applications for activities, other than for aquaculture, on sovereign submerged lands shall be made on the Joint Application for Environmental Resource Permit/Authorization to Use Sovereign Submerged Lands/Federal Dredge and Fill Permit [Form 62-343.900(1), F.A.C.], except in the area under the jurisdiction of the DEP Northwest Florida District Office, where application shall be made using the forms provided in 62-312.900(1), F.A.C. In both cases, the required forms shall be submitted together with the additional information required in Sections 18-21.007-.010, F.A.C., as applicable. Other The forms used by the Board are adopted and incorporated by reference in this section. The forms are listed by rule number, which also is the form number, and with the subject title and effective date. Copies of forms may be obtained on the Internet at <http://www.myflorida.com> or by writing to the Department of Environmental Protection, Division of Water Resource Management Facilities, Bureau of Submerged Lands and Environmental Resources, ~~M.S. 2500~~, 2600 Blair Stone Road, MS 2500, Tallahassee, Florida 32399-2400, or any local district or branch office of the Department or water management district.

(1) through (2) No change.

Specific Authority 253.03(7), 253.0345, 253.73 FS. Law Implemented 253.03, 253.0345, 253.77 FS. History—New 10-15-98, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mimi Drew, Director, Division of Water Resource Management



NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Eric Bush, Chief, Bureau of Submerged Lands and Environmental Protection  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 30, 2001  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 9, 1999

**STATE BOARD OF ADMINISTRATION**

RULE TITLE: 2001 Reimbursement Premium Formula  
 RULE NO.: 19-8.028

PURPOSE AND EFFECT: This rule is promulgated to implement Section 215.555, Florida Statutes, regarding the Florida Hurricane Catastrophe Fund, for the 2001-2002 contract year.

SUMMARY: Proposed amended Rule 19-8.028, F.A.C., provides definitions, an exclusion for “specialized fine arts risks,” establishes the premium formula, and adopts the rates 2001-2002 contract year.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost to be minimal.

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: 215.555(3) FS.

LAW IMPLEMENTED: 215.555(2),(3),(4),(5),(6),(7) FS.

REGARDLESS OF WHETHER OR NOT REQUESTED, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m. – 12:00 Noon, Eastern Standard Time, Monday, July 9, 2001

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, FL 32308

Any person requiring special accommodations to participate in this proceeding is asked to advise Patti Elsbernd at least five (5) calendar days before such proceeding. Patti Elsbernd may be reached by telephone at (850)413-1346 or by mail at P. O. Box 13300, Tallahassee, FL 32317-3300

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jack E. Nicholson, Chief Operating Officer of the Florida Hurricane Catastrophe Fund, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, telephone (850)413-1340

THE FULL TEXT OF THE PROPOSED RULE IS:

19-8.028 2001 Reimbursement Premium Formula.

(1) The purpose of this rule is to adopt the Premium Formula to determine the actuarially indicated reimbursement premium to be paid to the FHCF, as required by Section 215.555(5)(b), Florida Statutes.

(2) Definitions.

(a) Actuarially Indicated Premium. This term refers to premiums which are derived according to or consistent with accepted actuarial standards of practice. Actuarially indicated means an amount determined according to principles of actuarial science to be adequate, but not excessive, in the aggregate, to pay current and future obligations and expenses of the fund, and determined according to principles of actuarial science to reflect each insurer’s relative exposure to hurricane losses.

(b) Independent Consultant. This term means the independent individual, firm, or organization with which the SBA contracts to prepare the premium formula and any other actuarial services for the FHCF, as determined under the contract with the consultant.

(c) Excess Insurance. This term means insurance protection for large commercial policy risks that provide a layer of coverage above a primary layer that acts much the same as a very large deductible. The primary layer is insured through another policy. The excess policy does not reimburse losses unless the losses exceed the primary layer. Several excess policies may be used to cover high value properties, each with different but coordinating primary layers ~~any direct insurance policy written by an authorized insurer or a Joint Underwriting Association for a Covered Policy which provides coverage above the policy limits of an underlying policy covering the same property.~~

(d) Formula or the Premium Formula. This term means the formula approved by the SBA for the purpose of determining the Actuarially Indicated Premium to be paid to the FHCF. The Premium Formula is defined as an approach or methodology which leads to the creation of premium rates. The resulting rates are therefore incorporated as part of the Premium Formula, and are the result of the approach or methodology employed.

~~(e) High Deductible. This term means any direct insurance policy written by an authorized insurer or a Joint Underwriting Association for a Covered Policy which provides coverage with a deductible or self-insured retention of \$50,000 or greater.~~

~~(e)(f) New Companies. The term means all Companies which write Covered Policies and which are granted a certificate of authority by the Department of Insurance after the beginning of the FHCF’s Contract Year on June 1; or which already have a certificate of authority but begin writing Covered Policies on or after the beginning of the FHCF’s Contract Year on June 1 and did not or was not required to enter into a contract on June 1 of the contract year. A Company is writing new business if it writes Covered Policies after the beginning of the FHCF’s Contract Year on June 1 and did not do so prior to the beginning of the Contract Year, or if it~~

removes exposure from the RPCJUA pursuant to an assumption agreement effective after June 1 and had written no other Covered Policies on or before June 1.

(f)(g) Premium. This term means the same as Reimbursement Premium, which is the premium which is determined by multiplying each \$1,000 of insured value reported by the Company in accordance with subsection (5)(b) of the Statute, by the rate as derived from the Premium Formula.

(g)(h) Section I as described in the Data Call. This term means policies other than Excess ~~policies, as Insurance or High Deductible policies, as those policies are defined herein.~~

(h)(i) Section II as described in the Data Call. This term means Excess Insurance ~~policies as or High Deductible policies, as those terms are defined herein.~~

### (3) The Premium Formula.

(a) Because of the diversity of the insurers and the risks they insure which are affected by Section 215.555, Florida Statutes, the Premium Formula is adopted in this subsection and special circumstances are addressed in subsection (4), below. The Formula for determining the actuarially indicated premium to be paid to the Fund, as required by Section 215.555(5)(b), Florida Statutes, is the rate times the exposure per \$1,000 of insured value and this equals the premium to be paid in dollars. The rates adopted below were determined by taking into account four factors: geographic location by zip code; construction type; policy deductible; and type of insurance. The Formula is developed by an independent consultant selected by the Board, as required by Section 215.555(5)(b), Florida Statutes.

(b) For the 1999-2000 contract year, the Formula developed by the Board's independent consultant, "Florida Hurricane Catastrophe Fund: 1999 Ratemaking Formula Report to the Florida State Board of Administration, March 5, 1999," which is supplemented by the "Florida Hurricane Catastrophe Fund Addendum to the March 5, 1999 Ratemaking Report, May 26, 1999," both of which are hereby adopted and incorporated by reference. The basic premium rates developed in accordance with the premium formula methodology approved by the Board on 5/11/99, are hereby adopted and incorporated by reference in Form FHCF-Rates 1999, "Florida Hurricane Catastrophe Fund/1999-2000 Rates," rev. 8/99.

(c) For the 2000-2001 contract year, the Formula developed by the Board's independent consultant, "Florida Hurricane Catastrophe Fund: 2000 Ratemaking Formula Report to the Florida State Board of Administration, March 2, 2000," and the addendum thereto, "Florida Hurricane Catastrophe Fund: Addendum to the March 2, 2000 Ratemaking Report, April 6, 2000," are hereby adopted and incorporated by reference. The basic premium rates developed in accordance with the premium formula methodology

approved by the Board on 4/25/00, are hereby adopted and incorporated by reference in Form FHCF-Rates 2000, "Florida Hurricane Catastrophe Fund/2000-2001 Rates," rev. 5/00.

(d) For the 2001-2002 contract year, the Formula developed by the Board's independent consultant, "Florida Hurricane Catastrophe Fund: 2001 Ratemaking Formula Report to the Florida State Board of Administration, March 15, 2001, as revised May 4, 2001" and the "Addendum to the March 15, 2001 Ratemaking Report," are hereby adopted and incorporated by reference. The basic premium rates developed in accordance with the premium formula methodology approved by the Board on 5/30/01, are hereby adopted and incorporated by reference in Form FHCF-Rates 2001, "Florida Hurricane Catastrophe Fund/2001-2002 Rates."

(4)(a) Special Circumstances. The premium formula for Section II exposure will be based on the use of computer modeling for each individual company for which it is applicable. Because of the difference in potential loss exposure between Section I and Section II, it is not equitable to apply FHCF rates developed for Section I exposures to Section II exposures. Because of the wide variations in attachments, retentions, limits, and participation levels for excess insurance, it is not practical to develop separate rates for all the potential combinations of per policy excess/high deductible exposures. Therefore, the Independent Consultant will recommend guidelines for individual company Section II portfolio modeling to estimate individual company FHCF expected losses. Individual company FHCF expected losses for Section II exposures will be loaded for investments and expenses on the same basis as the FHCF premium rates used for Section I exposures, but will also include a loading for the additional cost of individual company modeling. The minimum exposure threshold for FHCF Section II rating will be sufficient to generate FHCF premium greater than the cost of modeling and other considerations. Upon the Board's approval of the FHCF rates, the Independent Consultant will calculate the minimum threshold of Section II exposure required for the separate coverage levels of 45%, 75%, and 90%. This methodology will be based on sound actuarial principles to establish greater actuarial equity in the premium structure.

The calculated thresholds will be included in the Data Call, as adopted and incorporated by reference in Rule 19-8.029, F.A.C. Companies with exposure meeting the definition of Section II, but with an aggregate of such exposure under the applicable threshold, shall report the said exposure under Section I using Section I reporting specifications.

(b)1. Insurers which have forfeited their certificates of authority or which have withdrawn from the state or discontinued writing all kinds of insurance in this state after the beginning of the contract year shall have their premiums determined in accordance with subsection (3), above. Special

recognition is not given to insurers which do not have exposure for covered policies for an entire contract year, except for new companies as described in paragraph (c) of this subsection (4).

2. Any insurer which has forfeited its certificate of authority or which has discontinued writing in accordance with an order issued by the Department of Insurance effective prior to June 1 of each calendar year shall not be required to execute a Reimbursement Contract with the Board provided that the insurer has no exposure to hurricane loss after June 1.

(c)1. For purposes of this rule, the term "new companies" refers to:

a. All companies which write covered policies, as that term is defined in Section 215.555(2)(c), Florida Statutes, and,

b. Which are granted a certificate of authority by the Department of Insurance on or after the beginning of the Fund's contract year on June 1; or which already have a certificate of authority but begin writing covered policies on or after the beginning of the Fund's contract year on June 1 and did not or was not required to enter into a contract on June 1 of the contract year.

2. For purposes of this rule, a company is writing new business if it writes covered policies on or after the beginning of the Fund's contract year on June 1 and did not do so prior to the beginning of the contract year, or if it removes exposure from the RPCJUA pursuant to an assumption agreement on or after June 1 and had written no other covered policies before June 1.

3. All new companies shall enter into a reimbursement contract with the Fund.

4. All new companies shall pay a reimbursement premium to the Fund in accordance with the applicable subparagraphs below and in accordance with the applicable provisions of the reimbursement contract adopted in rule 19-8.010, F.A.C.

5. This subparagraph applies to companies writing new business after June 1 but prior to December 1 of the contract year.

a. All new companies writing new business during the period specified above shall pay a provisional premium of \$1,000 to provide consideration for the contract.

b. On or before March 1 of the contract year, the company shall report its actual exposure as of December 31 of the contract year to the Administrator on Forms FHCF-D1B, "Florida Hurricane Catastrophe Fund Data Call" and in accordance with the FHCF computer validation software provided on diskette, which are hereby adopted and incorporated by reference in Rule 19-8.029, F.A.C., and are available from the Administrator as described in subsection (5), below. The Administrator shall calculate the company's actual reimbursement premium for the period specified in paragraph c.2. based on its actual exposure. To recognize that new companies have limited exposure during this period, the actual premium as determined by processing the company's exposure data shall then be divided in half, the provisional

premium shall be credited, and the resulting amount shall be the total premium due for the company for the remainder of the contract year. However, if that amount is less than \$1,000.00, then the insurer shall pay \$1,000.00. The premium payment is due no later than May 1 of the contract year. The company's retention and coverage will be determined based on the total premium due which is the premium calculated based on the company's 12/31 exposure and divided in half as described in this sub-subparagraph.

6. This subparagraph applies to companies writing new business on or after December 1 but up to and including May 31. All new companies writing new business during this period shall pay a premium of \$1,000 to provide consideration for the contract. The company shall pay no other premium for the remainder of the contract year. The company shall not report its exposure data for this period to the Board. The premium shall be paid upon signing the reimbursement contract.

7. For purposes of this subparagraph, the requirement that a report is due on a certain date means that the report shall be in the physical possession of the Fund's Administrator in Minneapolis no later than 5 p.m., Central Time, on the due date applicable to the particular report. If the applicable due date is a Saturday, Sunday or legal holiday, and if the due date's being a Saturday, Sunday or legal holiday means that neither the United States Postal Service nor private delivery services are operating that day, then the applicable due date will be the day immediately following the applicable due date which is not a Saturday, Sunday or legal holiday. For purposes of the timeliness of the submission, neither the United States Postal Service postmark nor a postage meter date is in any way determinative. Reports sent to the Board in Tallahassee, Florida, will be returned to the sender. Reports not in the physical possession of the Fund's Administrator by 5 p.m., Central Time, on the applicable due date are late.

(d) Any policy or endorsement exclusively covering specialized fine arts risks and not covering any residential structure and/or contents thereof other than such specialized fine arts items covered in the fine arts policy, shall be exempt from the Fund as a risk meeting specialized loss control requirements if the insurer employs underwriting criteria and requires its policyholders to adhere to sub-subparagraphs a. through g., immediately below. For purposes of the exemption in this subparagraph, a "specialized fine arts risk" is a policy or endorsement which insures paintings, works on paper, etchings, art glass windows, pictures, statuary, sculptures, tapestries, antique furniture, antique silver, antique rugs, rare books, and other bona fide works of art, of rarity, of historic value, or artistic merit; which charges a minimum premium of \$500.00; which insures scheduled items valued, in the aggregate, at no less than \$100,000; and which requires an investment by the insured in loss control measures to protect the fine arts risks being insured.

a. The policyholder must demonstrate a willingness and determination to reduce the probability of loss.

b. The insurer must perform a periodic and thorough specialized inspection and must provide a specialized loss prevention service designed to prevent or minimize loss.

c. Insurable values must be sufficient to produce a premium amount to warrant the furnishing of special inspection and loss prevention service by the insurer. For purposes of this rule, the insurable value of the scheduled items must be, in the aggregate, no less than \$100,000 and the minimum premium amount must be no less than \$500.00.

d. The structural design of the residence and the degree of protection, together with efficient specialized inspection and loss protection service, must have the effect of reducing the relative importance of such otherwise applicable rating factors as exposure and quality of public fire protection.

e. The structure in which the fine arts being insured are housed must be fire-resistive or incombustible, made of heavy timber or other approved construction, and in good state of preservation and repair.

f. The structure and its fine arts contents must be provided with satisfactory watchman or alarm service or its equivalent where necessary.

g. The insurer must maintain a force of trained and competent loss prevention specialists, who perform the following tasks:

i. Make complete loss prevention surveys of each specialized fine arts risk;

ii. Make available specialized loss prevention service for the purpose of providing consultation regarding hazards to the fine arts being insured;

iii. Confirm through periodic and unannounced inspections that loss prevention devices are properly maintained;

iv. Investigate reported losses; and

v. Confer with the policyholder and confirm through periodic and unannounced inspections that recommended safety and loss control improvements are actually made.

(5) All the forms adopted and incorporated by reference in this rule may be obtained from: Administrator, Florida Hurricane Catastrophe Fund, Paragon Reinsurance Risk Management Services, Inc., 3600 West 80th Street, Minneapolis, Minnesota 55431.

Specific Authority 215.555(3) FS. Law Implemented 215.555(2),(3),(4),(5),(6),(7) FS. History—New 9-20-99, Amended 7-3-00,

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack E. Nicholson, Chief Operating Officer, Florida Hurricane Catastrophe Fund, State Board of Administration  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2000

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Payment of Excise Taxes  
RULE CHAPTER NO.: 20-9

RULE TITLES: Fresh Form  
RULE NOS.: 20-9.001  
Processed Form 20-9.002

Fruit Shipped Out-of-State to Government Agencies, or to a Packinghouse, or Processing Plant or to a Fresh Fruit Juice Distributor 20-9.003

Fruit Handled by Express and Gift Package Shippers 20-9.004

Requirements to Guarantee Payment of Excise Tax 20-9.005

Late Filing of Returns and Inadequacy of Bond 20-9.006

Mixing of Oranges 20-9.007

Utilization of Certificate of Deposit in Lieu of Bond 20-9.008

PURPOSE AND EFFECT: Amendment to clarify payment procedures currently followed by the Department regarding the payment and collection of excise taxes.

SUMMARY: Clarifying payment procedures of excise taxes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been prepared.

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

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

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

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

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

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULES IS:

20-9.001 Fresh ~~Form~~ Fruit.

(1) Filing excise tax returns: All excise tax returns required to be filed by handlers of ~~fresh~~ citrus entering the primary channel of trade in fresh form shall be filed with the Department of Citrus each week stating the number of standard

shipping boxes of 4/5 bushels, or equivalent, of each variety of citrus fruit handled during the preceding week. Excise taxes shall be filed on forms furnished by the Department of Citrus (incorporated by reference in Section 20-100.004, Florida Administrative Code) and shall be due and payable and shall be paid, or the amount guaranteed as hereinafter provided, when the citrus fruit is first handled in the primary channels of trade. Payment of taxes shall be remitted with the excise tax return for a period reported unless other payment schedules are prescribed in 20-9, Florida Administrative Code.

(2) Payment guaranteed by bond or deposit: To guarantee payment of excise taxes, handlers shall post a surety bond, cash bond or certificate of deposit, as provided in either Section 20-9.005 or 20-9.008, Florida Administrative Code.

Specific Authority 601.10(1), 601.15(1),(10)(a) FS. Law Implemented 601.15(5),(6) FS. History—Formerly 105-1.15(1), Revised 1-1-75(2), Amended 2-1-81, Formerly 20-9.01, Amended 7-21-92, \_\_\_\_\_.

20-9.002 Fruit to be Processed Form.

(1) Filing excise tax returns: All excise tax returns required by law to be filed by handlers of citrus fruit sold or delivered for processing in the State shall be filed on forms furnished by the Department of Citrus (incorporated by reference in Section ~~20-100.004~~20-005, Florida Administrative Code Department of Citrus rules), and shall be filed with the Department of Citrus each week stating the number of standard packed boxes of 1-3/5 bushels, or equivalent thereof in other containers or in bulk, received during the preceding week. Excise taxes shall be due and payable at the time of delivery of such fruit to the handler.

(2) All persons or entities required to file excise tax returns pursuant to s. 601.155, Florida Statutes. The first person having title or possession of processed orange or processed grapefruit who exercises the following privileges relating to citrus products made in whole or in part from citrus fruit grown outside the United States shall file, each week, an excise tax return on forms furnished by the Department of Citrus (incorporated by reference in section ~~20-100.004~~20-005, Florida Administrative Code Department of Citrus rules). An equalizing excise tax shall be levied on the exercise of privileges including processing, reprocessing, blending or mixing citrus products, or packing, repacking citrus products into retail or institutional containers or storing or removing the citrus product from its original container.

(a) All persons liable for the excise tax imposed by this section shall file with the Department of Citrus equalizing excise tax returns, certified as true and correct. The return, as furnished by the Department of Citrus, shall report information as to the number of units of processed orange or grapefruit products subject to this section upon which any taxable privilege was exercised during the period of time covered by the return, in addition to the status of inventoried product. Each handler shall maintain records and documentation supporting declarations made on the excise tax return filed with the

Department of Citrus. Unless the actual number of boxes is known to the processor and can be substantiated by appropriate records in his possession, the following table shall be used in determining the equivalent number of boxes:

Product	Conversion Unit		Number of Equivalent 1-3/5 Bushel Boxes
	Oranges	Grapefruit	
Concentrate	6.26 solids	4.56 solids	1
Single Strength Sections, canned	6.15 gallons	5.18 gallons	1
	4.93 gallons	4.27 gallons	1

(b) Equalizing excise taxes shall be due and payable within 61 days after the first of the taxable privileges is exercised in this state.

(c) The excise tax levied by this section shall be at the same rate per box of oranges or grapefruit utilized in the initial production of the processed citrus products so handled as that imposed, at the time of exercise of the taxable privilege, by Section 601.15, Florida Statutes.

(d) All credits and refunds will be provided by Department of Citrus in accordance with s. 601.155, Florida Statutes. When any processed orange or grapefruit product is stored or removed from its original container as provided in subsection (2), the equalizing excise tax is levied on such storage or removal, and such product is subsequently shipped out of the state in a vessel, tanker, or tank car, or container having a capacity greater than 10 gallons, the person who is liable for the tax shall be entitled to a tax refund if such tax has been paid or to a tax credit, provided that he can provide satisfactory proof that such product has been shipped out of the state and that no privilege taxable other than storage or removal from the original container was exercised prior to such shipment out of the state.

(3) Payment of taxes shall be remitted with the excise tax return for the period reported unless other payment schedules are prescribed in Section 20-9, Florida Administrative Code.

(4)(3) Payment guaranteed by bond or deposit: Every handler of citrus shall, prior to opening each season, deposit with the Department of Citrus a surety bond, cash bond or certificate of deposit, as provided in either Section 20-9.005 or 20-9.008, Florida Administrative Code, to guarantee payment of excise taxes.

Specific Authority 601.10(1), 601.15(1),(10)(a), 601.155(3),(7) FS. Law Implemented 601.15(5),(6), 601.155 FS. History—Formerly 105-1.15(2), Revised 1-1-75, Amended 11-21-77, 8-1-80, 2-1-81, 8-1-83, Formerly 20-9.02, Amended 7-21-86, 8-30-89, 8-27-91, 7-13-94, 10-22-95, 8-1-97, 8-3-00, \_\_\_\_\_.

20-9.003 Fruit Shipped Out-of-State to Government Agencies, or to a Packinghouse, or Processing Plant or to a Fresh Fruit Juice Distributor.

The excise taxes on citrus fruit to be shipped outside the State of Florida to government agencies, or to a packinghouse or processing plant, or to a fresh fruit juice distributor, shall be paid by the person shipping or causing such fruit to be shipped outside the state and payment shall be evidenced on the permit under which said fruit is shipped. Persons who qualify with the Department of Citrus under Section 20-9.005, Florida Administrative Code, may stamp on the permit the name of the shipper together with the words "Payment of excise taxes guaranteed to the Department of Citrus." Returns for such shipments shall be made as provided for in Section 20-9.001, Florida Administrative Code.

Specific Authority 601.10(1), 601.15(1),(10)(a) FS. Law Implemented 601.15(5),(6), ~~601.154~~, 601.152, 601.154, ~~601.156~~, ~~601.157~~, ~~601.158~~ FS. History—Formerly 105-1.15(3), Revised 1-1-75, Formerly 20-9.03, Amended

20-9.004 Fruit Handled by Express and Gift Package Shippers.

(1) Filing excise tax returns:

(a) Every shipper of express or gift packages shall file, as directed by the Department of Citrus, weekly returns of all fruit shipped in the preceding week with remittance attached for total excise taxes due.

(b) A gift shipper qualifying under the following criteria may make returns for longer periods by applying in writing to the Department of Citrus and receiving prior written approval:

1. Quarterly payments – if estimated annual tax payment does not exceed \$6,900 maximum.

2. Monthly payments – if estimated annual tax payment does not exceed \$30,000 maximum.

3. Weekly payments are required if estimated annual tax is greater than \$30,000.

4. Calculation of estimated tax payment is based upon a 7-month season using the total boxes estimated to be shipped and an average tax rate established annually by the Department of Citrus based on tax rates set by the Florida Citrus Commission.

(c) All returns shall be made in terms of standard packed boxes of 1-3/5 bushels or equivalent.

(d) Any shipper who qualifies with the Department of Citrus under Section 20-9.005 may file returns as therein provided.

(e) The advertising excise taxes shall be due and payable at the time of offering such fruit for shipment.

(2) Fresh Squeezed Juice: ~~Advertising~~ Excise taxes on fresh squeezed citrus juice that is subject to the provisions of Rule 20-49, Florida Administrative Code, shall be due and payable as provided in 20-9.004, Florida Administrative Code, subsection (1). However, no tax shall be due if subsection (3) below is applicable.

(3) No tax shall be due on:

(a) Fresh fruit used in store demonstrations or promotions, or

(b) Fresh squeezed juice that is offered without charge to store customers, or

(c) Fresh fruit or juice offered at no cost to nonprofit organizations for use exclusively by the organization and not for resale. Dealer shall maintain in his files a record of the donation and a signed statement from a representative of the organization that the fruit or juice will not be used for resale.

Specific Authority 601.10(1), 601.15(1),(10)(a) FS. Law Implemented 601.15(3),(5),(6), 601.152, 601.154 FS. History—Formerly 105-1.15(4), Revised 1-1-75, Formerly 20-9.04, Amended 12-10-95, 4-14-96

20-9.005 Requirements to Guarantee Payment of Excise Tax.

To qualify to guarantee to the Department of Citrus payment of any excise tax imposed by law:

(1) Each handler of citrus fruit shall deposit with the Department of Citrus a good and sufficient

(a) Cash bond, or

(b) Surety bond executed by the handler as principal and by a surety company qualified and authorized to do business in this State as surety, to be approved by the Department of Citrus, or

(c) Certificate of deposit in accordance with the provisions of Section 20-9.008, Florida Administrative Code.

(2) The total amount of such cash bond, surety bond or certificate of deposit shall be in an amount based upon the following formula:

(a) To determine the total estimated tax liability of the handler, multiply the number of boxes or equivalent boxes utilized in the prior season, or estimated utilization during the current season, including the exercised privileges of imported products, whichever is greater, times the total average tax rate for fresh form and processed form excise tax rate for each variety as provided by law for the period covered by the bond.

(b) Divide the total estimated tax by the number of weeks for which tax returns were required to be filed during the previous season to determine the estimated weekly tax due. Department has the discretion to reduce the number of weeks used in this calculation due to late payments received during the prior season. If returns are filed monthly, as approved by the Department of Citrus, divide the total estimated tax by the number of months for which tax returns were required to be filed during the previous season to arrive at the estimated monthly tax due.

(c) Multiply by two the estimated weekly ~~or monthly~~ excise tax due, as computed by such formula, to determine the amount of surety bond, cash bond or certificate of deposit, required.

~~(3) Each handler shall furnish, as directed by the Department of Citrus, weekly returns of total fruit handled during the preceding week, with remittance attached for total excise taxes thereby due for the period reported.~~

~~Specific Authority 601.10(1), 601.15(1),(5),(6),(10)(a) FS. Law Implemented 601.12(4); 601.15(1),(5),(6), 601.154; 601.152, 601.154, 601.155, 601.156, 601.157, 601.158 FS. History—Formerly 105-1.15(5), Revised 1-1-75, Amended 11-21-77, 8-1-80, 2-1-81, 8-1-83, Formerly 20-9.05, Amended \_\_\_\_\_.~~

#### 20-9.006 Late Filing of Returns and Inadequacy of Bond.

All excise taxes levied and imposed on citrus fruit or product shall be paid or the amount thereof guaranteed at the time the fruit is first handled in the primary channel of trade. Payments not made the week following entry into the primary channel of trade become delinquent. Payment shall be made in accordance with Sections 20-9.001, 20-9.002, 20-9.003 and 20-9.004, Florida Administrative Code.

(1)(a) When any citrus fruit handler becomes delinquent in filing returns or paying citrus excise taxes, the Department of Citrus shall demand payment of such taxes and give written notice of the delinquency to the handler ~~and to his surety, where applicable,~~ including notice of the rights of affected parties under Chapter 120, Florida Statutes. Such notice shall be mailed to the address supplied by the handler to the Department of Citrus in the application for citrus fruit dealer license ~~and, where applicable, to the address of the surety as indicated on the face of the bond agreement.~~

(b) If the taxes are not paid within 28 days of delinquency by the citrus fruit handler and there is no request for hearing under Chapter 120, Florida Statutes, the Department of Citrus shall notify the Department of Agriculture to immediately suspend inspection service to the reported handler. This suspension will remain in force until returns have been filed and excise taxes plus any penalties are paid to the Department of Citrus. The Department of Citrus shall notify the Department of Agriculture when such payment has been made and inspection services may resume. If payment is not made after suspension of inspection services, the Department of Citrus ~~may shall~~ impose a 5% late penalty pursuant to Section 601.15(9)(a), Florida Statutes, demand immediate payment from the surety of such taxes and penalty, and provide the handler with a copy of such demand. Where the handler has deposited with the Department of Citrus a cash bond or certificate of deposit, the Department shall immediately proceed against such bond or certificate of deposit for the amount of indebtedness. ~~Upon such demand of the surety or securing payment from the cash bond or certificate of deposit, the Department of Citrus shall notify the Department of Agriculture to immediately suspend inspection service to the reported handler. This suspension will remain in force until returns have been filed and excise taxes plus any penalties are paid to the Department of Citrus. The Department of Citrus shall notify the Department of Agriculture when such payment has been made and inspection services may resume.~~

(2)(a) When the Department of Citrus determines that the handler's surety bond, cash bond, or certificate of deposit is inadequate to guarantee tax payment for any 28-day period ~~or utilization is in excess of the handler's estimated utilization for the season,~~ the Department of Citrus shall provide written notice to the handler that the amount of guarantee is inadequate, and shall request the handler to furnish an increased bond in accordance with the provisions of Section 20-9.005(2), Florida Administrative Code, and give notice of the handler's rights under Chapter 120, Florida Statutes.

(b) If the increased bond is not furnished within 14 days of mailing such written notice to the handler or no request for a hearing under Chapter 120, Florida Statutes, is received, the Department of Citrus shall notify the Department of Agriculture to immediately suspend inspection service to the reported handler. This suspension shall remain in force until an adequate guarantee is furnished and the Department of Citrus notifies the Department of Agriculture to that effect.

~~Specific Authority 601.10(1),(7), 601.15(1),(5),(6),(10)(a) FS. Law Implemented 601.15(5),(6),(9), 601.152, 601.154, 601.155(6),(7),(9), 601.156(2); 601.27 FS. History—Formerly 105-1.15(6), Revised 1-1-75, Formerly 20-9.06, Amended 12-13-92, 10-17-93, \_\_\_\_\_.~~

#### 20-9.007 Mixing of Oranges.

Because of the difference in excise tax rates for round oranges (*Citrus sinensis*, Osbeck) and other types of oranges, such as Temples and tangelos, round oranges shall not be delivered to processing plants mixed with other varieties.

~~Specific Authority 601.10(1),(7), 601.15(1),(5),(6),(10)(a) FS. Law Implemented 601.15—601.156 FS. History—Formerly 105-1.15(7), Revised 1-1-75, Formerly 20-9.07, Amended 7-21-92.~~

#### 20-9.008 Utilization of Certificate of Deposit in Lieu of Bond.

(1) A handler wishing to post a certificate of deposit in lieu of a cash or surety bond to guarantee the payment of citrus excise taxes to the Department of Citrus, shall purchase such certificate in an amount to be determined according to the criteria as set forth in Section 20-9.005(2), Florida Administrative Code. The certificate of deposit shall have the same face principal value as if a surety bond had been posted.

(2) Any certificate of deposit offered under this provision shall be issued either by a national or Florida chartered bank or savings and loan association and the face amount of such certificate shall be fully insured by the appropriate federal insurance corporation.

(3) The certificate of deposit shall be issued in the name of the licensed handler and the State of Florida, Department of Citrus. The handler shall present a certificate of deposit and with the certificate of deposit an executed assignment of such handler's interest in the certificate in favor of the State of Florida, Department of Citrus on a form to be provided by the Department of Citrus. Such assignment shall be irrevocable for the period from the beginning of the citrus season for which the certificate is submitted or from the date of submission of the

certificate of deposit if occurring after commencement of the season, through September 1 of the following citrus season. The certificate of deposit may be reassigned by the Department of Citrus to such handler providing that all citrus excise taxes due and payable to the Department of Citrus by such handler during the term covered by the certificate shall have been paid to the Department in full. The conditions of the assignment from the handler to the Department of Citrus shall be that if the handler shall well and truly comply with the provisions of Florida law and Department of Citrus rules regarding the payment of citrus excise taxes, then the certificate of deposit subject to such assignment shall be reassigned by the Department of Citrus to the handler, otherwise said assignment to remain in full force and effect.

(4) All interest accruing on such certificate of deposit shall be paid directly to the handler and the handler shall register his federal employer tax number or other federal tax identification number with the financial institution issuing such certificate.

(5) A separate certificate of deposit for the required amount of the bond otherwise called for must be assigned to the Department of Citrus for each citrus shipping season for which the handler desires to utilize this alternate procedure.

Specific Authority 601.10(1), 601.15(1) FS. Law Implemented 601.15(6)(b) FS. History--New 2-1-81, Formerly 20-9.08, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mia L. McKown, General Counsel  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mia L. McKown, General Counsel  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 18, 2001  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 4, 2001

**DEPARTMENT OF CITRUS**

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

RULE TITLE: Mandatory Automated Reporting  
RULE NO.: 20-40.005

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

SUMMARY: Exempting small shippers from mandatory electronic reporting.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been prepared.

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

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

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

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

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

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-40.005 Mandatory Automated Reporting.

As of February 1, 2001 and thereafter, each shipper shall provide to the Department of Agriculture and Consumer Services, Division of Fruit and Vegetables an automated loading manifest containing all of the information required by this chapter in a form and manner prescribed by the Division. Shippers that shipped less than 10,000 cartons the previous shipping season are not required to provide information via the automated loading manifest for the current shipping season, but shall provide said information in a written form and manner prescribed by the Division. The Division shall then input and update the manifests from the smaller shippers into the database.

Specific Authority 601.10(1),(8), 601.15(1),(2),(4),(10), 601.155(7), 601.28(4), 601.69, 601.701 FS. Law Implemented 601.10(8), 601.15(1), 601.155(7), 601.69 FS. History--New 3-11-01, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mia L. McKown, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mia L. McKown, General Counsel

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

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



**DEPARTMENT OF CITRUS**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Standards for Fresh Squeezed Citrus Juices	20-49
RULE TITLES:	RULE NOS.:
Purpose	20-49.001
Definitions	20-49.002
Large Wholesale Producers – Testing	20-49.004
Large Producers – Testing	20-49.0041
Large Wholesale Producers – Inspections	20-49.005
Large Producers – Inspections	20-49.0051
Small and Very Small Wholesale Producers – Testing	20-49.006
Small Producers – Testing	20-49.0061
Small and Very Small Wholesale Producers – Inspections	20-49.007
Small Producers – Inspections	20-49.0071

**PURPOSE AND EFFECT:** Would bring language into conformity with Food and Drug Administration’s rule 21CFR Part 120. Additionally, the amendment modifies the original prohibition of manure as a fertilizer on citrus to be used in making fresh squeezed juices.

**SUMMARY:** Language of Food and Drug Administration’s rule 21CFR Part 120 and modification of prohibition of manure as a fertilizer.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** No Statement of Regulatory Cost has been prepared.

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

**SPECIFIC AUTHORITY:** 601.10(7), 601.11 FS.

**LAW IMPLEMENTED:** 601.10(7), 601.11, 601.29, 601.33, 601.38 FS.

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

**TIME AND DATE:** 9:00 a.m., July 18, 2001

**PLACE:** Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

**THE FULL TEXT OF THE PROPOSED RULES IS:**

20-49.001 Purpose.

The purpose of this chapter section is to regulate all fresh squeezed citrus juices in the State of Florida. On January 19, 2001, the Food & Drug Administration adopted final regulations to ensure the safe and sanitary processing of fruit and vegetable juices. This chapter does address categories of

the fresh juice industry that will be governed by 21CFR120. However, the federal rule is not effective until January 22, 2002, and also has staggered compliance dates based upon the size of the business. Until the Food & Drug Administration’s rule is effective and all compliance dates have occurred, this rule will regulate those categories to ensure there is no lapse in regulatory authority.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11 FS. History–New 3-15-01, Amended \_\_\_\_\_.

20-49.002 Definitions.

(1) Fresh – The term fresh, when used on the label or in labeling of a food in a manner that suggests the food is unprocessed, means the food is in its raw state and has not been frozen or subjected to any form of thermal processing or any other form of preservation. At all times this definition and its application to fresh citrus juice must be consistent with the definition established by the Food and Drug Administration, 21 CFR 101.95, revised April 1, 2000, incorporated herein by reference.

(2) Large Wholesale Producer – A Large Wholesale Producer includes all Florida producers of fresh squeezed citrus juices that employ more than 500 persons and are engaged in commercial, custom or institutional production of fresh squeezed juice, including fresh squeezed juice products that are intended for use as market or consumer tests each season process juice from 30,000 boxes or more of citrus fruit. This chapter shall govern this category until January 21, 2002, (11:59 p.m.), at which time federal rule 21CFR120 becomes effective as to this category.

(3) Small Wholesale Producer – Small Wholesale Producer includes all Florida producers of fresh squeezed juice that employ fewer than 500 persons and are engaged in commercial, custom or institutional production of fresh squeezed juice, including fresh squeezed juice products that are intended for use as market or consumer tests. This chapter shall govern this category until January 20, 2003, (11:59 p.m.), at which time federal rule 21CFR120 becomes effective as to this category.

(4) Very Small Wholesale Producer – Very Small Wholesale Producer includes all Florida producers of fresh squeezed juice that have total annual sales of less than \$500,000.00; or their total annual sales are greater than \$500,000.00, but their total food sales are less than \$50,000.00; or they employ fewer than an average of 100 full-time equivalent employees, sell fewer than 100,000 units of juice, and are engaged in commercial, custom or institutional production of fresh squeezed juice, including fresh squeezed juice products that are intended for use as market or consumer tests. This chapter shall govern this category until January 19, 2004, (11:59 p.m.), at which time federal rule 21CFR120 becomes effective as to this category.

(5) Large Producer – Large Producer includes all Florida producers of fresh squeezed citrus juices that each season process juice from 30,000 boxes or more of citrus fruit. These establishments provide juice directly to consumers and do not include establishments that sell or distribute fresh squeezed citrus juice to other business entities as well as consumers.

(6)(3) Small Producer – Gift Fruit Shippers as defined in ss. 601.03(20), Florida Statutes, and roadside retail fruit stand operators, as defined in Rule 20-44.006, F.A.C., engaged in the production of fresh squeezed citrus juices and process less than 30,000 boxes of citrus fruit per season. These establishments provide juice directly to consumers and do not include establishments that sell or distribute fresh squeezed citrus juices to other business entities as well as consumers. All producers in the category shall possess a food permit issued by the Florida Department of Agriculture and Consumer Services (hereafter “FDACS”) pursuant to the provisions of Chapter 5K-4, F.A.C.

(7) Producer – The term shall collectively reference the Large Wholesale Producer, Small Wholesale Producer, Very Small Wholesale Producer, Large Producer and Small Producer.

(8)(4) Establishment – The term establishment shall reference the Wholesale Producers’ ~~and Small Producer and/or~~ place of business.

(9) Provide – The term “provide” shall mean storing, preparing, packaging, serving and vending.

(10)(5) Product – The term “Product” shall mean fresh squeezed citrus juices. The words “fresh squeezed” or “freshly squeezed” or “fresh” may be used to describe Product conforming to this rule.

(11) Shall – The term “shall” is used to state mandatory requirements.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.29, 601.33, 601.38 FS. History–New 3-15-01, Amended \_\_\_\_\_.

#### 20-49.004 Large Wholesale Producers – Testing.

This section regarding testing shall be applicable to Wholesale Producers of fresh citrus juice until January 21, 2002, at 11:59 p.m.

(1) All Large Wholesale Producers must document compliance with all applicable state and federal food safety and labeling requirements.

(2) All Large Wholesale Producers must have, maintain and follow a ~~food safety plan that is based on~~ Hazard Analysis Critical Control Point (HACCP) plan principles. This plan must be reviewed by FDACS, the applicable regulatory agency or a firm accredited by the International HACCP Alliance. Such plan shall incorporate a microbiological testing program. Such documentation must be on file at each producer’s facility. These plans must be reviewed every 12 months or each time an operational modification changes the producing establishment’s hazard analysis.

(3) All Large Wholesale Producers must abide by all applicable Good Manufacturing Practices contained in Chapter 5K-4, F.A.C. and 21 CFR 110, revised April 1, 2000, and incorporated herein by reference.

(4) All Large Wholesale Producers must test for *Salmonella*, *E. coli* and other pathogenic microorganisms as required by applicable regulatory agencies. Microbiological results must be available for each production lot or day’s production, whichever is less. Microbiological testing records must be maintained on the producing establishment’s premises for one year, and shall be available for review by FDACS or United States Department of Agriculture (hereafter “USDA”) during normal operating hours.

(5) Any positive detection of *Salmonella*, *E. coli* or other pathogenic microorganisms in a wholesale operation shall require notification to USDA and FDACS, Division of Food Safety, within 24 hours of the positive detection. If Product is still located in the producing establishment, it shall be placed on hold pending appropriate response from FDACS.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.29, 601.33, 601.38 FS. History–New 3-15-01, Amended \_\_\_\_\_.

#### 20-49.0041 Large Producers – Testing.

This section regarding testing shall be applicable to Large Producers of fresh citrus juice.

(1) All Large Producers must document compliance with all applicable state and federal food safety and labeling requirements.

(2) All Large Producers must have, maintain and follow a Hazard Analysis Critical Control Point (HACCP) plan. This plan must be reviewed by FDACS, the applicable regulatory agency or a firm accredited by the International HACCP Alliance. Such plan shall incorporate a microbiological testing program. Such documentation must be on file at each producer’s facility. These plans must be reviewed every 12 months or each time an operational modification changes the producing establishment’s hazard analysis.

(3) All Large Producers must abide by all applicable Good Manufacturing Practices contained in Chapter 5K-4, F.A.C., and 21 CFR 110, revised April 1, 2000, and incorporated herein by reference.

(4) All Large Producers must test for *Salmonella*, *E. coli* and other pathogenic microorganisms as required by applicable regulatory agencies. Microbiological results must be available for each production lot or day’s production, whichever is less. Microbiological testing records must be maintained on the producing establishment’s premises for one year, and shall be available for review by FDACS or United States Department of Agriculture (hereafter “USDA”) during normal operating hours.

(5) Any positive detection of *Salmonella*, *E. coli* or other pathogenic microorganisms in a large establishment shall require notification to USDA and FDACS, Division of Food

Safety, within 24 hours of the positive detection. If Product is still located in the producing establishment, it shall be placed on hold pending appropriate response from FDACS.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.29, 601.33, 601.38 FS. History—New \_\_\_\_\_.

20-49.005 Large Wholesale Producers – Inspections.

This section regarding the inspections shall be applicable to Large Wholesale Producers of fresh squeezed citrus juices.

(1) All inspections and audits shall be performed by or under the authority of FDACS.

(2) All wholesale production establishments shall be inspected according to Sections 2.2.1 through 2.2.58, July 1996, and 3.2.7a through 3.2.7o, June 1996, of the Citrus Handbook of the Processed Citrus Branch, Fruit and Vegetable Division, United States Department of Agriculture, incorporated herein by reference.

(3) All Large Wholesale Producers shall be subject to full-time inspection by FDACS or its agent.

(4) The following specific Good Manufacturing Practices, in addition to those contained in Chapter 5K-4, F.A.C., and 21 CFR 110, revised April 1, 2000, incorporated herein by reference, shall be applicable:

(a) All soil, debris, stems, leaves, etc. must be removed from the fruit.

(b) All whole and intact fruit shall be washed, sanitized and/or surface heat-treated immediately prior to extraction. If the whole and intact fruit is washed, sanitized and/or surface heat-treated, but is not immediately extracted, the fruit may be maintained in a sanitary storage room or container for forty-eight (48) hours prior to extraction, so long as the temperature of the room or container is maintained at 40° Fahrenheit or less.

(c) All fruit that has been in cold storage at a temperature of 40° Fahrenheit or less in excess of forty-eight (48) hours shall be resanitized and regraded. All soft or unwholesome fruit shall be discarded.

(d) All belts and rollers must be maintained free of soil, wax, dirt and extraneous material.

(e) The entire wash area shall, at all times, be maintained free of excess debris, pests and standing water.

(f) Grading must eliminate damaged, defective, soft or decayed fruit.

(g) Drops, fruit from the ground, may not be used in the production of fresh citrus juice.

~~(h) Any fruit which originated in a grove fertilized with manure products (human, poultry or otherwise) shall not be accepted for extraction to be made into fresh citrus juice.~~

~~(h)(+) The processing and filling area shall be completely enclosed and meet the structural requirements for food processing areas as defined in Chapter 5K-4, F.A.C. and 21 CFR 110, revised April 1, 2000, incorporated herein by reference.~~

~~(i)(+) All fruit contact surfaces must be cleaned and sanitized after production and prior to startup. Appropriate cleaning and sanitizing agents must be used as prescribed by the equipment manufacturer for the specific use.~~

~~(j)(+) If product residues or buildup of organic matter remain on equipment, additional chemical treatment shall be used to remove such residues or buildup.~~

~~(k)(+) All lubricants must be food grade only, as found in 21 CFR 178.3570, revised April 1, 2000, incorporated herein by reference.~~

~~(l)(+) Back-siphonage protection devices must be provided on any water outlet where a hose can be connected.~~

~~(m)(+) A contingency plan for in-line and surge tank juice during breakdowns must be in place. Cleaning and sanitizing procedures must be performed prior to restarting operation after extended breakdowns.~~

~~(n)(+) All juice containers must, at all times, be sanitarily handled and protected from contamination. Containers must be covered when removed from protection if not used immediately.~~

~~(o)(+) Certificates for a potable water supply shall be obtained from the Florida Department of Health (hereafter “DOH”) approved laboratory on an annual basis prior to the start of the season.~~

~~(p)(+) As to personnel and sanitary establishments, Wholesale Producers shall meet all applicable state and federal regulations with respect to cleanliness and disease and pest control.~~

~~(q)(+) All Large Wholesale Producers shall establish and maintain records that:~~

- ~~1. Identify the source of the fruit used in the juice production by date and variety; and~~
- ~~2. Identify microbiological test results to date of production, fruit source and juice type; and~~
- ~~3. Implement a corrective action plan for unsafe products.~~

~~Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.29, 601.33, 601.38 FS. History—New 3-15-01, Amended \_\_\_\_\_.~~

20-49.0051 Large Producers – Inspections.

This section regarding the inspections shall be applicable to Large Producers of fresh squeezed citrus juices.

(1) All inspections and audits shall be performed by or under the authority of FDACS.

(2) All Large production establishments shall be inspected according to Sections 2.2.1 through 2.2.58, July 1996, and 3.2.7a through 3.2.7o, June 1996, of the Citrus Handbook of the Processed Citrus Branch, Fruit and Vegetable Division, United States Department of Agriculture, incorporated herein by reference.

(3) All Large Producers shall be subject to full-time inspection by FDACS or its agent.

(4) The following specific Good Manufacturing Practices, in addition to those contained in Chapter 5K-4, F.A.C., and 21 CFR 110, revised April 1, 2000, incorporated herein by reference, shall be applicable:

(a) All soil, debris, stems, leaves, etc. must be removed from the fruit.

(b) All whole and intact fruit shall be washed, sanitized and/or surface heat-treated immediately prior to extraction. If the whole and intact fruit is washed, sanitized and/or surface heat-treated, but is not immediately extracted, the fruit may be maintained in a sanitary storage room or container for forty-eight (48) hours prior to extraction, so long as the temperature of the room or container is maintained at 40° Fahrenheit or less.

(c) All fruit that has been in cold storage at a temperature of 40° Fahrenheit or less in excess of forty-eight (48) hours shall be resanitized and regraded. All soft or unwholesome fruit shall be discarded.

(d) All belts and rollers must be maintained free of soil, wax, dirt and extraneous material.

(e) The entire wash area shall, at all times, be maintained free of excess debris, pests and standing water.

(f) Grading must eliminate damaged, defective, soft or decayed fruit.

(g) Drops, fruit from the ground, may not be used in the production of fresh citrus juice.

(h) The processing and filling area shall be completely enclosed and meet the structural requirements for food processing areas as defined in Chapter 5K-4, F.A.C., and 21 CFR 110, revised April 1, 2000, incorporated herein by reference.

(i) All fruit contact surfaces must be cleaned and sanitized after production and prior to startup. Appropriate cleaning and sanitizing agents must be used as prescribed by the equipment manufacturer for the specific use.

(j) If product residues or buildup of organic matter remain on equipment, additional chemical treatment shall be used to remove such residues or buildup.

(k) All lubricants must be food grade only, as found in 21 CFR 178.3570, revised April 1, 2000, incorporated herein by reference.

(l) Back-siphonage protection devices must be provided on any water outlet where a hose can be connected.

(m) A contingency plan for in-line and surge tank juice during breakdowns must be in place. Cleaning and sanitizing procedures must be performed prior to restarting operation after extended breakdowns.

(n) All juice containers must, at all times, be sanitarily handled and protected from contamination. Containers must be covered when removed from protection if not used immediately.

(o) Certificates for a potable water supply shall be obtained from the Florida Department of Health (hereafter "DOH") approved laboratory on an annual basis prior to the start of the season.

(p) As to personnel and sanitary establishments, Large Producers shall meet all applicable state and federal regulations with respect to cleanliness and disease and pest control.

(q) All Large Producers shall establish and maintain records that:

1. Identify the source of the fruit used in the juice production by date and variety; and

2. Identify microbiological test results to date of production, fruit source and juice type; and

3. Implement a corrective action plan for unsafe products.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.29, 601.33, 601.38 FS. History—New

20-49.006 Small and Very Small Wholesale Producers – Testing.

This section regarding testing shall be applicable to Small and Very Small Wholesale Producers of fresh citrus juices.

(1) All Small and Very Small Wholesale Producers must document compliance with all applicable state and federal food safety and labeling requirements. The Small and Very Small Wholesale Producers must possess a current food permit issued by FDACS, Division of Food Safety.

(2) All Small and Very Small Wholesale Producers shall have, maintain and follow a ~~food safety plan that is based on~~ Hazard Analysis Critical Control Point (HACCP) ~~plan principles~~. This plan must be reviewed by FDACS, the applicable regulatory agency or a firm accredited by the International HACCP Alliance. Such plan shall incorporate a microbiological testing program. Such documentation must be on file and a certificate shall be displayed at each Producer's establishment. The plans must be reviewed every 12 months or each time an operational modification changes the Producer's hazard analysis.

(3) All Small and Very Small Wholesale Producers must abide by all applicable Good Manufacturing Practices contained in Chapter 5K-4, F.A.C and 21 CFR 110, revised April 1, 2000, incorporated herein by reference.

(4) As to microbiological testing the following shall apply:

(a) All Small and Very Small Wholesale Producers shall test the juice for *E. coli* as an indicator of process control minimally once weekly. This test may be:

1. A rapid test approved by, FDACS; or

2. An internal laboratory test (using a FDOC approved testing method as defined in Chapter 20-14, F.A.C.); or

3. A test conducted by an outside laboratory (using a FDOC approved method as defined in Chapter 20-14, F.A.C.).

Records of all microbiological testing, including *E. coli* testing, must be maintained on the producing establishment's premises for one year and shall be available for review by FDACS or its agent during normal operating hours.

(b) Any positive detection of *E. coli* or other pathogenic microorganism in a Small Producer's product shall require notification to FDACS within twenty-four (24) hours of the positive detection.

(c) All Small and Very Small Wholesale Producers shall be subject to additional microbiological testing by FDACS.

(5) Any Small and Very Small Wholesale Producer, which wholesales any quantity of fresh citrus juice, is required to conduct two forms of microbiological testing. These producers must test for *E. coli* on each production lot or day's production, whichever is less. These *E. coli* tests may be the same rapid *E. coli* tests mentioned in Rule 20-49.006(4), F.A.C. Additionally, these producers must test for *Salmonella*, using an outside laboratory (using an FDOC approved method as defined in Chapter 20-14, F.A.C.) minimally monthly. Microbiological testing records must be maintained on the producing establishment's premises for one year, and shall be available for review by FDACS during normal operating hours.

(6) This section shall be applicable to Small Wholesale Producers until January 20, 2003, at 11:59 p.m.

(7) This section shall be applicable to Very Small Wholesale Producers until January 19, 2004, at 11:59 p.m.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.29, 601.33, 601.38 FS. History—New 3-15-01, Amended.

#### 20-49.0061 Small Producers – Testing.

This section regarding testing shall be applicable to Small Producers of fresh citrus juices.

(1) All Small Producers must document compliance with all applicable state and federal food safety and labeling requirements. The Small Producers must possess a current food permit issued by FDACS, Division of Food Safety.

(2) All Small Producers shall have, maintain and follow a Hazard Analysis Critical Control Point (HACCP) plan. This plan must be reviewed by FDACS, the applicable regulatory agency or a firm accredited by the International HACCP Alliance. Such plan shall incorporate a microbiological testing program. Such documentation must be on file and a certificate shall be displayed at each Producer's establishment. The plans must be reviewed every twelve (12) months or each time an operational modification changes the Producer's hazard analysis.

(3) All Small Producers must abide by all applicable Good Manufacturing Practices contained in Chapter 5K-4, F.A.C., and 21 CFR 110, revised April 1, 2000, incorporated herein by reference.

(4) As to microbiological testing the following shall apply:

(a) All Small Producers shall test the juice for *E. coli* as an indicator of process control minimally once weekly. This test may be:

1. A rapid test approved by, FDACS; or

2. An internal laboratory test (using a FDOC approved testing method as defined in 20-14, F.A.C.); or

3. A test conducted by an outside laboratory (using a FDOC approved method as defined in Chapter 20-14, F.A.C.).  
Records of all microbiological testing, including *E. coli* testing, must be maintained on the producing establishment's premises for one year and shall be available for review by FDACS or its agent during normal operating hours.

(b) Any positive detection of *E. coli* or other pathogenic microorganism in a Small Producer's product shall require notification to FDACS within 24 hours of the positive detection.

(c) All Small Producers shall be subject to additional microbiological testing by FDACS.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.29, 601.33, 601.38 FS. History—New

20-49.007 Small and Very Small Wholesale Producers – Inspections.

This section regarding inspections shall be applicable to Small and Very Small Wholesale Producers of fresh citrus juices.

(1) Sanitation inspections will be performed by FDACS, Division of Food Safety. Small and Very Small Wholesale Producers may receive three or more complete sanitation inspections during their season of operation. Prior to September 15 of each season, each Small and Very Small Wholesale Producer shall notify FDACS, Division of Food Safety, of its months of operation and the typical time of day that fresh juice is made.

(2) FDACS or an approved agent of FDACS will perform monthly audits of Small and Very Small Wholesale Producers. Such audits will cover quality control records (HACCP or otherwise) and food safety check points (supplied by the FDACS, Division of Food Safety). The purpose of these audits is to verify that procedures are being followed and recorded. FDACS or the approved agent of FDACS shall report any deviation of rule compliance or suspect situation to FDACS, Division of Food Safety.

(a) The cost of audits shall be the responsibility of the Small and Very Small Wholesale Producer. Audit contract services may be negotiated by trade groups and operated with notification to FDACS.

(b) For the first year, a fee structure through FDACS, Division of Fruits and Vegetables shall be established. Division HACCP trained inspectors shall perform the audits. This program shall be evaluated on a yearly basis. To fund this effort a fee shall be paid on all volume of fruit sold in fresh form and fresh juice form by each Small and Very Small Wholesale Producer.

(3) The following specific General Manufacturing Practices, in addition to those contained in Chapter 5K-4, F.A.C., and 21 CFR 110 revised, April 1, 2000, incorporated herein by reference, shall apply:

(a) All soil, debris, stems, leaves, etc. must be removed from the fruit.

(b) All whole and intact fruit shall be washed, sanitized and/or surface heat-treated immediately prior to extraction. If the whole and intact fruit is washed, sanitized and/or surface heat-treated, but is not immediately extracted, the fruit may be maintained in a sanitary storage room or container for forty-eight (48) hours prior to extraction so long as the temperature of the room or container is maintained at 40° Fahrenheit or less.

(c) All fruit that has been in cold storage at a temperature of 40° Fahrenheit or less in excess of forty-eight (48) hours shall be resanitized and regraded. All soft or unwholesome fruit shall be discarded.

(d) All whole and intact fruit shall be washed, sanitized and/or surface heat-treated in accordance with the Florida Department of Citrus Guidance Document for Retail and Roadside Fresh Citrus Juice Producers.

(e) If sanitized fruit is not immediately extracted, the sanitized fruit must be maintained in a sanitary storage room or container until extraction, so long as the temperature of the room or container is maintained at 40° Fahrenheit or less. Extraction shall occur at least forty-eight (48) hours after fruit has been sanitized.

(f) All belts and rollers must be maintained free of soil, wax, dirt and extraneous material.

(g) The entire wash area shall be at all times maintained free of excess debris, pest and potential pest harborage – including standing water.

(h) Grading must eliminate damaged, defective, soft or decayed fruit.

(i) Drops, fruit from the ground, may not be used in the production of fresh juice.

~~(j) Any fruit that originated in a grove fertilized with manure products (poultry or otherwise) shall not be accepted for extraction.~~

~~(j)(4)~~ The extraction and filling areas shall be completely enclosed and meet the structural requirements for food processing area as required by Chapter 5K-4, F.A.C. and 21 CFR 110, revised April 1, 2000, incorporated herein by reference.

~~(k)(4)~~ A roof must cover all fruit conveyances.

~~(l)(4)~~ All lubricants must be food grade only, as found in 21 CFR 178.3570, revised April 1, 2000, incorporated herein by reference.

~~(m)(4)~~ All fruit contact surfaces must be cleaned and sanitized after production and prior to startup. Appropriate cleaning and sanitizing agents must be used as prescribed by the equipment manufacturer for the specific use.

~~(n)(4)~~ Back-siphonage protection devices must be provided on any water outlet where a hose can be connected.

~~(o)(4)~~ All juice containers must be sanitarily handled and protected from contamination, at all times. When removed from protective wrap, containers must be covered, if not used immediately.

~~(p)(4)~~ A trained employee of the producing establishment must administer the extraction and sanitation processes. Customers shall not be permitted to produce and bottle juice under any circumstance.

~~(q)(4)~~ Water certificates shall be obtained from a DOH approved laboratory on an annual basis prior to start of the citrus season.

~~(r)(4)~~ As to personnel and sanitary facilities, the Small and Very Small Wholesale Producer shall meet all GMP's and applicable state and federal regulations with respect to cleanliness and disease and pest control.

~~(t) All Small Producers, which wholesale any quantity of fresh citrus juice, shall be inspected according to Sections 2.2.1 through 2.2.58, July 1995, and 3.2.7a through 3.2.7o, June 1996, of the Citrus Handbook of the Processed Citrus Branch, Fruit and Vegetable Division, United States Department of Agriculture, incorporated herein by reference.~~

~~(s)(4)~~ Small and Very Small Wholesale Producers shall establish and maintain records that

1. Identify the source of the fruit used in the juice production by date and variety; and
2. Identify microbiological test results to date of production, fruit source, and juice type; and
3. Implement a corrective action plan for unsafe products.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.29, 601.33, 601.38 FS. History—New 3-15-01, Amended.

#### 20-49.0071 Small Producers – Inspections.

This section regarding inspections shall be applicable to Small Producers of fresh citrus juices.

(1) Sanitation inspections will be performed by FDACS, Division of Food Safety. Small Producers may receive three or more complete sanitation inspections during their season of operation. Prior to September 15 of each season, each Small Producer shall notify FDACS, Division of Food Safety, of its months of operation and the typical time of day that fresh juice is made.

(2) FDACS or an approved agent of FDACS will perform monthly audits of Small Producers. Such audits will cover quality control records (HACCP or otherwise) and food safety check points (supplied by the FDACS, Division of Food Safety). The purpose of these audits is to verify that procedures are being followed and recorded. FDACS or the approved agent of FDACS shall report any deviation of rule compliance or suspect situation to FDACS, Division of Food Safety.

(a) The cost of audits shall be the responsibility of the Small Producer. Audit contract services may be negotiated by trade groups and operated with notification to FDACS.

(b) For the first year, a fee structure through FDACS, Division of Fruits and Vegetables shall be established. Division HACCP trained inspectors shall perform the audits. This program shall be evaluated on a yearly basis. To fund this effort a fee shall be paid on all volume of fruit sold in fresh form and fresh juice form by each Small Producer.

(3) The following specific General Manufacturing Practices, in addition to those contained in Chapter 5K-4, F.A.C., and 21 CFR 110 revised, April 1, 2000, incorporated herein by reference, shall apply:

(a) All soil, debris, stems, leaves, etc. must be removed from the fruit.

(b) All whole and intact fruit shall be washed, sanitized and/or surface heat-treated immediately prior to extraction. If the whole and intact fruit is washed, sanitized and/or surface heat-treated, but is not immediately extracted, the fruit may be maintained in a sanitary storage room or container for forty-eight (48) hours prior to extraction so long as the temperature of the room or container is maintained at 40° Fahrenheit or less.

(c) All fruit that has been in cold storage and maintained at a temperature of 40° Fahrenheit or less in excess of forty-eight (48) hours shall be resanitized and regraded. All soft or unwholesome fruit shall be discarded.

(d) All whole and intact fruit shall be washed, sanitized and/or surface heat-treated in accordance with the Florida Department of Citrus Guidance Document for Retail and Roadside Fresh Citrus Juice Producers.

(e) If sanitized fruit is not immediately extracted, the sanitized fruit must be maintained in a sanitary storage room or container until extraction, so long as the temperature of the room or container is maintained at 40° Fahrenheit or less. Extraction shall occur at least forty-eight (48) hours after fruit has been sanitized.

(f) All belts and rollers must be maintained free of soil, wax, dirt and extraneous material.

(g) The entire wash area shall be at all times maintained free of excess debris, pest and potential pest harborage – including standing water.

(h) Grading must eliminate damaged, defective, soft or decayed fruit.

(i) Drops, fruit from the ground, may not be used in the production of fresh juice.

(j) The extraction and filling areas shall be completely enclosed and meet the structural requirements for food processing area as required by Chapter 5K-4, F.A.C., and 21 CFR 110, revised April 1, 2000, incorporated herein by reference.

(k) A roof must cover all fruit conveyances.

(l) All lubricants must be food grade only, as found in 21 CFR 178.3570, revised April 1, 2000, incorporated herein by reference.

(m) All fruit contact surfaces must be cleaned and sanitized after production and prior to startup. Appropriate cleaning and sanitizing agents must be used as prescribed by the equipment manufacturer for the specific use.

(n) Back-siphonage protection devices must be provided on any water outlet where a hose can be connected.

(o) All juice containers must be sanitarily handled and protected from contamination, at all times. When removed from protective wrap, containers must be covered, if not used immediately.

(p) A trained employee of the producing establishment must administer the extraction and sanitation processes. Customers shall not be permitted to produce and bottle juice under any circumstance.

(q) Water certificates shall be obtained from a DOH approved laboratory on an annual basis prior to start of the citrus season.

(r) As to personnel and sanitary facilities, the Small Producer shall meet all GMP's and applicable state and federal regulations with respect to cleanliness and disease and pest control.

(s) Small Producers shall establish and maintain records that:

1. Identify the source of the fruit used in the juice production by date and variety; and
2. Identify microbiological test results to date of production, fruit source, and juice type; and
3. Implement a corrective action plan for unsafe products.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.29, 601.33, 601.38 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mia L. McKown, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Mia L. McKown, General Counsel

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

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

#### **DEPARTMENT OF CORRECTIONS**

RULE TITLE: Restoration of Forfeited Gain Time

RULE NO.: 33-601.105

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify provisions related to the criteria and process for restoration of forfeited gain time.

SUMMARY: The proposed rule provides procedures for the restoration of gain time that has been forfeited under the current commitment and sets forth eligibility criteria for

restoration. The proposed rule deletes obsolete terms and corrects references to position titles for employees involved in this process.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09, 944.275 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.275, 944.28 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.105 Restoration of Forfeited Gain Time.

~~(1) Adjusted disciplinary action. Forfeited gain time shall be restored on the recommendation of the warden when it is determined that the gain time was improperly forfeited or where it appears an error was made which should be corrected. When it is discovered through a review of the inmate's record at the time of routine progress reports that inappropriate disciplinary procedures were used or additional facts reveal the disciplinary charge was improper or where the disciplinary report should not have been written against the inmate, the warden will prepare a recommendation documenting the circumstances surrounding the request for the restoration of the gain time. The warden will forward the request to the Director of the Adult Services Program Office or Youthful Offender Program Office who will act as final reviewing authority and shall approve, disapprove, or return the recommendation in cases of this type to the institution for additional information. If approved, the appropriate program office will make the changes in the record.~~

~~(1)(2) Exceptional adjustment. Restoration of gain time is to be used as a positive management tool. Gain time that has been previously forfeited under the current commitment as a result of disciplinary action or revocation violation of the conditions of parole, provisional release, supervised community release, conditional medical release, control release, or conditional release shall be subject to restoration considered when the restoration would produce the same or greater benefits as those derived from the forfeiture in the first place. Only those inmates whose who have shown exceptional adjustment and outstanding performance since their last disciplinary report or revocation violation of the conditions of parole, provisional release, supervised community release, conditional medical release, control release, or conditional~~

release has exceeded that which is required to comply with all the behavioral objectives are eligible for consideration to be considered. The restoration shall only be considered ~~near the end of the sentence or~~ when the inmate has clearly performed positively over a period of time and it appears the inmate will continue this positive adjustment without further violating the rules of the department or the laws of the state and the inmate is serving that portion of the sentence which, but for the forfeiture of gain time, would have been completed.

(a) Eligibility.

1. Restoration of gain time due to loss by disciplinary action:

a. There must be an elapsed time of at least one year since the last disciplinary action occurred.

b. ~~The inmate must be serving that portion of the sentence which, but for the forfeiture of gain time, would have been completed inmate's institutional adjustment must be considered as outstanding by the classification team as established by rule 33-601.210, Florida Administrative Code. "Outstanding" is defined in rule 33-601.101(3)(c)4.~~

c. The inmate's institutional adjustment and performance exceed that which is required to comply with all the behavioral objectives and tThe inmate must have completed or be participating in all available programs recommended by the classification team.

d. Inmates who have been convicted in judicial outside court or been found guilty after they have received disciplinary reports for the offenses listed below will not be eligible to have gain time reinstated on these specific charges:

1-1 Assault or battery or attempted assault or battery with a deadly weapon

1-2 Unarmed Assault, where a physical attack was made against department staff

1-5 Sexual Battery

2-1 Participating in riots, strikes, mutinous acts or disturbances

3-1 Possession of weapons, ammunition, or explosives

3-4 Trafficking in Drugs

4-1 Escape or attempted escape

e. Once an inmate has gain time restored, subsequent losses of gain time due to disciplinary action will make the inmate ineligible for further restoration.

f. Gain time that is lost prior to an inmate receiving an additional commitment for an offense committed while in custody of the department will not be considered for restoration.

2. Restoration of gain time forfeited by violation of the conditions of parole, provisional release, supervised community release, conditional medical release, control release, or conditional release may be considered only when there have been no new convictions for offenses that occurred during the period of release.



a. There must be a minimum of one year from the effective date of the parole revocation or violation of the conditions of provisional release, supervised community release, conditional medical release, control release, or conditional release;

b. The inmate must be discipline free (formal reports) since return as a parole, provisional release, supervised community release, conditional medical release, control release, or conditional release violator;

c. The inmate's ~~institutional adjustment and performance~~ must exceed that which is required to comply with all behavioral objectives ~~be considered as outstanding by the classification team~~ since return as a parole, provisional release, supervised community release, conditional medical release, control release, or conditional release violator;

d. The inmate must have completed or be participating in all available programs recommended ~~by the classification team; and~~

e. Any inmate who receives restoration of gain time forfeited due to parole, provisional release, supervised community release, conditional medical release, control release, or conditional release violation will not be eligible for restoration on any subsequent parole, provisional release, supervised community release, conditional medical release, control release, or conditional release violation while serving the same commitment;

f. The inmate must be serving the portion of the sentence which, but for the forfeiture of gain time, would have been completed.

(b) How processed. Restoration of gain time will be considered only when the inmate has met the criteria specified in (1)(a) of this rule. There is no entitlement for consideration based upon an inmate's request. The final approving authority for restoration of forfeited gain time will be the Deputy Director of Institutions. The institution where the inmate is assigned will be notified and the facility staff will notify the inmate of the decision. at regularly scheduled progress review times. The classification review recommending the restoration of forfeited gain time must document facts that would show that restoration of gain time would produce the same or greater benefits than those derived from forfeiture of the gain time. Otherwise a recommendation shall not be submitted. Upon approval of the warden, the progress review with its recommendations will be forwarded to the Director of Adult Services Program Office or Youthful Offender Program Office for review and recommendation prior to final action by the secretary or deputy secretary. If approved, the report will be forwarded to the appropriate program office for entry into the records. The warden will receive notification of approval or denial by the office making the recommendation.

(2) Adjusted disciplinary action. Forfeited gain time shall be restored on the recommendation of the warden when it is determined that the gain time was improperly forfeited or where it appears that an error was made which should be

corrected. When it is discovered through a review of the inmate's record at the time of routine progress reports that inappropriate disciplinary procedures were used or additional facts reveal that the disciplinary charge was improper or where the disciplinary report should not have been written against the inmate, the classification officer shall prepare a recommendation documenting the circumstances of the incorrect or inappropriate forfeiture of gain time. The classification officer shall forward the request through the institutional classification team, Chief, Bureau of Classification and Central Records, to the Deputy Director of Institutions who will act as final reviewing authority and shall approve, disapprove, or return the recommendation in cases of this type to the institution for additional information. If approved, the Bureau of Classification and Central Records will make the changes in the record and notify the institution where the inmate is assigned.

Specific Authority 20.315, 944.09, 944.275 FS. Law Implemented 20.315, 944.09, 944.275, 944.28 FS. History—New 11-27-84, Formerly 33-11.15, Amended 10-12-89, 8-29-91, 10-13-93, Formerly 33-11.015, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Richard Dugger

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 25, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 22, 1999

## DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Property

RULE NO.: 33-602.201

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise and clarify the procedures for handling inmate's lost property claims.

SUMMARY: The proposed rule sets forth the process for filing and disposition of inmates' claims of missing property.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

## THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.201 Inmate Property.

(1) through (12) No change.

(13) Missing Inmate Property.

(a) When an inmate's property is being returned after being stored for any reason and items documented on the inmate property list, form DC6-224, if items of impounded property cannot be located when the property is returned to an inmate, a written report of this fact shall be documented on the form. Any request for compensation or replacement of missing items shall be initiated via the inmate grievance process by the inmate whose property is missing.

(b) If the grievance is approved, listing the missing items and their possible value, with attached property records documenting ownership, shall be given to the assistant warden or other designee of the warden shall, who will conduct an or initiate a thorough investigation of the loss. The investigation shall be completed and forwarded within thirty (30) days.

(a) The Assistant warden or other designee shall complete the investigation and forward the findings to the warden or Officer in-Charge within thirty (30) days.

(b) The Assistant warden's or designee's report will identify any employee determined by the investigation to be responsible for the loss.

(c) If the lost or stolen property cannot be located and returned, the inmate suffering the loss shall be advised to pursue the loss through the inmate grievance procedure.

(c)(d) If the loss is claims are substantiated by the investigation, the warden or designee shall forward to the Department of Corrections Environmental Health, Safety and Risk Management Office a cover letter with recommendation of payment amount, along with a copy of the investigation with supporting documentation including proof and verification of ownership (Form DC6-224), and a completed Department of Insurance Lien Disclosure through inmate property records to the Regional Director or his designee outlining reasons for recommending reimbursement.

(e) The Regional Director or his designee shall:

1. Ensure that the claim has been properly investigated and contains all supporting documents;

2. Ensure that supporting documents provide evidence of ownership of lost or destroyed property;

3. Return the claim to the institution for further investigation or action if the claim is incomplete or if there is insufficient evidence available to support the claim;

4. Forward the claim and supporting documents to the Office of the Inspector General, Risk Management Section, for processing if the claim is complete.

(d)(f) The Department of Corrections Environmental Health, Safety and Risk Management Section of the Office of the Inspector General shall review and forward the claim to the Department of Insurance, Division of Risk Management, for

review and reimbursement consideration. Form DC6-238, Report of Risk Management Claim for Inmate Property, shall be used to notify the regional office of action taken on the claim by the Department of Corrections Environmental Health, Safety and Risk Management Office for this purpose.

(e)(g) In the event that the Department of Insurance, Division of Risk Management, decides to pay any or all of the inmate's claim, the following procedure will be followed:

1. The Department of Corrections Bureau of Finance and Accounting, Inmate Bank Section, will receive the check for deposit and payment package will be received by the Risk Management Section of the Office of the Inspector General.

2. The Department of Corrections Bureau of Finance and Accounting, Inmate Bank Section, will notify the Environmental Health, Safety and check will be retained in the Risk Management Section of the Office via memo or e-mail of the deposit of the inmate's claim check of the Inspector General and the lien disclosure form provided by the Department of Insurance and the property release form will be forwarded to the regional office servicing the institution where the inmate is currently housed.

3. The regional office will forward the lien disclosure and property release for signature to the institution where the inmate is currently housed.

4. After the inmate signs the forms, the original documents will be sent to the Department of Insurance, Division of Risk Management, with copies sent to the Risk Management Section of the Office of the Inspector General, and to the regional office. If the inmate refuses to sign any of the documents, the refusal shall be documented in writing and returned to the Department of Insurance, Division of Risk Management, with copies sent to the Risk Management Section of the Office of the Inspector General, and to the regional office.

5. When the Inspector General's Office receives its copy from the institution (provided the inmate has signed the documents), the check will be forwarded to the inmate bank for deposit and distribution as directed by the Department of Insurance. If the inmate has refused to sign the documents, the check will be returned to the Department of Insurance along with the refusal documents.

(14) through (15) No change.

(16) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of any of these forms are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for forms to be mailed must be accompanied by a self-addressed stamped envelope.

(a) through (e) No change.

(f) DC6-238, Report of Risk Management Claim for Inmate Property, effective date \_\_\_\_\_ November 21, 2000.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 6-4-81, Formerly 33-3.025, Amended 11-3-87, 11-13-95, 5-20-96, 1-8-97, 6-1-97, 7-6-97, 10-15-97, 2-15-98, 3-16-98, 8-4-98, 12-7-98, Formerly 33-3.0025, Amended 11-21-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Richard Dugger  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2001  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 18, 2001

**METROPOLITAN PLANNING ORGANIZATION**

**Orlando Urban Area**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Procedure	35I-1
RULE TITLES:	RULE NOS.:
Authority, Creation	35I-1.001
Definition	35I-1.002
Purpose and Functions	35I-1.003
Membership, Appointments, Terms of Office and Vacancies	35I-1.004
General Policies	35I-1.007
Procedures for Amending the Long Range Transportation Plan and the Transportation Improvement Plan (TIP)	35I-1.009
Procedures for Revising Orlando Urban Area Boundary	35I-1.011
Procedures for MPO Public Involvement Process	35I-1.012

PURPOSE AND EFFECT: The Metropolitan Planning Organization (MPO) is amending Rules 35I-1.001, 35I-1.002, 35I-1.003, 35I-1.004, 35I-1.007, 35I-1.009, 35I-1.011, and 35I-1.012 in order to: change the name of Orlando Urban Area Metropolitan Planning Organization to the Orlando Urbanized Area Metropolitan Planning Organization, doing business as, Metroplan Orlando; to make grammatical changes and typographical errors; and to delete unnecessary language and requirements no longer needed under Florida Statutes.

SUMMARY: Amend Rules 35I-1.001, 35I-1.002, 35I-1.003, 35I-1.004, 35I-1.007, 35I-1.009, 35I-1.011, and 35I-1.012 in order to: change the name of Orlando Urban Area Metropolitan Planning Organization to the Orlando Urbanized Area Metropolitan Planning Organization, doing business as, Metroplan Orlando; to make grammatical changes and typographical errors; and to delete unnecessary language and requirements no longer needed under Florida Statutes.

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: 339.175 FS.

LAW IMPLEMENTED: 339.175 FS.

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

TIME AND DATE: 9:00 a.m., Wednesday, July 11, 2001  
PLACE: Metroplan Orlando, 315 East Robinson Street, Suite 355, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ms. Muffet Robinson, Director of Communications & Public Outreach, Metroplan Orlando, 315 East Robinson Street, Suite 355, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULES IS:

351-1.001 Authority, Creation.

In accordance with the 1962 Federal Aid Highway Act requiring that transportation planning must be comprehensive, cooperative and continuing in nature, Section 339.175, Florida Statutes, providing for the creation, designation and apportionment of Metropolitan Planning Organizations, and action by the Governor of Florida in response to the joint FHWA/FTA Guidelines, Title 23 of the Code of Federal Regulations (C.F.R.) Chapter I, Part 450 (hereinafter referred to as the FHWA/FTA Guidelines), and Section 339.175, Florida Statutes, a metropolitan planning organization known as the METROPOLITAN PLANNING ORGANIZATION FOR THE ORLANDO URBANIZED AREA (d/b/a METROPLAN ORLANDO) has been created.

Specific Authority 163.01 FS. Law Implemented 120.53, 120.54, 339.175 FS. History—New 10-16-78, Amended 7-29-80, Formerly 351-1.01, Amended 5-31-89, 1-23-95,\_\_\_\_\_.

351-1.002 Definition.

For the purpose of these rules, the term “MPO” shall mean the Metropolitan Planning Organization for the Orlando Urbanized Area (d/b/a METROPLAN ORLANDO), and the term “Study” shall mean the continuing Orlando Urbanized Area Transportation Study.

Specific Authority 163.01 FS. Law Implemented 120.53 FS. History—New 10-16-78, Amended 2-18-79, Formerly 351-1.02, Amended\_\_\_\_\_.

351-1.003 Purpose and Functions.

(1) Purpose.

Representatives of cities, counties, special authorities, and the State Department of Transportation shall be involved in the transportation planning process by the establishment of an MPO. Its purpose shall be to provide effective leadership in the initiation and development of transportation plans and programs and the establishment of transportation priorities and

strategies. As such, it shall set transportation policy for the Orlando Urbanized Area, provide guidance of the Area's transportation planning process, and review, approve and adopt the Orlando Urbanized Area Transportation Study and all plans and programs which are developed by the Study. As the body most directly responsible for the guidance of the transportation planning process, the MPO shall ensure that the recommendations made therein are in keeping with the goals and standards of the Federal government, the State, the counties and the jurisdictions within the counties.

(2) Functions.

The functions of the MPO shall include, but not be limited to, the following:

(a) Take an active role in providing leadership and guidance in the transportation planning process for the Study area.

(b) Bear the overall responsibility as the policy body for the review and approval of the Study and the plans and programs developed by the Study, including the following specific functions:

1. Develop an acceptable procedure for modifying the transportation plan when it becomes necessary.

2. Ensure that all modes are considered in the planning process.

3. Ensure that the transportation needs of all persons, including senior citizens and people with disabilities, are considered in the planning process.

4. Approve the techniques to be used in developing and evaluating alternate plans.

5. Review and comment on various alternative plans and finally adopt a plan for implementation.

6. Review the adopted plan annually and either modify or reaffirm the adopted plan.

7. Coordinate transportation planning between the various governmental units in the Study area.

8. Ensure that the transportation planning process is adequately financed.

(c) Be responsible for making progress reports, presenting the Study and summarizing the findings and results of related Study elements to the members' respective agencies, councils and/or commissions.

(d) Ensure the dissemination of information to the general public regarding the Study's objectives, findings and results.

(e) Establish meaningful procedures to assure citizen involvement. The citizens of the area shall be involved in the transportation planning progress through the establishment of a Citizens' Advisory Committee. The Committee shall seek reaction to planning proposals and shall provide comment with respect to the concerns of various segments of the population regarding their transportation needs. The opportunity shall be

given at each of the MPO's meetings for interested citizens to comment or be heard on any matter pertinent to the transportation planning process.

(f) Approve the organization and structure of the Citizens' Advisory Committee.

(g) Establish in cooperation with the Florida Department of Transportation a Transportation Technical Committee that shall be responsible for the technical portions of the transportation planning process. The organization and structure of the Transportation Technical Committee shall be approved by the MPO.

(h) Establish a Bicycle and Pedestrian Advisory Committee which will assist in the development and implementation of a comprehensive bicycle and pedestrian program for the Orlando Urban Area and advise the MPO concerning regional bicycle and pedestrian issues and prioritization of bicycle and pedestrian projects.

(i) Establish a Municipal Advisory Committee which will give those municipalities that are not voting members of the MPO a method to express their objectives and concerns relative to the decisions and issues addressed by the MPO.

~~(j)~~ Create other special purpose committees as may be determined to be necessary by the MPO.

~~(k)~~ Establish priorities for plan and program implementation based upon the needs determined by technical studies.

~~(l)~~ Promote implementation of capital improvements in compliance with the adopted transportation plans and consistent with anticipated development in the area.

~~(m)~~ Determine the consistency of the adopted transportation plan with the State Air Implementation Plan.

Specific Authority 163.01 FS. Law Implemented 339.175 FS. History--New 10-16-78, Amended 2-18-79, Formerly 351-1.03, Amended 1-23-95, 1-5-97,

351-1.004 Membership, Appointments, Terms of Office and Vacancies.

(1) In accordance with Section 339.175, Florida Statutes, the Governor of Florida apportions the membership among the various governmental entities within the Orlando Urbanized Area on the basis of equitable population ratio and geographic factors. The governing body of each governmental entity so designated appoints the appropriate number of members to the MPO from eligible officials. Representatives of the Florida Department of Transportation and the Chairpersons of the Transportation Technical Committee and the Citizens' Advisory Committee serve as non-voting members of the MPO. Other non-voting members may be appointed by the MPO.

(2) The MPO, as designated by the Governor of Florida and by Interlocal Agreement, consists of members who are representatives of:

(a) City of Orlando

- Office of Mayor (1)
- City Commission (1)
  - (b) Orange County (6)
  - (c) Orlando/Orange County Expressway Authority (1)
  - (d) City of Altamonte Springs

- Office of Mayor (1)
  - (e) Seminole County (2)
  - (f) Osceola County (1)
  - (g) City of Winter Park

- Office of Mayor (1)
  - (h) City of Kissimmee

- Office of Mayor (1)
  - (i) City of Sanford

- Office of Mayor (1)
    - (j) Central Florida Regional Transportation Authority (1)
    - (k) Greater Orlando Aviation Authority (1)
    - (l) West Orange Airport Authority
- (3) An MPO member entity may appoint, by action taken at an official meeting of the entity, an alternate for one or more of its appointed MPO members.

(a) An alternate voting member’s term shall be for no longer than the term of the voting member they represent as specified in s. 339.175(3)(b), Florida Statutes.

(b) The MPO member entity shall notify the MPO chairman in writing that the appointed individual may act as an alternate member in accordance with s. 339.175(3)(a), Florida Statutes, if the regular member cannot attend a meeting.

~~(c) The MPO shall acknowledge the appointment of each alternate member by reading the notification of appointment into the minutes of the first MPO meeting following notification by the member entity.~~

Specific Authority 163.01 FS. Law Implemented 120.54, 339.175 FS. History—New 10-16-78, Amended 2-18-79, 7-29-80, Formerly 35I-1.04, Amended 5-31-89, 4-14-92, 10-24-93, 1-5-97, \_\_\_\_\_.

35I-1.007 General Policies.

(1) The MPO shall establish the following standing committees:

(a) A Transportation Technical Committee (TTC) composed of planners, engineers and other appropriate disciplines from agencies and governments within the Orlando Urbanized Area.

(b) A Citizens’ Advisory Committee (CAC) composed of lay citizens within the Orlando Urbanized Area.

(c) A Bicycle and / Pedestrian Advisory Committee composed of both representatives from local governments participating in the Orlando Urban Area Bicycle and / Pedestrian Program as well as representatives from local bicycling, walking, skating and running organizations and interested citizens.

(2) The purpose and functions of these Committees shall be as follows:

(a) Transportation Technical Committee.

1. Be responsible for the development and review of transportation studies, reports, plans and/or programs and recommending action pertinent to the subject documents to the MPO.

2. Develop priority recommendations to the MPO or other agencies responsible for plan and program implementation based upon the needs as determined by technical studies.

3. Be responsible for assisting ~~to~~ the MPO with ~~for~~ coordinating public information activities ~~relations matters~~ concerning the studies.

4. Serve as an advisory committee for the completion of all required transportation studies, plans’ development, and programming recommendations required under the Public Laws pertaining to all modes of transportation and transportation support facilities.

5. Serve as an advisory committee to any and all duly constituted areawide transportation authorities or boards, as well as areawide planning boards or councils for physical development, health, social or comprehensive planning upon direct request of such authorities, boards or councils.

6. Assist in other functions as deemed desirable by the MPO.

(b) Citizens’ Advisory Committee.

1. Advise the MPO as to public opinion in formulating goals and objectives for shaping the urban environment.

2. Participate in public information programs.

3. Provide an effective citizens’ review of the preliminary findings and recommendations of the continuing study.

4. Assist in other functions as deemed desirable by the MPO.

(c) Bicycle and / Pedestrian Advisory Committee.

1. Review, amend, comment and recommend bicycle and pedestrian facilities implementation plans to the MPO to guide in making road construction and improvement decisions.

2. Study, pursue and encourage public and private funding for future bicycle and pedestrian related projects to further the implementation of the bicycle and pedestrian plans.

3. Develop programs based on the four “E’s” of bicycle and / pedestrian planning (Engineering, Education, Enforcement and Encouragement) to encourage and foster the increased use of bicycling and walking as transportation throughout the Orlando Urban Area.

4. Carry out bicycle and pedestrian related tasks requested by the MPO.

(3) Both the Transportation Technical Committee and the Citizens’ Advisory Committee shall maintain a broad perspective covering the range of all modes of transportation and associated facilities in all recommended planning work programs, so that proper study and evaluation of transportation

needs shall result in a multi-model transportation system plan, balanced with respect to areawide needs and properly related to area wide comprehensive plans, goals and objectives.

(4) The MPO shall establish a special purpose committee known as the Municipal Advisory Committee (MAC). The purpose and function of the MAC shall be to involve those municipalities that are not voting members of the MPO in the transportation planning process, and to provide a forum for those municipalities to assess reaction to transportation planning proposals and to provide comment to the MPO Board with respect to the concerns of the various municipalities transportation needs. The MAC will consist of Mayors, or Mayors' appointees, of such municipalities. The Chairman of the MAC will be a non-voting member of the MPO. The MAC may adopt bylaws and internal operating procedures.

(5) Reports, studies, plans and programs and data bases shall be approved or endorsed by the MPO after review by the Transportation Technical Committee. The Citizens' Advisory Committee and the Municipal Advisory Committee shall also review and comment on said reports, plans and programs prior to MPO adoption. If requested by an MPO member, a resolution may be noted as officially adopted by the MPO Chairperson and placed into effect upon signature by the MPO Chairperson without waiting for the minutes of the entire meeting to be officially approved at the next MPO meeting. The process of adoption of any reports, studies, plans or programs which are "rules" as defined in Chapter 120, Florida Statutes, The Administrative Procedure Act, or which otherwise require the formal adoption process of that Act, shall be in compliance with that Act.

Specific Authority 163.01 FS. Law Implemented 339.175 FS. History--New 10-16-78, Amended 2-18-79, Formerly 351-1.07, Amended 1-23-95, 1-5-97.

351-1.009 Procedures for Amending the Long Range Transportation Plan and the Transportation Improvement Program (TIP).

(1) The process for amending the adopted Orlando Urbanized Area Long Range Transportation Plan is established as follows:

(a) Amendments to the Long Range Transportation Plan may be requested for consideration by the MPO at any time.

(b) Amendments shall be requested in writing and shall be addressed to the MPO Chairperson with a sufficient number of 115 copies for the following ~~to~~:

1. Metropolitan Planning Organization Board members ~~(18)~~;
2. Transportation Technical Committee members ~~(42)~~;
3. Bicycle and / Pedestrian Advisory Committee members ~~(25)~~;
4. Citizens' Advisory Committee members ~~(28)~~; and
5. MPO Staff ~~(2)~~.

(c) Projects subject to the amendment request and review process:

1. Any transportation project, funded either entirely or in part by Federal or State funds, that is proposed to be added to or deleted from the adopted Long Range Transportation Plan shall be subject to the amendment request and review process.

2. Any proposed transportation project that is of a new or prototype technology, and will impact the adopted Long Range Transportation Plan, shall be subject to the amendment request and review process.

3. Any privately or locally funded proposed transportation project that has an impact on the transportation system shall be reported to the MPO by the person requesting an amendment for incorporation in or deletion from the Long Range Transportation Plan.

(d) Who may submit an amendment request:

1. Amendment requests may be initiated by either a government or quasi-government agency such as the State, a city or county or a transportation or expressway authority.

2. Amendment requests originating from the private sector shall be sponsored by the local government of jurisdiction.

(e) Who shall approve an amendment request:

1. The Transportation Technical Committee shall review the requested amendment based upon a technical evaluation of its merit and shall recommend approval or disapproval to the MPO.

2. The Citizens' Advisory Committee shall review the requested amendment and shall recommend approval or disapproval to the MPO.

3. The Bicycle and / Pedestrian Advisory Committee shall review the requested amendments that impact existing or proposed bicycle and / pedestrian facilities and shall recommend approval or disapproval to the MPO through the Transportation Technical Committee.

4. The recommendations of either the Citizens' Advisory Committee or the Bicycle and / Pedestrian Advisory Committee shall be reported in writing to the Transportation Technical Committee.

5. The MPO shall consider the recommendations of its subsidiary committees and shall exercise final approval or disapproval of the amendment request.

(f) Amendment requests shall describe the project and its location and shall include an analysis of the project impacts, as follows:

1. Traffic
  - a. Current year and future year consistent with current adopted Long Range Transportation Plan
  - b. Average daily traffic (ADT) and peak-hour
  - c. Directional traffic load
  - d. Level of Service and roadway capacity
2. Environmental and social impacts
  - a. Minimal, moderate, or major impact on air quality
  - b. Minimal, moderate, or major impact on wetlands displaced

c. Minimal, moderate, or major impact on homes and businesses displaced

d. Minimal, moderate or major impact on public facilities

3. Compatibility with all applicable local comprehensive plans and programs

a. Existing and future land use

b. Capital Improvement Programs

c. Traffic Circulation and Transit Elements

4. Compatibility with MPO adopted Long Range Transportation Plan and ECFRPC Strategic Regional Plan

5. Financial impact

a. Project capital cost subdivided according to preliminary engineering and design, right-of-way acquisition, and construction

b. Identification of the funding source, time period and impact on other projects

6. Contribution to implementation of multi-modal transportation system

a. Potential for inclusion of future transit facilities; such as, but not limited to, i.e. light rail transit; and exclusive bus lanes, etc.

b. Proximity to existing or proposed transit routes, transit centers and/or multi-modal facilities, and major activity centers

c. Inclusion of transit passenger amenities

d. Inclusion of bicycle and  $\neq$  pedestrian facilities based on the following criteria:

I. Expected facility usage

II. Contribution to regional bicycle and pedestrian systems

III. Accident reduction

IV. Linkage with other transportation modes

V. Improvement to school access

VI. Inclusion in adopted Growth Management Plans

(g) Process of Evaluation:

1. As used in this rule, the term one month shall constitute the period between regularly scheduled meetings.

2. The following checklist of evaluation criteria developed by the MPO will be utilized to evaluate each amendment request.

a. Have the categories of information required in MPO Rule 35I-1.009 been provided in sufficient detail?

I. Traffic

II. Environmental and Social Impacts

III. Compatibility with Local Comprehensive Plans

IV. Compatibility with ECFRPC Strategic Regional Policy Plan and MPO Plan

V. Financial Impact

VI. Contribution to implementation of multi-modal transportation system

b. Has an adequately-sized impact area been identified which includes the major arterials affected?

c. Has the applicant used officially adopted Levels of Service tables (FDOT) in preparing its report on traffic impacts?

d. Has the applicant assumed various transportation projects which may be of benefit to its project to be funded and constructed in the immediate time period when there may be no commitments for doing so?

e. Has the applicant used an acceptable method for measuring impacts to air quality, ~~(MOBILE IV, etc.)~~?

f. Will the applicant prepare a mitigation plan for environmental (wetlands, etc.) impacts?

g. Has the applicant identified not only the project costs, but also the sources of funding?

h. Has the applicant provided evidence of funding commitments, both from itself and other parties if involved?

i. Does the project incorporate mobility improvements that address capacity or concurrency improvements?

j. If it is a transit project, is it compatible with the adopted Transit Development Plan or Regional Systems Plan?

k. Does the project add to the connectivity of the current transportation system, and/or enhance the movement toward a seamless transportation system?

3. Within 30 days of receipt of the amendment request, MPO staff will review the request to determine if it contains sufficient information upon which to base an analysis of the project.

a. If the MPO staff finds that the amendment request contains insufficient information upon which to rule, the staff shall identify and request in writing from the applicant, prior to the expiration of the 30 day examination period, the additional information needed.

b. If the MPO staff finds that the amendment request contains sufficient information upon which to rule, the staff shall notify the applicant in writing that the ~~his~~ amendment request has been accepted for review.

4. Upon determination that the amendment request contains sufficient information upon which to rule, the MPO staff shall distribute the amendment request copies to all members of the MPO Board and its subsidiary committees. The MPO staff shall initiate a justification analysis of the amendment request three months prior to formal action being requested of the Transportation Technical Committee, Citizens' Advisory Committee and ~~or~~ Bicycle and  $\neq$  Pedestrian Advisory Committee.

5. The applicant and the MPO staff will present the amendment request and the staff justification analysis findings to the Transportation Technical Committee, Citizens' Advisory Committee and ~~or~~ Bicycle and  $\neq$  Pedestrian Advisory Committee, one month prior to the regularly scheduled meeting at which this committee will present its formal recommendations to the MPO. The applicant will be advised in writing by the MPO when the amendment request has been placed on the MPO meeting agenda. The Transportation

Technical Committee, Citizens' Advisory Committee ~~and~~ or Bicycle ~~and~~ / Pedestrian Advisory Committee shall present ~~their~~ ~~its~~ formal recommendations to the MPO within three months from the date the applicant is notified that ~~the~~ ~~his~~ amendment request has been accepted for review.

6. The applicant and the MPO staff also will present the amendment request and the staff justification analysis findings to the MPO, one month prior to the regularly scheduled meeting at which the MPO will take formal action on the amendment request, approving or disapproving the request. The applicant will be advised in writing by the MPO when the amendment request has been placed on the MPO meeting agenda. The MPO shall exercise final approval or disapproval of the amendment request within three months from the date the applicant is notified that ~~the~~ ~~his~~ amendment request has been accepted for review.

7. Upon approval of the requested amendment, MPO staff will initiate appropriate network changes to the Long Range Transportation Plan.

~~8. All approval of the requested amendment, MPO staff will initiate appropriate network changes to the Long Range Transportation Plan.~~

(2) The process for amending the adopted Orlando Urban Area Transportation Improvement Program (TIP) is established as follows:

(a) When amendments may be requested:

1. Amendments involving Federal and/or State funded projects may be accomplished at any time.

2. Projects funded locally are included in the TIP for information purposes and may be amended at any time by the local government or transportation agency.

(b) Amendments requesting additions, deletions or rescheduling must be requested in writing and shall be addressed to the MPO Chairperson with 5 copies to:

1. Transportation Technical Committee Chairperson;
2. Bicycle ~~and~~ / Pedestrian Advisory Committee Chairperson;
3. Citizens' Advisory Committee Chairperson; and
4. MPO Staff.

(c) Project Requirements:

1. If the amendment request involves a major improvement, either widening an existing road or constructing a new transportation facility, it must also be included as part of the MPO's adopted Long Range Transportation Plan and an amendment to the Long Range Transportation Plan must be requested in accordance with this rule.

2. If the amendment request involves a Transportation Systems Management (TSM) improvement, it must have had a:

- a. Traffic Study completed, if it is a turning lane project, or
- b. Signal Warrant completed, if it is a signalization project.

3. Amendment requests must include the project's location, description, the reason for its addition, deletion or rescheduling, source of funds and its impact on other projects.

(d) Process for approval:

1. Upon receipt of an amendment request, the MPO staff shall include the request on the agenda of the next regularly scheduled meeting of the Transportation Technical Committee, Citizens' Advisory Committee, Bicycle ~~and~~ / Pedestrian Advisory Committee and the MPO.

2. The Transportation Technical Committee, Citizens' Advisory Committee and Bicycle ~~and~~ / Pedestrian Advisory Committee shall review the requested amendment at their next regularly scheduled meeting and shall recommend approval or disapproval to the MPO.

3. Upon MPO approval of requested amendments involving highway transportation projects, MPO staff will send copies of the MPO action to FDOT for submittal to the Florida Department of Community Affairs (DCA) and the Federal Highway Administration (FHWA).

4. Upon MPO approval of requested amendments involving mass transit projects, MPO staff will send copies of the MPO action directly to the Federal Transit Administration Authority (FTA).

5. Upon MPO approval of requested amendments involving mass transit projects, MPO will send copies of the MPO action directly to all private providers of transportation in the Central Florida area who have requested to be placed on the mailing list for such copies.

Specific Authority 163.01 FS. Law Implemented 339.175 FS. History--New 10-16-78, Amended 2-18-79, Formerly 351-1.09, Amended 9-2-90, 4-14-92, 1-23-95, 1-5-97, \_\_\_\_\_.

35I-1.011 Procedures for Revising Orlando Urban Area Boundary.

(1) The process for revising the Orlando urban area boundary is established as follows:

(a) When revisions may be requested:

1. The MPO may consider revisions to its urban area boundary during the 10 year interim period between each decennial census taken by the Federal Bureau of Census in order to include areas anticipated to become medium and high density residential developments within the 10 year period.

2. The MPO will consider requests for revision of an established urban area boundary for comprehensive plan purposes only.

(b) Who may submit a request for revision:

1. Requests for revisions to the urban area boundary may only be initiated by the local government having primary jurisdiction over the area to be added to or deleted from the urban area boundary.



2. The request for revision must have the endorsement of all other local governments within the area to be added to or deleted from the urban boundary prior to submittal to the MPO.

(c) Revisions shall be requested in writing and shall be addressed to the MPO Chairperson with a sufficient number of 6+ copies for the following to:

1. Metropolitan Planning Organization Board members;
2. Transportation Technical Committee members; and
3. MPO staff ~~Metropolitan Planning Organization Executive Director~~.

(d) Process for approval of a request for revision:

1. Upon receipt of a requested revision, the MPO staff shall include the request on the agenda of the next regularly scheduled meeting of the Transportation Technical Committee (TTC) and the MPO.

2. The TTC shall review the requested revision at its next regularly scheduled meeting and shall recommend the approval or disapproval to the MPO based upon a technical evaluation of its merit.

3. The MPO shall consider the recommendation of TTC and shall exercise final approval or disapproval of the requested revision.

4. Upon MPO approval of the requested revision, MPO staff will send copies to the Florida Department of Transportation (FDOT) and the Federal Highway Administration (FHWA).

5. Upon FDOT and FHWA approval of the requested revision, the FDOT and FHWA shall prepare a revised urban boundary map in Mylar original for signature by the MPO Chairperson ~~officers~~.

(2) The urban boundary of the Orlando Urbanized Area may be revised to include the following types of land area:

(a) Territory that is made up of one or more contiguous census blocks having a population density of at least 1,000 persons per square mile and that is either:

1. Contiguous and directly connected by road to the existing urban area;

2. Noncontiguous with the existing urban area boundary but is within 1 1/2 road miles of the existing urban boundary and connected to it by one or more census blocks that are adjacent to the connecting road. The combination of these intervening census blocks with the census blocks within the territory to be added to the existing urban boundary must have an average total population density of at least 500 persons per square mile; or

3. Territory meeting the population density criterion but that is noncontiguous with the existing urban area boundary by reason of being separated by water or undevelopable territory. It must, however, be within five (5) road miles of the urban area boundary, those five (5) miles including no more than 1 1/2 miles of developable territory.

a. The term “undevelopable territory”, as stated in Urbanized Areas for the 1990 Census-Final Criteria, 55 Federal Register, 42592 (1990) is defined as including only mud flats, marshlands, steep slopes, and other terrain on which development is virtually impossible because of physical limitations. To be classified as undevelopable, the territory must not contain any existing housing or commercial structures. Military installations, parks, and forest preserves shown on the Census Bureau’s maps at the time of the decennial or special census also may be classified as undevelopable territory. The land use zoning of an area is not considered when applying this criterion.

(b) Territory that has a population density of less than 1,000 persons per square mile provided that it either:

1. Eliminates an enclave of no more than five (5) square miles in the territory surrounding it when that surrounding territory qualifies for inclusion within the urban boundary on the basis of population density (i.e., the surrounding territory would have in excess of 1,000 persons per square mile), or:

2. Closes or eliminates an indentation in the urban boundary created when the contiguous territory around it does qualify on the basis of population density (i.e., 1,000 persons per square mile). However, the indentation must:

- a. Measure no more than one (1) mile across the open end,
- b. Have a depth at least two times greater than the distance across the open end, and
- c. Encompass no more than 5 square miles.

(3) The local government initiating the revisions to the urban area boundary shall provide the following information to the MPO and the Transportation Technical Committee:

(a) Physical Description:

1. Size of the revision area in square miles
2. Identification of the revision area boundary, generally roads, power line easements, or other easily recognizable physical features.

(b) Demographic Characteristics:

1. Population within the revision area, both permanent and temporary, and a determination whether the population density of the revision area is greater or less than the current urban area as a whole.

2. Identification of the employment base size within the revision area.

(c) Transportation System Characteristics:

1. Lane miles of functional classification changes and federal system changes specified in section 6 below and identified by specific links.

2. Identification of changes by specific links in Levels of Service ratings as a result of reclassification.

3. Identification of existing peak-hour and daily traffic volumes on the road links.

4. A comparison of the peak-hour to daily traffic volumes and a determination if they fall within the FDOT "K" factor utilized for that category of urban road facility.

(d) Financial Considerations:

1. Identification of the effect that an urban boundary expansion will have on current federal aid funds.

2. Identification of the effect that an urban boundary expansion will have on current Federal Transit Act (FTA) Section 8 and 9 funds (because of reduced overall population density).

(e) Other Considerations:

1. Identify existing "planned" (within adopted Long Range Transportation Plan) and "programmed" (within current Transportation Improvement Program) transportation facility improvements.

2. Identify if a change to existing road improvement priorities is proposed as a result of the urban boundary revisions.

(4) Territory that contains a large concentration of non-residential urban land use, such as an industrial park, office complex, or major airport, may not be used solely as justification for a requested revision to the urban area boundary unless the territory also will qualify under section (2)(a) or (2)(b) above.

(5) Urbanized Areas for the 1990 Census-Final Criteria, 55 Federal Register, 42592 (1990) is incorporated by reference in this MPO Rule.

(6) Revising the urban area boundary also affects the categorization of road systems. When the urban area boundary is expanded, the following changes are mandatory to the highway system as it is presently categorized:

(a) Functional classification changes.

1. Rural Minor and Rural Principal Arterials become Urban Minor and Urban Principal Arterials respectively.

2. Minor and Major Collectors become Urban Collector.

(b) Federal system changes.

1. Rural Federal Aid Interstate and Rural Federal Aid Primary become Urban Federal Aid Interstate and Urban Federal Aid Primary respectively.

2. Federal Aid Secondary become Federal Aid Urban.

Specific Authority 163.01 FS. Law Implemented 339.175, 120.54 FS. History—New 4-14-92, Amended 1-23-95, 1-5-97, \_\_\_\_\_.

35I-1.012 Procedures for MPO Public Involvement Process.

(1) Continuing the provisions set forth in the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, the 1998 Transportation Efficiency Act for the 21st Century (TEA-21) requires all Metropolitan Planning Organizations to establish a public involvement process in conjunction with the overall transportation planning process occurring within their respective urban areas. The Orlando Urbanized Area MPO shall have a policy to ensure that the requirements and criteria

established under the TEA-21 legislation are met. The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) requires all Metropolitan Planning Organizations to establish a public involvement process in conjunction with the overall transportation planning process occurring within their respective urban areas. The ISTEA legislation states that the metropolitan transportation planning process shall include a proactive public involvement process that provides complete information, timely public notice, full public access to key decisions, and supports early and continuing involvement of the public, including private providers of transportation, in developing plans and TIPs. The Orlando Urban Area MPO shall implement a public involvement process that meets the following requirements and criteria established under the ISTEA legislation:

(a) The MPO shall require a minimum public comment period of 45 days before the public involvement process is initially adopted or revised.

(b) The MPO shall provide timely information about transportation issues and processes to citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, other interested parties, and segments of the community affected by transportation plans, programs, and projects (including, but not limited to, central city and other local jurisdiction concerns).

(c) The MPO shall provide reasonable public access to technical and policy information used in the development of plans and TIPs, and provide open public meetings where matters related to the Federal aid highway and transit programs are being considered.

(d) The MPO shall require adequate public notice of public involvement activities and time for public review and comments at key decision points, including, but not limited to, approval of plans and TIPs.

(e) The MPO shall demonstrate explicit consideration and response to public input received during the planning and program development process.

(f) The MPO shall seek out and consider the needs of those traditionally underserved by existing transportation systems, including, but not limited to, low income and minority households.

(g) When significant written and oral comments are received on the draft transportation plan or TIP (including the financial plan) as a result of the public involvement process or the interagency consultation process required under the U.S. EPA's conformity regulations, a summary, analysis, and report on the disposition of comments shall be made part of the final plan and TIP.

(h) If the final transportation plan or TIP differs significantly from the one which was made available for public comment by the MPO and raises new material issues which

interested parties could not reasonably have foreseen from the public involvement efforts, an additional opportunity for public comment on the revised plan or TIP shall be made available.

(i) The public involvement process shall be periodically reviewed by the MPO to determine its effectiveness in assuring that the process provides full and open access to the public, including private providers of transportation.

(j) These procedures will be reviewed by the FHWA and FTA during certification reviews for Transportation Management Areas (TMA), and as otherwise necessary for all MPOs, to assure that full and open access is provided to MPO decision-making processes.

(k) The MPO's public involvement process shall be coordinated with the statewide public involvement process wherever possible to enhance public consideration of the issues, plans, and programs, and reduce redundancies and costs.

(2) In complying with the ISTEA public involvement requirements listed above, the Orlando Urban Area MPO shall specifically implement the following procedures for Federal aid highway and transit programs:

(a) All meetings of the MPO, Transportation Technical Committee (TTC), Citizens' Advisory Committee (CAC), Bicycle/Pedestrian Advisory Committee (BPAC), and Transportation Disadvantaged Coordinating Board (TDCB), shall be open to the public, and opportunities for public comments shall be provided at each meeting. All public meetings, and hearings, etc., shall be held in locations that are accessible to people with disabilities.

(b) The primary function of the MPO's Citizens' Advisory Committee (CAC) shall be to enable private citizens in the Orlando Urban Area to participate in the area's transportation planning process. Voting members of the CAC must have their residences and/or places of business within the jurisdictions they represent, and may not be elected officials or technical staff directly involved in the transportation planning process. The CAC shall be provided with information on transportation plans, programs, and issues at their monthly meetings by the MPO staff, FDOT, various transportation authorities, and consultants, as required. In addition, the individual CAC members shall inform the MPO and its staff of the concerns of their respective jurisdictions regarding transportation-related issues. The CAC shall also assist the MPO in developing transportation-related goals and objectives for the area and shall provide citizens' input (including private providers of transportation), to the MPO on transportation plans, programs, and issues through the use of letters, resolutions, presentations, etc., as well as through having the CAC Chairperson serve as a nonvoting member of the MPO. The voting membership of the CAC shall be as follows:

1. Six at large representatives from Orange County;
2. Six at large representatives from Seminole County;
3. Two at large representatives from Osceola County;

4. One representative each from the Cities of Altamonte Springs, Apopka, Casselberry, Kissimmee, Longwood, Maitland, Ocoee, Orlando, Oviedo, St. Cloud, Sanford, Winter Garden, Winter Park, and Winter Springs. The membership of the CAC may be expanded to include representatives from various environmental groups, minority communities civic organizations, etc., as deemed appropriate by the CAC and MPO. Minorities, the elderly, and the handicapped must be adequately represented.

(c) Prior to the adoption of the Long Range Transportation Plan, at least one public hearing on the Plan shall be held in each county within the Orlando Urban Area. Notices of the public hearings shall be published in the Orlando Sentinel, as well as in other local newspapers published for minority communities. The comments received from the public at these hearings shall be taken into consideration by the MPO and its subsidiary committees before the Long Range Transportation Plan is adopted.

(d) A public hearing shall be held at the beginning of the TIP development process, i.e., at the time of the preparation of the Sixth Year TIP Prioritized Project List. Any comments received from the public will be taken into consideration by the MPO and its subsidiary committees before the Project List is adopted.

(e) Copies of both the Sixth Year TIP Prioritized Project List and the final adopted TIP shall be made available for review by the public at the MPO staff offices, the local government planning departments, and public libraries in the Orlando Urban Area. The locations where the Sixth Year and final TIPS may be reviewed shall be shown in a legal notice that shall be published in the Orlando Sentinel, as well as in other local newspapers published for minority communities.

(f) Copies of notices of the public hearings referred to herein and notices of the plans and reports referred to herein shall be provided to all persons, including private providers of transportation who have requested to be provided with copies of such notices, proposed plans and reports.

(g) The MPO staff shall make presentations to various groups, civic organizations, Chambers of Commerce, etc. regarding the transportation plans and programs occurring within the Orlando Urban Area.

(h) The Transportation Annual Report may be distributed in the Sunday Orlando Sentinel at the time of the Annual Report's publication in order to inform a larger portion of the public of the transportation-related activities occurring in the Orlando Urban Area. The Annual Report shall include, but not be limited to, the following elements:

1. A list of the goals and objectives of the Orlando Urban Area Transportation Study and their status of implementation;
2. A review of all the transportation-related activities occurring in the Orlando Urban Area over the previous fiscal year, including status reports on the implementation of major

highway, transit, aviation, bicycle and pedestrian projects, as well as updates on the status of the Long Range Transportation Plan and other transportation plans and studies;

3. A set of maps for each county in the Orlando Urban Area showing the highway projects from the currently adopted Long Range Transportation Plan's Cost Feasible and Needs Plans and from the currently adopted TIP, as well as maps of the Orlando Urban Area showing the latest expressway projects and transit projects and routes;

4. A list of the voting and nonvoting members of the MPO;

(i) From time to time, surveys may be conducted to obtain a sample of public opinions on the transportation issues affecting the Orlando Urban Area, and to help the MPO determine what goals and objectives to pursue in planning for the future development of the Orlando Urban Area's transportation system. The surveys may include, but not be limited to questions related to such issues as:

1. The types of growth desired for the area;
2. The location and direction of future growth;
3. The role of the MPO in determining how transportation investments will influence future growth;
4. The political viability of increasing gas taxes, sales taxes etc. to help fund transportation improvements;
5. The types of transportation system improvements desired for the area.

(j) Periodic newsletters on transportation issues may be published by the MPO and distributed on a quarterly basis. The information contained in this newsletter may include, but not be limited to:

1. The status of the area's major highway, transit, aviation, and bicycle/pedestrian projects, including maps, implementation schedules, etc.;
2. The status of the ongoing transportation plans under development in the area, including the Long Range Transportation Plan, TIP, Congestion Management System Plan, and Transit Development Plan, as well as status reports on other major transportation plans;
3. The explanations of transportation related terms, abbreviations, acronyms, etc.;
4. A postage paid self-addressed form which members of the public may use to write their ideas or comments on transportation issues and mail them to the MPO. The MPO shall take the ideas and comments received into account in dealing with these issues.

(k) The MPO may hold news conferences to discuss current transportation plans, projects and issues. The local television, radio, and print media shall be invited to send representatives to these news conferences. The MPO shall also contact local radio stations to obtain air time for public service announcements regarding the news conferences. Media representatives and members of the public attending the news conferences shall be provided an opportunity to ask questions

and make comments pertaining to the issues under discussion. A record of the public comments made at each news conference shall be kept by the MPO staff, and these comments shall be considered by the MPO in making decisions on various transportation issues.

(1) The MPO may provide other various means for the public to obtain information regarding transportation planning activities. These means may include, but not be limited to, the Internet, public information videos, public service announcements display boards in public buildings, and brochures. The MPO shall also coordinate with all affected local governments during the development and amending of their respective comprehensive plan traffic circulation and/or mass transit elements, and shall encourage local governments to present information and receive input on state and Federal transportation projects and programs.

Specific Authority 163.01 FS. Law Implemented 339.175 FS. History--New 1-23-95, Amended 1-5-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Harry Barley, Executive Director, Metroplan Orlando, 315 East Robinson Street, Suite 355, Orlando, Florida 32801

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Harry Barley, Executive Director, Metroplan Orlando, 315 East Robinson Street, Suite 355, Orlando, Florida 32801

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 10, 2001

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

**METROPOLITAN PLANNING ORGANIZATION**

**Orlando Urban Area**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Minority Business Enterprise Program	35I-2
RULE TITLES:	RULE NOS.:
Definition and Purposes	35I-2.001
Affirmative Action Techniques to Assure MBE Participation	35I-2.002
Use of Banks Owned and Controlled by Minorities	35I-2.003
MBE Directory	35I-2.004
Certification Procedures to Determine Eligibility of MBE and Joint Ventures	35I-2.005
Appeals	35I-2.006
Percentage Goals for the Dollar Value of Work to be Awarded to MBE	35I-2.007
Identification of MBE by Competitors for Special Contracts	35I-2.008
Award Selection Procedures	35I-2.009

**PURPOSE AND EFFECT:** The Metropolitan Planning Organization (MPO) is repealing Rules 35I-2.001, 35I-2.002, 35I-2.003, 35I-2.004, 35I-2.005, 35I-2.006, 35I-2.007, 35I-2.008 and 35I-2.009 because they are no longer needed under Florida Statutes.

**SUMMARY:** Repeal Rules 35I-2.001, 35I-2.002, 35I-2.003, 35I-2.004, 35I-2.005, 35I-2.006, 35I-2.007, 35I-2.008 and 35I-2.009.

**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:** 339.175 FS.

**LAW IMPLEMENTED:** 339.175 FS.

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

**TIME AND DATE:** 9:00 a.m., Wednesday, July 11, 2001

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

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

**THE FULL TEXT OF THE PROPOSED RULES IS:**

**35I-2.001 Definitions and Purposes.**

Specific Authority 163.568 FS. Law Implemented 120.53, 120.54 FS. History--New 11-14-84, Formerly 35I-2.01, Repealed.

**35I-2.002 Affirmative Action Techniques to Assure MBE Participation.**

Specific Authority 163.568 FS. Law Implemented 120.53, 120.54 FS. History--New 11-14-84, Formerly 35I-2.02, Repealed.

**35I-2.003 Use of Banks Owned and Controlled by Minorities.**

Specific Authority 163.568 FS. Law Implemented 120.53, 120.54 FS. History--New 11-14-84, Formerly 35I-2.03, Repealed.

**35I-2.004 MBE Directory.**

Specific Authority 163.568 FS. Law Implemented 120.53, 120.54 FS. History--New 11-14-84, Formerly 35I-2.04, Repealed.

**35I-2.005 Certification Procedures to Determine Eligibility of MBE and Joint Ventures.**

Specific Authority 163.568 FS. Law Implemented 120.53, 120.54 FS. History--New 11-14-84, Formerly 35I-2.05, Repealed.

**35I-2.006 Appeals.**

Specific Authority 163.568 FS. Law Implemented 120.53, 120.54 FS. History--New 11-14-84, Formerly 35I-2.06, Repealed.

**35I-2.007 Percentage Goals for the Dollar Value of Work to be Awarded to MBE.**

Specific Authority 163.568 FS. Law Implemented 120.53, 120.54 FS. History--New 11-14-84, Formerly 35I-2.07, Repealed.

**35I-2.008 Identification of MBE by Competitors for Special Contracts.**

Specific Authority 163.568 FS. Law Implemented 120.53, 120.54 FS. History--New 11-14-84, Formerly 35I-2.08, Repealed.

**35I-2.009 Award Selection Procedures.**

Specific Authority 163.568 FS. Law Implemented 120.53, 120.54 FS. History--New 11-14-84, Formerly 35I-2.09, Repealed.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Mr. Harry Barley, Executive Director, Metroplan Orlando, 315 East Robinson Street, Suite 355, Orlando, Florida 32801

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Mr. Harry Barley, Executive Director, Metroplan Orlando, 315 East Robinson Street, Suite 355, Orlando, Florida 32801

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** April 10, 2001

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

**RULE TITLE:** Technician **RULE NO.:** 64B3-5.004

**PURPOSE AND EFFECT:** With regard to technicians, the Board proposes to amend the histology qualifications and to set forth qualifications in the area of molecular genetics.

**SUMMARY:** The proposed rule changes the qualifications needed for licensure as a histology technician by requiring either examination certification in histology by the American Society of Clinical Pathologists or completion of a Board approved training program which includes a written and practical examination. The rule creates qualifications for a molecular genetic technician.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** No statement was prepared.

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

**SPECIFIC AUTHORITY:** 483.805(4), 483.811(2), 483.823 FS.

**LAW IMPLEMENTED:** 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-5.004 Technician.

(1) through (2) No change.

(3) Qualifications for Histology Technicians. For the category of histology, applicants for technician licensure in order to be licensed as a histology technician, an applicant shall have four (4) hours of Board approved HIV/AIDS continuing education and a minimum of a high school diploma or its equivalent a high school equivalency diploma and one of the following:

(a) Examination certification in histology by the American Society of Clinical Pathologists successfully completed a Board approved histology training program at technician level

(b) Any individual completing a Board approved histology technician program which includes the successful completion of a written and practical examination administered by that program at the completion of the training shall be granted a technician histology license by endorsement successfully completed an accredited program in histology at the technician level.

~~(c) successfully completed a military clinical laboratory personnel training program in histology which shall consist of 1500 clock hours of study within 12 calendar months.~~

~~(d) five (5) years of pertinent clinical laboratory experience in histology accrued within 10 years immediately preceding application for licensure.~~

(4) Qualifications for Molecular Genetic Technicians. To be licensed as a molecular genetic technician, an applicant shall have four hours of Board approved HIV/AIDS continuing education, a minimum of a high school diploma or high school equivalent, and be licensed as a clinical laboratory technologist or technician in any specialty area.

(5)(4) Qualifications for Technicians Who Perform High Complexity Testing. Technicians performing high complexity testing as defined in 42 C.F.R. 493.5 40 and 493.17, and who have been licensed after September 1, 1997, shall meet the minimum educational and training qualifications provided in 42 C.F.R. 493.1489 (March, 1999), incorporated herein by reference, including a minimum of an associate degree in laboratory science, medical laboratory technology, or equivalent education and training.

(6)(5) Responsibilities of Technicians. The technician shall:

(a) Perform tests classified as highly complex pursuant to 42 CFR 493.17 (September 7, 1999), incorporated by reference herein, only when under direct supervision of a licensed technologist, supervisor, or director unless the technician meets the minimum qualifications contained in 42 CFR 493.1489 (September 7, 1999), incorporated by reference herein and the requirements contained in Rule 64B3-5.004(5).

(b) Follow the clinical laboratory's procedures for specimen handling, processing, test analyses, and reporting and maintaining records of patient test results.

(c) Notify a licensed technologist or supervisor whenever test systems are not within the clinical laboratory's defined acceptable levels of performance.

(d) Adhere to the clinical laboratory's quality control policies and document quality control activities, instrument and procedural calibrations and maintenance performed.

(e) Identify problems that may adversely affect test performance or reporting of test results and immediately notify a licensed technologist or supervisor.

(f) Document the corrective actions taken when test systems deviate from the clinical laboratory's established performance specifications.

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History--New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 59O-5.004, Amended 5-26-98, 9-20-98, 1-11-99, 8-31-99, 9-27-00, 12-26-00.

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: June 6, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: May 18, 2001

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE:

RULE NO.:

List of Approved Forms; Incorporation

64B5-1.021

PURPOSE AND EFFECT: The purpose of the rule amendments is to update the rule text with regard to the address and a new form is being incorporated.

SUMMARY: The purpose of the rule amendments is to change the address for the Board office and incorporate a new form to address a limited licensure for dentists and dental hygienists.

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: 466.004 FS.

LAW IMPLEMENTED: 120.52(15), 456.015 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-1.021 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office at 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256 ~~1940 North Monroe Street, Tallahassee, Florida 32399-0756:~~

(1) through (9) No change.

(10) Application for Dentist/Dental Hygienist Limited Licensure, DOH/MQA/DN-DH LL APP/new, effective \_\_\_\_\_.

Specific Authority 466.004 FS. Law Implemented 120.52(15) FS. History--New 8-19-97, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 8, 2000

**DEPARTMENT OF HEALTH**

**Board of Medicine**

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

PURPOSE AND EFFECT: The proposed rule amendment is intended to delete the reference to OSHA guidelines in the rule.

SUMMARY: The proposed rule amendment deletes the reference to OSHA guidelines as there are no written OSHA guidelines with regard to sterilization.

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

LAW IMPLEMENTED: 458.331(1)(g),(t),(v),(w), 458.351 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., July 11, 2001

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.009 Standard of Care for Office Surgery.

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

(1) No change.

(2) General Requirements for Office Surgery.

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

(b) through (f) renumbered (a) through (e) No change.

~~(f)(g)~~ A policy and procedure manual must be maintained in the office, updated annually, and implemented. The policy and procedure manual must contain the following: duties and responsibilities of all personnel, quality assessment and improvement systems comparable to those required by Rule 59A-5.019; cleaning, sterilization and infection control, and emergency procedures. This applies only to physician offices at which Level II and Level III procedures are performed.

(h) through (i) renumbered (g) through (h) No change.

(3) through (6) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Surgical Care Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 2, 2001

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

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 amendment is to effect a one-year delay in the implementation of the stone crab trap limitation program, by extending the moratorium on issuance of new stone crab endorsements currently in place from July 1, 2001, to July 1, 2002. Other rules in the rule chapter were amended to accomplish the delay, in rulemaking concluded in the Commission's May 23, 2001 regular meeting. The moratorium rule was not before the Commission at that time. The effect of this rulemaking 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.

SUMMARY: Paragraph (1)(b) of Rule 68B-13.006, F.A.C., is amended to extend the moratorium on issuance of new stone crab endorsements from July 1, 2001, to July 1, 2002, and the deadline for renewal of existing endorsements from September 1, 2000, to September 1, 2001.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Has not been prepared regarding these proposed rules.

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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE, A HEARING ON THE PROPOSED RULES WILL BE HELD AT A TIME, DATE AND PLACE TO BE LATER NOTICED 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 at (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the commission with respect to any matter considered at this hearing, he will need a record of proceedings, and for such purposes, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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

THE FULL TEXT OF THE PROPOSED RULE 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.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 23, 2001

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



**Section III**  
**Notices of Changes, Corrections and**  
**Withdrawals**

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Securities and Finance**

RULE NOS.:	RULE TITLES:
3C-560.704	Records to be Maintained by Check Cashers
3C-560.803	Postdated Check
3C-560.805	Money Transmitters

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the Department is withdrawing the proposed amendments to the above referenced rules, which were originally published in Vol. 27, No. 7, February 16, 2001, issue of the Florida Administrative Weekly.

**DEPARTMENT OF BANKING AND FINANCE**

**Board of Funeral and Cemetery Services**

RULE NO.:	RULE TITLE:
3F-7.012	Criteria for Filing a Surety Bond in Lieu of Trusting

**AMENDED 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. 27, No. 10, March 9, 2001 issue of the Florida Administrative Weekly. Based on comments received from the JAPC, the Board has voted to amend subsection 5(b) as follows:

(b) The surety company must have an "underwriting limitation" of not less than \$10,000,000 as report in the U.S. Department of the Treasury's Fiscal Service Dept. Circular 570, incorporated herein by reference and effective \_\_\_\_\_.

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.

**DEPARTMENT OF BANKING AND FINANCE**

**Board of Funeral and Cemetery Services**

RULE NO.:	RULE TITLE:
3F-10.003	Remittances to the Preneed Funeral Contract Consumer Protection Trust Fund

**AMENDED 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 ~~\$1.00~~ \$5.00 for each preneed contract.

**DEPARTMENT OF INSURANCE**

**Division of State Fire Marshal**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
4A-47	Uniform Fire Safety Standards for Elevators
RULE NO.:	RULE TITLE:
4A-47.011	Adoption of the Florida Elevator Safety Code

**AMENDED NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 12, March 23, 2001, edition of the Florida Administrative Weekly. A Notice of Change was published in Vol. 27, No. 21, May 25, 2001.

4A-47.011 Adoption of the Florida Elevator Safety Code.

(1) The following shall be in compliance with those standards adopted in Chapter 61C-5, Florida Elevator Safety Code, which is hereby adopted and incorporated by reference:

(1) through (3) renumbered (a) through (c).

(2) Chapter 61C-5, Florida Elevator Safety Code, may be obtained by writing to the Department of Insurance, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342.

Specific Authority 633.01 FS. Law Implemented 633.01, 633.022 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF INSURANCE**

**Division of State Fire Marshal**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
4A-56	Uniform Fire Safety Standards for Migrant Labor Camps
RULE NO.:	RULE TITLE:
4A-56.006	Manufactured Homes in Migrant Labor Camps

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 12, March 23, 2001, edition of the Florida Administrative Weekly.

4A-56.006 Manufactured Homes in Migrant Labor Camps Standards for Mobile Homes.

Migrant labor Camps using manufactured homes shall comply with NFPA 501A, Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities, the edition as adopted in 4A-3.012 ~~4A-4.012~~ Florida Administrative Code.

Specific Authority 633.01, 633.022(1)(b) FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History--New 6-30-91, Amended \_\_\_\_\_.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:  
6A-14.072 Financial Records and Reports

NOTICE OF HEARING CORRECTION

The State Board of Education announces that its June 26, 2001, hearing will be held at 9:30 a.m., at the Martin County Administrative Building, located at 2401 S. E. Monterey Road, Stuart, Florida. The information regarding the meeting location shown in Vol. 27, No. 21 of the Florida Administrative Code dated May 25, 2001 was incorrect.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: RULE CHAPTER TITLE:  
14-43 Regulation of Overhanging Encroachments

RULE NO.: RULE TITLE:  
14-43.001 Regulation of Overhanging Encroachments

NOTICE OF CHANGE

Notice of Rulemaking was published in Florida Administrative Weekly, Vol. 27, No. 13, dated March 30, 2001.

SUMMARY OF CHANGES: The following changes result from a review by the Joint Administrative Procedures Committee:

- Changes are made to the Definitions in Section 14-43.001(1)(e) and (2) to clarify the definitions of signs, canopies, and banners.
- Rule Sections 14-43.001(4)(a), (b), and (c) are revised and restructured, resulting in further renumbering in the subsections of 14-43.001(4).
- Section 337.406, Florida Statutes, is added to the authority citations for the rule. In addition, other citations were deleted as being no longer applicable.
- In addition, all references to "permit," "permittee," and "issued" have been removed and replaced with the terms "application(s)," "applicant(s)," and "allowed" as appropriate for the context.

Because this is only one rule, the entire rule amendment, with changes, is printed herein:

14-43.001 Regulation of Overhanging Encroachments Over State Rights-of-Way.

(1) Definitions.

(a) "Banner" means ~~a temporary encroachment in the form of a length or sheet of cloth, fabric, plastic, or other flexible material bearing a message which may be either of the following:~~

1. "Pole Banner" means a banner which is located adjacent to the travel lanes of the roadway and is attached to an existing permanent support.

2. "Street Banner" means a banner which extends over the travel lanes of the roadway and is attached to one or more existing permanent supports.

(b) "Canopy" means a permanent or semi-permanent, on-premise roof-like encroachment or projection partially extending over the right of way.

(c) "Department" means the State of Florida Department of Transportation.

(d) "Governmental Entity" has the same meaning as provided in Section 11.45(1)(c), Florida Statutes.

(e) "Local Governmental Entity" has the same meaning as provided in Section 11.45(1)(d), Florida Statutes.

(f)(e) "Overhanging Encroachment Sign" for purposes of this rule means a sign, canopy, or banner, as these terms are herein defined, permanent encroachment in the nature of an on-premise advertising display pursuant to Section 479.16, Florida Statutes, which are placed along and extends over any state roads which are within municipalities, or which are of curb-and-gutter construction outside municipalities the right of way.

(g) "Sign" has the same meaning as provided in Section 479.01(14), Florida Statutes.

(2) Overhanging encroachments are prohibited on the Interstate System. Overhanging encroachments shall be authorized, pursuant to Section 337.407(1), Florida Statutes, subject to the following conditions:

(a) No new supports may be located within state right of way.

(b) Any overhanging encroachment must be allowed by the affected local governmental entity.

(c) Any overhanging encroachment which interferes with Department construction must be adjusted or removed at the owner's expense.

(d) Overhanging encroachments may not obstruct the view of any traffic signal, traffic device, or official sign, nor in any way interfere with motorists' ability to safely operate their vehicles.

(e) Overhanging encroachments must comply with the setback or clearance requirements set forth in (3) and (4) below. The Department will notify the owner if the

overhanging encroachment must be adjusted to meet setback or clearance requirements, and, upon failure of the owner to make such adjustment, it shall be removed by the Department. If the overhanging encroachment presents a safety hazard, the Department shall remove it and notify the owner of the removal.

(f) No overhanging encroachment may be erected or maintained which would interfere with the Department's maintenance, operation, or other use of a transportation facility.

(g) When an overhanging encroachment must be removed by the Department, the owner may reclaim it within 30 calendar days from the date of removal, upon payment of any costs incurred by the Department in removing the encroachment.

(3)(2) Overhanging Signs and Canopies. Overhanging signs and canopies are prohibited along and over or limited access roadways rights-of-way. Signs and canopies Conditions under which overhanging signs or canopies may only be placed along adjacent to and over any other roads state rights-of-way within corporate limits of a municipality, or outside municipalities or where curb and gutter construction exists outside municipalities as authorized under Section 337.407, Florida Statutes, are in compliance with the following conditions:

(a) Where curb and gutter construction exists, provided the entire structure, including attachments and supports, must clear the sidewalk vertically by at least nine feet (2.7 meters) and the outside edge of the structure must be canopy or sign is at least two feet (0.6 meters) behind a the vertical line extending upward from through the face of the curb, and the entire structure must comply complies with the Department's clear zone requirements set forth in Table 2.11.9 2-12-1 Clear Zone Widths and Table 2.11.10 2-12-2 Clear Zone Widths for Curved Alignments on Highways With Flush Shoulders (January 2000 1998), incorporated herein by reference. Copies of these tables are available from the Maintenance Office of Right of Way, 605 Suwannee Street, MS 52 22, Tallahassee, Florida 32399-0450.

(b) Within municipalities where there is no curb and gutter construction, the entire structure provided the sign or canopy, including attachments and supports, may does not extend more than six feet (1.8 meters) over the right of way; may does not extend closer than 12 feet (3.7 meters) from the edge of the driving lane; must have has a vertical clearance of at least 10 ten feet (3 meters); and the entire structure must comply complies with the Department's clear zone requirements as set forth in Table 2.11.9 Clear Zone Widths and Table 2.11.10 Clear Zone Widths for Curved Alignments referenced in the tables identified and incorporated by reference in 14-43.001(2)(a) above.

(c) Where canopies or overhanging signs interfere with construction, they shall be adjusted or temporarily removed at the owner's expense.

(c)(d) The design of said canopies or signs, or canopies as to bracing and attachments to buildings, shall be approved for safety features by the appropriate official of the governmental agency affected.

(d)(e) No canopy or overhanging sign shall be erected away from the site of the business which it promotes advertises.

(f) No canopy or sign may be erected or maintained which would interfere with the Department's maintenance, operations, or other use of a transportation facility.

(e)(g) Lighting of Overhanging signs and canopies shall conform to the requirements of may be lighted, provided, however, the lighting is in compliance with Section 479.11(5), Florida Statutes.

(h) If the Department determines that a canopy or overhanging sign is not erected safely or is not in compliance with the setback or clearance requirements, upon prior written notice by the Department, it must be adjusted by the owner to meet such requirements or it shall be removed by the Department. If the canopy or overhanging sign is removed, the Department shall deliver written notice to the owner. The notice shall advise the owner of the canopy or overhanging sign of his or her right to request an administrative proceeding pursuant to Chapter 120, Florida Statutes. If the canopy or overhanging sign presents a safety hazard, the Department shall remove it and provide written notice of such removal to the permittee.

(i) When a canopy or overhanging sign must be removed by the Department, the owner may reclaim the canopy or sign within 30 calendar days from the date of removal upon payment of any costs incurred by the Department in removing the canopy or sign.

(j) No new supports may be placed within state rights of way for purposes of supporting a canopy or overhanging sign.

(k) This rule shall not authorize the erection of any canopy or sign which is prohibited by the municipality, county, local zoning authority, or agency affected.

(4)(3) Banners. Banners may only be placed along and over any state roads which are within municipalities, or which are of curb and gutter construction outside municipalities subject erected pursuant to a permit issued to a local government entity under the following conditions:

(a) Written authorization for the placement of banners from the local governmental entity must be provided. All banners for which permits are issued shall be erected in accordance with the Manual on Uniform Traffic Control Devices, which is incorporated by reference under Rule 14-15.010, F.A.C.

(b) Banners will be allowed permitted for a period not to exceed 30 consecutive calendar days, on dates set forth in the application. Banner permits for the same event shall not be

~~renewed within 180 days. Banners will not be allowed to be displayed within 180 days of the last day of its most recent display period.~~

~~(c) Banners are allowed Permits for banners may be issued for routinely recurring events, e.g., events occurring monthly or quarterly, unless otherwise provided in this rule, provided the banner is displayed for no more than three consecutive days per month, for 12 months. The permit duration shall be no more than 12 months.~~

~~(d) Pole banners must be placed a minimum of 1,000 feet apart on the same side of the travel lane on all limited access facilities, and on non limited access facilities outside the corporate limits of a municipality.~~

~~1. The lowest point of the banner must be at least 14 1/2 feet above the pavement elevation;~~

~~2. The pole banner must be attached to a light standard or other such device which is permanently located in the right of way. Banners may not be attached to any utility pole.~~

~~(d) No banner may be erected or maintained which would interfere with the Department's maintenance, operation, or other use of a transportation facility.~~

~~(e) Any banner that interferes with construction shall be adjusted or removed at the owner's expense.~~

~~(f) No new supports may be placed within state rights of way for purposes of supporting a banner.~~

~~(g) The banner must advertise a public event which is sponsored or supported by a governmental entity.~~

~~(h) Banners may not obstruct the view of any traffic signal, traffic device, or official sign, nor in any way interfere with motorists' ability to safely operate their vehicles.~~

~~(e)(i) Placement of banners on frangible light standards or other frangible devices will require a load rating analysis, signed and sealed by a registered professional engineer, certifying that the specific light standards or devices used to support the banners will handle the additional loadings placed on the structures by the banner and attachments, and will not to exceed the wind loading design requirements of the structure. Copies of load rating analyses previously submitted are acceptable for subsequent applications when all specifications are the same.~~

~~(f) Banners may not be placed within 500 feet of a limited access interchange.~~

~~(g) Street banners may only be placed on the right of way of non limited access roadways and must vertically clear the pavement by at least 18 feet. Street banners must be a minimum of 1,000 feet apart.~~

~~(j) The following additional conditions apply to banners adjacent to or across non-limited access roadways:~~

~~1. Pole banners must vertically clear any curb by at least nine feet (2.7 meters) and horizontally clear the curb face by at least two feet (0.6 meters). For non-limited access roads where there is no curb and gutter, the banners and support structures~~

~~must vertically clear the pavement by at least 10 feet (3 meters) and horizontally clear the pavement by at least 12 feet (3.7 meters).~~

~~2. Street banners must vertically clear the pavement by at least 17 feet (5.2 meters), and may not obstruct or obscure the view of any traffic signal, traffic device, or official sign.~~

~~(k) In addition to the conditions identified in subsections (3)(a) through (i) above, the following conditions apply to the Interstate Highway System, Florida's Turnpike, and limited access roadways:~~

~~1. Pole banners will only be permitted for display for a duration not to exceed 60 consecutive days and only for events of national or international significance, provided the municipality has not hosted the event within the preceding 12 months. The following are examples of events for which pole banners may be permitted on the Interstate Highway System, Florida's Turnpike, and limited access roadways:~~

- ~~a. The World Cup~~
- ~~b. The Super Bowl~~
- ~~c. The Stanley Cup~~
- ~~d. The World Series~~
- ~~e. Summit of the Americas~~
- ~~f. The Olympic Games~~

~~2. The lowest point of the pole banner must be at least 10 feet (3 meters) above the pavement elevation;~~

~~3. The outside edge of the pole banner may be no closer than 12 feet (3.7 meters) from the edge of the driving lane; and~~

~~4. The pole banner must be attached to a light standard or other such device, which is permanently located in the right of way. No new support structures for pole banners may be placed in the right of way.~~

~~(5)(4) Permit Issuance: Applications for an overhanging encroachment sign, canopy, or banners must be made in writing to the appropriate District Maintenance Office.~~

~~(a) Applications for overhanging signs and canopies shall include:~~

- ~~1. The name and address of the applicant.~~
- ~~2. A sketch of the sign or canopy, drawn to scale, which includes the message, letterings, logos, or emblems.~~
- ~~3. A sketch of the specific location of the sign or canopy, including height, location of supports, proximity to utility poles, and the identification of the state highway where the sign or canopy will be located.~~
- ~~4. Sketches or specific descriptions of the method to be used to affix the sign or canopy to the support structure(s).~~
- ~~5. Proof of compliance with any applicable local governmental regulations.~~

~~(b) Applications for banners shall be made no later than 30 days and no earlier than 365 days prior to the requested installation date. The application Banner Permit Issuance. Applications for banners shall be on Application for Banner, DOT Form 850-040-75, Rev. 01/01., incorporated herein by~~

reference. Copies of Form 850-040-75 are available from the State Maintenance Engineer or any District Maintenance Engineer. The application shall include:

1. The name ~~and~~ address, and telephone number of the applicant. If the applicant is a business or governmental entity, the name of the contact person must be supplied that is sponsoring or supporting the event. For purposes of this rule, submission of an application for a permit for banners constitutes sponsorship or support for the event.

~~2. Identification of the event being advertised and a description of the event.~~

~~2.3.~~ A sketch or drawing of the banner(s), drawn to scale, which includes the entire message that will appear on the banner(s).

~~3.4.~~ A sketch of the specific location of the banner(s), including height, location of supports, proximity to utility poles, and the identification of the state highway where the banner(s) will be located.

~~4.5.~~ Sketches, photographs, or specific descriptions of the method to be used to affix the banner(s) to the support structure(s).

5. The beginning and ending dates of the event being promoted.

6. The beginning and ending dates of the display period(s) requested.

7. Proof of compliance with the requirements of subsection (4)(c)(3) and any local governmental regulations.

8. Written authorization from the local governmental entity granting permission to the applicant for the installation of the banners. No banner shall be allowed when the local governmental entity has an ordinance prohibiting its installation.

9. When the roadway requested for banner installation is under the ownership of an Expressway Authority, written authorization from the affected Expressway Authority granting permission to the applicant for the installation of the banners must be provided.

~~10.8.~~ A Load rating analysis by a registered professional engineer, if required by subsection (3)(i). See (4)(d), above.

(c) Banners will not be allowed where a Department construction project is planned or ongoing during the requested display period.

(d)(e) The Applicant Permittee shall agree as follows:

1. To the extent provided by law, the Applicant Permittee shall indemnify, defend, and hold harmless the Department and all of its officers, agents, and employees from any claim, loss, damage, cost, charge, or expense arising out of any act, error, omission, or negligent act by the Applicant Permittee, its agents, or employees arising from activities associated herewith under this permit, except that neither the Permittee, its agents, or its employees will be liable under this provision for any claim, loss, damage, cost, charge, or expense arising

out of any act, error, omission, or negligent act by the Department or any of its officers, agents, or employees arising from activities under this permit.

2. When the Department receives a notice of claim for damages that may have been caused by the Applicant Permittee in the performance of activities hereunder, that arise under this permit, the Department will immediately forward the claim to the Applicant Permittee. The Applicant Permittee and the Department will evaluate the claim and report their findings to each other within 14 working days and will jointly discuss options in defending the claim. After reviewing the claim, the Department will determine whether to require the participation of the Applicant Permittee in the defense of the claim or to require that the Applicant Permittee defend the Department in such claim as described in this section. The Department's failure to promptly notify the Applicant Permittee of a claim shall not act as a waiver of any right herein to require the participation in or defense of the claim by the Applicant Permittee. The Applicant shall bear all expenses of the Department in defense of the claim. The Department and the Permittee will each pay its own expenses for the evaluation, settlement negotiations, and trial, if any. However, if only one party participates in the defense of the claim at trial, that party is responsible for all expenses at trial.

~~(e)(d)~~ If the application is denied, the Department shall provide a Notice of Administrative Hearing Rights to advise the applicant in writing of the denial and advise the applicant of his or her right to request an administrative proceeding pursuant to Chapter 120, Florida Statutes.

(6) Failure to comply with the provisions of this rule shall result in the issuance of a Notice of Intent to Deny the Application or a Notice of Noncompliance, which shall include a Notice of Administrative Hearing Rights.

(7) Provision of any notice, denial, revocation, or Notice of Administrative Hearing Rights by the Department under this rule shall not constitute or create entitlement to an administrative hearing where such right does not otherwise exist.

Specific Authority 334.044(2), 337.407 FS. Law Implemented 337.406, 316.006, 316.077, 337.29, 337.407, 338.237, 479.01, 479.107, 768.28 FS. History—Amended 3-21-64, 5-9-70, 7-9-75, Formerly 14-43.01, Amended 8-3-99.

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER NO.: 14-75	RULE CHAPTER TITLE: Qualification, Selection, and Performance Evaluation Requirements for Professional Consultants to Perform Work for DOT
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RULE NOS.:	RULE TITLES:
14-75.0022	Consultant Qualification Process
14-75.003	Minimum Technical Qualification Standards by Type of Work
14-75.004	Consultant Competitive Selection Process
14-75.0052	Professional Consultant Work Performance Evaluation System
<b>CHANGE NOTICE</b>	

The notice of rulemaking was published in Vol. 27, No. 14, Florida Administrative Weekly, dated April 6, 2001. There were no requests for hearing and no hearing was conducted.

**SUMMARY OF CHANGES:** The following changes result from a review by the Joint Administrative Procedures Committee:

1. Rule Section 14-75.0022(4)(c)9.d. is being changed to include incorporation by reference language and a certified copy of the cited manuals will be filed with the Department of State. Also, the titles and dates are editorially corrected.

2. Rule Section 14-75.0022(4)(c)11. is being changed to read: "Such report will be in the format specified in the Department's Overhead Audit Guidelines, 2000."

3. In Rule 14-75.0022, Sections 337.107 and 337.1075, Florida Statutes, are deleted from the Specific Authority citations and added to the Law Implemented citations.

4. In Section 14-75.003(5), the sentence relating to requiring a consultant to submit examples of recently completed work is being deleted as follows: "~~Additionally, the Department may require the consultant to submit examples of recently completed work performed by the personnel listed in the application to qualify the applicant to perform the indicated activities.~~"

5. In Section 14-75.003(5)(h)1.d., the reference to the Department's Soils and Foundation Manual is being deleted as follows: ". . . using the applicable ~~Department FDOT Standard Specifications for Road and Bridge Construction, FDOT Soils and Foundation Manual procedures and Federal Highway Administration guidelines and checklist.~~"

6. Section 14-75.004(2)(c), is changed to read as follows:

"(c) If fewer than three consultants respond to the advertisement, the Department shall review its list of firms prequalified for the major type(s) of work advertised, and select no fewer than ten prequalified firms (or all prequalified firms if fewer than 10 are prequalified) deemed to be the most highly qualified, based on the criteria in Section 287.055(4)(b), Florida Statutes. The Department shall then contact each of the listed consultants and conduct similar discussions concerning the project, until it has at least three consultants interested in the project."

7. Section 14-75.004(3), is changed as follows:

"(3) Each professional service contract evaluation shall be based on an evaluation of contract performance using a the following grading system for Schedule, Management, and

Quality, except for Groups 10.1 and 10.2, which will be scored one composite grade Construction Engineering and Inspection, which shall be developed using a similar grading system and procedure. The scoring system for all work groups will be as follows:

- Excellent – 100 points
- Good – 90 points
- Average – 80 points
- Marginal – 70 points
- Unsatisfactory – 0-60 points"

8. The Department is reinstating (not deleting) Group 20 Appraisal Services, previously numbered as 14-75.003(5)(p), to 14-75.003(5)(n), which also will require the renumbering of subsequent Groups 21 through 25 [14-75.003(5)(n) through 14-75.003(5)(q) to 14-75.003(5)(o) through 14-75.003(5)(r)]. Form 375-030-01, Rev. 05/01, Request for Qualification Package for Professional Consultants, also is being revised to add Work Group 20 on Page 3 of 5.

**STATE BOARD OF ADMINISTRATION**

RULE NO.:	RULE TITLE:
19-9.001	Investment Policy Statement
<b>NOTICE OF CHANGE</b>	

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 the Vol. 27, No. 10, which is the March 9, 2001, issue of the Florida Administrative Weekly. The Investment Policy Statement, which is adopted and incorporated by reference in Rule 19-9.001, will be changed as follows:

1) In the Investment Policy Statement, Section IX, regarding the roles of bundled providers and third-party administrators, will now read as follows:

A. The Board selects a single private party to serve as the third-party administrator for PEORP. The Board makes the final determination as to whether any third-party administrator shall be approved for the program. Administrative services such as individual and collective recordkeeping and accounting, IRC limit monitoring, enrollment, beneficiary designation and changes, disbursement of monies, and other centralized administrative functions shall be provided by the single third-party administrator selected by the Board.

B. Bundled provider(s) selected to provide investment products to the participants may provide administrative services, which may include but not be limited to asset custody, calculation of daily net asset values, and other services that are uniquely relevant to the bundled provider mandate. The SBA retains the right to delineate through the contract the specific administrative services to be provided by the Bundled Provider.

C. Notwithstanding Paragraphs A. and B., where this Investment Policy Statement authorizes allocated products and any are selected, the bundled provider may engage in

appropriate record keeping, education and informational services for those allocated products. The Board shall specify the administrative services to be provided by such bundled provider in the solicitation documents and contracts for services. The SBA retains the right to delineate through the contract the specific administrative services to be provided by the Bundled Provider.

(2) In the Investment Policy Statement, Section XI.A(11), regarding General Investment Option Guidelines, will now read as follows:

(11) Each investment option offered in Tier IV must:

(a) Have a prudent degree of diversification relative to its performance benchmark;

(b) Be readily transferable from a PEORP account to another PEORP investment option;

(c) Be readily transferable to a private-sector or public-sector defined contribution plan accounts and self-directed individual retirement accounts;

(d) Be compliant with section 404(c) of the Employee Retirement Income Security Act of 1974 and the provider must agree to be liable for any loss to a participant's or beneficiary's account which results from the failure of the provider's option to be compliant with section 404(c).

(e) Allow transfers of participants' balances into and out of the option at least daily;

(f) Have no surrender fees or deferred loads/charges;

(g) Have no fees or charges for insurance features (e.g. mortality and expense risk charges);

(h) To the extent allowed by law, notwithstanding failure to meet one or more of the IPS Section XI(11)(c),(d)-(f) requirements, an option may be authorized if: (i) it produces significant and demonstrable incremental retirement benefits relative to other comparable products in the market place and comparable Tier I, Tier II, or Tier III options; and (ii) the incremental benefits are sufficient to offset all associated fees, charges and the expected economic cost of the variance(s) with the IPS Section XI(11)(c),(d)-(f) requirements. Comparability shall be based on the option's underlying investments, consistent with the guidelines in IPS Section XI(12).

3) In the Investment Policy Statement, Section XII.D, regarding Investment Manager Selection and Monitoring Guidelines, will now read as follows:

D. In the selection of bundled providers and their proposed products and services, value afforded, as that term is used in Section 121.4501(9)(a), Florida Statutes, shall be evaluated based on the value added to the process of accumulating retirement benefits for participants. This evaluation shall consider the following factors in arriving at any staff recommendation:

1) Products or services that are either not otherwise available to the participants within the program, or which, as part of the bundle of investment products and services, can be reasonably expected to offer participants a desirable, cost

effective, value-added, and convenient alternative to the investment options and attendant services available to participants in Tiers I-III;

2) The type and quality of investment products offered;

3) The type and quality of non-investment services offered; and

4) Other significant elements that provide value to participants, consistent with the mandates of Section 121.4501, Florida Statutes.

**STATE BOARD OF ADMINISTRATION**

**RULES NOS.:**

19-10.002

19-10.003

**RULE TITLES:**

Asset Transfer Procedures: True Up Transfer for Initial Transfers Occurring between 7/1/02 and 3/31/03

Asset Transfer Procedures: For employees who become eligible to participate in PEORP by reason of employment in a regularly established position with a state employer commencing after June 1, 2002; or with a district school board employer commencing after September 1, 2002; or with a local employer commencing after December 1, 2002

**NOTICE OF CABINET AGENDA ON JUNE 26, 2001**

The Trustees of the State Board of Administration, on June 26, 2001, will consider the proposed new rules in Rule Chapter 19-10, F.A.C.:

These proposed new rules implement two additional asset transfer procedures after the initial transfer which occurs between July 1, 2002 and March 31, 2003. Proposed new Rule 19-10.002 adopts procedures for the true-up transfer from the defined benefit plan to the defined contribution plan after the initial transfers outlined in adopted Rule 19-10.001. Proposed new Rule 19-10.003 adopts asset transfer procedures for employees hired after the initial transfer dates set out in adopted Rule 19-10.001 and adopts an enrollment election form. The rule development workshop was held on January 23, 2001. Changes were made and incorporated in the draft which was proposed for rulemaking at the Trustees meeting on May 15, 2001. Notice was filed with the Secretary of State and printed in the Florida Administrative Weekly on May 25, 2001. The rule hearing is scheduled for June 18, 2001. After the rule hearing, any public comments, comments received by the Board, or comments from the Joint Administrative Procedures Committee will be incorporated into the proposed rulemaking.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-210.201  
RULE TITLE: ADA Provisions for Inmates  
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. 19, May 11, 2001, issue of the Florida Administrative Weekly.

33-210.201 ADA Provisions for Inmates.

(1) through (5) No change.

(6) Effective Communication. Reasonable accommodation shall be afforded to inmates with disabilities to ensure equally effective communication with staff, other inmates, and, ~~where applicable,~~ the public.

(a) through (9) No change.

Specific Authority 944.09 FS. Law Implemented 944.09, 958.04 FS. History—New \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE NO.: 40C-9.101  
RULE TITLE: Land Management Policy  
NOTICE OF CHANGE

Notice is hereby given that the following change has been made in the proposed rule which was published in the Florida Administratively Weekly on January 5, 2001, Vol. 27, No. 1, in accordance with subparagraph 120.54(3)(d)1., F.S.

40C-9.101 Land Management Policy.

(4) Pursuant to Section 373.1395, Florida Statutes, the District is not responsible for any injury to persons or property caused by an act or omission of a person who goes on District lands or park areas provided to the public for recreational purposes. Additionally, the District is not responsible for any injury to persons or property caused by an act or omission of a person who goes on District lands or water areas leased to the state for outdoor recreational purposes. This subsection does not apply when the District charges a fee for entering onto or for the public or commercial use of District lands or park areas.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

RULE NO.: 59C-1.002  
RULE TITLE: Definitions  
NOTICE OF WITHDRAWAL

The agency is withdrawing the proposed amendments to Rule 59C-1.002(41) published in Vol. 26, No. 51, Florida Administrative Weekly, December 22, 2000. The amendments proposed a change in the definition of tertiary services which would have eliminated adult open heart surgery from the definition.

Additional information about this withdrawal, and other actions regarding adult open heart surgery, are found in a Notice of Change that is expected to appear elsewhere in this edition of the FAW.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

RULE NO.: 59C-1.033  
RULE TITLE: Open Heart Surgery Program  
NOTICE OF CHANGE

Proposed amendments to Rule 59C-1.033, open heart surgery program, were published December 22, 2000, in Vol. 26, No. 51 of the F.A.W. The agency subsequently added to the proposed amendments with a Notice of Change published May 4, 2001, in Vol. 27, No. 18 of the F.A.W. With this present Notice of Change, the agency is revising the originally-proposed amendments; and the changes identified in this present notice replace and supersede all language appearing in the May 4, 2001 notice of change.

The present changes revise the proposed amendments to subsection (7) of Rule 59C-1.033 by revising the methodology used to calculate need for additional adult open heart surgery programs. Compared to the December 22, 2000 proposal, there is a change from 250 to 300 in the threshold volume number; a continuation of the current language limiting net need to one additional program in a district per batching cycle, except under special circumstances; a change that creates a preference for any applicant from a county that meets certain criteria when there is a net need in the district; a change that establishes a demonstration of need for enhanced access, in the absence of numeric need, for an applicant in a county that meets those same criteria; and a change specifying that the agency will consider the impact of an approval on existing open heart surgery programs in the district. The modifications in other subsections of Rule 59C-1.033, as published December 22, 2000, are not affected by this notice of change.

By a separate action expected to be published elsewhere in this edition of the F.A.W., the agency is also withdrawing its proposed amendment to Rule 59C-1.002 that, if adopted, would have eliminated adult open heart surgery from the definition of tertiary services.

Accordingly, when adopted, subsection (7) of Rule 59C-1.033 will read as follows:

(7) Adult Open Heart Surgery Program Need Determination.

(a) An additional open heart surgery programs shall not normally be approved in the district if any of the following conditions exist:

1. There is an approved adult open heart surgery program in the district;

2. One or more of the operational adult open heart surgery programs in the district that were operational for at least 12 months as of 3 months prior to the beginning date of the



quarter of the publication of the fixed need pool performed less than 300 adult open heart surgery operations during the 12 months ending 3 months prior to the beginning date of the quarter of the publication of the fixed need pool; or,

3. One or more of the adult open heart surgery programs in the district that were operational for less than 12 months during the 12 months ending 3 months prior to the beginning date of the quarter of the publication of the fixed need pool performed less than an average of 25 adult open heart surgery operations per month.

(b) Provided that the provisions of paragraphs (7)(a) do not apply, the agency shall determine the net need for an additional adult open heart surgery programs in the district based on the following formula:

$$NN = [(POH/500) - OP] \geq 0.5$$

where:

1. NN = The need for an additional adult open heart surgery programs in the district projected for the applicable planning horizon. The additional adult open heart surgery program may be approved when NN is 0.5 or greater.

2. POH = the projected number of adult open heart surgery operations that will be performed in the district in the 12-month period beginning with the planning horizon. To determine POH, the agency will calculate COH/CPOP x PPOP, where:

a. COH = the current number of adult open heart surgery operations, defined as the number of adult open heart surgery operations performed in the district during the 12 months ending 3 months prior to the beginning date of the quarter of the publication of the fixed need pool.

b. CPOP = the current district population age 15 years and over.

c. PPOP = the projected district population age 15 years and over. For applications submitted between January 1 and June 30, the population estimate used for CPOP shall be for January of the preceding year; for applications submitted between July 1 and December 31, the population estimate used for CPOP shall be for July of the preceding year. The population estimates used for CPOP and PPOP shall be the most recent population estimates of the Executive Office of the Governor that are available to the agency 3 weeks prior to publication of the fixed need pool.

3. OP = the number of operational adult open heart surgery programs in the district.

(c) In the event there is a demonstrated numeric need for an additional adult open heart surgery program pursuant to paragraph (7)(b), preference shall be given to any applicant from a county that meets the following criteria:

1. None of the hospitals in the county has an existing or approved open heart surgery program; and

2. Residents of the county are projected to generate at least 1200 annual hospital discharges with a principal diagnosis of ischemic heart disease, as defined by ICD-9-CM codes 410.0

through 414.9. The projected number of county residents who will be discharged with a principal diagnosis of ischemic heart disease will be determined as follows:

$$PIHD = (CIHD/CoCPOP \times CoPPOP)$$

where:

PIHD = the projected 12-month total of discharges with a principal diagnosis of ischemic heart disease for residents of the county age 15 and over;

CIHD = the most recent 12-month total of discharges with a principal diagnosis of ischemic heart disease for residents of the county age 15 and over, as available in the agency's hospital discharge data base;

CoCPOP = the current estimated population age 15 and over for the county, included as a component of CPOP in subparagraph 7(b)2.;

CoPPOP = the planning horizon estimated population age 15 and over for the county, included as a component of PPOP in subparagraph 7(b)2.

(d) In the event no numeric need for an additional adult open heart surgery program is shown in paragraphs (7)(a) or (7)(b) above, the need for enhanced access to health care for the residents of a service district is demonstrated for an applicant in a county that meets the criteria of paragraph (7)(c)1. and 2. above.

(e) An additional adult open heart surgery program will not normally be approved for the district if the approval would reduce the 12 month total at an existing adult open heart surgery program in the district below 300 open heart surgery operations.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:  
59G-4.010

RULE TITLE:  
Advanced Registered Nurse  
Practitioner Services

**SECOND 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. 16, April 20, 2001, issue of the Florida Administrative Weekly.

Appendix D, pp D-1 through D-6: delete current maximum base rate fees. Replace with new maximum base rate fees which are a 4% increase over the current maximum base rate fee.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:  
59G-4.230

RULE TITLE:  
Physician Services

**SECOND 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. 16, April 20, 2001, issue of the Florida Administrative Weekly.

Appendix J, pp. J-1 through J-6: delete current maximum base rate fee and replace with new fees. The new maximum base rate fees are a 4% increase over the current maximum base rate fee.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE NO.: 61G19-7.010  
 RULE TITLE: Training Program Provider Fees

**NOTICE OF CHANGE**

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 26, No. 41, October 13, 2000, issue of the Florida Administrative Weekly. A Notice of Additional Public Hearing, scheduled for May 17, 2001 for the purpose of discussing this rule was published in Vol. 27, No. 18, May 4, 2001 issue of the Florida Administrative Weekly and incorrectly numbered as 61G19-7.0010. This change is due to comments received from the Joint Administrative Procedures Committee and a conference call Board meeting held on June 1, 2001.

The rule shall now read as follows:

61G19-7.010 Training Program Provider Fees.

(1) Training program providers registering with the Board who are registered with the Board to provide continuing education courses under 61G19-9 shall pay no fee for training program provider registration. All others shall pay a fee of \$100 for training program provider registration.

(2) The fee for reviewing each training program approval application shall be \$25.00 per one hundred (100) program hours; the minimum fee shall be \$25.00, the maximum shall be \$100.00.

(3) Government agencies providing training programs shall pay no fee for program or program provider registration.

Specific Authority 455.213(2), 468.606 FS. Law Implemented 455.213(2), 468.609 FS. History--New \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF HEALTH**

**Board of Medicine**

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

**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. 7, of the February 16, 2001, issue of the Florida Administrative Weekly.

The Surgical Care Committee of the Board held a public hearing on the Rule on May 19, 2001, in Tampa, Florida, and recommended changes to subsection (2) of the proposed rule. The Board, at its meeting held on June 2, 2001, in Dania, Florida voted to accept the recommendations of the Surgical Care Committee. The changes to subsection (2) are as follows:

1. The proposed new language set forth in subsection (2)(e) of the rule shall be deleted.

2. The existing subsection (2)(d) shall be renumbered as (2)(e).

3. The proposed subsection (2)(g) shall be renumbered as (2)(f) and shall be changed to read as follows:

“(f) Liposuction may be performed in combination with another separate surgical procedure during a single Level II or Level III operation, only in the following circumstances:

1. When combined with abdominoplasty, liposuction may not exceed 1000 cc of supernatant fat;

2. When liposuction is associated and directly related to another procedure, the liposuction may not exceed 1000 cc of supernatant fat;

3. Major liposuction in excess of 1000 cc supernatant fat may not be performed in a remote location from any other procedure.”

4. The existing subsection (2)(e) shall be renumbered as (2)(g).

5. The proposed new subsection (2)(i) shall be renumbered as (2)(h), and shall be changed to read as follows:

“(h) The Board of Medicine adopts the “Standards of the American Society of Anesthesiologists for Basic Anesthetic Monitoring,” approved by House Delegates on October 21, 1986 and last amended on October 21, 1998, as the standards for anesthetic monitoring by any qualified anesthesia provider.

1. These standards apply to general anesthetics, regional anesthetics, and monitored anesthesia care (Level II and III as defined by this rule) although, in emergency circumstances, appropriate life support measures take precedence. These standards may be exceeded at any time based on the judgment of the responsible supervising physician or anesthesiologist. They are intended to encourage quality patient care, but observing them cannot guarantee any specific patient outcome. They are subject to revision from time to time, as warranted by the evolution of technology and practice. This set of standards address only the issue of basic anesthesia monitoring, which is one component of anesthesia care.

2. In certain rare or unusual circumstances some of these methods of monitoring may be clinically impractical, and appropriate use of the described monitoring methods may fail to detect untoward clinical developments. Brief interruptions

of continual monitoring may be unavoidable. For purpose of this rule, "continual" is defined as "repeated regularly and frequently in steady rapid succession" whereas "continuous" means "prolonged without any interruption at any time."

3. Under extenuating circumstances, the responsible supervising physician or anesthesiologist may waive the requirements marked with an asterisk (\*); it is recommended that when this is done, it should be so stated (including the reasons) in a note in the patient's medical record. These standards are not intended for the application to the care of the obstetrical patient in labor or in the conduct of pain management.

a. Standard I

I. Qualified anesthesia personnel shall be present in the room throughout the conduct of all general anesthetics, regional anesthetics and monitored anesthesia care.

II. OBJECTIVE. Because of the rapid changes in patient status during anesthesia, qualified anesthesia personnel shall be continuously present to monitor the patient and provide anesthesia care. In the event there is a direct known hazard, e.g., radiation, to the anesthesia personnel which might require intermittent remote observation of the patient, some provision for monitoring the patient must be made. In the event that an emergency requires the temporary absence of the person primarily responsible for the anesthetic, the best judgment of the supervising physician or anesthesiologist will be exercised in comparing the emergency with the anesthetized patient's condition and in the selection of the person left responsible for the anesthetic during the temporary absence.

b. Standard II

I. During all anesthetics, the patient's oxygenation, ventilation, circulation and temperature shall be continually evaluated.

II. OXYGENATION

(A) OBJECTIVE – To ensure adequate oxygen concentration in the inspired gas and the blood during all anesthetics.

(B) METHODS:

(I) Inspired gas: During every administration of general anesthesia using an anesthesia machine, the concentration of oxygen in the patient breathing system shall be measured by an oxygen analyzer with a low oxygen concentration limit alarm in use.\*

(II) Blood oxygenation: During all anesthetics, a quantitative method of assessing oxygenation such as a pulse oximetry shall be employed.\* Adequate illumination and exposure of the patient are necessary to assess color.\*

III. VENTILATION

(A) OBJECTIVE – To ensure adequate ventilation of the patient during all anesthetics.

(B) METHODS:

(I) Every patient receiving general anesthesia shall have the adequacy of ventilation continually evaluated. Qualitative clinical signs such as chest excursion, observation of the reservoir breathing bag and auscultation of breath sounds are useful. Continual monitoring for the presence of expired carbon dioxide shall be performed unless invalidated by the nature of the patient, procedure or equipment. Quantitative monitoring of the volume of expired gas is strongly encouraged.\*

(II) When an endotracheal tube or laryngeal mask is inserted, its correct positioning must be verified by clinical assessment and by identification of carbon dioxide analysis, in use from the time of endotracheal tube/laryngeal mask placement, until extubation/removal or initiating transfer to a postoperative care location, shall be performed using a quantitative method such as capnography, capnometry or mass spectroscopy.\*

(III) When ventilation is controlled by a mechanical ventilator, there shall be in continuous use a device that is capable of detecting disconnection of components of the breathing system. The device must give an audible signal when its alarm threshold is exceeded.

(IV) During regional anesthesia and monitored anesthesia care, the adequacy of ventilation shall be evaluated, at least, by continual observation of qualitative clinical signs.

IV. CIRCULATION

(A) OBJECTIVE – To ensure the adequacy of the patient's circulatory function during all anesthetics.

(B) METHODS:

(I) Every patient receiving anesthesia shall have the electrocardiogram continuously displayed from the beginning of anesthesia until preparing to leave the anesthetizing location.\*

(II) Every patient receiving anesthesia shall have arterial blood pressure and heart rate determined and evaluated at least every five minutes.\*

(III) Every patient receiving general anesthesia shall have, in addition to the above, circulatory function continually evaluated by at least one of the following: palpation of a pulse, auscultation of heart sounds, monitoring of a tracing of intra-arterial pressure, ultrasound peripheral pulse monitoring, or pulse plethysmography or oximetry.

V. BODY TEMPERATURE

(A) OBJECTIVE – To aid in the maintenance of appropriate body temperature during all anesthetics.

(B) METHODS: Every patient receiving anesthesia shall have temperature monitored when clinically significant changes in body temperature are intended, anticipated or suspected."

6. The existing subsections (2)(f) and (g), the proposed new subsection (l), and the existing subsections (h) and (i) shall be renumbered as subsections (i) through (m).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-56.002  
 RULE TITLE: Equipment and Devices; Protocols for Laser and Light-based Devices

**FOURTH NOTICE OF CHANGE**

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 24, of the June 16, 2000, issue of the Florida Administrative Weekly. The Board, at its meeting of June 2, 2001, in Dania, Florida, voted to make a change to the rule. The change is as follows: the first sentence of subsection (3) shall be deleted.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Services Program**

RULE NOS.: 65A-33.007, 65A-33.008  
 RULE TITLES: Verification, Program Administration

**NOTICE OF WITHDRAWAL**

Notice is hereby given that amendment of the above rules, as noticed in Vol. 27, No. 16, the April 20, 2001 issue of the Florida Administrative Weekly has been withdrawn.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Manatees**

RULE CHAPTER NO.: 68C-22  
 RULE TITLE: Manatees  
 RULE NO.: 68C-22.006  
 RULE TITLE: Brevard County Zones

**NOTICE OF CHANGE**

Notice is hereby given that changes have been made to proposed amendments to Rule 68C-22.006, in accordance with §120.54(3)(d)1., Florida Statutes. The proposal was originally published in the Florida Administrative Weekly (Vol. 27, No. 16) on April 20, 2001. Public hearings were held on May 3 (in Melbourne) and on May 23 (in Palm Beach Gardens). Administrative challenges to the proposed amendments are pending before the state Division of Administrative Hearings.

On May 23 the Commission approved the rule as proposed on April 20, 2001, with the following changes: [1] Existing regulations were removed in the Indian River immediately south of the NASA Railroad Bridge and east of the ICW in the Titusville area and proposed regulations were removed in the Banana River immediately south of the central SR 528 and SR 520 causeways (east of the western relief bridges and west of the main Banana River channel); and [2] The effective date of the amendments was set for six months after the rule is adopted or as signs are posted in individual areas, whichever occurs sooner. The final amendment language for the paragraphs affected by the changes is shown below, followed by the maps showing all of the zones as approved by the Commission. For additional information, or for a copy of the final amendments in their entirety, please contact Scott Calleson, Environmental Specialist III, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management, 620 South Meridian Street, Tallahassee, Florida 32399 (850)922-4330.

68C-22.006 Brevard County Zones.

(1) No change from original proposal.

(2) The following year-round and seasonal zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bends, backwaters, canals, and boat basins unless otherwise designated or excluded. As used in this rule, ICW means the Intracoastal Waterway. Access to the NO ENTRY and MOTORBOATS PROHIBITED zones designated in paragraphs (2)(a) and (b) will be provided in accordance with procedures set forth in subsection (4), hereunder, and applicable provisions of Rule 68C-22.003.

(a) through (c) No change from original proposal.

(d) SLOW SPEED (All Year)

1. and 2. No change from original proposal.

3. Indian River, Titusville Area: All waters west of the ICW channel south of the Florida East Coast Railroad Bridge and north of the State Road 402 Bridge and Causeway.

4. through 14. No change from original proposal.

15. Banana River, State Road 528 to State Road 520: All waters south of State Road 528, east of a line bearing 180° from the easternmost point (approximate latitude 28° 24' 18" North, approximate longitude 80° 38' 53" West) of the central State Road 528 Causeway, and north of an east-west line 1,000 feet south of the point where the State Road 528 Bridge crosses over the main Banana River channel, except as otherwise designated under (2)(c)2.; All waters west of a line running from a point (approximate latitude 28° 24' 16" North, approximate longitude 80° 39' 30" West) on the State Road 528 Causeway east of the western State Road 528 Relief Bridge to a point (approximate latitude 28° 21' 26" North, approximate longitude 80° 39' 32" West) on the State Road 520 Causeway approximately 1,200 feet west of the water storage tanks, and; All waters south of a line bearing 270° from the southwesternmost point (approximate latitude 28° 23' 29"

North, approximate longitude 80° 37' 10" West) of Long Point in Cape Canaveral to a point (approximate latitude 28° 23' 29" North, approximate longitude 80° 37' 49" West) in the Banana River approximately 3,500 feet west of Long Point, and east of a line bearing 174° from said point in the Banana River to a point (approximate latitude 28° 21' 28" North, approximate longitude 80° 37' 35" West) on the State Road 520 Causeway approximately 1,000 feet west of Cape Canaveral Hospital Complex.

16. Banana River, Cocoa Beach Area: All waters east of a line bearing 186° from the westernmost point (approximate latitude 28° 21' 26" North, approximate longitude 80° 38' 52" West) of the State Road 520 Causeway east of the main Banana River channel, and within 1,000 feet south of the State Road 520 Causeway; All waters within 1,000 feet of the general contour of the western shoreline of the Banana River, south of State Road 520 and north of Buck Point and an extension of said shoreline to a point 1,000 feet south of Buck Point, excluding the main Banana River channel where the channel is less than 1,000 feet from the western shoreline, and; All waters east of a line commencing at a point (approximate latitude 28° 21' 25" North, approximate longitude 80° 38' 30" West) on the State Road 520 Causeway (approximately 2,000 feet east of the State Road 520 Bridge over the main Banana River channel), then bearing 190° to a point (approximate latitude 28° 19' 15" North, approximate longitude 80° 38' 55" West) in the Banana River approximately 1,900 feet west of the

northwesternmost point of the Cocoa Beach Municipal Park, then bearing 270° to a point (approximate latitude 28° 18' 38" North, approximate longitude 80° 38' 55" West) in the Banana River approximately 1,700 feet west of the southwesternmost point of the Cocoa Beach Municipal Park, then bearing 171° for approximately 3,000 feet to a point (approximate latitude 28° 18' 07" North, approximate longitude 80° 38' 50" West) in the Banana River east of channel marker "15," then bearing 124° to a point (approximate latitude 28° 16' 52" North, approximate longitude 80° 36' 45" West) in the Banana River 1,000 feet west of the eastern shoreline of the Banana River, then heading in a southerly direction 1,000 west of and parallel with the eastern shoreline of the Banana River to the line's terminus at a point (approximate latitude 28° 15' 51" North, approximate longitude 80° 36' 38" West) in the Banana River near the northern boundary of Patrick Air Force Base.

17. through 18. No change from original proposal.

(e) No change from original proposal.

(3) through (5) No change from original proposal.

(6) The amendments of Rule 68C-22.006(2) through (5), as approved by the commission on May 23, 2001, shall become effective when the requisite regulatory signage is posted or erected in the designated waterway or segment of waterway of Brevard County or six months from the date the rule amendments are filed for adoption, whichever is sooner.

INSERT MAP

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## Section IV Emergency Rules

### DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 356, ON A ROLL  
 RULE NO.: 53ER01-38  
 SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 356, "ON A ROLL," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners and the number and size of prizes in the game.  
 THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-38 Instant Game Number 356, ON A ROLL.

(1) Name of Game. Instant Game Number 356, "ON A ROLL."

(2) Price. ON A ROLL tickets sell for \$1.00 per ticket.

(3) ON A ROLL lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number (VIRN) under the latex area on the ticket. To be a valid winning ON A ROLL lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any ON A ROLL lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The "YOUR ROLLS" and "BONUS ROLL" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The "PRIZE" symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(6) The legends are as follows:

INSERT SYMBOLS

(7) Determination of Prize Winners. There are four rolls and one bonus roll on a ticket.

(a) A ticket having two numbers within the play area of one roll, the sum of which equals 7 or 11, shall entitle the claimant to the corresponding prize shown for that roll. Prizes which may appear in the "PRIZE" play area are: TICKET, \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$500, \$2,500. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail an ON A ROLL lottery ticket which entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(b) A ticket having two numbers in the "BONUS ROLL" play area, the sum of which equals 7 or 11, shall entitle the claimant to all five prizes shown in the "PRIZE" play areas.

(8) The value, number of prizes, and odds of winning in Instant Game Number 356 are as follows:

GAME PLAY	WIN	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS	
		PER POOL	ODDS
TICKET	\$1 TICKET	1,209,600	1 in 8.33
\$1 + \$1	\$2	403,200	1 in 25.00
\$2	\$2	403,200	1 in 25.00
\$2 + \$2	\$4	67,200	1 in 150.00
\$4	\$4	100,800	1 in 100.00
\$1 + \$1 + \$1 + \$1			
+ \$1 (BONUS)	\$5	67,200	1 in 150.00
\$1 + \$4 + \$5	\$10	33,600	1 in 300.00
\$10 + \$10	\$20	33,600	1 in 300.00
\$5 + \$5 + \$5 + \$5			
+ \$5 (BONUS)	\$25	30,688	1 in 328.47
\$10 + \$10 + \$10 + \$10			
+ \$10 (BONUS)	\$50	5,712	1 in 1,764.71
\$20 + \$20 + \$20 + \$20			
+ \$20 (BONUS)	\$100	560	1 in 18,000.00
\$500	\$500	56	1 in 180,000.00
\$500 + \$500 + \$500 +			
\$500 + \$500 (BONUS)	\$2,500	5	1 in 2,016,000.00
\$2,500	\$2,500	5	1 in 2,016,000.00

(9) The overall odds of winning any prize in Instant Game Number 356 are 1 in 4.28.

(10) For reorders of Instant Game Number 356, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(11) By purchasing an ON A ROLL lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1), FS. Law Implemented 24.105(10)(a),(b),(c) FS. History—New 6-1-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: June 1, 2001

### DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 374, HIGH STAKES  
 RULE NO.: 53ER01-40

SUMMARY OF THE RULE: This emergency rule relates to the Instant Game Number 374, "HIGH STAKES" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prize winners, and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-40 Instant Game Number 374, HIGH STAKES.

(1) Name of Game. Instant Game Number 374, "HIGH STAKES."

(2) Price. HIGH STAKES tickets sell for \$2.00 per ticket.

(3) HIGH STAKES lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number (VIRN) under the latex area on the ticket. To be a valid winning HIGH STAKES lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any HIGH STAKES lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The "YOUR CARDS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The "WINNING CARDS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(7) The legends are as follows:

INSERT SYMBOLS

(8) Determination of Prize Winners.

(a) A ticket having a card in the "YOUR CARDS" play area that matches any card in the "WINNING CARDS" play area shall entitle the claimant to the corresponding prize shown for that card. A ticket may have up to ten matching sets of cards. The prizes are: TICKET, \$2.00, \$3.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$1,000, and \$10,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that totals \$2.00, except as follows. A person who submits by mail a HIGH STAKES lottery ticket which entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(b) A ticket having an "ace" symbol in the "YOUR CARDS" play area shall entitle the claimant to a prize of double the corresponding prize amount.

(9) Number and Size of Prizes. The value, number of prizes, and odds of winning in Instant Game Number 374 are as follows:

GAME PLAY	WIN	NUMBER OF WINNERS IN 42 POOLS OF 180,000 TICKETS PER POOL	ODDS
TICKET	\$2 TICKET	1,008,000	1 in 7.50
\$2	\$2	352,800	1 in 21.43
\$2 (D)	\$4	100,800	1 in 75.00
\$2 + \$3	\$5	100,800	1 in 75.00
\$5	\$5	100,800	1 in 75.00
(\$2 x 3) + \$2 (D)	\$10	100,800	1 in 75.00
\$5 (D)	\$10	50,400	1 in 150.00
\$10	\$10	50,400	1 in 150.00
\$20	\$20	50,400	1 in 150.00
(\$2 x 5) + \$5 (D)	\$20	50,400	1 in 150.00
(\$5 x 10)	\$50	8,820	1 in 857.14
\$10 + \$10 + \$10 +	\$50	8,190	1 in 923.08
\$10 + \$10	\$50	7,308	1 in 1,034.48
\$25 (D)	\$50	6,720	1 in 1,125.00
\$50	\$50	6,720	1 in 1,125.00
(\$10 x 10)	\$100	336	1 in 22,500.00
\$25 + \$25 + \$25 + \$25	\$100	294	1 in 25,714.29
\$50 (D)	\$100	252	1 in 30,000.00
(\$25 x 10)	\$250	42	1 in 180,000.00
\$50 + \$50 + \$50 + \$50	\$250	42	1 in 180,000.00
+\$50	\$250	42	1 in 180,000.00
(\$100 x 10)	\$1,000	15	1 in 504,000.00
\$1,000	\$1,000	15	1 in 504,000.00
(\$1,000 x 10)	\$10,000	2	1 in 3,780,000.00
\$10,000	\$10,000	2	1 in 3,780,000.00

(12) The overall odds of winning any prize in Instant Game Number 374 are 1 in 3.78.

(13) For reorders of Instant Game Number 374, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(14) By purchasing a HIGH STAKES lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1), 24.115 FS. Law Implemented 24.105(10)(a),(b),(c), 24.115 FS. History—New 6-1-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: June 1, 2001

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## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

### DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Petition for Waiver from Lake Brant Special Dependent District is deemed approved by virtue of ninety (90) days having passed since the Petition was received by the Department. The Petition was received by the Department on March 6, 2001. The Petitioner sought a waiver of the provisions of Rule 9B-50.003, Fla. Admin. Code, with respect to the late fee for the Fiscal Year 2000/2001 Annual Special District Fee.

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### DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection gives notice of its intent to issue a variance (File No. VE-58-734) to the U.S. Army Corps of Engineers, from Rule 62-4.242(2)(a)2.b., Florida Administrative Code (F.A.C.) to allow a temporary elevation of turbidity, not to exceed 29 nephelometric turbidity units (NTUs) above background conditions, within the Sarasota Bay Estuarine System Outstanding Florida Waterway, either at the edge of a 150 meter mixing zone or the edge of the nearest seagrass bed, whichever is closer. The variance is associated with the maintenance dredging of the Venice Inlet Federal Navigation Channel (File No. 0039755-001-JC). The activity is located in the Gulf of Mexico at the entrance to Venice Inlet and in the Gulf Intracoastal Waterway in the vicinity of Venice Inlet, Sections 1 and 12, Township 39 South, Range 18 East, partially within Sarasota Bay Estuarine System (Outstanding Florida Waters), Class III Waters of the State of Florida.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a

modification of the permit or even a denial of the application. Under Rule 62-110.106(4), Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with Rules 28-106.111(2) and 62-110.106(3)(a)(4), F.A.C., petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication. The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact.

If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to issue constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department. The applicant, or any party within the meaning of Section 373.114(1)(a), F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1), F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when the final order is filed with the Clerk of the Department.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the DEP, Bureau of Beaches and Coastal Systems, 5050 West Tennessee Street, Building B, Tallahassee, Florida 32304-9201. The "CONSOLIDATED NOTICE OF INTENT TO ISSUE JOINT COASTAL PERMIT AND AUTHORIZATION TO USE SOVEREIGN SUBMERGED LANDS" and the "DRAFT CONSOLIDATED JOINT COASTAL PERMIT AND INTENT TO GRANT SOVEREIGN SUBMERGED LANDS AUTHORIZATION" can be viewed at the Department's Internet Web site at: <http://www.dep.state.fl.us/beach/pendapps.htm>.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on May 29, 2001, a petition from the United States Air Force, for Eglin Air Force Base, seeking a waiver from the aboveground storage tank construction requirements of mobile fuel tanks used with jet engine test cells of Rule 62-761.500(3)(b)1., F.A.C., because the tanks are constructed to more stringent military standards. The petition has been assigned OGC case number 01-0897. Copies may be received from, and written comments submitted to, Ms. Rebecca Grace, Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Comments must be received no later than 14 days from the date of publication of this notice.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on May 29, 2001, a petition from the Florida Power and Light Company, for the Port Everglades Terminal, seeking a waiver from the incident reporting requirements of Rule 62-761.450(2)(a) of the F.A.C., because a seven month evaluation of the liner is being conducted to determine the causes of releases and if repair is practical. The petition has been assigned OGC case number 01-0898.

Copies may be received from, and written comments submitted to, Ms. Rebecca Grace, Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Comments must be received no later than 14 days from the date of publication of this notice.

The Department of Environmental Protection has taken action on a petition for variance received from HSA Engineers and Scientist, Inc., on March 16, 2001. Notice of receipt of this petition was published in the Florida Administrative Weekly, on April 6, 2001. The petition requested a variance from the zone of discharge prohibition for discharges through wells under Rule 62-522.300(3) of the Florida Administrative Code for the use of a remediation product to clean up sites contaminated with petroleum compounds, chlorinated solvents, other hydrocarbon-based contaminants, cyanide, or organo-metallic compounds. Specifically, the variance requested a zone of discharge for pH, color, chloride, manganese, and total dissolved solids (TDS) within a 50-foot radius from the point of discharge for a duration of one year. No public comment was received. On May 22, 2001, the Department granted a variance to HSA Engineers and Scientist, Inc., in a final order, OGC File No.: 01-0469. The final order granted a variance from the zone of discharge prohibition, and contained conditions. The conditions require that the use of the product must be through a Department-approved remedial action plan or other Department-enforceable document, and that such approval

shall not be solely by a delegated program; that the discharge must be through a Class V, Group 4 underground injection control well which meets all applicable requirements of Chapter 62-528 of the Florida Administrative Code; that the extent of the zone of discharge for pH, color, chloride, manganese, and TDS shall be a 50-foot radius from the point of injection for a duration of one year; that the injection of the product shall be at such a rate and volume that no undesirable migration occurs of the product, its by-products, or the contaminants already present in the aquifers; and that the Department-approved remedial action plan shall address appropriate ground water monitoring requirements associated with the use of the remediation product based on site-specific hydrogeology and conditions.

For a copy of the final order write or call Cathy McCarty, Department of Environmental Protection, Underground Injection Control Section, MS 3530, 2600 Blair Stone Road, Twin Towers Office Building, Tallahassee, Florida 3299-2400, telephone (850)921-9412.

The Department of Environmental Protection has taken action on a petition for variance received from Environmental Engineering Consultants, Inc., (EEC) on March 30, 2001. Notice of receipt of this petition was published in the Florida Administrative Weekly, on April 27, 2001. The petition requested a variance from the zone of discharge prohibition for discharges through wells under Rule 62-522.300(3) of the Florida Administrative Code for the use of a remediation product to clean up sites contaminated with chlorinated solvents, chlorinated pesticides, polychlorinated biphenyls, and other related contaminants. Specifically, the variance requested a zone of discharge for pH, color, chloride, and total dissolved solids (TDS) within a 50-foot radius from the point of discharge for a duration of 280 days. No public comment was received. On May 24, 2001, the Department granted a variance to EEC in a final order, OGC File No.: 01-0541. The final order granted a variance from the zone of discharge prohibition, and contained conditions. The conditions require that the use of the product must be through a Department-approved remedial action plan or other Department-enforceable document, and that such approval shall not be solely by a delegated program; that the discharge must be through a Class V, Group 4 underground injection control well which meets all applicable requirements of chapter 62-528 of the Florida Administrative Code; that the extent of the zone of discharge for pH, color, chloride, and TDS shall be a 50-foot radius from the point of injection for a duration of 280 days; that the injection of the product shall be at such a rate and volume that no undesirable migration occurs of the product, its by-products, or the contaminants already present in the aquifers; and that the Department-approved remedial action plan shall address appropriate ground water

monitoring requirements associated with the use of the remediation product based on site-specific hydrogeology and conditions.

For a copy of the final order write or call Cathy McCarty, Department of Environmental Protection, Underground Injection Control Section, MS 3530, 2600 Blair Stone Road, Twin Towers Office Building, Tallahassee, Florida 3299-2400, telephone (850)921-9412.

The Department of Environmental Protection has taken action on a petition for variance received from American Environmental of Broward, Inc., on April 10, 2001. Notice of receipt of this petition was published in the Florida Administrative Weekly, on May 4, 2001. The petition requested a variance from the zone of discharge prohibition for discharges through wells under Rule 62-522.300(3) of the Florida Administrative Code for the use of a remediation product to clean up sites contaminated with petroleum. Specifically, the variance requested a zone of discharge for pH, nonylphenol (NP), nonylphenol monoethoxylate (NP1) and nonylphenol diethoxylate (NP2) within a 35-foot radius from the point of discharge for a duration of 365 days. No public comment was received. On May 24, 2001, the Department granted a variance to American Environmental of Broward, Inc., in a final order, OGC File No.: 01-0611. The final order granted a variance from the zone of discharge prohibition, and contained conditions. The conditions require that the use of the product must be through a Department-approved remedial action plan or other Department-enforceable document, and that such approval shall not be solely by a delegated program; that the discharge must be through a Class V, Group 4 underground injection control well which meets all applicable requirements of Chapter 62-528 of the Florida Administrative Code; that the extent of the zone of discharge for pH, NP, NP1, and NP2 shall be a 35-foot radius from the point of injection for a duration of 365 days; that the injection of the product shall be at such a rate and volume that no undesirable migration occurs of the product, its by-products, or the contaminants already present in the aquifers; and that the Department-approved remedial action plan shall address appropriate ground water monitoring requirements associated with the use of the remediation product based on site-specific hydrogeology and conditions.

For a copy of the final order write or call Cathy McCarty, Department of Environmental Protection, Underground Injection Control Section, MS 3530, 2600 Blair Stone Road, Twin Towers Office Building, Tallahassee, Florida 3299-2400, telephone (850)921-9412.

The Department of Environmental Protection has taken action on a petition for waiver received from Allen Charles Below, on April 6, 2001. Notice of receipt of this petition was published in the Florida Administrative Weekly, on April 27, 2001. The



petition requested a waiver from the requirement that Class B wastewater operator license candidates document successful completion of an approved training course no more than five years before the licensing examination application deadline, and the requirement that each applicant for license provide documentation of successful completion of a training course approved by the Department before applying for a license under Rules 62-602.300(3)(b) and 62-602.400(4), F.A.C. Specifically, the waiver was requested in order to fulfill the application requirements for the licensing examination that must be passed to attain licensure as a Class B operator. No public comment was received. On May 22, 2001, the Department granted a waiver to Allen Charles Below, in a final order, File No.: 01-0608. The final order granted a waiver from the requirement that Class B license candidates document successful completion of an approved training course no more than five years before the licensing examination application deadline, and the requirement that each applicant for license provide documentation of successful completion of a training course approved by the Department before applying for a license, and contained conditions. The conditions require that the Department will continue to process the Petitioner's application for the Class B Wastewater Examination and Licensure in accordance with this waiver. All other provisions of Chapter 62-602, F.A.C., will remain in effect. If Petitioner does not pass the August examination, or if for another reason it becomes necessary for him to reapply for the Class B Wastewater examination, the Petitioner must either have successfully completed an approved training course for Class B wastewater licensure, or he must certify that no training course is available. If and when Petitioner's Class B license is renewed, Petitioner must either have successfully completed an approved training course for Class B wastewater licensure, or he must certify that no training course is available. This waiver will remain in effect until such time as an approved training course for Class B Wastewater licensure becomes available to Petitioner, either through a correspondence course or a residence course offered within fifty miles of Petitioner's home address.

For a copy of the final order write or call Cynthia Christen, Department of Environmental Protection, MS 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, telephone (850)921-9412.

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#### DEPARTMENT OF HEALTH

The Board of Occupational Therapy Practice hereby gives notice that it has received a petition for waiver, filed on May 30, 2001, from Kari Renee Marchand, who seeks a waiver of Rule 64B11-2.005(3), Florida Administrative Code. Petitioner asks that the Board waive the deadline requirement for a temporary permit application so that she may work while awaiting her examination results.

The Board will address this matter at its regularly scheduled meeting on June 18, 2001, within the Capital Circle Office Complex at the Department of Health, 4042 Bald Cypress Way, Tallahassee, Florida 32399-3255.

Comments on this petition should be filed with the Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice. Comments received after the meeting date will be brought to the attention of the Board at the next possible meeting.

For a copy of the petition, contact: Kaye Howerton, Board Executive Director, Board of Occupational Therapy, Department of Health, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

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#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Department of Children and Family Services has received a Petition for Variance from Rules 65E-12.109(1)(b)(2), and 65E-12.109(2)(g), Florida Administrative Code. The rule from which the variance are sought requires that the walls throughout all clients areas of the CSU or SRT shall either be concrete block or a double layer of gypsum wall board, and the ceiling height in bedrooms, activity areas, and bathrooms shall be at least nine feet. The Petitioner is John M. Denaro, on behalf of Manatee Glens. The petition was received by the Agency Clerk on May 30, 2001, and assigned Case No. 01-002W.

A copy of the petition may be obtained by writing: Office of the Agency Clerk, 1317 Winewood Blvd., Bldg. 2, Room 202B, Tallahassee, FL 32399-0700.

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### Section VI Notices of Meetings, Workshops and Public Hearings

#### NOTICE OF CHANGE IN LOCATION

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration  
 Department of Veteran's 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: Martin County Administration Building, County Commission Chambers, 2401 Southeast Monterey Road, Stuart, Florida 34996

PURPOSE: Regular scheduled meeting of the Governor and Cabinet

A copy of any of the 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.

**DEPARTMENT OF STATE**

The **Museums of Florida History Foundation, Inc.** announces a Board of Director's Meeting to which all persons are invited:

DATE AND TIME: Tuesday, June 19, 2001, 4:30 p.m.

PLACE: R. A. Gray Building, Room 307, 500 S. Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact Penny Lord, (850)922-5299, at least 48 hours prior to the meeting in order to request any special assistance.

The Board of Trustees of Northeast Florida Preservation, Inc., the citizens' support organization of the St. Augustine Regional Preservation Office, **Division of Historical Resources** announces a meeting to which all interested parties are invited:

DATE AND TIME: June 29, 2001, 1:30 p.m.

PLACE: Hopkins Hall, 192 Connecticut Avenue, Lake Helen, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting.

A copy of the agenda may be obtained by contacting: St. Augustine Regional Preservation Office, P. O. Box 4168, St. Augustine, FL 32085-4168, (904)825-5045, [sarpres@aug.com](mailto:sarpres@aug.com). Should any person wish to appeal any decision made by the corporation, he/she will need a record of the proceedings and 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 made.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meetings in order to request any needed special assistance should contact the office at least 48 hours in advance of the meeting.

The **Department of State, Division of Library and Information Services** announces its review of the Library Services and Technology Act application:

DATE AND TIME: Friday, June 22, 2001, 9:00 – 5:00 p.m.

PLACE: The State Library of Florida, R. A. Gray Building, First Floor, Board Room, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review federal fiscal year 2001 grant applications for federal Library Services and Technology Act funds.

For additional information contact: Barratt Wilkins, State Librarian, (850)487-2651 or Suncom 277-2651.

Any person deciding to appeal any decision made by the Council with respect to any matter considered at this meeting will need a record of the proceedings, and that for such purpose, 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 required special accommodations due to a disability or physical impairment should contact the agency at least five days prior to the meeting in order to request any special assistance by calling (850)487-2651 or TDD (850)922-4085.

**DEPARTMENT OF LEGAL AFFAIRS**

The **Office of the Attorney General**, Florida Motor Vehicle Theft Prevention Authority announces a public meeting of the Board of Directors of the Florida Motor Vehicle Theft Prevention Authority to which all interested persons are invited.

DATE AND TIME: Wednesday, July 25, 2001, 10:00 a.m.

PLACE: Florida Department of Highway Safety and Motor Vehicles (DHSMV), Neil Kirkman Building, Room A-427, 2900 Apalachee Parkway, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Board of Directors as required by Florida Statute. Consideration of matters as presented in the agenda for the meeting.

A copy of the agenda may be obtained by contacting: Karen O'Bryan, Florida Motor Vehicle Theft Prevention Authority, Office of the Attorney General, The Capitol, Room PL-01, Tallahassee, Florida 32399-1050, or by calling (850)414-3362. A request for the agenda may be faxed to the Authority office, (850)413-0633. TDD users, please call through the Florida Relay Service at 1(800) 955-8771.

If special accommodations are needed to attend this meeting because of a disability, please contact Karen O'Bryan no later than seven days prior to the proceedings, (850)414-3362. If hearing impaired, contact Karen O'Bryan via Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Annual Report Committee of the **Florida Commission on the Status of Women** will hold a conference call on:

DATE AND TIME: July 26, 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 Florida **Board of Funeral and Cemetery Services** announces a telephone conference Board Meeting and all persons are invited to attend.

DATE AND TIME: July 10, 2001, 9:00 a.m. – 11:00 a.m.

PLACE: Telephone conference

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business.

To obtain further information on how to participate contact: LaTonya Bryant, Administrative Secretary, Division of Securities and Finance, 101 East Gaines St., Fletcher Bldg., Room 636B, Tallahassee, FL 32399-0350, (850)410-9848. An agenda will be available seven days prior to the meeting.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose the 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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise LaTonya Bryant, (850)410-9848, at least 48 hours before the meeting. If you are hearing or speech impaired, contact LaTonya Bryant via the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

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The Florida **Board of Funeral and Cemetery Services** announces a public Rules Committee Meeting and all persons are invited to attend.

DATE AND TIME: July 10, 2001, 11:00 a.m. – 4:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Rules Committee business.

PLACE: Room 547, Fletcher Bldg., 101 E. Gaines Street, Tallahassee, Florida

To obtain further information and to obtain a copy of the agenda contact: LaTonya Bryant, Administrative Secretary, Division of Finance, 101 East Gaines St., Fletcher Bldg., Room 636B, Tallahassee, FL 32399-0350, (850)410-9848, seven days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise LaTonya Bryant, (850)410-9848, at least 48 hours before the meeting. If you are hearing or speech impaired, contact LaTonya Bryant 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 EDUCATION

The **Department of Education** announces a meeting of the Occupational Access and Opportunity Commission State Plan Committee to which all persons are invited and to which all interested individuals are encouraged to attend.

DATE AND TIME: June 22, 2001, 10:00 a.m. – 1:00 p.m.

PLACE: Division of Vocational Rehabilitation Services' Headquarters, Room 214, 2002 Old Saint Augustine Road, Building A, Tallahassee, Florida 32301, (850)488-0059

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Federal State Plan, FY 2002.

In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in the meeting should contact V. Virginia Rhoden, (850)488-0059, Ext. 207, seven days before the meeting.

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The **Department of Education** announces a meeting of the Occupational Access and Opportunity Commission Nominating Committee to which all persons are invited and to which all interested individuals are encouraged to attend.

DATES AND TIMES: June 25, 2001, 8:30 a.m. – 12:00 Noon; July 2, 2001, 9:00 a.m. – 5:00 p.m.; July 9, 2001, 9:00 a.m. – 5:00 p.m.

PLACE: Division of Vocational Rehabilitation Services' Headquarters, Room 360, 2002 Old Saint Augustine Road, Building A, Tallahassee, Florida 32301, (850)488-0059

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Nominating Committee.

In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in the meeting should contact V. Virginia Rhoden, (850)488-0059, Ext. 207, seven days before the meeting.

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The **Department of Education** announces a meeting of the Occupational Access and Opportunity Commission Compliance and Oversight Committee to which all persons are invited and to which all interested individuals are encouraged to attend.

DATE AND TIME: June 25, 2001, 1:00 p.m. – 5:00 p.m.

PLACE: Vocational Rehabilitation Services Headquarters, Room 360, 2002 Old Saint Augustine Road, Building A, Tallahassee, Florida 32301, (850)488-5363

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Compliance and Oversight

Committee.

In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in the meeting should contact V. Virginia Rhoden, (850)488-0059, Ext. 207, seven days before the meeting.

The **Department of Education** announces a meeting of the Occupational Access and Opportunity Commission Field Services Committee to which all persons are invited and to which all interested individuals are encouraged to attend.

DATE AND TIME: June 28, 2001, 9:00 a.m. – 5:00 p.m.

PLACE: Division of Vocational Rehabilitation Services' Headquarters, Room 360, 2002 Old Saint Augustine Road, Building A, Tallahassee, Florida 32301, (850)488-0059

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the regular business of the Field Services Committee.

In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in the meeting should contact V. Virginia Rhoden, (850)488-0059, Ext. 207, seven days before the meeting.

The **Florida-Art-In-State-Buildings Program** (FAMU) announces the following public meeting, to which all persons are invited:

COMMITTEE: Art Selection Committee

DATE AND TIME: Tuesday, June 26, 2001, 10:00 a.m.

PLACE: Florida A & M University, Student Services Center, Tallahassee, Florida 32307, (850)599-3090

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Orientation meeting to determine potential sales and media for artwork, establish project schedules and set the next meeting dates.

For more information, or to obtain a copy of the agenda, please contact: Kenneth Falana, User Agency Representative, Art-In-State-Buildings Program, Florida A & M University, Tallahassee, Florida 32307, (850)561-2842.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Art-In-State-Buildings Program.

Pursuant to the provisions of the Americans with Disabilities, 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 Kenneth Falana, (850)561-2842. If you are hearing or speech impaired, please contact the agency by calling TT: (850)488-5779.

The **Florida Rehabilitation Council** announces the following meeting:

MEETING: Florida Rehabilitation Council Conference Calls Executive Committee, Evaluation Committee and Coordinating Committee

DATES AND TIMES: July 5, 2001, 10:30 a.m. – 11:30 a.m., 11:30 a.m. – 12:30 p.m.; July 18, 2001, 10:00 a.m. – 11:00 a.m.

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, FL 32399-0696

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct conference calls of the FRC's Executive, Evaluation and Coordinating Committees.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Shawnee T. Sumpter at the Council address.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old St. Augustine Road, Building A, Tallahassee, FL 32399-0696, (850)488-6210. Any interested parties that need further information may contact Vicki Welch, Extension 150 or her Assistant, Shawnee Sumpter, Extension 128.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advise that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

## DEPARTMENT OF LAW ENFORCEMENT

The **Criminal Justice Professionalism Program** announces an Executive Planning Committee (EPC) Conference Call to review and discuss issues relating to the training and certification of criminal justice officers. All parties are invited to participate.

MEETING: Executive Planning Committee (EPC) Conference Call

DATE AND TIME: Thursday, June 28, 2001, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Conference Room B1055, 2331 Phillips Road, Tallahassee, Florida 32308. Please call (850)488-3676 or Suncom 278-3676 to participate in the telephone conference

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Executive Planning Committee will be reviewing and discussing issues relating to the training and certification of criminal justice officers.

**EPC MEETING AGENDA:** A copy of the EPC agenda may be obtained by contacting: Research and Training Specialist, Jay Preston, (850)410-8658 or via e-mail at jaypreston@fdle.state.fl.us. If you wish to write the Commission for a copy of this issue, please write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Research and Training Specialist Jay Preston.

**SPECIAL ACCOMMODATIONS:** Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact Jay Preston, (850)410-8658, at least two (2) weeks prior to the meeting.

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The Florida **Department of Law Enforcement**, Missing Children Information Clearinghouse Advisory Board announces a public meeting to which all persons are invited.

**DATE AND TIME:** July 10, 2001, 9:00 a.m.

**PLACE:** Florida Sheriff's Association, 2617 Mahan Drive, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Quarterly MCIC Advisory Board Meeting. For more information, please call 1(888)356-4774.

A meeting, for the purpose of notice herein, is limited to a gathering for the purpose of conducting public business by members of a collegial body constituting the agency head.

A copy of the agenda may be obtained by contacting: Hyatt Sudano, The Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Hyatt Sudano, Missing Children Information Clearinghouse.

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#### **DEPARTMENT OF REVENUE**

The **Department of Revenue** announces a public meeting of the Property Tax Administration Task Force to which all interested persons are invited.

**DATE AND TIME:** Wednesday, June 27, 2001, 10:00 a.m.

**PLACE:** Tallahassee Regional Airport, Dale Mabry Conference Center, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct the sixth meeting of the Property Tax Administration Task Force.

This is the initial meeting of the Task Force as authorized by Chapter 2001-137, L.O.F. The Task Force will consider proposed enhancements to the tax roll evaluation process, value adjustment board process, tangible personal property evaluation and other administrative and legislative issues. During this meeting the Task Force will form temporarily into work groups to work further on issue clarification and

consolidation. Work groups will address the tangible personal property evaluation process and the value adjustment board process. In both the work groups and the full Task Force sessions, recommendations will be made on legislative and administrative proposals before the Task Force.

A copy of the agenda may be obtained by contacting: Director, Property Tax Administration Program, P. O. Box 3000, Tallahassee, Florida 32315-3000 or by calling Mary Tomlin, (850)488-3338 or Kathy Henley, (850)488-3335.

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 calling (850)488-8026. If you are hearing or speech impaired, please contact the Department by calling 1(800)367-8331 (TDD).

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#### **DEPARTMENT OF TRANSPORTATION**

**NOTICE OF CANCELLATION** – The Florida **Department of Transportation**, District 5 announces the cancellation of a public hearing which was published in the Florida Administrative Weekly, Vol. 27, No. 21, dated May 25, 2001. The following referenced hearing is hereby cancelled:

**DATE AND TIME:** June 21, 2001, 6:00 p.m.

**PLACE:** Leesburg Community Center, 109 East Dixie Highway, Leesburg, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This hearing was scheduled to afford interested persons the opportunity to express their views concerning the location, conceptual design, social and environmental effects of Financial Item Number 238394-1, Federal Aid Number XA-399-4(31), otherwise known as the US 441 widening and transportation improvement project in Lake County, Florida.

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**NOTICE OF CANCELLATION** – The Florida **Department of Transportation**, Florida **Department of Community Affairs**, and Monroe County announces a cancellation of a public meeting which was published in the Florida Administrative Weekly, Vol. 27, No. 21. The following referenced meeting is hereby cancelled:

**DATE AND TIME:** June 22, 2001, 9:00 a.m.

**PLACE:** National Key Deer Refuge Office, Big Pine Key, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Florida Department of Transportation, Florida Department of Community Affairs and Monroe County are jointly funding the development of a Habitat Conservation Plan for the Key deer and other protected species on Big Pine and No Name Keys. Representatives of these three agencies, the U.S. Fish and Wildlife Service, the Florida Fish and Wildlife Conservation Commission and local citizen representatives serve on an HCP

Coordinating Committee. The Committee meets regularly to review and provide input on the HCP consultant's progress and findings.

**STATE BOARD OF ADMINISTRATION**

The Investment Committee of the **Florida Prepaid College Board** announces a public hearing to which all interested parties are invited to attend.

DATE AND TIME: Wednesday, June 27, 2001, 9:30 a.m. or soon thereafter

PLACE: 1801 Hermitage Blvd., Hermitage Conference Room, 1st Floor, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Florida Prepaid College Board Investment Committee, to which all persons are invited.

A copy of the agenda may be obtained by contacting: Thomas J. Wallace, Executive Director, Florida Prepaid College Program, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308 or by calling (850)488-8514.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is based.

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

The **Florida Prepaid College Program Board** announces a public hearing to which all interested parties are invited to attend.

DATE AND TIME: Wednesday, June 27, 2001, 11:00 a.m. or soon thereafter

PLACE: 1801 Hermitage Blvd., Hermitage Conference Room, 1st Floor, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Florida Prepaid College Board, to which all persons are invited.

A copy of the agenda may be obtained by contacting: Thomas J. Wallace, Executive Director, Florida Prepaid College Program, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308 or by calling (850)488-8514.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is based.

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

NOTICE IS HEREBY GIVEN by the Florida **State Board of Administration** (FSBA) of meetings of the Florida State Board of Administration regarding the Intent to Procure for institutional investment product providers for the Public Employee Optional Retirement Program to which all persons are invited.

DATES AND TIME: Monday, July 9, 2001 through Wednesday, July 11, 2001; Tuesday, July 24, 2001 through Wednesday, July 25, 2001, 7:30 a.m. – conclusion

PLACE: The Hermitage Centre, Emerald Coast Room, 1801 Hermitage Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: These meetings will be oral interviews and scoring for candidates for institutional product providers for the Public Employee Optional Retirement Program (PEORP) and will also include discussions of other PEORP implementation issues.

Anyone wishing further information should contact: Joan Lazar, Defined Contribution Program, P. O. Drawer 13300, Tallahassee, FL 32317-3300 or by e-mail at: lazar\_joan@fsba.state.fl.us.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend these meetings is requested to call Joan Lazar, (850)413-1492, five days prior to the meeting so that appropriate arrangements can be made.

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of a public meeting of the Advisory Council to the Florida Hurricane Catastrophe Fund to which all persons are invited:

DATE AND TIME: Monday, July 9, 2001, 2:00 p.m. – 4:00 p.m. (EST)

PLACE: This will be a teleconference meeting. The number to call to participate is (850)488-8295

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review suggestions provided by the public at the rule hearing on Rule 19-8.028, F.A.C., to obtain approval to file Rule 19-8.028, F.A.C. for adoption, and to engage in the general business of the Council.

A copy of the agenda may be obtained by contacting: Patti Elsbernd, Florida Hurricane Catastrophe Fund, P. O. Drawer 13300, Tallahassee, FL 32317-3300.

In compliance with the Americans with Disabilities Act, any person needing special accommodation to attend the meeting is requested to contact Patti Elsbernd by mail, at the address

given immediately above or by telephone, (850)413-1346, five days prior to the meeting so that appropriate arrangements can be made.

NOTICE IS HEREBY GIVEN by the Florida **State Board of Administration** (SBA) of a meeting of the Florida State Board of Administration regarding the Intent to Procure for institutional investment product providers for the Public Employee Optional Retirement Program to which all persons are invited.

DATE AND TIME: Thursday, July 12, 2001, 1:00 p.m. – conclusion of the meeting

PLACE: The Hermitage Centre, Emerald Coast Room, 1801 Hermitage Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting, the Investment Services Implementation Group (ISIG) will discuss the recommendations by the investment consultant, Callan Associates, regarding candidates for oral interviews, and will discuss the oral interview process. The meeting will also include a discussion of the general business of PEORP. Although this meeting will be primarily in person, anyone wishing to participate by telephone is free to use the following conference call number (850)414-6477 or Suncom 994-6477.

Anyone wishing further information should contact: Joan Lazar, Defined Contribution Program, P. O. Drawer 13300, Tallahassee, FL 32317-3300 or by e-mail at: lazar\_joan@fsba.state.fl.us.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend these meetings is requested to call Joan Lazar, (850)413-1492, five days prior to the meeting so that appropriate arrangements can be made.

#### DEPARTMENT OF CITRUS

NOTICE OF CHANGE – The Florida **Department of Citrus** amends the notice of its public meeting of the Florida Citrus Commission, which is scheduled to occur on:

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, for the regular monthly meeting and for a special closed session. 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. As to the special closed session,

the Department of Citrus provides the following reasonable notice that during the monthly June 20, 2001, meeting John R. Alexander, Walter L. Brewer, Tristan G. Chapman, Harry H. Falk, Christopher W. Gargano, Raymond A. Jackson, William E. Kemper, John M. Luther, W. Lindsay Raley, Jr., Daniel R. Richey, Nancy J. Schafer, Andrew R. Taylor, Bob Crawford, Hank B. Campbell and Mia L. McKown will go into a closed session pursuant to the provisions of Section 286.011(8), F.S., for purposes of discussing the lawsuits filed against the Florida Department of Citrus by Tampa Juice Service, Inc., Louis Dreyfus Citrus, Inc., Pasco Beverage Company, Cargill Citro-America, Inc. and Votorantim International North America, Inc.

Pursuant to state law the Department of Citrus shall ensure a verbatim record of the proceeding shall be made by a certified court reporter. The transcript shall include the entire closed session.

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 27, 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 sending the notice not later than two working days prior to the proceeding at the address given on the notice, telephone (850)488-3417.

#### PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a staff workshop in the following docket to which all persons are invited:

DOCKET NO. 010001-EI – Fuel and Purchased Power Cost Recovery Clause and Generating Performance Incentive Factor

DATE AND TIME: Wednesday, June 27, 2001, 9:30 a.m.  
PLACE: Betty Easley Conference Center, Room 152, 4275 Esplanade Way, Tallahassee, Florida  
GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this workshop is to discuss proposals and allow presentations from the parties to this docket concerning the appropriate length of the cost recovery period for the Fuel and Purchased Power Cost Recovery Clause. Commissioners may be present and participate at this workshop.  
A copy of the agenda for this workshop is attached. Additional copies may be obtained by contacting: Director, Division of Records and Reporting, Gerald L. Gunter Building, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.  
Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

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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. 991378-TL – Initiation of show cause proceedings against BellSouth Telecommunications, Inc. for violation of service standards.

DATE AND TIME: July 2, 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 initiation of show cause proceedings against BellSouth Telecommunications, Inc. for violation of service standards, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on 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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The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 000075-TP – Investigation into appropriate methods to compensate carriers for exchange of traffic subject to Section 251 of the Telecommunications Act of 1996.

DATES AND TIME: July 5-6, 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 investigation into appropriate methods to compensate carriers for exchange of traffic subject to Section 251 of the Telecommunications Act of 1996, 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 13, 2001. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.  
Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of 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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The Florida **Public Service Commission** announces a public meeting in the following docket to which all persons are invited.

Docket No. 001682-WU – Application for a staff-assisted rate case in Columbia County by Consolidated Water Works, Inc.  
DATE AND TIME: Wednesday, July 11, 2001, 6:00 p.m.  
PLACE: Columbia County School System’s Administration Complex, 528 West Duvall Street, Lake City, Florida 32025  
GENERAL SUBJECT MATTER TO BE CONSIDERED: To give customers and other interested persons an opportunity to offer comments on the quality of service the utility provides, the proposed rate increase, and to ask questions and comment on other issues.

A copy of the agenda for any meeting may be obtained by contacting: Director of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

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#### EXECUTIVE OFFICE OF THE GOVERNOR

The Florida Partnership for School Readiness, **Executive Office of the Governor** announces the following public meeting to which all persons are invited.

DATE AND TIME: June 27, 2001, 3:00 p.m. – 8:00 p.m.  
PLACE: Hilton Garden Inn, Tallahassee, Florida  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Partnership for School Readiness, applicants for Executive Director position.



Additional information may be obtained by contacting: Kristi Gilmore, Florida Partnership for School Readiness, Executive Office of the Governor, Room 251, Holland Building, Tallahassee, Florida 32399, (850)488-0337.

### REGIONAL PLANNING COUNCILS

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: June 25, 2001, 5:30 p.m. – 7:00 p.m.

PLACE: Café La Belle Crepe, 1925 Hollywood Boulevard, Hollywood, FL 33020

DATES AND TIMES: June 26, 2001, 8:00 a.m. – 6:30 p.m.; Wednesday, June 26, 2001, 8:00 a.m. – 5:00 p.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: The workshop will focus on up to five case studies on SR 7 in Broward County. Each case study will represent a different set of land use, design and transportation issues. The South Florida Regional Planning Council and the FAU/FIU Joint Center for Urban and Environmental Problems are the local sponsors of this event. The national sponsors are the Regional Plan Association (RPA) and the Lincoln Land Institute of Land Policy.

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.

P.O. #7139

### REGIONAL TRANSPORTATION AUTHORITIES

The **Central Florida Regional Transportation Authority (LYNX)** announces the following public meeting of the Governmental, Marketing and Community Relations Committee, a sub-committee of the Governing Board of the Authority:

DATE AND TIME: June 28, 2001, 1:30 p.m. – 2:30 p.m.

PLACE: LYNX Offices, 8th Floor, Transit Ops Conference Room, 445 W. Amelia Street, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Committee Meeting.

A copy of the detailed agenda may be obtained by contacting: Frankie Callen, Executive Manager of Government Affairs, Central Florida Regional Transportation Authority, 445 W. Amelia Street, Suite 800, Orlando, Florida 32801, (407)841-2279.

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 Ron Jones, (407)841-2279, at least 48 hours before the meeting. If hearing impaired, contact the Authority, (407)423-0787 (TDD).

The **Central Florida Regional Transportation Authority (LYNX)** announces the following public meeting of the Governing Board of the Authority:

DATE AND TIME: June 28, 2001, 2:30 p.m. – 4:30 p.m.

PLACE: LYNX Offices, Third Floor, Media/Board Room, 445 W. Amelia Street, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors' Meeting.

1. Call to Order
2. Approval of Minutes
3. Chairman's Report
4. Committee Reports
5. Accessibility Advisory Committee (AAC) Report
6. Public Comments
7. Action Consent Items
8. Action Discussion Items
9. Work Session
10. Information Items
11. Other Business

Notice: Adoption of a Resolution of the Governing Board of the Authority to Repeal the Rules of the Authority Published in Chapter 30B of the Florida Administrative Code.

The Joint Administrative Procedures Committee of the Florida Legislature has determined that the Authority no longer falls within the application of the Florida Administrative Procedures Act, and has requested that the Authority repeal its existing rules published in the Florida Administrative Code. A proposal will be presented to the Governing Board of the Authority to repeal these existing rules and simultaneously adopt new rules to replace them, which will not be published in the Florida Administrative Code.

A copy of the detailed agenda may be obtained by contacting: Carol Frahn, Assistant Secretary, Central Florida Regional Transportation Authority, 445 W. Amelia Street, Suite 800, Orlando, Florida 32801, (407)841-2279.

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 Ron Jones, (407)841-2279, at least 48 hours before the meeting. If hearing impaired, contact the Authority, (407)423-0787 (TDD).

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#### **DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY**

The Florida **Department of Labor and Employment Security**, Workers' Compensation Oversight Board announces telephone conference calls for the Premiums and Benefits and Fraud and Noncompliance Committees to which the public is invited.

**DATES AND TIME:** Tuesday, July 17, 2001; Wednesday, July 18, 2001, 10:00 a.m. – 12:00 Noon (Necessary revisions may take place upon request.)

**PLACE:** Contact Becky, (850)487-3216 for further participation information

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose is to discuss issues of interest to the committee.

In the event meeting time and/or place changes, notice of change will be posted on meeting notice bulletin board at 2574 Seagate Drive, Suite 100, Marathon Building, Tallahassee, Florida 32399-2152. You may call (850)487-2613.

For further information about this telephone conference, contact: Becky Thomas, Suite 100, Marathon Building, 2574 Seagate Drive, Tallahassee, Florida 32399-2152, (850)487-2613, two days prior to the date of the meeting.

Persons with a disability or handicap requiring reasonable accommodation should contact Becky Thomas in writing or by telephone at the above address or telephone number at least two business days in advance of the meeting to make appropriate arrangements. If you are hearing or speech impaired, please contact Becky Thomas 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 **Department of Labor and Employment Security**, Workers' Compensation Oversight Board announces a telephone conference of its Coordinating Committee to discuss general issues.

**DATE AND TIME:** Tuesday, June 19, 2001, 10:00 a.m. (subject to extension)

**PLACE:** Call (850)487-2613 for instruction on participation

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of the meeting is to discuss issues to be on the agenda for the full Workers' Compensation Oversight Board meeting.

In the event meeting time and/or place changes, notice of change will be posted on meeting notice bulletin board at 2574 Seagate Drive, Suite 100, Marathon Building, Tallahassee, Florida 32399-2152. You may call (850)487-2613.

For further information about this telephone conference, contact Carolyn Smith, Suite 100, Marathon Building, 2574 Seagate Drive, Tallahassee, Florida 32399-2152, (850)487-2613, two days prior to the date of the meeting.

Persons with a disability or handicap requiring reasonable accommodation should contact Becky Thomas in writing or by telephone at the above address or telephone number at least two business days in advance of the meeting to make appropriate arrangements. If you are hearing or speech impaired, please contact Becky Thomas 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 **Department of Labor and Employment Security, Division of Workers' Compensation**, Special Disability Trust Fund Advisory Sub-Committee announces a telephonic meeting to which the public is invited.

**DATE and TIME:** Wednesday, July 18, 2001, 10:00 a.m. – 12:00 Noon

**PLACE:** Tallahassee, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of the meeting is to discuss cases with request for settlement approval for \$500,000 or more. Persons wishing to attend the phone conference must call Carolyn Walker on or before Monday, July 16, 2001, (850)488-4896.

For further information regarding the meeting, please contact Carolyn Walker, (850)488-4896.

Persons with a disability or handicap requiring reasonable accommodations should contact Carolyn Walker by telephone at least two business days in advance to make appropriate arrangements. If you are hearing or speech impaired, please contact Carolyn Walker using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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**WATER MANAGEMENT DISTRICTS**

The **Northwest Florida Water Management District** announces public meetings to which all persons are invited:

DATE AND TIME: June 28, 2001, between 10:15 a.m. – 12:30 p.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regulations Committee, District Lands Committee and Administration, Budget and Finance Committee – to discuss District issues.

DATE AND TIME: June 28, 2001, 1:00 p.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting – to consider District business.

DATE AND TIME: June 28, 2001, 1:15 p.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing on Regulatory Matters – to consider regulatory matters.

DATE AND TIME: June 28, 2001, 1:30 p.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing on Land Acquisition Matters – to consider land acquisition matters.

PLACE: District headquarters, 10 miles west of Tallahassee on U.S. Highway 90, Tallahassee, FL

A copy of the agendas may be obtained by contacting: Carolyn Wise, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999 (also available through the Internet at [www.state.fl.us/nwfwmd](http://www.state.fl.us/nwfwmd)).

If any person decides to appeal any decision with respect to any matter considered at the above-cited meetings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact Larry Wright at the District at least 72 hours in advance of these meetings to make appropriate arrangements.

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The **St. Johns River Water Management District** announces the following Projects Committee meeting and tour:

Projects Committee Meeting

DATE AND TIME: Thursday, June 21, 2001, 6:30 p.m. – 8:30 p.m. (immediately followed by dinner at the Ocean Grill, Vero Beach)

PLACE: Environmental Learning Center, 255 Live Oak Drive, Vero Beach, FL 32963

Aerial tour of the Basin

DATE AND TIME: Friday, June 22, 2001, 9:00 a.m.

PLACE: Leaving from the Vero Beach Municipal Airport, Holman's Jet Center

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting and tour are for information only.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or call Sonia Kuecker, Business Resource Specialist IV, Department of Water Resources, (904)312-2330. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Mrs. Linda Lorenzen, (904)329-4262. If you are hearing or speech impaired, please contact the agency by calling (904)329-4450 (TDD).

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The **St. Johns River Water Management District** announces the following public meeting:

DATE AND TIME: Thursday, June 28, 2001, 7:30 a.m.

PLACE: Adam's Mark Hotel, Grand Ballroom 2, 225 E. Coastline Drive, Jacksonville, Florida 32202-5458

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of Regional County Commissioners and County Administrators with St. Johns River Water Management District Board members to discuss regional water resource issues.

NOTE: Anyone requiring a special accommodation to participate in this meeting is requested to advise the District at least five work days before the meeting by contacting Ann Freeman, (904)329-4101 or (904)329-4450 (TDD).

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The **St. Johns River Water Management District** announces the following Facilities/Planning/Construction Committee telephone conference call:

DATE AND TIME: Thursday, June 28, 2001, 10:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss project construction and contractual matters of the District.

A copy of the agenda can be obtained by contacting: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or by calling Mrs. Sharon Whitener, Administrative Support Coordinator, Department of Operations and Land Resources, (904)329-4281.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Mrs. Linda Lorenzen, (904)329-4262. If you are hearing or speech impaired, please contact the agency by calling (904)329-4450 (TDD).

NOTE: If any person decides to appeal any decision with respect to any matter considered by the St. Johns River Water Management District's Governing Board, such person may

need to ensure that a verbatim record of the meeting is made to include the testimony and evidence upon which appeal is to be based.

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The **Southwest Florida Water Management District** (SWFMWD) announces the following public meetings to which all interested persons are invited:

GOVERNING BOARD MEETING, PUBLIC HEARING AND COMMITTEE MEETINGS

DATE AND TIME: Tuesday, June 26, 2001, 9:00 a.m.

PLACE: SWFMWD Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of meeting, public hearing and committee meetings including approval of the tentative millage rate.

NURSERY INDUSTRY DINNER (Hosted by Florida Nurserymen and Growers Association and the Tampa Bay Wholesale Growers.)

DATE AND TIME: Tuesday, June 26, 2001, 6:00 p.m.

PLACE: MI/Flowerwood Nursery, 17300 Powell Road, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: No District business will be discussed and no District funds will be used.

GOVERNING BOARD MEETING AND PUBLIC HEARING (Items not completed at Tuesday's meeting may be carried over to Wednesday's meeting. If all business is concluded at Tuesday's meeting, there will be no meeting on Wednesday.)

DATE AND TIME: Wednesday, June 27, 2001, 9:00 a.m.

PLACE: SWFMWD Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of meeting and public hearing.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4604, TTD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

P.O. #7949

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The **South Florida Water Management District** and the U.S. Army Corps of Engineers announces a public workshop to which all interested persons are invited:

DATE AND TIME: June 22, 2001, 9:30 a.m. – 12:00 Noon

PLACE: Florida Department of Environmental Protection, 2nd Floor, 400 N. Congress Avenue, West Palm Beach, FL 33401-2912

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is to solicit comments and discuss the Master Program Implementation Schedule for the Comprehensive Everglades Restoration Plan (CERP).

A copy of the agenda may be obtained by contacting: South Florida Water Management District, P. O. Box 24680, MS #4330, West Palm Beach, Florida 33416-4680.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance of the meeting to make appropriate arrangements.

For more information, contact Juan Diaz-Carreras, SFWMD Staff Planner, (561)682-6781 or Mike Ornella, USACE Senior Project Manager, (904)232-1600.

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The Big Cypress Basin, **South Florida Water Management District** announces a public meeting which may be conducted by means of, or in conjunction with, communications media technology, specifically by telephonic conference to which all interested persons are invited:

DATE AND TIME: June 29, 2001, 9:00 a.m.

PLACE: Collier County Government Center, Commission Chambers, Building F, Naples, Florida (The above address shall be the designated access point for public attendance of the meeting.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Basin Business and Budget Workshop.

A copy of the agenda may be obtained by contacting: Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109 or by calling Ann Christian, (941)597-1505.

Appeals from any Big Cypress Basin Board decision require a record of the proceedings. Although Basin Board meetings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Ann Christian, (941)597-1505, at least forty-eight (48) hours before the meeting to make appropriate arrangements. If you are hearing or speech impaired, please contact the Big Cypress Basin by calling (561)697-2674.

Those persons who desires more information or those wishing to submit written or physical evidence may contact Ann Christian, Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, (941)597-1505.

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#### COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a meeting of the Conference Committee to which all persons are invited.

DATE AND TIME: Friday, June 29, 2001, 9:00 a.m. – until completion

PLACE: 2740 Centerview Drive, Rhyne Building, Suite 1A, Tallahassee, Florida, (850)410-5700

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss plans for 2001 TD conference.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Erin Schepers at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS #49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

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#### DEPARTMENT OF VETERANS' AFFAIRS

The Florida **Commission on Veterans' Affairs** announces a public meeting to which all persons are invited:

DATE AND TIME: Friday, June 22, 2001, 10:00 a.m.

PLACE: R. A. Gray Building, Room 307, 500 S. Bronough Street, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting and planning session.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Jan Stearns, Florida Department of Veterans' Affairs, Koger Center, 2540 Executive Center Circle, West, Douglas Building, Suite 100, Tallahassee, Florida 32301. Please telephone (850)487-1533, at least 48 hours prior to the workshop.

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#### SPACEPORT FLORIDA AUTHORITY

The **Florida Commercial Space Financing Corporation** announces a Board of Director's meeting and teleconference to which the public is invited.

DATE AND TIME: June 22, 2001, 9:00 a.m. – 11:00 a.m.

PLACE: Florida Department of Transportation, Room 580, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of annual budget, financings and to consider other proposed matters related to the business of the Corporation.

For more information, contact Mr. Jim Leary or Ms. Judy Blanchard, (321)267-2877, Ext. 113. The Board of Directors meeting for the Florida Commercial Space Financing Corporation will be held at the offices of Florida Department of Transportation, Room 580, 605 Suwannee Street, Tallahassee, Florida.

A copy of the agenda may be obtained by contacting: The Florida Commercial Space Financing Corporation, Florida/NASA Business Incubation Center, 1311 N. Highway U.S. 1, Titusville, FL 32796.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting, they will need a record of the proceedings, and for such purpose, they may need to ensure

that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of disability or physical impairment should contact the Florida Commercial Space Financing Corporation.

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#### AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a telephone conference call to which all persons are invited to call in.

DATE AND TIME: Monday, June 25, 2001, 3:00 p.m.

PLACE: To access the "Meet-Me" number call (850)488-5778 or Suncom 278-5778 at the above date/time

GENERAL SUBJECT MATTER TO BE CONSIDERED: Certificate of Need (CON) Workgroup Chair and Vice Chair as authorized by Chapter 2000-318, Laws of Florida.

For additional information contact: Agency for Health Care Administration, 2727 Mahan Drive, MS #28A, Tallahassee, Florida 32308 or call (850)922-0791, or via e-mail at colvinl@fdhc.state.fl.us.

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The **Agency for Health Care Administration** announces a call-in teleconference meeting of the Pharmaceutical and Therapeutics Committee to which all interested parties are invited.

DATE AND TIME: Tuesday, June 26, 2001, 9:00 a.m. – 11:00 a.m.

PLACE: CALL IN NUMBER: 1(888)428-4478 (no access code required; listen-only)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Recommendation to expand the existing Medicaid Voluntary Preferred Drug List.

Any attendee requiring special accommodation because of a disability should contact Medicaid Pharmacy Services, (850)487-4441, at least five days prior to the meeting.

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#### DEPARTMENT OF MANAGEMENT SERVICES

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

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

PLACE: The access point where a person may go for purpose of attending the meeting is the Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303. The meet-me telephone number is (850)921-2470 or Suncom 291-2470

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Ms. Azizi Dixon, Clerk of the Commission, Florida Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149, (850)488-7082, Ext. 1032.

**VERBATIM RECORD OF MEETING:** If any person decides to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

**ADA Notice:** Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Ext. 1032, at least five working days prior to the meeting.

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### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Board of Cosmetology** announces a Board meeting open to the public and all persons are invited to participate.

**DATES AND TIMES:** Sunday, July 8, 2001, 9:00 a.m.; Monday, July 9, 2001, 9:00 a.m. (if necessary)

**PLACE:** Sheraton Suites, Tampa Airport, 4400 West Cypress Street, Tampa, Florida 33607

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regular Board Business and Committee Matters.

\*A copy of the agenda may be obtained by contacting: Florida Board of Cosmetology, 1940 North Monroe Street, Suite 60, Tallahassee, Florida 32399-0790.

\*If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Florida **Electrical Contractors' Licensing Board** announces Official Board Meetings to which all interested persons are invited.

**DATE AND TIME:** June 25, 2001, 9:00 a.m. or soon thereafter

**PLACE:** Department of Business and Professional Regulation, Electrical Contractor's Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771, (850)488-3109, Fax (850)922-2918

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Official Board Meeting via Telephone Conference Call Meet Me Number: (850)488-5776, Suncom 278-5776

**DATE AND TIME:** July 26, 2001, 8:00 a.m. or soon thereafter

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Probable Cause Panel Meeting (closed to the public)

**DATE AND TIME:** July 26, 2001, 10:30 a.m. or soon thereafter

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Official Board Meeting.

**DATE AND TIME:** July 27, 2001, 8:30 a.m. or soon thereafter

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Official Board Meeting.

**PLACE:** Radison, 5555 Hazeltine National Drive, Orlando, FL 32812, (407)856-0100

**DATE AND TIME:** August 9, 2001, 9:00 a.m. or soon thereafter

**PLACE:** Department of Business and Professional Regulation, Electrical Contractor's Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771, (850)488-3109, Fax (850)922-2918

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Official Board Meeting via Telephone Conference Call Meet Me Number: (850)488-5778, Suncom 278-5778

A copy of the agenda may be obtained by contacting: Board Office, 1940 North Monroe Street, Tallahassee, Florida 32399-0771.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is to be based.

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact Jessica Koon, Electrical Contractors' Licensing Board, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call Jessica Koon 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 **Building Code Administrators and Inspectors Board** announces a Probable Cause Panel Meeting via telephone conference call portions of which will be closed to the public.

**DATE AND TIME:** June 27, 2001, 10:00 a.m. (EST)

**PLACE:** Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board Office, 1940 North Monroe Street, Tallahassee, FL 32399-2211

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Probable Cause Panel Meeting.

For further information, contact: Florida Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-2211.

If any person decides to appeal any decision made by the Building Code Administrators and Inspectors Board with respect to any matter considered at this meeting, he/she may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is to be based.

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact Gregory Spence at the Building Code Administrators and Inspectors Board, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call Gregory Spence 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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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Florida **Department of Environmental Protection** announces a public hearing of the Governor and Cabinet, sitting as the Power Plant Siting Board, to consider the Administrative Law Judge's Recommended Order in the case of the Florida Power Corporation, Calpine Construction Finance Company, L.P., Osprey Energy Center, Power Plant Siting Application, PA00-41, DOAH Case No. 00-1288EPP.

DATE AND TIME: June 26, 2001, 9:00 a.m.

PLACE: Martin County Administration Building, County Commission Chambers, 2401 SE Monterey Rd., Stuart, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Governor and Cabinet, sitting as the Power Plant Siting Board, will consider, pursuant to the Florida Electrical Power Plant Siting Act, Sections 403.501-403.518, Florida Statutes, the Recommended Order dated May 23, 2001, from the Administrative Law Judge concerning the certification of Calpine Construction Finance Company, L.P.'s Osprey Energy Center, located in the community of Auburndale in Polk County, Florida.

CABINET AIDES BRIEFING: The Cabinet Aides will meet and discuss the item on June 20, 2001, 9:00 a.m., Knott Building, 301 East Park Avenue, Tallahassee, FL 32301. The purpose of the briefing is to review and gather information regarding this item for consideration by the Siting Board.

For a copy of the agenda please contact: Judy Brooks, Department of Environmental Protection, Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, (850)922-3766.

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The **Department of Environmental Protection** announces a public meeting of the Environmental Regulation Commission (ERC) to which all interested persons are invited.

DATE AND TIME: June 28, 2001, 10:00 a.m.

PLACE: Conference Room A, Douglas Building, 3900 Commonwealth Blvd., Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regularly scheduled meeting of the ERC will include briefings and approvals. Briefings include: Rules Under Development, Rules Under Appeal and a summary of environmental legislation. Rule proceedings include proposed changes to Chapter 62-528, Florida Administrative Code (F.A.C.), Underground Injection Control, and Chapter 62-522, F.A.C., Ground Water Permitting and Monitoring Requirements. Proposed changes address zones of discharge for the aquifer remediation program. ERC members may be participating in the meeting through a teleconference. Time will be allotted at the end of the meeting for public comment.

A copy of the agenda may be obtained by contacting: Jacqueline McGorty, Department of Environmental Protection, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000, (850)921-9660.

If an accommodation is needed for a disability in order to participate in this activity, please notify Linda Harvey (850)488-2996, 1(800)955-8771 (TDD), at least seven days prior to the event.

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The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas, Office of the Florida Keys National Marine Sanctuary announces a public meeting to which all persons are invited:

DATE AND TIME: June 21, 2001, 7:00 p.m.

PLACE: Marathon Garden Club, 5270 Overseas Highway, Marathon, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public input on the five-year review of the Florida Keys National Marine Sanctuary Management Plan.

A copy of the full agenda may be obtained by contacting: June Cradick, (305)743-2437, Ext. 24.

If accommodations are needed for an attendee with a disability to participate in this activity, please notify Marie Casey, DEP, Florida Keys National Marine Sanctuary, 1(800)955-8771, seven days prior to the event.

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The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas, Office of the Florida Keys National Marine Sanctuary announces a public meeting to which all persons are invited:

DATE AND TIME: June 22, 2001, 7:00 p.m.

PLACE: Key Largo Library, 101485 Overseas Highway, Key Largo, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public input on the five-year review of the Florida Keys National Marine Sanctuary Management Plan.

A copy of the full agenda may be obtained by contacting: June Cradick, (305)743-2437, Ext. 24.

If accommodations are needed for an attendee with a disability to participate in this activity, please notify Marie Casey, DEP, Florida Keys National Marine Sanctuary, 1(800)955-8771, seven days prior to the event.

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The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas, Office of the Florida Keys National Marine Sanctuary announces a public meeting to which all persons are invited:

DATE AND TIME: June 26, 2001, 7:00 p.m.

PLACE: Holiday Inn Beachside, 3841 N. Roosevelt Blvd., Key West, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public input on the five-year review of the Florida Keys National Marine Sanctuary Management Plan.

A copy of the full agenda may be obtained by contacting: June Cradick, (305)743-2437, Ext. 24.

If accommodations are needed for an attendee with a disability to participate in this activity, please notify Marie Casey, DEP, Florida Keys National Marine Sanctuary, 1(800)955-8771, seven days prior to the event.

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The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited:

DATE AND TIME: Monday, July 9, 2001, 7:00 p.m. (EDT)

PLACE: National Estuarine Research Reserve, 261 7th Street, Apalachicola, Florida 32320

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive comments from the public regarding management and land uses for Dr. Julian G. Bruce St. George Island State Park before the development of a new management plan for the park.

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 Barry Burch, Park Manager, for Dr. Julian G. Bruce, St. George Island State Park, (850)927-2111. 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 Florida **Department of Health** announces a conference call meeting of the Women and Heart Disease Task Force workgroups to which all persons are invited to phone in.

DATE AND TIME: June 18, 2001, 10:00 a.m. – 12:00 Noon

PLACE: Conference Call: telephone (850)921-2548 or Suncom 291-2548

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Governor's Office appointed 28 persons to serve as representatives on a Women and Heart Disease Task Force. The task force will report to the Governor and Legislature by January 15, 2002, on specific tasks detailed in SB 0352 relating to women and heart disease. These meetings will be held to continue work outlined in previously developed action plans to accomplish the objectives of the legislation.

A copy of the agenda may be obtained by contacting: Susan Allen, Bureau of Chronic Disease, HSFCD, BIN #A18, 4052 Bald Cypress Way, Suite 130S, Tallahassee, Florida 32399-1744, in writing or by telephone (850)245-4369.

If you require special accommodations, please contact Cherish McMillan, (850)245-4444, Ext. 2867, at least 48 hours prior to the meeting date.

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The Florida **Department of Health**, Bureau of HIV/AIDS announces a public meeting to which all persons are invited:

DATE AND TIME: June 20, 2001, 6:00 p.m. – 7:00 p.m.

PLACE: Royal Palm Ballroom, Crown Plaza Westshore Hotel, 700 N. Westshore Boulevard, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pursuant to 42 U.S. Code Sec. 2617(b)(3)(A), the public health agency that administers the Ryan White Title II C.A.R. E. grant must conduct a public meeting concerning the use and distribution of funds from the grant. All persons, including representatives of city and county governments, health officials and public and private community organizations are invited to attend. To reserve a speaking time or to obtain information, please call David Poole or Lucretia Jones, (850)245-4335 or Suncom 205-4335.

Note: All speakers are requested to provide a written copy of their presentation to a representative from the Department of Health, Bureau of HIV/AIDS at the public meeting.

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The **Department of Health** announces a meeting of the Preventive Health and Health Services (PHHS) Block Grant Advisory Committee to which all interested persons are invited.

DATE AND TIME: Monday, July 2, 2001, 2:00 p.m. – 3:00 p.m.

PLACE: This meeting will be accessible via conference call by calling (850)921- 2470, or Suncom 291-2470

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Advisory Committee members will make recommendations regarding the development PHHS Block Grant application (state plan) for Federal Fiscal Year 2002.



A copy of the current year application may be obtained by contacting: Jeanne Lane, Bureau of Chronic Disease, HSFC, BIN #A18, 4052 Bald Cypress Way, Suite 130U, Tallahassee, Florida 32399-1744, (850)245-4444, Ext. 2838, Suncom 205-4444, Ext. 2838.

If you require special accommodations (i.e., assistive listening devices, etc.) please contact Jeanne Lane, at least 48 hours prior to the meeting date.

The **Board of Chiropractic Medicine**, Probable Cause Panel will hold a duly noticed conference call meeting to which all persons are invited to attend.

DATE AND TIME: Tuesday, June 26, 2001, 12:30 p.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee, FL 32399-3257, Meet Me Number: (850)487-8856

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Sherra Causey, Board of Chiropractic Medicine, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence 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 Chiropractic Medicine, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board using the Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine** announces a meeting to which all persons are invited.

DATES AND TIME: July 7-8, 2001, 8:00 a.m.

PLACE: Radisson Hotel, 60 South Ivanhoe Blvd., Orlando, Florida, (407)425-4455

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

A copy of the agenda may be obtained by contacting: Tanya Williams, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-1753.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is

to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present or an audio record from the Board Director.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine**, Expert Witness Credentials Committee announces a meeting to which all persons are invited.

DATE AND TIME: July 7, 2001, immediately following full board meeting

PLACE: Radisson Hotel, 60 South Ivanhoe Boulevard, Orlando, FL, (407)425-4455

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

A copy of the agenda may be obtained by contacting: Tanya Williams, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the committee with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Division of Medical Quality Assurance**, Florida Board of Medicine Probationers Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 19, 2001, 10:00 a.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

A copy of the agenda may be obtained by contacting: Timothy Callaghan, Compliance Officer, Department of Health, Division of Medical Quality Assurance, Client Services Unit, 4052 Bald Cypress Way, BIN #C01, Tallahassee, FL 32399-3251.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting, he will need a record of the proceeding, and for such purpose, he may need to insure that a verbatim proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Timothy Callaghan, (850)245-4444, Ext. 3547, at least 10 calendar days prior to the meeting. If you are hearing or speech impaired, please call Mr. Callaghan using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Nursing** announces it will hold the following meetings to which all persons are invited.

**South Probable Cause Panel**

**DATES AND TIME:** June 29, 2001; July 27, 2001, 3:00 p.m.  
**PLACE:** 2727 Mahan Drive, Tallahassee, FL 32308, telephone conference

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To reconsider cases which are a matter of public record. A list of cases to be reconsidered may be obtained through written request to the Agency for Health Care Administration, 2727 Mahan Drive, Ft. Knox, Building 3, Tallahassee, Florida 32308, Attn: Reginald D. Dixon, Staff Attorney.

A copy of any item on the agenda may be obtained by contacting: Dr. Ruth Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Ste. 202, Jacksonville, FL 32207. You will be charged \$.15 per page for the number of copies desired.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal to be based.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The Florida **Department of Children and Family Services** announces the next scheduled meeting of the following workgroups of the Governor’s Task Force on Domestic Violence. All interested people are invited to participate.

**CANCELLATION NOTICE:** Executive Committee  
**DATES AND TIME:** June 16-17, 2001, 9:00 a.m. – 10:00 a.m.  
**PLACE:** Harry T. and Harriette V. Moore Justice Center, 4th Floor, 2825 Judge Fran Jamieson Way, Viera, Florida 32940. Conference Call #: (850)488-5776 Suncom 278-5776  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Finalization of the Annual Report

Executive Committee of the Governor’s Task Force Meeting  
**DATES AND TIME:** June 18-19, 2001, 8:30 a.m. – 5:30 p.m.  
**PLACE:** Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 8, Room 232, Tallahassee, FL 32399, (850)488-8762

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Interview Applicants; Finalization of the Annual Report.

The meeting on June 18, 2001 will start at 8:30 a.m. – 5:30 p.m. This meeting is to interview applicants for the position of Director, Governor’s Task Force on Domestic Violence and for the position Chief of Domestic Violence.

The meeting on June 19, 2001 will start at 8:30 a.m. – no later than 3:00 p.m. This meeting is held to review the draft Annual Report of the Task Force. Both meetings will be located at on the Department of Children and Family Services, 1317 Winewood Blvd., Building 8, Room 232, Tallahassee, Florida. For more information contact Jill Sandler, (850)488-8762.

**FLORIDA HOUSING FINANCE CORPORATION**

The **Florida Housing Finance Corporation** announces a public workshop to which all persons are invited:

**DATE AND TIME:** June 29, 2001, 10:00 a.m. – 3:00 p.m.  
**PLACE:** Sandra Sims Terry Community Center, 509 Collins Road, Laurel, Florida 34272

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To receive comments and suggestions from interested persons relative to Rule Chapters 67-21, 67-39 and 67-48, F.A.C., relating to the Multifamily Mortgage Revenue Bond Program, the Affordable Housing Guarantee Program, the State Apartment Incentive Loan (SAIL) Program, the HOME Investment Partnerships (HOME Rental) Program and the Housing Credit (HC) Program.

Any person requiring a special accommodation at the workshop because of a disability or physical impairment should contact Laurie Camp, (850)488-4197. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**FISH AND WILDLIFE CONSERVATION COMMISSION**

The Florida **Fish and Wildlife Conservation Commission** announces a meeting of the Harmful Algal Bloom Task Force to which all persons are invited:

**DATE AND TIME:** June 27, 2001, 9:00 a.m. – 4:30 p.m.  
**PLACE:** Florida Marine Research Institute, 100 Eighth Avenue, Southeast, St. Petersburg, FL 33701

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of progress on previous Task Force recommended research projects and recommendations for future Florida harmful algal bloom research projects when funding is available.

A copy of the agenda may be obtained by contacting: Zoe Gooding, Florida Marine Research Institute, 100 Eighth Avenue, Southeast, St. Petersburg, FL 33701, (727)896-8626.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting, please notify Zoe Gooding at the above phone number at least 7 calendar days prior to the meeting.

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The **Fish and Wildlife Conservation Commission** announces a series of public workshops concerning black or striped mullet fishing regulations to which all interested persons are invited:

DATE AND TIME: June 28, 2001, 6:00 p.m. – 8:00 p.m.

PLACE: Florida Marine Research Institute, Third Floor, 100 Eight Avenue, S. E., St. Petersburg, Florida

DATE AND TIME: June 29, 2001, 10:00 a.m. – 2:00 p.m.

PLACE: Pine Island Public Library, 10700 Russell Road, Bokeelia, Florida

DATE AND TIME: July 2, 2001, 6:00 p.m. – 8:00 p.m.

PLACE: Gulf Coast Community College, Student Union Building, Conference Room, 5230 W. Highway 98, Panama City, Florida

DATE AND TIME: July 3, 2001, 2:00 p.m. – 5:00 p.m.

PLACE: Port Orange Regional Library, 1005 City Center Circle, Port Orange, 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 black mullet, including, a proposed amendment that will further reduce the weekend commercial fishing closure.

For further information, contact: 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.

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### VISIT FLORIDA

The Florida **Commission on Tourism** announces a public meeting of the Nature/Based and Heritage Tourism Advisory Committee as follows:

DATE AND TIME: Wednesday, June 20, 2001, 1:00 p.m. – 3:00 p.m.

PLACE: Adam's Mark Orlando, 1500 Sand Lake Road, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will discuss future meetings and other business as necessary.

A copy of the agenda may be obtained by contacting: Susan Gale, VISIT FLORIDA, P. O. Box 1100, Tallahassee, Florida 32302-1100 or (850)488-5607, Ext. 334.

Any person requiring special accommodations at this meeting because of a disability should contact VISIT FLORIDA at least five business days prior to the meeting. Persons who are hearing or speech impaired can contact VISIT FLORIDA, by using the Florida Relay Service at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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### FLORIDA ALLIANCE FOR ASSISTIVE SERVICES AND TECHNOLOGY

The **Florida Alliance for Assistive Services and Technology**, Inc. Board of Directors announces a public meeting to which all persons are invited to attend:

DATE AND TIME: Friday, June 22, 2001, 9:00 a.m. – 2:00 p.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors meets quarterly to conduct such business as specifically on the agenda. Time will be set aside to solicit input from the public concerning assistive technology needs and services.

A copy of the quarterly meeting agenda will be posted at the FFAST, Inc. office and may be obtained by contacting: FFAST, Inc., 1020 E. Lafayette St., Suite 110, Tallahassee, FL 32301-4546 or by calling (850)487-3278. If you would like to present information to the Board of Directors or if you require reasonable accommodations due to a disability, please contact FFAST, Inc. at the above address in advance of the meeting.

If a person decides to appeal any decision made by the Board of Directors with respect to any matter considered at such meetings, the person will need a record of the proceedings, and for such purpose, the person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Additionally, the Board of Directors conduct committee teleconferences, at the call of the committee Chairs, to accomplish the goals and objectives of the committees between full Board meetings. If you would like to present information to a FFAST committee, attend a committee teleconference, or require reasonable telecommunication accommodations due to a disability, please contact the FFAST, Inc. office in writing at the above address.

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**H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE**

The **H. Lee Moffitt Cancer Center and Research Institute**, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, June 26, 2001, 1:30 p.m.

PLACE: Moffitt Research Center Auditorium, 13131 Magnolia Drive, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Board of Directors.

A copy of the agenda may be obtained by contacting: Ms. Lori Payne, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, Tampa, FL 33612.

Persons requiring special accommodations due to disability or physical impairment should contact: Ms. Lori Payne, by Friday, June 22, 2001.

**BREVARD COUNTY**

NOTICE IS HEREBY GIVEN that a Public Workshop will be held for considering evidence bearing on the merits of proposed extensions of an erosion control line for the beach erosion control project known as the **Brevard County Shore Protection Project**. The locations of the proposed Erosion Control Line extensions are as follows:

Sections 30 and 31, Township 27 South, Range 38 East, and Sections 8, and 17, Township 28 South, Range 38 East: Brevard County, Florida.

DATE AND TIMES: July 9, 2001, 6:30 p.m. – 7:30 p.m.; 7:30 p.m., public hearing

PLACE: Eastminster Presbyterian Church, Christian Ministry Center Fellowship Hall, 106 North Riverside Drive, Indialantic, FL 32903

For further information contact: Virginia Barker or Paula Berntson, Brevard County Natural Resources Management Office, 2725 Judge Jamieson Way, Bldg. A, Viera, FL 32905.

**Section VII**

**Notices of Petitions and Dispositions Regarding Declaratory Statements**

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN THAT the Petition for Declaratory Statement received from Ward Gould, Go-Bolt, Inc., has been withdrawn. Notice of receipt of this petition, which was assigned the number DCA01-DEC-022, appeared in the February 23, 2001 edition of the Florida Administrative Weekly. A copy of the withdrawal may be obtained by writing:

Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

**DEPARTMENT OF CORRECTIONS**

NOTICE IS HEREBY GIVEN THAT the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Edward P. Campbell. The Department denied the Petition to amend Rule 33-401.401, Florida Administrative Code, to prohibit inmates from possessing tobacco products in Department of Corrections dormitories and housing areas.

A copy of the Order may be obtained from: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN THAT the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Edward P. Campbell. The Department denied the Petition to amend Rule 33-401.401, Florida Administrative Code, to require segregation of non-smoking inmates from inmates who smoke.

A copy of the Order may be obtained from: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN THAT the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on June 5, 2001 from Rickey Stephan Cotten. Petitioner is seeking amendment of Rule 33-501.301(9), Florida Administrative Code, to clarify that out-of-state legal materials may be ordered via inter-library loan when circumstances dictate they are necessary to ensure the requestor's right of access to the courts.

A copy of the Petition may be obtained by writing: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

**DEPARTMENT OF MANAGEMENT SERVICES**

NOTICE IS HEREBY GIVEN THAT the Florida Commission on Human Relations has denied a Petition for Declaratory Statement in response to a Petition for Declaratory Statement in Shauna Gulnac v. The Sanctuary Golf Club, Inc., FCHR Number 2003797.

The Petition for Declaratory Statement requested a determination of whether the complainant is entitled to a separate letter of determination from the Florida Commission on Human Relations since her EEOC case was dual filed with the Florida Commission on Human Relations and the EEOC issued a determination that it was unable to conclude that the information obtained established a violation of the statutes.

The Florida Commission on Human Relations denied the Petition for Declaratory Statement because it was sought to “determine the conduct of another person”; it failed to contain allegations as to whether the issues presented were also before a state or federal court; it did not describe the potential impact of the statute, rules or orders requested explained by Petitioner upon Petitioner’s interests; and it failed to allege Petitioner’s individual “actual present and practical need” for the declaratory statement requested.

A copy of the Final Order Denying Petition for Declaratory Statement may be obtained by writing: Azizi Dixon, Commission Clerk, Florida Commission on Human Relations, 325 John Knox Road, Building F, Suite 240, Tallahassee, FL 32303.

NOTICE IS HEREBY GIVEN THAT the Florida Commission on Human Relations has denied a Petition for Declaratory Statement in response to a Petition for Declaratory Statement in Rudolph Seurattan v. The Sanctuary Golf Club, Inc., FCHR Number 2003817.

The Petition for Declaratory Statement requested a determination of whether the complainant is entitled to a separate letter of determination from the Florida Commission on Human Relations since her EEOC case was dual filed with the Florida Commission on Human Relations and the EEOC issued a determination that it was unable to conclude that the information obtained established a violation of the statutes.

The Florida Commission on Human Relations denied the Petition for Declaratory Statement because it was sought to “determine the conduct of another person”; it failed to contain allegations as to whether the issues presented were also before a state or federal court; it did not describe the potential impact of the statute, rules or orders requested explained by Petitioner upon Petitioner’s interests; and it failed to allege Petitioner’s individual “actual present and practical need” for the declaratory statement requested.

A copy of the Final Order Denying Petition for Declaratory Statement may be obtained by writing: Azizi Dixon, Commission Clerk, Florida Commission on Human Relations, 325 John Knox Road, Building F, Suite 240, Tallahassee, FL 32303.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued a final order in the Petition for Declaratory Statement filed by Kenneth R. Fehribach, Docket Number CD 2001-017.

The final order determined that under the specific facts of the petition, the association record was exempt from disclosure to the petitioner, who sought access as a unit owner pursuant to Section 718.111(12), Florida Statutes. The Division’s final order was issued on May 24, 2001.

A copy of the final order may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

**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:**

Marvin Vaun Frandsen vs. Department of Environmental Protection; Case No.: 01-2067RU

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

Marvin Vaun Frandsen vs. Department of Environmental Protection; Case No.: 01-2067RU; Voluntary Withdrawal

**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**

**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**

## Section XI Notices Regarding Bids, Proposals and Purchasing

### DEPARTMENT OF EDUCATION

#### NOTICE TO CONSTRUCTION MANAGERS

Florida State University announces that construction management services will be required for the project listed below:

Project No.: BR-229

Project and Location: Montgomery Gymnasium Remodeling  
Florida State University  
Tallahassee, Florida

This project consists of the remodeling of Montgomery Gym on the main campus of Florida State University. Located in the historic district of the campus, the facility was completed in 1938 and has received no major renovation or remodeling. The work will include selective demolition, hazardous material abatement, complete interior renovation, replacement of all building systems-including mechanical, electrical, plumbing and telecommunications. Work will bring the facility into compliance with all building code, fire code, ADA code and life safety requirements. Asbestos containing materials will be encountered. Building envelope needs will be remediated, including window replacement. Work will be phased and the facility will be occupied during construction, requiring special expertise with scheduling and experience working in occupied spaces. The estimated construction cost is \$11,221,280.

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 the completed Board of Regents "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$25,000.00 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 on line at: [www.fpc.fsu.edu](http://www.fpc.fsu.edu) or by contacting: Lynetta Mills, Facilities Planning and Construction, 109 Mendenhall Maintenance Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843 telephone, (850)644-8351 facsimile

For further information on the project, contact: Kim Ball, Project Manager, at the address and phone listed above.

Six (6) bound copies of the required proposal data shall be submitted. Submittals must be received in the FSU Facilities Planning and Construction Office, by 2:00 p.m. (Local Time), Wednesday, July 25, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

#### NOTICE TO PROFESSIONAL CONSULTANTS

The University of Central Florida announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project No. BR-000

Project and Location: Alumni Center, University of Central Florida, Orlando, Florida 32816-3020.

The design and construction of a new facility that contains approximately 18,200 gross square feet for office space.

The new building will provide pre-function and multi-purpose space to accommodate meetings, dinners and other social gatherings; an alumni library; conference and boardrooms; office and service spaces.

The Alumni Center will be located on the University of Central Florida campus outside Gemini Boulevard, southwest of the existing Arena. The construction cost will be approximately \$2,000,000.00.

This facility will be in the planning phase in the year 2001-2002.

The selected firm will provide design through advanced schematics ONLY during this initial phase. The selected firm may then have the opportunity to continue design and furnish construction documents and administration for the referenced project, provided that the design is within the approved budget at all phases. Blanket professional liability insurance will be required for this project in the amount of \$250,000, and will be provided as a part of Basic Services.

#### INSTRUCTIONS

Firms desiring to apply for consideration must submit a letter of application.

The letter of application should have attached:

1. The most recent version of the Board of Regents "Professional Qualifications Supplement" dated 9/99, completed by the applicant. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit four (4) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information and selection criteria may be obtained by contacting: Ms. Gina Seabrook, University of Central Florida, Phone (407)823-2166, Fax (407)823-5141, Email: pnewman@mail.ucf.edu, Web site www.fp.ucf.edu.

Submittals must be received in the Physical Plant Building, University of Central Florida, Office of Facilities Planning, 4000 Central Florida Boulevard, P. O. Box 163020, Orlando, FL 32816-3020, by 5:00 p.m. (Local Time), Friday, July 15, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

#### NOTICE TO CONSTRUCTION MANAGERS

The University of Central Florida announces that construction management services will be required for the project listed below:

Project No. BR-498

Project and Location: Florida Center for Arts and Education, downtown Orlando site, bounded by South Street, Anderson Street, Rosalind Avenue and Orange Avenue, Orlando, Florida 32801.

Project Description: The programming, pre-construction and construction of a new complex of facilities that contains approximately 89,910 sq. ft. for a 2,200-seat lyric theater; 33,375 sq. ft. for a 400-seat proscenium flex theater; 29,607 sq. ft. for a 200-seat drama studio; 33,374 sq. ft. for a 260-seat music recital hall; and 52,974 sq. ft. for classroom/office/support space. Additional spaces under consideration for the final program, as well as potential future development, include approximately 20,000 sq. ft. of retail space and structured parking. Additional space under consideration, not funded by this project, will be a 450,000 sq. ft. office building; a 45,000 sq. ft. performing arts high school and a 16,000 sq. ft. broadcast center.

The new buildings will provide "state of the art" technology for theatre and music performance and production. The user groups are made up of a variety of organizations involved in University arts and education. The construction cost will be approximately \$158,050,000.

The contract for construction management services will consist of three phases. Phase one is programming and budget verification, for which the construction manager will be paid a fixed fee. The construction manager will assist the owner and collaborate with the architect for final project programming and will provide cost models to validate the project budget. Phase two services for pre-construction, also a fixed fee payment, includes value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Document. If the GMP is accepted, phase three, the construction phase, will be implemented. In phase three 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 or two 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 draft 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, which do not comply with these requirements or do not include the requested data, will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Board of Regents Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting: Gina Seabrook, Office of Facilities Planning, University of Central Florida, 4000 Central Florida Boulevard, Post Office Box 163020, Orlando, FL 32816-3020, Phone: (407)823-2166, Fax (407)823-5141, Email: gseabroo@mail.ucf.edu

The project fact sheet for Florida Center for Arts and Education may be found on the Facilities Planning home page. Our Internet address is: <http://www.fp.ucf.edu>.

Four (4) bound copies of the required proposal data shall be submitted to: Mr. Peter Newman, Facilities Planning, 4000 Central Florida Blvd., Orlando, FL 32816-3020. Submittals must be received by 5:00 p.m. (Local Time), Friday, August 3, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

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#### NOTICE TO CONSTRUCTION MANAGERS

Florida Gulf Coast 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-1027

Project and Location: North Lake Swimming Pool, Florida Gulf Coast University, Ft. Myers, Florida.

The Swimming pool center will be designed to accommodate 7,000 to 8,000 competitors, fans and families for major state and national events, with seating provided for 4,000. There will be a 50-meter pool, a USS competition score board, PA system and timing system. A tensile fabric structure will cover the pool and seating areas. The proposed Swimming pool will be the second building for physical education, recreation, intramural and inter-collegiate use. The building will include classrooms, offices, swimming and diving pools, physical activity space and multiple locker/shower type of space. The estimated construction cost is approximately \$3,528,819 and project budget is \$4,515,000.

The contract for construction management services shall consist of two phases. Phase one of the contract is for pre-construction services for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analysis, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Document phase. If the GMP is accepted, phase two, the construction phase, may be implemented. In phase two of the contract, the construction manager shall become the single point of responsibility for performance of the construction contract for the project and shall publicly bid trade contracts, ensuring the inclusion of 21% 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 interview will be made on the basis of construction manager's 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 should be numbered consecutively. Submittals, which do not comply with these requirements or do not include the requested data, will not be considered. No submittal information 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, F.S., 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: Mr. Jack Fenwick, Director of Facilities Planning, Florida Gulf Coast University, 10501 FGCU Blvd., South, Ft. Myers, Florida 33965-6565, (941)590-1500, Fax (941)590-1505.

Five (5) bound copies of the required proposal data shall be submitted to: Mr. Jack Fenwick, Director of Facilities Planning, Florida Gulf Coast University, 10501 FGCU Blvd., South, Ft. Myers, Florida 33965-6565.

Submittals must be received in the Facilities Planning Office by 2:00 p.m. (Local Time), July 16, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

**INVITATION TO BID**

The Purchasing Office will receive Competitive sealed bids until the time and date shown for the following:

Date and Time: Bid Opening Date: July 10, 2001, 2:00 p.m.

Bid Number: Heartland Purchasing Consortium SBDC 0102-1  
 Bid Title "Frozen Deserts"

This bid is to serve DeSoto and Hardee County Schools. Approximate Purchases \$20,000.00.

Bid blanks, conditions and specifications may be obtain from School District of DeSoto County, Purchasing Office, 530 LaSolona Ave., Arcadia, Florida 34266, telephone (863)494-4222, Ext. 122. We reserve the right to reject any and all bids. No facsimile or telegraphic submissions will be accepted. Please contact Margaret Henderson if you have any questions.

**WATER MANAGEMENT DISTRICTS**

**REQUEST FOR PROPOSALS ("RFP")**

**ENVIRONMENTAL RISK ASSESSMENT AUDITING FOR REAL ESTATE TRANSACTIONS – RFP #01-002**

The Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333, will receive sealed proposals for Environmental Risk Assessment Auditing for Real Estate Transactions until 2:00 p.m. (EDT), July 13, 2001.

All proposals must conform to the instructions in the RFP. Interested parties may obtain a copy of the complete RFP package at the above address or by calling (850)539-5999.

The opening of the proposals is public. Provisions will be made to accommodate the handicapped provided the District is given at least 72 hours advance notice.

All proposals must comply with applicable Florida Statutes.

**REQUEST FOR PROPOSALS ("RFP")**

**FORESTRY INVENTORY CONSULTING SERVICES RFP #01-003**

The Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333, will receive sealed proposals for Forestry Inventory Consulting Services until 3:00 p.m. (EDT), July 13, 2001.

All proposals must conform to the instructions in the RFP. Interested parties may obtain a copy of the complete RFP package at the above address or by calling (850)539-5999.

The opening of the proposals is public. Provisions will be made to accommodate the handicapped provided the District is given at least 72 hours advance notice.

All proposals must comply with applicable Florida Statutes.

**INVITATION TO BID No. 00/01-046RM**

**KIRBY BUILDING OFFICE IMPROVEMENTS**

Sealed bids will be received by the Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060 for:

PROJECT TITLE: Kirby Building Office Improvements

PROJECT NUMBER: RFB 00/01-046RM

**PROJECT SCOPE:** The project involves converting approximately 1,051 square feet of open office space into a hallway and 9 offices. The cost is estimated to be \$25,000.

**PROJECT LOCATION:** The project is located at the Suwannee River Water Management District in Live Oak, Florida.

**BID DOCUMENTS:** Any individual or firm desiring to bid on this project may obtain a copy of the Plans and Request for Bid by contacting:

Sandra Keiser, Administrative Assistant  
 Suwannee River Water Management District  
 9225 County Road 49  
 Live Oak, Florida 32060  
 (386)362-1001 or 1(800)226-1066, Florida only

**BID DATE AND TIME:** Sealed bids will be received until 4:00 p.m., Friday, July 13, 2001, at the Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060. Clearly label all bids, "Kirby Building Office Improvements, RFB 00/01-046RM". Faxed bids will not be accepted.

**BID REQUIREMENTS:** Any contractor interested in bidding may wish to attend a non-mandatory pre-bid conference to be held at 10:00 a.m., Friday July 6, 2001, at the Suwannee River Water Management District Office, 9225 County Road 49, Live Oak, Florida.

**DEPARTMENT OF MANAGEMENT SERVICES**

**PUBLIC ANNOUNCEMENT FOR – CONSTRUCTION  
 MANAGEMENT ELECTRICAL SERVICES  
 CONTINUING AREA CONTRACTS FOR AREA 2**

The Department of Management Services requests qualifications from electrical contractors licensed in the State of Florida and certified to do fire alarms, to provide electrical services. These services shall include, but are not limited to, electrical construction, construction management, turnkey construction, emergency services, medium voltage to low voltage sub-stations and switchgear and related over-current relaying and protective devices. Services will be required in Area 2 counties of Calhoun, Franklin, Gadsden, Gulf, Jackson, Jefferson, Leon, Liberty, Madison, Taylor, Wakulla and other counties as may be determined necessary by the owner. The Department of Management Services will enter into a contract with up to two Construction Management firms with responsibility for performance of construction contracts, which will vary in size up to \$500,000, functioning as an independent contractor. This will be a multiple award contract for an initial period of one year with an option to renew for two additional one-year periods.

Specific Qualifications:

1. Fully staffed office with maintenance and management expertise.

2. Full time personnel with experience and training in medium voltage systems is essential. Resume and employment data will be required. Personnel with less than five (5) years with the company will not be considered as full time.
3. Experience with renovation, repair and replacement of unit substations in critical and power loss sensitive locations is essential. Job histories relating this type experience are requested. Training histories, which show steady personnel growth in these areas, is essential.

Selection of finalists for interview will be made on the basis of construction manager qualifications including experience and ability, bondability, record-keeping/administrative ability, scheduling expertise, cost estimating and cost control ability, quality control capability, qualifications of involved management staff and ability to involve Minority Business Enterprises. The selection will be made in accordance with Section 255.29(3), Florida Statutes. Finalist will be required to make oral presentations and the Selection Committee may reject all proposals and stop the selection process at any time.

**INSTRUCTIONS**

Firms interested in being considered for this project must submit four copies of their application with a table of contents and tabbed sections in the following order:

1. A letter of interest detailing the firm's qualifications to meet the above referenced selection criteria.
2. A current Experience Questionnaire and Contractor's Financial Statement, Form DBC5085 revised 3/00.
3. Resumes of proposed staff and staff organizations, including turnkey engineer to be used.
4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.
5. A description of the applicant's plan for Minority Business Enterprise and Women-Owned Business Enterprise.
6. References from prior clients received within the last five years.

**RESPONSE DUE DATE:** Thursday, July 12, 2001, by 5:00 p.m.

Applications are to be sent to: Mrs. Carole Nichols, Department of Management Services, 4050 Esplanade Way, Suite 125A, Tallahassee, Florida 32399-0950. Facsimile (FAX) submittals are not acceptable and will not be considered. Applicants that do not comply with these instructions or those that do not include the requested data will not be considered. All information received will be maintained in the project file and will not be returned.

**DATE AND LOCATION OF SHORTLIST:** Tuesday, July 17, 2001, Department of Management Services, 4050 Esplanade Way, Suite 115B, Tallahassee, Florida 32399-0950

**DATE AND LOCATION FOR INTERVIEWS:** Tuesday, July 24, 2001, Department of Management Services, 4050 Esplanade Way, Suite 115B, Tallahassee, Florida 32399-0950

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Betty Stevens, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). Any changes to the above dates will be published on our web site, <http://fcn.state.fl.us/dms/dbc/opportun/index.html>

The selected firms will be given official notice of selection results by Fax and/or mail. Please include one stamped, self-addressed envelope.

Failure to file a protest within 72 hours (not including Saturday, Sunday or a legal holiday) after receipt of notice shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. The selection results will also be published in the Florida Administrative Weekly and on our web site.

**PUBLIC ANNOUNCEMENT FOR – CONSTRUCTION  
MANAGEMENT MECHANICAL SERVICES  
CONTINUING AREA CONTRACTS FOR AREA 2**

The Department of Management Services requests qualifications from Construction Management firms to provide mechanical services. These services shall include, but are not limited to, mechanical construction, construction management, turnkey construction, chiller replacement, piping, pumps and air-handling systems. Experience with chilled water installation and emergency services to same is required. Contractor must be a “certified mechanical contractor” by the State Licensing Board. Services will be required in Area 2 counties of Calhoun, Franklin, Gadsden, Gulf, Jackson, Jefferson, Leon, Liberty, Madison, Taylor, Wakulla and other counties as may be determined necessary by the owner. The Department of Management Services will enter into a contract with up to two Construction Management firms with responsibility for performance of construction contracts, which will vary in size up to \$500,000, functioning as an independent contractor. This will be a multiple award contract for an initial period of one year with an option to renew for two additional one-year periods.

**Specific Qualifications:**

1. Fully staffed office with maintenance and management expertise shall be within 100 miles of Tallahassee, Florida.
2. Full time personnel with experience and training in refrigeration systems is essential. Resume and employment data will be required. Personnel with less than five (5) years with the company will not be considered as full time.
3. Experience with renovation, repair and replacement of chillers to 1,000 tons in critically sensitive locations is essential. Job histories relating this type experience are requested.

4. Experience with chiller testing, repair and DDC Controls necessary. Training histories that show steady personnel growth in these areas is essential.

Selection of finalists for interview will be made on the basis of construction manager qualifications including experience and ability, bondability, record-keeping/administrative ability, scheduling expertise, cost estimating and cost control ability, quality control capability, qualifications of involved management staff and ability to involve Minority Business Enterprises. The selection will be made in accordance with Section 255.29(3), Florida Statutes. Finalist will be required to make oral presentations and the Selection Committee may reject all proposals and stop the selection process at any time.

**INSTRUCTIONS**

Firms interested in being considered for this project must submit four copies of their application with a table of contents and tabbed sections in the following order:

1. A letter of interest detailing the firm’s qualifications to meet the above referenced selection criteria.
2. A current Experience Questionnaire and Contractor’s Financial Statement, Form DBC5085 revised 3/00.
3. Resumes of proposed staff and staff organizations, including turnkey engineer to be used.
4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.
5. A description of the applicant’s plan for Minority Business Enterprise and Women-Owned Business Enterprise.
6. References from prior clients received within the last five years.

**RESPONSE DUE DATE:** Thursday, July 12, 2001, by 5:00 p.m.

Applications are to be sent to: Mrs. Carole Nichols, Department of Management Services, 4050 Esplanade Way, Suite 125A, Tallahassee, Florida 32399-0950. Facsimile (FAX) submittals are not acceptable and will not be considered. Applicants that do not comply with these instructions or those that do not include the requested data will not be considered. All information received will be maintained in the project file and will not be returned.

**DATE AND LOCATION OF SHORTLIST:** Tuesday, July 17, 2001, Department of Management Services, 4050 Esplanade Way, Suite 115B, Tallahassee, Florida 32399-0950

**DATE AND LOCATION FOR INTERVIEWS:** Wednesday, July 25, 2001, Department of Management Services, 4050 Esplanade Way, Suite 115B, Tallahassee, Florida 32399-0950

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Betty Stevens, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any changes to the above dates will be published on our web site, <http://fcn.state.fl.us/dms/dbc/opportun/index.html>

The selected firms will be given official notice of selection results by Fax and/or mail. Please include one stamped, self-addressed envelope.

Failure to file a protest within 72 hours (not including Saturday, Sunday or a legal holiday) after receipt of notice shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. The selection results will also be published in the Florida Administrative Weekly and on our web site.

**GAINESVILLE REGIONAL AIRPORT**

**INVITATION TO BID**

The Gainesville-Alachua County Regional Airport Authority (GACRAA) is soliciting sealed bids for the following project at the Gainesville Regional Airport. The bid documents and technical specifications will be available beginning June 11, 2001, at the Gainesville Regional Airport's Administration office, 3880 N. E. 39th Avenue, Gainesville, Florida 32609.

**HANGAR ROOF AND SIDING COATING**

**PROJECT 01-005**

The scope of the project includes: the rehabilitation of an existing hangar roof, siding and hangar doors. It is the intent to repair/rehabilitate the roof and siding materials, clean and prepare the surfaces for a coating, and apply a rustproof/waterproof coating system to the hangar.

All bids submitted shall be effective for 90 days. Bids must be signed by an authorized official, enclosed in a sealed envelope or package and mailed or delivered to: Airport Engineer, Gainesville Regional Airport, 3880 N. E. 39th Avenue, Suite A, Gainesville, Florida 32609. Bids received after 3:00 p.m., July 9, 2001 will not be considered.

A non-mandatory prebid conference will be held on June 20, 2001, 9:00 a.m., at Flightline Gainesville, 4701 N. E. 40th Terrace, General Aviation Terminal, Gainesville Regional Airport.

GACRAA reserves the right to reject any or all bids received in response to this Invitation to Bid as determined to be in the best interest of the Airport.

For additional information, contact the Airport Engineer, Craig Hedgecock, (352)373-0249.

**INVITATION TO BID**

The Gainesville-Alachua County Regional Airport Authority (GACRAA) is soliciting sealed bids for the following project at the Gainesville Regional Airport. The bid documents and technical specifications will be available beginning June 11, 2001, at the Gainesville Regional Airport's Administration Office, 3880 N. E. 39th Avenue, Gainesville, Florida 32609.

**UPGRADE PERIMETER FENCING**

**PROJECT NO. 01-006**

The scope of the project includes: the installation of 20,000 linear feet more or less of 8' high security fencing, upgrading/replacement of twenty gates and/or gate operators, clearing and removal of vegetation in the project area, and the possible upgrade of existing security.

All bids submitted shall be effective for 90 days. Bids must be signed by an authorized official, enclosed in a sealed envelope or package and mailed or delivered to: Airport Engineer, Gainesville Regional Airport, 3880 N. E. 39th Avenue, Suite A, Gainesville, Florida 32609. Bids received after 3:00 p.m., July 9, 2001 will not be considered.

A non-mandatory prebid conference will be held on June 20, 2001, 2:00 p.m., at Flightline Gainesville, 4701 N. E. 40th Terrace, General Aviation Terminal, Gainesville Regional Airport.

GACRAA reserves the right to reject any or all bids received in response to this Invitation to Bid as determined to be in the best interest of the Airport.

For additional information, contact the Airport Engineer, Craig Hedgecock, (352)373-0249.

**FLORIDA LEGISLATURE**

**NOTICE OF REQUEST FOR PROPOSALS**

Statement of Work: The Florida Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA) desires to obtain the services of one private firm to conduct a Best Financial Management Practices Review of the Miami-Dade County School District as described in the Sharpening the Pencil Act (HB 269), which was passed by the 2001 Florida Legislature. The purpose of best financial management practices reviews is to improve Florida school district management and use of resources and to identify cost savings. The review must: 1) determine whether the district is using the best practices adopted by the Florida Commissioner of Education; 2) identify opportunities for the district to save funds, improve management and increase efficiency and effectiveness; and, 3) develop recommendations and detailed action plans to improve district operations within two years. OPPAGA is therefore requesting proposals for a Best Financial Management Practices Review of the Miami-Dade County School District.

Proposals: Proposals must be submitted in accordance with the content set forth in the "Request for Proposals for a Best Financial Management Practices Review of the Miami-Dade County School District" dated June 15, 2001. Copies of this document are available from the contact person.

Contact Person: Ms. Melissa Crawford, Office of Program Policy Analysis and Government Accountability, 111 West Madison Street, Suite 312, Tallahassee, Florida 32399-1475, telephone number (850)488-0021.

Dates: All interested consultants are required to submit a mandatory but non-binding letter of intent to propose, which must be received by OPPAGA no later than 3:30 p.m. (Eastern Time), June 26, 2001. OPPAGA will have further communications after that date only with those persons who indicate their initial intent to submit a proposal on this project. The closing date and time to receive proposals is 3:30 p.m. (Eastern Time), July 13, 2001. The contact person must receive the written proposal prior to the closing date and time. Proposals that for any reason are not so received will not be considered. OPPAGA reserves the right to reject any and all proposals. Unless all proposals are rejected, it is anticipated the contract will be awarded in late July 2001.

## Section XII Miscellaneous

### DEPARTMENT OF LEGAL AFFAIRS

#### NOTICE OF AVAILABILITY OF GRANT FUNDS

Attorney General Bob Butterworth and Crime Stoppers are pleased to announce the availability of grant funds for the purpose of advancing Crime Stoppers in the State of Florida. Funding is available only to counties served by an official member of the Florida Association of Crime Stoppers and may only be used to support Crime Stoppers and their crime fighting programs. Any county or unit of local government may apply for the funds collected in the judicial circuit in which the county is located pursuant to Sections 16.555 and 938.06, Florida Statutes.

A grant application may be obtained by writing: Office of the Attorney General, Crime Stoppers, The Capitol, Room PL-01, Tallahassee, Florida 32399-1050 or by calling (850)414-3361. A request for an application may be faxed to (850)413-0633. TDD users, please call through the Florida Relay Service at 1(800)955-8771.

Applications for grant funds under this notice must be received by the Office of the Attorney General by close of business on August 5, 2001. The funding cycle under this notice is for the period of October 1, 2001, through September 30, 2002. For more information regarding this notice, contact Crime Stoppers, (850)414-3300.

### DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

#### Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Piaggio USA, Inc. d/b/a Vespa, intends to allow the establishment of Adventures, Inc. d/b/a Vespa Daytona Beach, as a dealership

for the sale of Vespa ET2 and ET4 motor scooters, at 2020 South Atlantic, Daytona Beach Shores (Volusia County), Florida 32118, on or after July 1, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Adventures, Inc. d/b/a Vespa Daytona Beach are: dealer operator(s) and principal investor(s): Tom Bolc, 2020 South Atlantic, Daytona Beach Shores, FL 32118.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Giancarlo Fantappie, President, Piaggio USA, Inc. d/b/a Vespa, 13627 Ventura Blvd., Sherman Oaks, CA 91423.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

#### Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Global Electric Motorcars, LLC, intends to allow the establishment of Gulf Coast Electric Motorcars, LLC, as a dealership for the sale of GEM vehicles, at 15565 South Tamiami Trail, Fort Myers (Lee County), Florida 33908, on or after May 29, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Gulf Coast Electric Motorcars, LLC are: dealer operator(s) and principal investor(s): Sam Galloway, Jr., 15565 South Tamiami Trail, Fort Myers, FL 33908.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Mr. Kenneth Montler, President/COO, Global Electric Motorcars, LLC, 3601 7th Avenue, N. W., Fargo, ND 58102.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Piaggio USA, Inc. d/b/a Vespa, intends to allow the establishment of Motorcars of South Florida, Inc. in Broward County d/b/a Vespa Delray Beach, as a dealership for the sale of Vespa ET2 and ET4 motor scooters, at 2600 South Federal Highway, Delray Beach (Volusia County), Florida 33483, on or after July 1, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Motorcars of South Florida, Inc. in Broward County d/b/a Vespa Delray Beach are: dealer operator(s) and principal investor(s): David Jacoby, 2600 South Federal Highway, Delray Beach, FL 33483.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Giancarlo Fantappie, President, Piaggio USA, Inc. d/b/a Vespa 13627 Ventura Blvd., Sherman Oaks, CA 91423.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Global Electric Motorcars, LLC, intends to allow the establishment of Saint Pete Jeep-Chrysler-Plymouth, as a dealership for the sale of GEM vehicles, at 2500 34th Street, North, Saint Petersburg (Pinellas County), Florida 33713, on or after May 29, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Saint Pete Jeep-Chrysler-Plymouth are: dealer operator(s) and principal investor(s): William Douglas, 2500 34th Street, North, Saint Petersburg, Florida 33713.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Mr. Kenneth Montler, President/COO, Global Electric Motorcars, LLC, 3601 7th Avenue, N. W., Fargo, ND 58102.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Piaggio USA, Inc. d/b/a Vespa, intends to allow the establishment of Scooters in Paradise as a dealership for the sale of Vespa ET2 and ET4 motor scooters, at 350 12th Avenue, South, Naples (Collier), Florida 34102, on or after June 1, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Scooters in Paradise are: dealer operator: Bill Wells, 305 12th Avenue, South, Naples, FL 34102, principal investor(s): Bill Wells, Fred Senn, Irv Fish, 350 12th Avenue, South, Naples, FL 34102.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Giancarlo Fantappie, President, Piaggio USA, Inc. d/b/a Vespa, 13627 Ventura Blvd., Sherman Oaks, CA 91423.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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#### Notice of Publication for a New Point

#### Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Ultra Motorcycle Company, intends to allow the establishment of Tombstone Cycles of West Palm Beach, as a dealership for the sale of Ultra motorcycles, at 1890 South Military Trail, West Palm Beach (Palm Beach County), Florida 33415, on or after May 24, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Tombstone Cycles of West Palm Beach are: dealer operator(s) Tombstone Cycles of West Palm Beach, 1890 South Military Trail, West Palm Beach, FL 33415, and principal investor(s): Tombstone Cycles, Inc. and Fred Campagnuolo, 1147 North Dixie Freeway, New Smyrna Beach, FL 32168.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Mr. Kraig Kavanagh, Director of Sales and Marketing, Ultra Motorcycle Company, 3810 Wacker Drive, Mira Loma, CA 91752.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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#### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notice is hereby given that the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, or designee, is proposing extensions of an Erosion Control Line, pursuant to Section 161.161, Florida Statutes, and will hold a Public Hearing in the Christian Ministry Center Fellowship Hall of the Eatminster Presbyterian Church, 106 North Riverside Drive, Indialantic, FL 32903, on July 9, 2001, at 7:30 p.m. for the purpose of considering evidence bearing on the location of proposed Erosion Control Line extensions for the beach erosion control project known as the Brevard County Shore Protection Project. The locations of the proposed Erosion Control Line extensions are as follows:

The proposed Erosion Control Line extensions lie along the eastern shoreline of Brevard County fronting the Atlantic Ocean at the line of mean high water. The proposed north extension of the Erosion Control Line lies in Sections 30 and 31, Township 27 South, Range 38 East, and the proposed South extension of the Erosion Control Line lies in Sections 8 and 17, Township 28 South, Range 38 East.

Written objections to or inquiries regarding, the proposed Erosion Control Line extensions should be submitted to the Office of Beaches and Coastal Systems, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 300, 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 rights 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

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NOTICE OF PUBLIC COMMENT PERIOD AND  
AVAILABILITY FOR REVIEW OF DRAFT  
COASTAL IMPACT ASSISTANCE PLAN

The Department of Environmental Protection (DEP) has received grant applications from Florida's sixty-seven counties and other state and regional agencies for project funding under the Coastal Impact Assistance Program (CIAP) administered by the National Oceanic and Atmospheric Administration (NOAA). The program was created by the FY-2001 appropriations act for the Departments of Commerce, Justice and State to provide financial assistance to coastal states impacted by Outer Continental Shelf (OCS) activities.

The Department has reviewed the applications submitted for compliance with the CIAP guidelines and developed a proposed Coastal Impact Assistance Plan. The draft plan or any specific project described in the plan, is available for public review and comment during the thirty-day period commencing June 15, 2001. The deadline for submitting comments is 5:00 p.m., July 16, 2001. At the conclusion of the public comment period, the plan will be revised as necessary to address public comments, then submitted by DEP Secretary David Struhs to Governor Bush for certification to NOAA.

A copy of the draft plan, or any project described therein, may be obtained from: Mrs. Malinda T. Harris, Office of Intergovernmental Programs, Department of Environmental Protection, 3900 Commonwealth Blvd., Room 953A (MS #47), Tallahassee, FL 32399-3000. Ms. Harris can be reached by calling (850)487-2231, faxing a request to (850)922-5380 or emailing a request to: Malinda.T.Harris@dep.state.fl.us.

Comments should be mailed, faxed, delivered or emailed to Ms. Harris at the above address, and marked "Attention: CIAP Coordinator." To be considered, comments must be received in the Office of Intergovernmental Programs, by 5:00 p.m., July 16, 2001.

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NOTICE OF INTENT TO  
GRANT WATER QUALITY EXEMPTION

The Department of Environmental Protection gives notice of its intent to grant a water quality exemption for the aesthetically based secondary drinking water standard for color (standard 15 color units, exemption limit 75 color units), to Englewood Water District, Attn.: Richard L. Rollo, P. E., 201 Selma Avenue, Englewood, Florida 34233. The water quality exemption is for the aquifer storage and recovery of secondary treated wastewater from its wastewater treatment plant. The exemption is granted for the duration of the Englewood Class V well construction permit. Future exemptions must be petitioned for by the applicant in conjunction with an operation permit for any project at this site.

A person whose substantial interests are affected by the Department's proposed exemption decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, within 21 days of publication of this notice. The petitioner must mail a copy of the petition to the applicant Mr. Richard L. Rollo, P. E., Administrator, 201 Selma Avenue, Englewood Water District, Englewood, Florida

34233, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57 of the Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will only be at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the Department case or identification number and the county in which the subject matter or activity is located;
- (b) A statement of when and how each petitioner received notice of the Department action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department action;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
- (f) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and
- (g) Demand for relief (sought by the petitioner, stating precisely the action that the petitioner wants the Department to take).

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the petitions have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available for this proceeding.

The application is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at the Tallahassee Office, 2600 Blair Stone Road, Room 212E, Tallahassee, Florida 32399-2400.

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#### **DEPARTMENT OF HEALTH**

On May 30, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Earl Leonard Adams, III, M.D., license number ME 0056859. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 455.225(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

					Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
RULES FILED BETWEEN May 29, 2001 and June 1, 2001					12A-1.0091	5/30/01	6/19/01	27/7	
					12A-1.010	5/30/01	6/19/01	27/7	
					12A-1.011	5/30/01	6/19/01	27/7	
Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	12A-1.013	5/30/01	6/19/01	27/7	
					12A-1.014	5/30/01	6/19/01	27/7	
					12A-1.0141	5/30/01	6/19/01	27/7	
					12A-1.018	5/30/01	6/19/01	27/7	
					12A-1.026	5/30/01	6/19/01	27/7	
					12A-1.027	5/30/01	6/19/01	27/7	27/16
					12A-1.028	5/30/01	6/19/01	27/7	
					12A-1.030	5/30/01	6/19/01	27/7	
					12A-1.031	5/30/01	6/19/01	27/7	
					12A-1.034	5/30/01	6/19/01	27/7	
					12A-1.035	5/30/01	6/19/01	27/7	
					12A-1.037	5/30/01	6/19/01	27/7	
					12A-1.041	5/30/01	6/19/01	27/7	
					12A-1.044	5/30/01	6/19/01	27/7	
					12A-1.048	5/30/01	6/19/01	27/7	
					12A-1.052	5/30/01	6/19/01	27/7	
					12A-1.056	5/30/01	6/19/01	27/7	
					12A-1.0565	5/30/01	6/19/01	27/7	
					12A-1.058	5/30/01	6/19/01	27/7	
					12A-1.060	5/30/01	6/19/01	27/7	
					12A-1.062	5/30/01	6/19/01	27/7	27/16
					12A-1.064	5/30/01	6/19/01	27/7	
					12A-1.069	5/30/01	6/19/01	27/7	
					12A-1.080	5/30/01	6/19/01	27/7	
					12A-1.087	5/30/01	6/19/01	27/7	
					12A-1.091	5/30/01	6/19/01	27/7	
					12A-1.0935	5/30/01	6/19/01	27/7	
					12A-1.0955	5/30/01	6/19/01	27/7	27/16
					12A-1.096	5/30/01	6/19/01	27/7	
					12A-1.097	5/30/01	6/19/01	27/7	27/16
					12A-1.097	5/30/01	6/19/01	27/7	
					12A-1.105	5/30/01	6/19/01	27/7	
					12A-1.107	5/30/01	6/19/01	27/7	27/16
					12A-12.001	5/30/01	6/19/01	27/7	
					12A-12.0011	5/30/01	6/19/01	27/7	
					12A-12.004	5/30/01	6/19/01	27/7	
					12A-15.002	5/30/01	6/19/01	27/7	
					12A-15.003	5/30/01	6/19/01	27/7	
					12A-15.010	5/30/01	6/19/01	27/7	
					12A-15.011	5/30/01	6/19/01	27/7	
					12A-15.012	5/30/01	6/19/01	27/7	
					12A-15.015	5/30/01	6/19/01	27/7	
					12A-16.003	5/30/01	6/19/01	27/7	
					12A-16.004	5/30/01	6/19/01	27/7	
					12A-16.005	5/30/01	6/19/01	27/7	
					12A-16.008	5/30/01	6/19/01	27/7	
					12A-1.001	5/30/01	6/19/01	27/7	
					12A-1.0011	5/30/01	6/19/01	27/7	27/16
					12A-1.004	5/30/01	6/19/01	27/7	
					12A-1.007	5/30/01	6/19/01	27/7	
					12A-1.008	5/30/01	6/19/01	27/7	27/16
					12A-1.009	5/30/01	6/19/01	27/7	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**Corporate, Estate and Intangible Tax**

12C-1.051	5/30/01	6/19/01	27/7	
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

61G15-21.002	5/31/01	6/20/01	27/16	
61G15-21.006	5/31/01	6/20/01	27/16	

**Florida Building Code Administrators and Inspector**

61G19-7.008	5/29/01	6/18/01	26/41	27/18
61G19-7.009	5/29/01	6/18/01	26/41	27/18

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-210.300	6/1/01	6/21/01	27/17	
62-210.370	6/1/01	6/21/01	27/17	
62-210.900	6/1/01	6/21/01	27/17	
62-210.920	6/1/01	6/21/01	27/17	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF HEALTH**

**Board of Medicine**

64B8-40.002	6/1/01	6/21/01	27/15	
64B8-40.003	6/1/01	6/21/01	27/15	

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self Sufficiency Program**

65A-4.202	5/31/01	6/20/01	27/9	
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**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

68B-14.0045	6/1/01	6/1/01	27/19	
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