

Section I

Notices of Development of Proposed Rules
and Negotiated Rulemaking**DEPARTMENT OF BANKING AND FINANCE****Division of Securities and Finance**

RULE TITLES:	RULE NOS.:
Scope	3C-560.101
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Post Dated Check	3C-560.803

PURPOSE AND EFFECT: The purpose and effect of some of the proposed rules and rule amendments is to implement the provisions of Senate Bill 1526 enacted by the legislature during the 2001 legislative session. The rules will provide for the following: application procedures for deferred presentment providers; streamlined registration of locations and authorized vendors; clarification of renewal fees; elimination of examination fees; procedures to meet net worth requirements for the purpose of adding new locations or authorized vendors; filing of audited financial statements at the time of application and thereafter annually subject to certain exemptions for applicants under Part II of the Money Transmitter's Code; filing fingerprint cards by control persons of money transmitters with the Department at the time of original application or at such later date as an individual becomes

associated with a Money Transmitter firm in such capacity; record keeping requirements for check cashers; the repeal a check casher's ability to accept a postdated check; and a standardized form for the submission of required quarterly reports.

SUBJECT AREA TO BE ADDRESSED: These rules address the finger print cards and financial statements required to be submitted by money transmitters to the Department of Banking and Finance pursuant to Chapter 560, Florida Statutes. These rules address the record keeping requirements for check cashers. The also proposed rules and rule amendments address registration requirements for deferred presentment providers and procedures to meet the net worth requirements for adding new locations or authorized vendors.

SPECIFIC AUTHORITY: 560.105(3), 560.118(1),(2), 560.205(2), 560.208, 560.209, 560.307, 560.403 FS.

LAW IMPLEMENTED: 560.104, 560.118(1),(2)(a),(b), 560.123, 560.203, 560.204, 560.205(1),(2),(3)(f), 560.206, 560.207, 560.208, 560.209, 560.210, 560.303(1),(3), 560.304, 560.305, 560.306, 560.307, 560.308, 560.310, 560.403, 655.86 FS.

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

TIME AND DATE: 10:00 a.m., August 20, 2001

PLACE: The Capitol Building, Room 301, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Richard White, Financial Administrator, or Mike Ramsden, Financial Examiner/Analyst II, Division of Securities and Finance, Department of Banking and Finance, 101 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805

DEPARTMENT OF INSURANCE

RULE TITLE:	RULE NO.:
Curriculum Standards for Special Designations	4-211.320

PURPOSE AND EFFECT: The 2001 Legislature in CS/SB 806 amended § 626.221, F.S., to allow applicants for licensure as customer representatives or claims adjusters to be exempt from the precursure examinations if they achieved specified designations. The new law requires the Department to adopt rules to establish standards for the curriculum for programs leading to the specified designations. The workshop is to develop those standards.

SUBJECT AREA TO BE ADDRESSED: Establishing standards for approval of curriculum for courses under § 626.221(1), F.S.

SPECIFIC AUTHORITY: 624.308, 626.9611, 648.26 FS.

LAW IMPLEMENTED: 624.307(1), 624.4211, 624.501, 624.501(20)(c), 626.2815, 626.2816, 626.611, 626.621, 626.681, 626.691, 626.869(5), 626.9541(1)(b), 648.26, 648.36, 648.38, 648.385, 648.386, 648.396, 648.396(4) 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: 9:30 a.m., August 22, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jeff Odom, Bureau of Licensing, Division of Agent and Agency Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5474

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 NOT AVAILABLE.

DEPARTMENT OF AGRICULTURE AND CONSUMER Services

Division of Food Safety

RULE TITLE:

RULE NO.:

Food Permits; Requirements and Fees

5K-4.020

PURPOSE AND EFFECT: The rule amendment changes definitions used in determining permit fees of some food establishments. The rule amendment also changes the permit fees charged for specific types of food establishments.

SUBJECT AREA TO BE ADDRESSED: Food permits, requirements and Fees.

SPECIFIC AUTHORITY: 500.09, 500.12(1)(b), 570.07(23) FS.

LAW IMPLEMENTED: 500.04, 500.10, 500.12(1)(a),(b), (c),(d), 500.171, 500.172, 500.177 FS.

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

TIME AND DATE: 10:00 a.m., August 20, 2001

PLACE: Florida Department of Agriculture and Consumer Services, Conner Complex, George Eyster Auditorium, 3125 Conner Boulevard, Tallahassee, FL, telephone (850)488-3951

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5K-4.020 Food Permits; Requirements and Fees.

(1) As used in this rule, the following definitions shall apply in determining food permit fees:

(a) Bottling plant. A processor or packer of both of juices, drinks, carbonated beverages or non-carbonated beverages in hermetically sealed containers (excluding bottled water).

(b) Canning plant. A processor or packer of both of fruit, vegetables, seafoods or other foods in hermetically sealed containers.

(c) Convenience store. A business that is engaged primarily in the retail sale of groceries or motor fuels or special fuels and may offer food services to the public, ~~with no significant food service or retail food processing~~. A business which provides motor fuel or special fuel to the public which also offers groceries or food service is included in this definition.

~~(d) Convenience store with food service. A convenience store where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided, regardless of whether consumption is on or off the premises or whether there is a charge for the food, but without retail food processing~~

~~(d)(e) Seafood Fish or seafood processor. A processor of fresh or saltwater finfish, crustaceans, other forms of aquatic animal life (including, but not limited to, alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals, and all mollusks, where such animal life is intended for human consumption, fresh water or salt water fish, shellfish or crustaceans, primarily for wholesale distribution.~~

~~(e)(f) Food salvage center. A firm specializing in sorting, segregating and re-working damaged foods, primarily for wholesale distribution.~~

~~(f)(g) Food storage warehouse. A cold storage warehouse, a dry storage warehouse, or a commercial food distribution center.~~

~~(g)(h) Grocery store. A retail food store stocking a wide variety of foods and engaged in retail food processing which contains four or fewer check-out registers and less than 15,000 total square footage, including display, preparation and storage areas.~~

~~(h)(i) Health food store. A retail food store engaged primarily in the sale of prepackaged vitamins, minerals, nutritional supplements and foods intended for health conscious persons and which may offer contains no food services to the public or retail food processing.~~

~~(i)(j)~~ Limited Sales. Any business fitting any of the definitions in this subsection with gross food sales less than \$10,000.00 annually.

~~(j)(k)~~ Meat market. A retail food store engaged primarily in the cutting, processing and selling of meats or poultry, or both. A limited number of other foods may be stocked, but inventory and sales are predominantly meat or poultry or both.

~~(k)(l)~~ Minor food outlet. Any retail establishment that sells groceries and may offer food service to the public, but neither business activity is a major retail function based on allocated space or gross sales. No retail food processing may be performed other than associated with a food service activity.

~~(m)~~ Minor food outlet with food service. A minor food outlet where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided but with no retail food processing.

~~(l)(n)~~ Mobile vendor. Persons selling foods other than fresh fruits or vegetables from trucks, trailers or similar self propelled conveyances, or at flea markets, roadside stands or other semi-permanent, transient, or temporary location.

~~(m)~~ Semi-permanent vendor. Persons selling foods, other than fresh fruits and vegetables from a pushcart, flea market stand, roadside stand, kiosk or similar structure and which may offer ancillary food service.

~~(n)(o)~~ Processor, other non-perishable foods. A processor or packager of grain products, snack foods, candy, table syrup, honey, coffee, tea, spices or other non-perishable foods not defined elsewhere in this section.

~~(o)(p)~~ Processor, other perishable foods. A processor of cheese, packaged sandwiches, bulk or packaged salads, or other perishable foods not defined elsewhere in this section.

~~(p)(q)~~ Rabbit or game processor. A processor of rabbits, quail, deer, or other bird or animal species normally considered game, excepting any equine, bovine, goat, sheep, swine, or chickens, turkeys, ducks, geese, squab, ratites or guineas.

~~(q)(r)~~ Retail bakery. A baker of breads, pastries or other similar baked goods, primarily for retail sale on the premises.

~~(r)(s)~~ Retail food processing. The cutting, grinding, or slicing of meats or cheeses for bulk or packaged display; the preparation and wrapping or packaging of sandwiches, salads, or other foods for retail display; the smoking or cooking of meat, poultry, or fish for retail display or on customer request; the steaming, cracking, or cooking of crustaceans or shellfish for retail display or on customer request; the on-premises baking of breads or pastries; or the peeling, cutting, or trimming and packing of fruit or vegetables for retail display.

~~(s)(t)~~ Salvage store. A retail food store specializing in salvage foods.

~~(t)(u)~~ Seafood market. A retail food store engaged primarily in the sale of seafood fish, crustaceans, and shellfish. A limited number of other foods may be stocked, but inventory and sales are predominantly fish, crustaceans, or shellfish.

~~(u)~~ Food Service. The preparation and providing of food for individual portion service excluding prepackaged foods from an approved source, regardless of whether consumption is on or off the premises, and regardless of whether there is a charge for the food. The term includes the on-site cooking or other preparation of hot entrees, sandwiches, salads, snack foods or desserts, and also applies to such foods brought to a location for sale on individual customer order or by buffet-style display.

~~(v)~~ Significant food service. The on site cooking or other preparation of hot entrees, sandwiches, salads, snack foods or desserts for consumption on or off the premises. The term also applies to such foods brought to a location for sale on individual customer order or by buffet style display. The term does not apply when food service is limited to coffee urns, the sale of frozen desserts or iced drinks, or the sale of non-hazardous foods in bulk containers for customer self service.

~~(v)(w)~~ Supermarket. A retail food store stocking a wide variety of foods and engaged in retail food processing which contains five or more check-out registers or 15,000 or greater total square footage, including display, preparation and storage areas.

~~(w)(x)~~ Wholesale bakery. A baker of breads, pastries or other similar baked goods, primarily for wholesale distribution.

(2) No food permit shall be issued until an inspection has been made of the establishment and its equipment and methods of operation, and these found to comply with the provisions of the Florida Food Safety Act and rules adopted thereunder. A permit number will be assigned by the department following receipt of the Annual Food Permit Application, DACS-1403-06, (Rev. 10/94), herein incorporated by reference, a copy of which can be obtained from the Florida Department of Agriculture and Consumer Services, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650. The above application shall bear the signature of the applicant or applicant's agent, a satisfactory report of inspection, and a fee in the amount specified in subsection 5K-4.020(5). Said permit number shall not be used on any label or in any advertisement of food. Permits shall be conspicuously displayed at locations for which issued and are not transferable. The provisions of this section do not apply to food service establishments.

(3) Any agent of the department shall have access to any factory or establishment which holds a permit from the department, for the purpose of ascertaining whether or not the conditions of the permit are being complied with. Denial of access for such inspection shall be grounds for suspension of the permit.

(4) Any person violating this rule shall be subject to the injunction procedures of Section 500.171, Florida Statutes, and to the penalties provided in Section 500.177, Florida Statutes.

(5) Food Permit Fees.

(a) One food permit shall be issued to and one fee shall be charged to a person for all food operations at a single location, regardless of whether the location may qualify under the definitions of this subsection for two or more permits. If a location qualifies for two or more permits, only the largest applicable fee shall be charged to that location, except that any location qualifying for a Limited Sales permit shall only be charged the fee applicable to a Limited Sales permit. The permit fee shall include applicable charges for food service activities. If the ownership of a firm changes during a calendar year, a new food permit application, a satisfactory report of inspection, and a fee in the amount specified in subsection 5K-4.020(5), F.A.C., is required before a food permit shall be issued. Other license or permit fees as may apply to a business, however, are not voided by payment of the food permit fee. Fees charged new food permit applicants shall be the entire applicable fee if the completed application is submitted January 1 through June 30, and shall be 60 percent 4/2 of the applicable fee if the completed application is submitted July 1 through December 31.

(b) The fee for a food permit for food establishments or retail food stores that have ancillary food service activities shall include a charge of \$75.00 for each food service activity, in addition to the fee established for firms of the same definition which have no food service. In determining the number of food service activities in a food establishment, the following shall apply:

1. Food services including, but not limited to, sandwiches, hot dogs, pizza slices, items from a display case, and beverages, which are typically offered in close proximity to and purchased at the same counter as other retail purchases, shall be considered one (1) food service activity.

2. Food service in a dining area where orders are prepared to customer order, including, but not limited to truck stop/convenience store combination or a lunch counter in a minor food outlet shall be considered one (1) food service activity.

3. Each separate ancillary food service area in a food establishment shall be considered one (1) additional food service activity. Separate ancillary food service areas are distinguishable by one or more of the following: separation from other areas of the food establishment by walls, doors, partitions or space; menus offering multiple items including entrees, beverages and desserts; preparation of food items in response to customer orders; employees who only work in the specialty area; and payment of items at a register dedicated to this activity.

4. Exceptions – No additional fee shall be charged for the following ancillary food service activities:

a. The sale of coffee from urns, iced drinks, fountain drinks or the sale of non-potentially hazardous foods in bulk containers for customer self-service.

b. Ancillary food service areas in grocery stores and supermarkets.

(c)(b) The following schedule of fees charges is established for each food permit.

Retail Bakery	\$325
Wholesale Bakery	425 350
Canning Plant	375 350
Bottling Plant	350
Rabbit or Game Processor	300 350
Fish or Seafood Processor	400 350
Processor, Other Perishable Foods	375 350
Processor, Other Non-perishable Foods	300 275
Food Storage Warehouse	325
Food Salvage Center	400 350
Salvage Store	375 350
Convenience Store	300 275
Convenience Store with Food Service	350
Meat Market	350
Seafood Market	325 350
Grocery Store	425 350
Supermarket	500 350
Minor Food Outlet	275
Minor Food Outlet with Food Service	325
Health Food Store	275
Mobile Vendor	275
Semi-permanent Vendor	200
Limited Sales	75
Bottled Water Plant	500
Packaged Ice Plant	250

The fees charged to food establishments in this subsection shall include an additional \$75.00 for each separate food service activity as described in (b) of this section. In no instance shall the overall fee for a food permit exceed the maximum established in Chapter 500.12, F.S.

(6) Late Fees.

(a) The renewal fee for all food permits shall be the same as the food permit fee required by subsection 5K-4.020(5), F.A.C., and shall be due annually on January 1. If the renewal fee is not received by the department within thirty days after its due date, a late fee must be paid in addition to the food permit fee required by subsection 5K-4.020(5), F.A.C., before the department will issue the food permit.

(b) If a renewal fee is not paid in full by February 1, a late fee of \$100 shall be assessed against the establishment.

(c) No establishment shall be issued a food permit until all applicable fees, including late fees, are received by the department.

(7) Recovery of Costs for Reinspection.

(a) A food establishment shall pay the costs of the services provided by Department personnel for each reinspection of their food establishment when the reinspection is conducted for

the purpose of verifying compliance following a previous unsatisfactory inspection. The costs of reinspection may be included in any administrative action taken against the firm for violations of Chapter 500 or this Chapter or billed separately. Failure to pay for said costs is a violation of this chapter and shall be grounds for suspension of the permit.

Specific Authority 500.09, 500.12(1)(b), 570.07(23) FS. Law Implemented 500.04, 500.10, 500.12(1)(a),(b),(c),(d), 500.171, 500.172, 500.177 FS. History—New 1-10-93, Formerly 5E-6.020, Amended 8-8-95, 3-11-98, 3-6-01,

STATE BOARD OF ADMINISTRATION

RULE TITLES:	RULE NOS.:
Definitions	19-12.001
Purpose	19-12.002
Limitation on Contributions	19-12.003
Annual Addition in Excess of Limitation	19-12.004
The Exclusive Benefit Rule of the Code and Forfeitures	19-12.005
Distribution of Benefits	19-12.006

PURPOSE AND EFFECT: To discuss proposed rules regarding compliance with the Internal Revenue Code for the defined contribution program of the Florida Retirement System, called the Public Employee Optional Retirement Program.

SUBJECT AREA TO BE ADDRESSED: Definitions; requirements on limitations on contributions; annual additions in excess of IRS limitations; the exclusive benefit rule; distributions of benefits.

SPECIFIC AUTHORITY: 121.4501(13)(a) FS.

LAW IMPLEMENTED: 121.4501(1),(7)(a),(13) FS.; Internal Revenue Code s. 401(a).

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. – 11:30 a.m., Monday, August 20, 2001

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is requested to contact Ms. Lazar at least 5 calendar days before the workshop.

Copies of the preliminary text of the proposed rule development may be obtained from: Joan Lazar, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1492 or e-mail: lazar_joan@fsba.state.fl.us.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Cindy Gokel, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1199

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE ON AUGUST 6, 2001.

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Containers, Packs, Stamping and Labeling of Fresh Fruit	20-39

RULE TITLES:	RULE NOS.:
Approved Boxes	20-39.003
Approved Bags	20-39.004

PURPOSE AND EFFECT: Would provide for two new containers to be added to the list of containers approved for use in shipping fresh Florida Citrus.

SUBJECT AREA TO BE ADDRESSED: Approved containers for use in shipping fresh Florida Citrus.

SPECIFIC AUTHORITY: 601.11 FS.

LAW IMPLEMENTED: 601.11 FS.

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

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

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

PUBLIC SERVICE COMMISSION

DOCKET NO: 010975-OT

RULE TITLE:	RULE NO.:
Numbering of Orders	25-22.104

PURPOSE AND EFFECT: The purpose of the rule amendment is to correct the procedure set out for categorization of proposed agency action orders and to add three new order categories and one new docket suffix.

SUBJECT AREA TO BE ADDRESSED: Numbering of Commission Orders.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 120.53 FS.

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

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE COMMISSION'S DIVISION OF THE

COMMISSION CLERK AND ADMINISTRATIVE SERVICES, 2540 SHUMARD OAK BOULEVARD, TALLAHASSEE, FL 32299-0850.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Samantha Cibula, Division of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-22.104 Numbering of Orders.

(1) No change.

(2) The applicable order category shall be added as a suffix succeeding the agency designation prefix and the two-part number. ~~The order category suffix for proposed agency action orders will be either "FOF" or "FOI", depending on the type of proceeding in which the order was issued.~~ The order categories are as follows:

- DS – Declaratory Statement
- FOI – Final Order Informal Proceedings
- FOF – Final Order Formal Proceedings
- S – Stipulation
- AS – Agreed Settlement
- CO – ~~Consent Order~~ Consummating Order
- PAA = Proposed Agency Action Order
- TRF = Tariff Order
- SC = Show Cause Order
- PCO – Procedural Order
- PHO – Prehearing Order
- CFO – Confidentiality Order
- NOR – Notice of Rulemaking

(3) After the order category, the applicable industry designation shall be inserted. The industry designations are as follows:

- EI – Electric Utility – Investor Owned
- EM – Electric Utility – Municipality
- EC – Electric Utility – Rural Electric Cooperative
- EU – Electric Utility – All
- EG – Energy Conservation
- EQ – Qualifying Cogeneration Facility
- GU – Gas Industry
- GP – Gas Pipeline
- TA – Telephone Utility – Alternate Access Vendor
- TC – Telephone Utility – Coin (Pay) Telephone Company
- TI – Telephone Utility – Interexchange Company
- TL – Telephone Utility – Local Exchange Company
- TS – Telephone Utility – Shared Tenant Company

- TX = Telephone Utility – Alternative Local Exchange
- TP – Telephone (Communications) Industry Generally
- WU – Water Utility
- SU – Wastewater (Sewer) Utility
- WS – Water and Wastewater Utility
- PU – Public Utilities Generally – Applies to matters which pertain to two or more industries.
- OT – Other Matters – Administrative Matters not related to a particular industry.

Specific Authority 120.533(1)(f) FS. Law Implemented 120.53(2)-(4) FS. History–New 9-24-92, Amended 12-27-94,_____.

EXECUTIVE OFFICE OF THE GOVERNOR

Administration

RULE TITLES:	RULE NOS.:
Purpose and Scope	27A-1.001
General Policy	27A-1.002
Definitions	27A-1.003
Planning and Approving Travel	27A-1.004
Special Conditions of Travel	27A-1.005
Rates of Payment	27A-1.006
Transportation	27A-1.007
Incidental Expenses	27A-1.008
Advance Travel	27A-1.009
Special Provisions for Educational	
Conferences and Conventions	27A-1.010
Entertainment Expenses	27A-1.011
Operational and Promotional Advances	27A-1.012
Complimentary Goods and Services	27A-1.013
Receipts	27A-1.014
Exemption from State Contract Rates	27A-1.015

PURPOSE AND EFFECT: To promulgate travel and entertainment expense rules for the Office of the Film Commissioner, Florida Film Advisory Council, and clients.

SUBJECT AREA TO BE ADDRESSED: Travel and entertainment expenses.

SPECIFIC AUTHORITY: 288.1253(2) FS.

LAW IMPLEMENTED: 112.061(2)(e), 288.1253 FS.

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

TIME AND DATE: 10:00 a.m., August 20, 2001

PLACE: Office of Tourism, Trade, and Economic Development, The Capitol, Suite 2001, Tallahassee, FL 32399-0001

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

Grimm, Deputy Director, Office of the Film Commissioner, Bloxham Building, Suite 14, Tallahassee, Florida 32399-0001, (850)488-9367

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

DEPARTMENT OF CORRECTIONS

RULE TITLE:

Correctional Probation Officers:

Appointment and Responsibility

RULE NO.:

33-302.103

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to make technical corrections and to clarify procedures relating to twenty-four hour telephone access by offenders.

SUBJECT AREA TO BE ADDRESSED: Probation and Parole Services.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 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: Giselle Lilen Rivera, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-302.103 Correctional Probation Officers: Appointment and Responsibility.

(1) Officers are appointed by the State of Florida under the authority of the Department of Corrections and are responsible for supervision and control of offenders, including the enforcement of conditions of supervision, conducting investigations and initiating arrest of Florida offenders under their supervision as appropriate with or without warrant. Offenders from other states are not subject to arrest as a violator unless an Interstate Compact arrest warrant has been issued by the originating state.

(2) The use of Department of Corrections issued credentials and badges is only authorized when conducting official duties.

(3) Correctional Probation Officers must have a valid driver's license and use only a four-wheel conventional vehicle when performing their duties. Correctional Probation Officers shall be subject to the provisions of Rule 33-208.402, F.A.C., regarding maintenance of driver's licenses and privileges.

(4) Officers are required to have telephones in their place of residence to provide 24-hour per day telephone access by the offender ~~either directly or indirectly~~ through a designated emergency contact ~~correctional facility~~.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 5-28-86, Amended 2-15-98, 4-28-99, Formerly 33-24.011, Amended

COMMISSION ON ETHICS

RULE TITLE:

List of Forms and Instructions

RULE NO.:

34-7.010

PURPOSE AND EFFECT: The purpose of the proposed amendment is to promulgate the 2002 version of various forms that are required to be filed annually, as well as the Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees. The Commission also proposes to repeal CE Form 1F-2000 and CE Form 6F-2000, and amend CE Form 1F-2001 and CE 6F-2001 by dropping the "2001" designation in the title of the form.

SUBJECT AREA TO BE ADDRESSED: CE Form 1; CE Form 1F-2000; CE Form 1F-2001; CE Form 2; CE Form 6; CE Form 6F-2000; CE Form 6F-2001; CE Form 9; CE Form 10; CE Form 30; and the "Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" will be affected by this proposed rule development.

SPECIFIC AUTHORITY: Art. II, Sec. 8(f),(h), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(13), 112.322(7),(10), 112.324 FS.

LAW IMPLEMENTED: Art. II, Sec. 8(a),(f),(h), Fla. Const., 112.313(9),(12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 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., Thursday, September 6, 2001

PLACE: Committee Room A (Lower Level, Senate Office Building), Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Julia Cobb Costas, Staff Attorney

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

34-7.010 List of Forms and Instructions.

(1) The following forms and instructions are adopted by reference and are used by the Commission in its dealings with the public:

(a) Form 1, Statement of Financial Interests. To be utilized by state officers, local officers, candidates for state or local office and specified state employees for compliance with Section 112.3145(2) and (3), Florida Statutes. Effective 1/2002 ~~4/2001~~.

(b) Form 2, Quarterly Client Disclosure. To be utilized by elected constitutional officers, state officers, local officers and specified employees for compliance with Section 112.3145(4), Florida Statutes. Effective 1/2002 ~~1/2001~~.

(c) Form 6, Full and Public Disclosure of Financial Interests. To be utilized by all elected constitutional officers, candidates for such offices, other statewide elected officers, and others as prescribed by law for compliance with Article II, Section 8(a) and (h), Florida Constitution, as specified in Chapter 34-8 of these rules. Effective 1/2002 ~~1/2001~~.

(d) No change.

(e) A Guide to the Sunshine Amendment and Code of Ethics for Public Officers, Candidates, and Employees. Instructions to be utilized by public officers, public employees, candidates for public office, and other interested persons in complying with the Sunshine Amendment and the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, Florida Statutes. Effective 1/2002 ~~1/2001~~.

(f) through (l) No change.

(m) Form 9, Quarterly Gift Disclosure. To be utilized by persons who are required to file Form 1 or Form 6 and by State procurement employees for compliance with the quarterly gift disclosure requirements of Section 112.3148(8), Florida Statutes. Effective 1/2001 ~~1/2001~~.

(n) Form 10, Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations and Honorarium Event Related Expenses. To be utilized by persons who are required to file Form 1 or Form 6 and by State procurement employees for compliance with the gift disclosure requirements of Section 112.3148(6), Florida Statutes, and the honorarium disclosure requirements of Section 112.3149(6), Florida Statutes. Effective 1/2001 ~~1/2001~~.

(o) Form 30, Donor's Quarterly Gift Disclosure. To be utilized by political committees, committees of continuous existence, lobbyists (persons who for compensation sought to influence the governmental decisionmaking, proposal, or recommendation of an agency), and the partners, firms, principals, and employers of lobbyists for compliance with the gift disclosure requirements of Section 112.3148(5), Florida Statutes. Effective 1/2002 ~~1/2001~~.

~~(p) Form 1F-2000, Final Statement of Financial Interests. To be filed within 60 days of leaving public office or employment. Effective 11/2000.~~

~~(q) Form 6F-2000, Final Full and Public Disclosure of Financial Interests. To be filed within 60 days of leaving public office. Effective 11/2000.~~

~~(p)(r) Form 1F-2001, Final Statement of Financial Interests. To be filed within 60 days of leaving public office or employment. Effective 1/2002 1/2001.~~

~~(q)(s) Form 6F-2001, Final Full and Public Disclosure of Financial Interests. To be filed within 60 days of leaving public office. Effective 1/2002 1/2001.~~

(2) No change.

Specific Authority Art. II, Sec. 8(f),(h), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(13), 112.322(7),(10), 112.324 FS., ~~Chapters 2000-232, 2000-243, and 2000-258, LOF~~ Law Implemented 112.313(9),(12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS., Art. II, Sec. 8(a),(f),(h), Fla. Const., ~~Chapters 2000-232, 2000-243, and 2000-258, LOF~~ History-New 4-11-76, Formerly 34-7.10 through 7.22, 8.10, Amended 2-23-77, 4-7-77, 5-17-77, 10-20-77, 2-25-79, 1-29-80, 4-29-81, 1-12-82, 3-25-82, 2-21-83, Formerly 34-7.10, Amended 7-10-88, 3-4-91, 10-6-91, 10-29-91, 12-22-91, 7-5-92, 10-15-92, 12-6-92, 11-10-93, 12-27-93, 11-21-94, 2-16-95, 12-26-95, 1-27-97, 1-1-98, 11-19-98, 12-28-99, 1-1-00, 12-4-00, 12-21-00, _____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: General and Procedural RULE CHAPTER NO.: 40E-1

PURPOSE AND EFFECT: The purpose and effect of the rule development is to modify and update the District's forms and application processing fees to comply with changes proposed to the General Water Use and Well Construction Permits.

SUBJECT AREAS TO BE ADDRESSED: Amend the Administrative Forms and application processing fees pertaining to General Water Use and Well Construction Permits.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: Parts I and II, Chapter 373 FS.

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

DATES AND TIMES: August 28, 2001, 11:00 a.m. – 1:00 p.m.; September 25, 2001, 2:00 p.m. – 4:00 p.m.; October 23, 2001, 2:00 p.m. – 4:00 p.m.

PLACE: Osceola County Public Library, Central Library, 211 East Dakin Avenue, Kissimmee, FL 34741, (407)935-0777

DATES AND TIMES: August 29, 2001, 11:00 a.m. – 1:00 p.m.; September 26, 2001, 11:00 a.m. – 1:00 p.m.; October 24, 2001, 11:00 a.m. – 1:00 p.m.

PLACE: South Florida Water Management District, Miami Field Station, 9001 N. W. 58th Street, Miami, FL 33178, (305)513-3420

DATES AND TIMES: August 30, 2001, 11:00 a.m. – 1:00 p.m.; September 27, 2001, 11:00 a.m. – 1:00 p.m.; October 25, 2001, 11:00 a.m. – 1:00 p.m.

PLACE: South Florida Water Management District, Fort Myers Service Center, 2301 McGregor Boulevard, Fort Myers, FL 33901, (941)338-2929

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

PLACE: South Florida Water Management District, 3301 Gun Club Road, B-1 Auditorium, West Palm Beach, FL 33406

DATES AND TIMES: September 28, 2001, 1:00 p.m. – 3:00 p.m.; October 26, 2001, 1:00 p.m. – 3:00 p.m.

PLACE: South Florida Water Management District, 3301 Gun Club Road, Storch Room, West Palm Beach, FL 33406

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Julie Jennison, South Florida Water Management District, Post Office Box

24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (internet:jjenniso@sfwmd.gov).

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE DISTRICT'S WEBSITE AT: <http://webboard.sfwmd.gov:8080~WaterUseRulemaking/guests> AND AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Consumptive Use RULE CHAPTER NO.: 40E-2

PURPOSE AND EFFECT: The purpose and effect of the rule development is to modify and update the District's Water Use Rules to reflect new legislative direction, new policy development and regional water supply plans.

SUBJECT AREAS TO BE ADDRESSED: The following topics will be discussed:

Dewatering, Limiting Conditions, Use of Saline Water, Salt Water Intrusion, Restricted Allocation Areas – Upper East Coast Floridan Aquifer System, Monitoring, Pollution, and Basin Expiration Dates.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: Parts I and II, Chapter 373 FS.

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

DATES AND TIMES: August 28, 2001, 11:00 a.m. – 1:00 p.m.; September 25, 2001, 2:00 p.m. – 4:00 p.m.; October 23, 2001, 2:00 p.m. – 4:00 p.m.

PLACE: Osceola County Public Library, Central Library, 211 East Dakin Avenue, Kissimmee, FL 34741, (407)935-0777

DATES AND TIMES: August 29, 2001, 11:00 a.m. – 1:00 p.m.; September 26, 2001, 11:00 a.m. – 1:00 p.m.; October 24, 2001, 11:00 a.m. – 1:00 p.m.

PLACE: South Florida Water Management District, Miami Field Station, 9001 N. W. 58th Street, Miami, FL 33178, (305)513-3420

DATES AND TIMES: August 30, 2001, 11:00 a.m. – 1:00 p.m.; September 27, 2001, 11:00 a.m. – 1:00 p.m.; October 25, 2001, 11:00 a.m. – 1:00 p.m.

PLACE: South Florida Water Management District, Fort Myers Service Center, 2301 McGregor Boulevard, Fort Myers, FL 33901, (941)338-2929

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

PLACE: South Florida Water Management District, 3301 Gun Club Road, B-1 Auditorium, West Palm Beach, FL 33406

DATES AND TIMES: September 28, 2001, 1:00 p.m. – 3:00 p.m.; October 26, 2001, 1:00 p.m. – 3:00 p.m.

PLACE: South Florida Water Management District, 3301 Gun Club Road, Storch Room, West Palm Beach, FL 33406

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE DISTRICT'S WEBSITE AT: <http://webboard.sfwmd.gov:8080~WaterUseRulemaking/guests> AND AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Water Wells RULE CHAPTER NO.: 40E-3

PURPOSE AND EFFECT: The purpose and effect of the rule development is to modify and update the District's Well Construction Rules to reflect new policy development.

SUBJECT AREAS TO BE ADDRESSED: Well Construction Permitting/Standards.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171, 373.333 FS.

LAW IMPLEMENTED: Part III, Chapter 373 FS.

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

DATES AND TIMES: August 28, 2001, 11:00 a.m. – 1:00 p.m.; September 25, 2001, 2:00 p.m. – 4:00 p.m.; October 23, 2001, 2:00 p.m. – 4:00 p.m.

PLACE: Osceola County Public Library, Central Library, 211 East Dakin Avenue, Kissimmee, FL 34741, (407)935-0777

DATES AND TIMES: August 29, 2001, 11:00 a.m. – 1:00 p.m.; September 26, 2001, 11:00 a.m. – 1:00 p.m.; October 24, 2001, 11:00 a.m. – 1:00 p.m.

PLACE: South Florida Water Management District, Miami Field Station, 9001 N. W. 58th Street, Miami, FL 33178, (305)513-3420

DATES AND TIMES: August 30, 2001, 11:00 a.m. – 1:00 p.m.; September 27, 2001, 11:00 a.m. – 1:00 p.m.; October 25, 2001, 11:00 a.m. – 1:00 p.m.

PLACE: South Florida Water Management District, Fort Myers Service Center, 2301 McGregor Boulevard, Fort Myers, FL 33901, (941)338-2929

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

PLACE: South Florida Water Management District, 3301 Gun Club Road, B-1 Auditorium, West Palm Beach, FL 33406

DATES AND TIMES: September 28, 2001, 1:00 p.m. – 3:00 p.m.; October 26, 2001, 1:00 p.m. – 3:00 p.m.

PLACE: South Florida Water Management District, 3301 Gun Club Road, Storch Room, West Palm Beach, FL 33406

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

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE DISTRICT'S WEBSITE AT: <http://webboard.sfwmd.gov:8080~WaterUseRulemaking/guests> AND AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: General Water Use Permits RULE CHAPTER NO.: 40E-20

PURPOSE AND EFFECT: The purpose and effect of the rule development is to modify and update the District's Water Use Rules to reflect new legislative direction, new policy development and regional water supply plans.

SUBJECT AREAS TO BE ADDRESSED: The following topics will be discussed: Dewatering, General Water Use Permit Thresholds, Reduced Threshold Areas, Conditions of Issuance, and Delegations to Staff.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: Parts I and II, Chapter 373 FS.

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

DATES AND TIMES: August 28, 2001, 11:00 a.m. – 1:00 p.m.; September 25, 2001, 2:00 p.m. – 4:00 p.m.; October 23, 2001, 2:00 p.m. – 4:00 p.m.

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DATES AND TIMES: August 29, 2001, 11:00 a.m. – 1:00 p.m.; September 26, 2001, 11:00 a.m. – 1:00 p.m.; October 24, 2001, 11:00 a.m. – 1:00 p.m.

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

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE DISTRICT'S WEBSITE AT: <http://webboard.sfwmd.gov:8080~WaterUseRulemaking/guests> AND AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

AGENCY FOR HEALTH CARE ADMINISTRATION**Medicaid**

RULE TITLE: Payment Methodology for Nursing Home Services
RULE NO.: 59G-6.010

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Long-term Care Reimbursement Plan (the Plan) payment methodology, effective September 1, 2001. Changes of ownership or of licensed operator do not qualify for increases in reimbursement rates associated with the change of ownership or of licensed operator. The Agency will provide that the initial nursing home reimbursement rates, for the operating, patient care, and MAR components, associated with related and unrelated party changes of ownership or licensed operator filed on or after September 1, 2001, are equivalent to the previous owner's reimbursement rate.

The effect of the proposed amendment is changes of ownership or of licensed operator do not qualify for increases in reimbursement rates associated with the change of ownership or of licensed operator. The Agency will provide that the initial nursing home reimbursement rates, for the operating, patient care, and MAR components, associated with related and unrelated party changes of ownership or licensed operator filed on or after September 1, 2001, are equivalent to the previous owner's reimbursement rate.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is changes of ownership or of licensed operator do not qualify for increases in reimbursement rates associated with the change of ownership or of licensed operator. The Agency will provide that the initial nursing home reimbursement rates, for the operating, patient care, and MAR components, associated with related and unrelated party changes of ownership or licensed operator filed on or after September 1, 2001, are equivalent to the previous owner's reimbursement rate.

SPECIFIC AUTHORITY: 409.909 FS.

LAW IMPLEMENTED: 409.908 FS.

THE RULE DEVELOPMENT WORKSHOP HAS BEEN DEEMED UNNECESSARY BY THE AGENCY HEAD AND WILL NOT BE HELD.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Owens, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756

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

DEPARTMENT OF HEALTH**Board of Occupational Therapy Practice**

RULE TITLES: RULE NOS.:
Fees; Application 64B11-2.003
Fees; Initial License 64B11-2.008
Fees; Renewal of License 64B11-2.009

PURPOSE AND EFFECT: The Board proposes to raise fees so that they are closer to the actual costs for initial licensing and renewal of licensure.

SUBJECT AREA TO BE ADDRESSED: Fees, Application; Fees, Initial License and Fees, Renewal of License.

SPECIFIC AUTHORITY: 456.013(2), 468.204, 468.221 FS.

LAW IMPLEMENTED: 456.013(2), 468.209(1), 468.221 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B11-2.003 Fees; Application.

Each applicant for licensure shall pay an application fee in the amount of \$200.00 ~~\$100.00~~ in the form of a check or money order payable to the Department of Health. This fee is nonrefundable and may not be used for more than one year from the original submission of the application. After one year from the date of the original submission of an application, a new application and new fee shall be required from any applicant who desires to be considered for licensure. The fee for any reapplication shall be the sum of \$100.00 payable in the same manner as above.

Specific Authority 468.221, 468.204 FS. Law Implemented 468.209(1), 468.221 FS. History—New 4-28-76, Amended 9-9-85, Formerly 21M-13.07, Amended 6-29-89, Formerly 21M-13.007, 61F6-13.007, 59R-61.007, Amended _____.

64B11-2.008 Fees; Initial License.

Each applicant for occupational therapist licensure shall submit an initial licensure fee in the amount of \$75 ~~\$50~~ to the Department. The initial licensure fee shall be submitted with the application fee set forth in Rule 64B11-2.001, F.A.C. A check or money order shall be payable to the order of the Department of Health.

Specific Authority 456.013(2), 468.204, 468.221 FS. Law Implemented 456.013(2), 468.221 FS. History—New 4-28-76, Amended 8-9-76, 11-15-78, 9-9-85, Formerly 21M-13.08, Amended 6-9-89, Formerly 21M-13.008, 61F6-13.008, 59R-61.008, Amended 12-20-98, _____.

64B11-2.009 Fees; Renewal of License.

Each licensed occupational therapist shall submit a biennial fee of ~~\$150.00~~ ~~\$50.00~~ by check or money order made payable to the order of the Department of Health ~~no later than January 31 of each biennial period.~~

Specific Authority 468.204, 468.221 FS. Law Implemented 468.221 FS. History—New 4-28-76, Amended 8-9-76, 11-15-78, 9-9-85, Formerly 1M-13.09, Amended 6-29-89, 7-23-91, Formerly 21M-13.009, 61F6-13.009, 59R-61.009, Amended _____.

DEPARTMENT OF HEALTH**Board of Occupational Therapy Practice****RULE TITLES:**

Fees; Application

Fees; Initial License

Fees; Renewal of License

RULE NOS.:

64B11-3.001

64B11-3.006

64B11-3.007

PURPOSE AND EFFECT: The Board proposes to raise fees for assistants so that they are closer to the actual costs for initial license and renewal of licensure.

SUBJECT AREA TO BE ADDRESSED: Fees, Application; Fees, Initial License and Fees, Renewal of License.

SPECIFIC AUTHORITY: 456.013(2), 468.204, 468.221 FS.

LAW IMPLEMENTED: 456.013(2), 468.209(1), 468.221 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B11-3.001 Fees; Application.

Each applicant for licensure shall pay an application fee in the amount of ~~\$200.00~~ ~~\$100.00~~ in the form of a check or money order payable to the Department of Health. The fee is nonrefundable and may not be used for more than one year from the original submission of the application. After one year from the date of the original submission of an application, a new application and new fee shall be required from any applicant who desires to be considered for licensure. The fee for any reapplication shall be the sum of \$100.00 payable in the same manner as above.

Specific Authority 468.221, 468.204 FS. Law Implemented 468.221, 468.209(1) FS. History—New 4-28-76, Amended 9-9-85, Formerly 21M-14.06, Amended 6-29-89, Formerly 21M-14.006, 61F6-14.006, 59R-62.006, Amended _____.

64B11-3.006 Fees; Initial License.

Each applicant for occupational therapy assistant licensure shall submit an initial licensure fee in the amount of ~~\$75~~ ~~\$50~~ to the Department. The initial licensure fee shall be submitted with the application fee set forth in Rule 64B11-3.001, F.A.C. A check or money order shall be payable to the order of the Department of Health.

Specific Authority 456.013(2), 468.204, 468.221 FS. Law Implemented 456.013(2), 468.221 FS. History—New 4-28-76, Amended 8-9-76, 11-15-78, 9-9-85, Formerly 21M-14.07, Amended 6-29-89, Formerly 21M-14.007, 61F6-14.007, 59R-62.007, Amended 12-20-98, _____.

64B11-3.007 Fees; Renewal of License.

Each licensed occupational therapy assistant shall submit a biennial fee of ~~\$150.00~~ ~~\$50.00~~ by check or money order made payable to the order of the Department of Health ~~no later than January 31 of each biennial period.~~

Specific Authority 468.204, 468.221 FS. Law Implemented 468.221 FS. History—New 4-28-76, Amended 8-9-76, 11-15-78, 9-9-85, Formerly 21M-14.08, Amended 6-29-89, 7-23-91, Formerly 21M-14.008, 61F6-14.008, 59R-62.008, Amended _____.

DEPARTMENT OF HEALTH**Board of Occupational Therapy Practice****RULE TITLE:**

Inactive and Delinquent Status Fees

RULE NO.:

64B11-5.006

PURPOSE AND EFFECT: The Board proposes to raise inactive and delinquent status fees so that they are closer to the actual costs.

SUBJECT AREA TO BE ADDRESSED: Inactive and Delinquent Status Fees.

SPECIFIC AUTHORITY: 468.221 FS.

LAW IMPLEMENTED: 468.221 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B11-5.006 Inactive and Delinquent Status Fees.

The fees for individuals holding a license pursuant to Section 468.221, F.S., shall be as follows:

(1) The fee for an inactive status license shall be ~~\$75.00~~ ~~\$50.00~~.

(2) ~~The fee for processing a licensee's request to change licensure status at any time other than at the beginning of a licensure cycle shall be \$50.00.~~

~~(2)(3)~~ The fee for delinquent status as set forth in subsection 456.036(7), F.S., shall be \$100.00 ~~\$50~~.

~~(3)(4)~~ The fee for reactivation of an inactive license shall be \$200.00 ~~\$100.00~~.

~~(4)(5)~~ The fee for renewal of an inactive license shall be \$75.00 ~~\$50.00~~.

Specific Authority 468.221 FS. Law Implemented 468.221 FS. History--New 4-17-95, Formerly 59R-64.040, Amended.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

RULE TITLES:	RULE NOS.:
Family-Related Medicaid Eligibility Determination Process	65A-1.704
Family-Related Medicaid General Eligibility Criteria	65A-1.705
SSI-Related Medicaid Non-Financial Eligibility Criteria	65A-1.711
SSI-Related Medicaid Income Eligibility Criteria	65A-1.713

PURPOSE AND EFFECT: These rule amendments are proposed to implement optional coverage to provide breast and cervical cancer treatment. Additionally, income limits for QI1 and QI2 coverage will be specified and forms will be incorporated by reference.

SUBJECT AREA TO BE ADDRESSED: A revised KidCare form CF-ES 2092, Ineligibility for Medicaid, will be incorporated by reference. New forms – CF-ES 2293, CIC Request for Medicaid (by) Department of Juvenile Justice, and the Medicaid Application for breast and cervical cancer treatment – will also be incorporated by reference. A statement about the criteria for coverage to provide treatment of breast and cervical cancer will be provided, and the income limits for the QI1 and QI2 coverage groups will be provided respectively.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.903, 409.904, 409.919 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., August 20, 2001

PLACE: Building 3, Room 455, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, Program Administrator, Building 3, Room 421, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, telephone (850)488-3070

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

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-32.002
Notice of Fund Availability	67-32.003
General Program Restrictions	67-32.004
Application Procedures	67-32.005
Terms and Conditions of Loan	67-32.006
Selection Criteria, Rejection Criteria, and Scoring and Ranking Guidelines	67-32.007
Selection for Participation in Program	67-32.008
Right to Inspect and Monitor Funded Development	67-32.010
Fees	67-32.011

PURPOSE AND EFFECT: Pursuant to Section 420.5087(3)(c)2., Florida Statutes (F.S.), the Florida Housing Finance Corporation administers the Elderly Housing Community Loan (EHCL) Program. This program provides loans to sponsors of affordable rental housing for very low-income elderly households. Rule 67-32, F.A.C., provides the procedures for the administration of this loan program and criteria for receiving, evaluating, and competitively ranking all applications for loans under the EHCL Program. The intent of this Rule is to provide loans to sponsors of housing for the elderly to make building preservation, health, or sanitation repairs or improvements which are required by federal, state, or local regulation or code, or life-safety or security-related repairs or improvements to such housing.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the development of the 2002 application and program requirements for the Elderly Housing Community Loan Program, as specified in Rule Chapter 67-32, Florida Administrative Code (F.A.C.).

SPECIFIC AUTHORITY: 420.5087 FS.

LAW IMPLEMENTED: 420.5087 FS.

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

TIME AND DATE: 10:00 a.m. – 11:00 a.m., August 20, 2001

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Sixth Floor, Bond Closing Room B, Tallahassee, Florida 32301-1329

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Laurie Camp at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Larry White, SAIL Program Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

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

Section II Proposed Rules

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Florida Building Commission

Operational Procedures

9B-3

RULE TITLES:

RULE NOS.:

Commission Organization and Operations

9B-3.004

Statewide Amendments to the Florida

Building Code

9B-3.050

Local Amendments to the Florida

Building Code

9B-3.051

Notice of Rights

9B-3.052

PURPOSE, EFFECT AND SUMMARY: The purpose and effect of the proposed rule is to provide for Commission organization and committee structure, voting requirements, procedures for processing statewide amendments to the Florida Building Code by the Commission and its technical advisory committees, and procedures for transmittal, review and incorporation of local amendments to the Florida Building Code.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None has been prepared by the Commission.

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

SPECIFIC AUTHORITY: 553.73(3),(6), 553.76(1), 553.77(1)(a),(h) FS.

LAW IMPLEMENTED: 553.73(3),(6), 553.74, 553.75, 553.77(1)(h) FS.

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

TIME AND DATE: 8:50 a.m., August 28, 2001

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

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-3.004 Commission Organization and Operations.

(1) The Commission is headed by a Chairman who is appointed by the Governor.

(2) The Chairman presides over all Commission meetings, appoints Program Oversight Committees, Technical Advisory Committees and Ad Hoc Committees ~~subcommittees~~, serves as official spokesman for the Commission, and delegates staff and ~~Committee~~ assignments. The Chairman shall review the membership of Program Oversight and Technical Advisory Committees and reappoint or replace members annually.

(3) The Chairman may appoint a vice-chairman to act in his absence and appoints the chairman for all Program Oversight, Technical Advisory and Ad Hoc Committees, for the purpose of expediting Commission functions, appoint subcommittees with specifically delegated responsibilities in any area of concern to the Commission.

(4) Program Oversight Committees shall be standing Committees composed of not less than five (5) members of the Florida Building Commission whose purpose/mission is to provide oversight of the programs the Legislature has assigned to the Commission.

~~(5)(4)~~ Ad Hoc SubCommittees shall consist of members of the Florida Building Commission as appointed by the Chairman from time to time to whose purpose/mission is to conduct investigations within the areas for which they are created and report all findings along with recommendations to the Commission for action. Members serve until the Ad Hoc completes assigned task(s).

(6) The Chairman shall appoint members of the Commission and other interested parties as members of standing Technical Advisory Committees that reflect each of the technical sections of the Florida Building Code. Membership on each Committee shall be balanced to represent the interests of consumers, producers and a general interest category in conformance with ANSI consensus standards committee membership criteria for regulatory standards. The purpose/mission of the Committees is to review and advise the Commission regarding requests for declaratory statement, proposed amendments to the Florida Building Code pursuant to Rule 9B-3.050, and in other areas of interest to the Commission as delegated by the Chairman. Non-Commission members of the Committees will serve on a voluntary basis without compensation for travel or per diem.

(7) The Commission and all of its Committees (Ad Hoc Committees, Program Oversight Committees, and Technical Advisory Committees) shall make decisions only when a

quorum is present. A quorum shall be constituted by at least 51% of the appointed members being present (simple majority).

(8) The Commission and all of its Committees will utilize Robert's Rules of Order to make and approve motions.;

(9) Resolution of petitions for declaratory statement shall be resolved as provided in Chapter 120, F.S., and Chapter 28, F.A.C., upon a vote of the majority of Commissioners or Committee members present. Resolution of petitions for waiver of accessibility requirements shall be resolved as provided Chapter 9B-7, F.A.C.

(10) In all other matters, excepting procedural motions, a 75% supermajority voting requirement will supercede the normal voting requirements used in Robert's Rules of Order for decision making on all motions. The Commission and all of its Committees shall only consider motions to approve and not consider motions to deny. In addition, the Commission and all of its Committees shall utilize their adopted meeting guidelines for conduct during meetings.

(5) through (10) renumbered (11) through (16) No change.

Specific Authority 553.76(1), 553.77(1)(a) FS. Law Implemented 553.74, 553.75 FS. History--New 5-15-75, Amended 4-18-78, Formerly 9B-3.04, Amended _____.

9B-3.050 Statewide Amendments to the Florida Building Code.

(1) The Florida Building Commission may approve technical amendments to the Florida Building Code once each year if it finds that the amendment meets the following criteria:

(a) Has a reasonable and substantial connection with the health, safety and welfare of the general public.

(b) Strengthens or improves the Florida Building Code, or in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction.

(c) Does not discriminate against materials, products, methods or systems of construction of demonstrated capabilities.

(d) Does not degrade the effectiveness of the Florida Building Code. Furthermore, the Florida Building Commission may approve technical amendments to the code once each year to incorporate its own interpretations of the code which are embodied in its own opinions and declaratory statements.

(2) Definitions. As used in this rule, the following terms shall have the meaning indicated unless the context clearly requires a contrary definition:

(a) Amendment means an alteration to the adopted provisions of the Florida Building Code. Amendments shall include all alterations referenced in Rule 9B-3.050, F.A.C., whether adopted by the Commission for statewide or regional application; or the local authority having jurisdiction, referred to as local amendments. More specifically,

1. Technical amendment means an alteration to the prescriptive requirements or reference standards for construction adopted by the code;

2. Administrative amendment means an addition to or amendment of the requirements adopted by the code for enforcement of the prescriptive requirements or reference standards for construction adopted by the code;

(b) Strengthens means to make more stringent and provide for greater lifesafety;

(c) Improves means to make more responsive to the context of application; statewide, regional or local; on the basis of experience or newly presented information without compromising or decreasing lifesafety requirements.

(3) The Florida Building Commission shall update the Florida Building Code triennially. When updating the code, the Commission shall consider changes made by the adopting entity of any selected model code which forms the basis of the Florida Building Code, the Commission's own interpretations, declaratory statements, appellate decisions, and local technical amendments. The Commission may adopt the new edition or successor of the model codes, or any part thereof, no sooner than six months after such model code has been adopted by the adopting organization. When adopting the new edition or successor of the model codes, the fiscal impact statement required by subsection 9B-3.047(6), F.A.C., does not apply, unless an interested party requests one in writing.

(4) For the purpose of amending the Florida Building Code as provided in subsections (1) and (2), the yearly amendment cycle shall run from July 1 to June 30. Except as provided in subsection (2), each proposed amendment to the Florida Building Code shall be submitted by July 1 on the form adopted by, and include the information required by, subsection 9B-3.047(6), F.A.C., through the Building Code Information System at www.floridabuilding.org. Proposed amendments submitted after July 1 will not be considered in the current amendment cycle, but may be resubmitted for the following amendment cycle.

(5) Each proposed amendment will be heard first by the appropriate Technical Advisory Committee, which will consider the proposal and all documentation submitted therewith, and consider whether to recommend approval by a 75% vote. If the proposal fails to achieve a 75% favorable vote, it is forwarded to the Commission for action based upon the applicable criteria. The Committee may modify the proposed amendment if it provides the documentation required by subsection 9B-3.047(6), F.A.C. After modification, the Committee must then vote whether to recommend adoption as amended. If the proposed amendment as modified fails to achieve a 75% favorable vote, the proposal is forwarded to the Commission for action.

(6) The Commission shall publish each proposed amendment on its website at www.floridabuilding.org at least 45 days prior to its consideration by the appropriate Technical

Advisory Committee. This notice may run concurrently with the notice required by Section 120.54(2), F.S., and is not intended to extend the required rulemaking timeframes therein.

(7) The full Commission shall consider and vote upon each proposed amendment after consideration by at least one Technical Advisory Committee. The Commission may act on a consent agenda of those proposals which receive the required 75% vote at the Committee level deny the amendment. The Commission must take action on all proposed amendments regardless of the Committee's recommendation. The decision of the Commission to approve a proposed amendment shall be by 75% vote. Those proposals failing to meet the vote requirement shall not be adopted. The Commission may modify a proposed amendment, provided that the form required by subsection 9B-3.047(6), F.A.C., is amended to reflect the modification and supporting documentation is submitted.

(8) The Commission shall publish each proposed amendment on its website at www.dca.state.fl.us/fhcd/fbc at least 45 days prior to its consideration by the full Commission. This notice may run concurrently with the notice required by Section 120.54(3), F.S., and is not intended to extend the required rulemaking timeframes therein.

(9) Each amendment approved for adoption by the Florida Building Commission on or before December 31 shall take effect on July 1 of the following year.

Specific Authority 553.73(3), (6) FS. Law Implemented 553.73(3), (6) FS. History—New.

9B-3.051 Local Amendments to the Florida Building Code.

(1) Local governments may adopt amendments to the Florida Building Code which meet the requirements of Section 553.73(4)(b), F.S.

(2) Within 30 days of adopting a local amendment, the local government shall transmit each amendment to the Commission utilizing the Building Code Information System available at www.floridabuilding.org. The Commission shall publish each such amendment on the Building Code Information System for access by the public.

(3) The Commission may review local technical amendments and issue nonbinding recommendations to the local government regarding the compliance of such amendments with the requirements of Section 553.73(4)(b), F.S. For purposes of this review, each amendment shall be considered first by the applicable Technical Advisory Committee which shall make a recommendation to the Commission regarding the compliance of the amendment with the applicable criteria. The nonbinding recommendation shall be issued in writing to the local government and shall be issued to the local government within thirty (30) days of the conclusion of the Commission meeting at which the recommendation is approved.

(4) When triennially updating the Florida Building Code, the Commission shall review each locally adopted technical amendment and determine whether the amendment meets the criteria listed in subsection 9B-3.050(1), F.A.C. For purposes of such determination, each amendment shall be referred to the applicable Technical Advisory Committee for review and recommendation to the full Commission. If the Commission determines that the amendment meets the criteria, the Commission may adopt the amendment into the Florida Building Code following the procedures established in subsection 9B-3.050(3)-(8), F.A.C. If the Commission determines that the amendment does not meet the criteria, the Commission shall rescind the amendment. Rescissions shall be in writing with written findings and shall be transmitted to the local government within 30 days of the conclusion of the meeting at which the Commission's decision is voted upon.

Specific Authority 553.73(4)-(5) FS. Law Implemented 553.73(4)-(5) FS. History—New.

9B-3.052 Notice of Rights.

All decisions interpreting the Florida Building Code appealable to the Florida Building Commission shall include a notification of the right to appeal the decision to the Commission as required by Chapter 120, F.S., and Chapter 28-106, F.A.C.

Specific Authority 553.77(1)(h) FS. Law Implemented 553.77(1)(h) FS. History—New.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 22, 2001

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Florida Building Commission:

Operational Procedures 9B-3

RULE TITLE: RULE NO.:

State Building Code and Product Evaluation

and Approval System Adopted 9B-3.047

PURPOSE, EFFECT AND SUMMARY: To effectuate final preparation for implementation of the Florida Building Code, including revision of the Code to update sections which reflect rules of other agencies, implement substantive law changes

with which the Code conflicts and make editorial changes. In addition, the amendment adopts by reference the Florida Product Evaluation and Approval System which creates a system for demonstration that products, systems and methods of construction comply with the standards established by the Code.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None has been prepared by the Commission.

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

SPECIFIC AUTHORITY: 553.73(1),(7), 553.842 FS.

LAW IMPLEMENTED: 553.72, 553.73(3),(7),(9), 553.842 FS.

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

TIME AND DATE: 8:30 a.m., August 28, 2001

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-3.047 State Building Code and Product Evaluation and Approval System Adopted.

(1) The Florida Building Code as revised by the Florida Building Commission on August 29th, 2001, is hereby adopted and incorporated by reference as the building code for the State of Florida.

~~(1) South Florida Building Code (Dade County), 1994 edition.~~

(2) The Florida Product Approval System as approved by the Florida Building Commission on August 29th, 2001, is hereby adopted and incorporated by reference. The Product Approval System shall establish procedures by which products,

systems and methods of construction demonstrate compliance with the Florida Building Code South Florida Building Code (Broward County), 1996 edition. Copies of the Florida Product Approval System may be obtained by writing to the Codes and Standards Section, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

~~(3) EPCOT Code, 1996 edition.~~

~~(4) One and Two Family Dwelling Code, 1995 edition excluding section 308.4.9 relating to safety glazing near swimming pools.~~

~~(5) Section 1606 of the Standard Building Code shall be the minimum wind load criteria used for the design of all one and two family dwellings. Compliance with the engineering design criteria contained in section 1606 may be achieved by using the Southern Building Code Congress International, Inc., Standard SSTD 10-97 for Hurricane Resistant Residential Construction, the Wood Products Promotion Council—High Wind Project, Guide to Wood Construction in High Wind Areas 1997 edition “the Builder’s Guide”, the Wood Frame Construction Manual for One and Two Family Dwellings, 1995 High Wind Edition, or the Guide to Concrete Masonry Residential Construction in High Wind Areas, the “Masonry Guide”. The Builder’s Guide implementation shall be limited to the construction and design of wood frame single story buildings with wind speed design parameters of 100 and 110 miles per hour. The Manual is limited to residential buildings of three stories or less, a mean roof height not exceeding 33 feet and wind speed design parameters between 90 and 120 miles per hour. The Masonry Guide is limited to residential buildings of one story with a maximum height not exceeding 25 feet and wind speed design parameters of 90, 100, and 110 miles per hour (fastest mile).~~

(3)(6) Modifications and Amendments. All proposed modifications to the selected base codes and amendments to the Florida Building Code shall be submitted on Form No. 2000-01, which the Commission hereby incorporates by reference, effective 11-28-00. Form No. 2000-01 must be completed in full prior to submittal. The text of the proposed modification or amendment must be provided on Form No. 2000-01 in legislative format, with underlining indicating where new language is added to the existing provisions and strikeout indicating where existing language is deleted. Copies of Form No. 2000-01 may be obtained by writing to the Codes and Standards Section, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

Specific Authority 553.73(1), (7), 553.842 FS. Law Implemented 553.72, 553.73(3), (7), (9), 553.842 FS. History—New 7-18-90, Amended 3-30-93, 10-17-93, 8-28-95, 9-24-96, 12-26-96, 4-27-97, 10-5-97, 10-14-97, 9-7-00, 11-28-00, 2-7-01, _____.

NOTE 1: The revision of the Florida Building Code referenced in paragraph 1 effects the following chapters of the Code in the manner indicated:

Volume Building:

Chapter 1, Administration

The following sections are amended in the Code:

101.4.2 (Building), 104.1.5 (Information required), 104.6.2 (Work commencing before permit issuance), 105.6 (Required inspection)

The following sections are added in the Code:

104.5.4 (Work starting before permit issuance)

Chapter 4, Special Occupancy

The following sections are amended in the Code:

419 (Hospitals and Intermediate Residential Treatment Facilities), 420 (Nursing Homes), 421 (Ambulatory Surgical Centers), 422 (Birthing Centers), 423 (State Requirements for Educational Facilities), 424 (Swimming Pools and Bathing Places), 425 (Public Lodging Establishments), 426 (Public Food Service Establishments), 427 (Crisis Stabilization Units), 428 (Manufactured Buildings), 429 (Boot Camps for Children), 433 (Adult Day Care), and 434 (Assisted Living Facilities), and 431 (Control of Radiation Hazards).

Chapter 9, Fire Protection Systems

The following section is deleted from the Code:

903.7.5 (Group R1-Residential Occupancy (Exception))

The following section is amended in the Code:

903.8.1 (automatic sprinkler system)

The following section is added in the Code:

904.3.5 (wet standpipe)

Chapter 10, Means of Egress

The following section is amended in the Code:

1003.2.7 (change in level)

Chapter 12, Interior Environment

The following section is amended in the Code:

1203.2.6 (ceiling height)

Chapter 13, Energy Efficiency

The following sections are amended in the Code:

610.1.A.3.5.2 (Air Handling Units), Appendix D Energy Code Compliance Forms

Chapter 15, Roof Assemblies and Rooftop Structures

The following section is amended in the Code:

1521.9 (roofing system)

Chapter 16, Structural Loads

The following section is deleted from the Code:

1611.2.3 (Awning structures)

The following sections are amended in the Code:

1606.1.4 (Protection of openings), 1626.1 Exception f (storage sheds)

Chapter 19, Concrete

The following section is amended in the Code:

1901.1.1 (Exception)

Chapter 23, Wood

The following section is deleted from the Code:

2319.17.2.1.1(2) (documents)

Chapter 30, Elevators and Conveying Systems is amended.

Chapter 31, Special Construction is amended.

Chapter 34, Existing Buildings

The following section is amended in the Code:

3401.1 (Exception), 3401.2.2.2 (reference), and 3401.5.3 (reference).

Reference Standards

Chapter 35, Reference Standards, of the Florida Building Code, Building; Chapter 7, Reference Standards, of the Florida Building Code, Fuel Gas; Chapter 14, Reference Standards, of the Florida Building Code, Plumbing; Chapter 15, Reference Standards, of the Florida Building Code, Mechanical. Reference Standards, Florida Building Code, are revised to provide for consistent numbering of the referenced standards throughout the Florida Building Code and for consistency with the referenced standards within the Florida Fire Prevention Code.

Index is amended for clarity.

Test Protocols for High Velocity Hurricane Zones

TAS 105

The following sections are amended in the Code:

8.3 and 9.2.1

TAS 301

The following sections are amended in the Code:

8.1

RAS 130

The following sections are amended in the Code:

1.1, 3.4, and 4.1

NOTE 2: The Florida Product Approval System adopted by reference in paragraph 2 above was noticed for rule development workshop under the title 9B-72, Product Approval, in the June 22, 2001, issue of Florida Administrative Weekly. The workshop was held as noticed. The Florida Building Commission voted to adopt the requirements of that system by reference herein rather than in a separate rule chapter.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 22, 2001

DEPARTMENT OF COMMUNITY AFFAIRS**Florida Building Commission**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Florida Building Commission Building

Code Training Program 9B-70

RULE TITLE: RULE NO.:

Building Code Training Program 9B-70.001

PURPOSE, EFFECT AND SUMMARY: To reflect the development of five technical courses focusing on issues of transition from the current codes to the Florida Building Code as part of the core training curriculum in addition to the initial basic core course which focuses on the administrative requirements of the Florida Building Code, and to provide those required to take a course two years from the date that the courses became available to complete the requirement. The amendment also provides for credit to be given to those who take more than one core course.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None has been published.

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

SPECIFIC AUTHORITY: 553.841(2) FS.

LAW IMPLEMENTED: 553.841 FS.

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

TIME AND DATE: 8:20 a.m., August 28, 2001

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-70.001 Building Code Training Program.

The purpose of the Building Code Training Program is to educate licensed building department personnel, contractors, and design professionals through a required core curriculum courses or equivalency examination that addresses the Florida Building Code.

(1) The Core Curriculum Course:

(a) The Core curriculum is comprised of the Basic Core Course that emphasizes the administrative, enforcement and procedural aspects of the Florida Building Code and five (5) Technical Code Training courses that emphasize comparison between the existing codes and the Florida Building Code ~~shall consist of one course that~~ Licensees regulated under Chapters 468, Part XII, 481, and 489, Parts I and II, F.S., shall at a minimum be required to complete one course by June 1, 2003 or within two (2) years of initial certification or registration, whichever is later as a condition of renewal of their certificate or registration. Licensees regulated under Chapter 471, F.S., are required to complete one the core course curriculum only if the licensee actively participates in designing buildings, structures, or facilities covered by the Florida Building Code.

(b) Licensees ~~who complete the core curriculum~~ will receive four (4) hours of continuing education credit for each Core course completed.

(c) Licensees who hold more than one certificate or registration issued by a board and licensees regulated by more than one board will be required to complete one the core course one time.

(d) The core courses shall be delivered through customized instructor-led training at multiple sites, Internet, or CD-ROM supported interactive multimedia training materials.

(e) The Florida Building Commission shall assign a generic course numbers which must be used by all providers when reporting completion of the core courses by electronic means to the Department of Community Affairs and Department of Business and Professional Regulation.

(f) The core courses shall be effective until the adoption of the new edition of the Florida Building Code every third year, at which time the curriculum will be updated to reflect amendments and changes to the unified code. The licensee shall only be required to complete a the core course one time.

(2) Equivalency examination:

(a) The equivalency examination shall include and measure the same areas of competency covered in the Basic Core course. The equivalency examination will be updated every third year to reflect the new edition of the Florida Building Code.

(b) Passing the equivalency examination shall be considered equivalent to completing the Basic Ceore course and the licensee will receive four (4) hours of continuing education credit.

(c) through (e) No change.

(f) If the licensee does not pass the equivalency examination, and subsequently completes a the core course curriculum, the licensee shall be deemed to have met the requirements for license renewal and will receive four (4) hours of continuing education credit.

(3) The Florida Building Commission shall have the authority to contract for the purpose of administering the core courses and equivalency examination.

Specific Authority 553.841(2) FS. Law Implemented 553.841 FS. History—New 4-20-00, Amended _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 22, 2001

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Product Approval	9B-72
RULE TITLES:	RULE NOS.:
Definitions	9B-72.010
Local Product Approval Generally	9B-72.030
Product Evaluation and Quality Assurance for Local Approval	9B-72.040
Product Approval by Local Jurisdiction	9B-72.050
Optional Statewide Approval Generally	9B-72.060
Product Evaluation and Quality Assurance for Optional Statewide Approval	9B-72.070
Product Validation by Approved Validation Entity for Optional Statewide Approval	9B-72.080
Product Approval by the Commission	9B-72.090
Approval of Product Evaluation Entities, Product Validation Entities, Testing Laboratories, Certification Agencies, and Quality Assurance Agencies and Accreditation Bodies	9B-72.100

Criteria for Certification of Independence 9B-72.110

List of Approved Product Evaluation Entities, Validation Entities, Testing Laboratories, Certification Agencies, and Quality Assurance Agencies 9B-72.120

Forms 9B-72.130

Revocation or Modification of Product Approvals and Entity Certifications 9B-72.160

Investigations 9B-72.170

Equivalence of Standards 9B-72.180

Reference Standards 9B-72.190

PURPOSE, EFFECT AND SUMMARY: To adopt, implement and produce an approved system for establishing methods by which construction products, materials, systems and methods are adopted for use in the State of Florida.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None 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: 553.842(1),(9),(14),(15) FS.

LAW IMPLEMENTED: 553.842(1),(2),(5), (6),(8),(9), (14),(15) FS.

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

TIME AND DATE: 9:10 a.m., August 28, 2001

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

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-72.010 Definitions.

The following terms have the meanings indicated.

(1) Accreditation means a procedure by which a Commission approved body gives formal recognition that a body or person is competent to carry out specific tasks.

(2) Approved accreditation entity means a Commission approved, third party entity, which initially accredits and subsequently monitors, on a continuing basis, the competency and performance of an agency related to carrying out specific tasks.

(3) Approved certification agency means an organization approved by the Commission pursuant to Rule 9B-72.100(4), F.A.C., to certify products.

(4) Approved product evaluation entity means an organization recognized by Florida law or approved by the Commission pursuant to Rule 9B-72.100(1), F.A.C., to evaluate products, for compliance with the Code or intent of the Code or the standards referenced therein resulting in the issuance of an evaluation report.

(5) Approved testing laboratory means a laboratory approved by the Commission pursuant to Rule 9B-72.100(3), F.A.C., to test products for compliance with the standards specified in the Code.

(6) Approved quality assurance entity means an entity approved by the Commission pursuant to Rule 9B-72.100(5), F.A.C., to provide oversight and determine that the product or system is being manufactured or assembled, per the submitted description, test results, or calculations to establish continual product performance.

(7) Approved validation entity means a third party entity approved by the Commission pursuant to Rule 9B-72.100(2), F.A.C., which shall certify to the Commission the product's compliance with the standards specified in the Code or intent of the Code for use in statewide approval.

(8) Certification means the act of certifying.

(9) Certification mark means a protected mark, applied or issued under the rules of a certification system, indicating that confidence is provided that the relevant product, process or service is in compliance with a specific standard or other normative document.

(10) Certify means the act of providing a written statement or labeling or listing confirming that a standard or criteria is met.

(11) Code means the Florida Building Code.

(12) Commission means the Florida Building Commission.

(13) Comparative analysis means an engineering analysis that may be interpolation based on testing of a product.

(14) Evaluation means a comparison of product compliance by comparing against standards or intent of the Code by testing or comparative analysis or rational analysis or a combination thereof.

(15) Evaluation report means a report based upon testing or comparative or rational analysis, or a combination thereof, from an approved product evaluation entity or a professional engineer or architect licensed in this state indicating that the

product was evaluated to be in compliance with the intent of the Code and that the product is, for the purpose intended, at least equivalent to that required by the Code.

(16) Inspection means conformity evaluation to the applicable Code section by observation and judgement accompanied as appropriate by measurement, testing or gauging or any other appropriate method for determining compliance with the Code.

(17) Intent of the Code means required performance by the code where no standardized method for evaluating compliance by test; or comparative analysis or rational analysis; or a combination thereof is specified by the code.

(18) Labeled means devices, equipment or materials to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

(19) Listed means equipment or materials included in a list published by a nationally recognized testing laboratory, of production of listed equipment or materials, and whose listing states either that the equipment or material meets nationally recognized standards or has been tested and found suitable for use in a specified manner. The means for identifying listed equipment may vary for each testing laboratory, inspection agency or other organization concerned with product evaluation, some of which do not recognize equipment as listed unless it is also labeled. The building official should use the system employed by the listing organization to identify a listed product.

(20) Peer review means a documented review by a registered architect or licensed professional engineer of the work performed by another registered architect or professional engineer.

(21) Product means any product, system or method of construction.

(22) Product Approval:

(a) Local product approval means the acceptance of the product for local use after review, performed by the building official or designee, of the method used to demonstrate that the product complies with the Code, including the use of approved product evaluation entities, testing laboratories, quality assurance entities and certification agencies. Information that addresses the requirements of the Code and the product or material is suitable for use in the location and project where it is proposed must be verified. The issuance of a signed permit denotes approval of any product shown on the approved construction documents on which the permit is based. Approval may be by inspection of approved certification marks.

(b) Statewide product approval means the approval by the Commission for acceptance of a product on a statewide or regional basis consistent with that approval.

(23) Rational analysis means a standardized or non-standardized method by which a Florida Registered Architect or Florida Professional Engineer uses mathematical or scientific analysis to evaluate the behavior and to demonstrate that the product evaluated complies with the code for which the evaluation or engineering report is issued. Rational analysis shall be performed in accordance with well-established principles of mechanics and sound engineering practices.

(24) Scope of Accreditation means the specific test standards, calibration services or other functions for which the organization is accredited.

(25) Standard means a prescribed set of rules, conditions, or requirements concerning: definition of terms; classification of components; specification of materials, performance, or operation; delineation of procedures for measure the quantity or quality of materials, products, systems, services, or practices referenced in the Code.

(26) Standardized test means a specified technical procedure for performing a test.

(27) Structural means any part, material or assembly of a building or structure which affects the safety of such building or structure or which supports any dead or designed live load and the removal of which part, material or assembly could cause, or be expected to cause, all or any portion to collapse or to fail, or both.

(28) Test means a technical operation that consists of the determination of one or more characteristics of a given product, process or service according to a specified procedure.

(29) Test report means a report from an approved testing laboratory or approved certification agency, which provides performance data showing compliance to a referenced standard and identifies which products are covered by the report and limitations on the products use.

(30) Third party means an entity independent of the manufacturer (first Party) and the buyer (second party) certified in accordance with Rule 9B-72.110, F.A.C.

(31) Validation means determination of compliance pursuant to Rule 9B-72.050, F.A.C., for local approval and 9B-72.080 for statewide approval.

Specific Authority 553.842(1) FS. Law Implemented 553.842(1) FS. History—New _____.

9B-72.030 Local Product Approval Generally.

Approval requires evaluation of product compliance with the Code by a method listed in Rule 9B-72.040, F.A.C., and validation of the evaluation as required by Rule 9B-72.080, F.A.C. Validation shall be by the authority having jurisdiction.

Specific Authority 553.842(1) FS. Law Implemented 553.842(5),(6),(8) FS. History—New _____.

9B-72.040 Product Evaluation and Quality Assurance for Local Approval.

(1) Compliance can be demonstrated through one of the methods established in subsections 9B-72.040(2)-(4), F.A.C., except that panel walls, exterior doors, roofing, skylights, windows, shutters and structural components must be evaluated by either Rule 9B-72.040(3) or 9B-72.040(4), F.A.C.

(2) Method 1. Products, except as provided in Rule 9B-72.040(1), F.A.C., which are specifically addressed in the code through prescriptive provisions, may be approved for use in accordance with building plan and inspection process.

(3) Method 2. Products specifically addressed in the code through performance criteria and standardized testing or comparative or rational analysis methods, which cannot be approved through the plan review and inspection process, shall demonstrate compliance with the Code through one of the following:

(a) A certification mark or listing from an approved certification agency indicating in compliance with the Code.

(b) A test report from an approved testing laboratory, which identifies which products are covered by the test report and provides verifiable documentation indicating the product or material tested complies with the Code and the product is manufactured under a quality assurance program audited by an approved quality assurance entity.

(c) An evaluation report from an approved product evaluation entity that covers the subject product based upon testing or comparative or rational analysis, or a combination thereof and indicates that the product was evaluated to be in compliance with the intent of the Code and that the product is, for the purpose intended, at least equivalent to that required by the Code.

(d) An evaluation report from a Florida Registered Architect or a Florida Professional Engineer developed and signed and sealed, based upon testing or comparative or rational analysis, or a combination thereof and indicates that the product was evaluated to be in compliance with the intent of the Code and that the product is, for the purpose intended, at least equivalent to that required by the Code.

(4) Method 3. Products for which there are no specific standardized tests or comparative or rational analysis methods of evaluation established as required by the Code shall demonstrate compliance with the intent of the Code through one of the following:

(a) An evaluation report from an approved product evaluation entity based on testing or comparative or rational analysis or combination thereof, which provides verifiable documentation indicating the product complies with the Code and the product is manufactured under a quality assurance program audited by an approved quality assurance entity.

(b) An evaluation report from a Florida Registered Architect or a Florida Professional Engineer based on testing or comparative or rational analysis or combination thereof,

which provides verifiable documentation indicating the product complies with the Code and the product is manufactured under a quality assurance program audited by an approved quality assurance entity.

(5) Evaluation and Test Report and Certification Agency Documentation Requirements. All evaluation reports required in Rule 9B-72.040(3), (4), F.A.C., shall contain the information listed below. Design drawings submitted for permitting purposes are not an evaluation report and do not require this information.

(a) Name, address and phone number of the manufacturer, and the approved evaluation entity or approved testing laboratory.

(b) Statement of compliance with the appropriate section or standard of the Code.

(c) Description of the product, construction method or building system.

(d) Technical documentation supporting the compliance statement.

(e) Installation requirements.

(f) Limitations and conditions of use.

(g) Certification of independence in conformance with Rule 9B-72.110, F.A.C.

(h) Name, title and signature of person authorized to sign on behalf of entity or signature, registration number and seal in the case of architects and engineers.

(i) Copy of certification mark applied to products designating compliance with specific standards where such marks are used.

(j) Demonstration of listing of product where products are listed.

Specific Authority 553.842(1) FS. Law Implemented 553.842(5), (6), (8) FS. History—New _____.

9B-72.050 Product Approval by Local Jurisdiction.

Approval of a product for local use shall be performed by the building code official or his/her designee by verifying that the product complies with the Code in accordance with Rule 9B-72.040, F.A.C.

(1) The authority having jurisdiction shall validate the method of compliance pursuant to Rule 9B-72.030, F.A.C.

(2) Upon acceptance of required documentation pursuant to Rule 9B-72.030, F.A.C., the authority having jurisdiction may deem the product approved for use in accordance with its approval and limitation of use.

(3) Approval shall be valid until such time as the product changes significantly or the standards of the Code change or the approval is otherwise suspended or revoked.

Specific Authority 553.842(1) FS. Law Implemented 553.842(8) FS. History—New _____.

9B-72.060 Optional Statewide Approval Generally.

Statewide approval requires evaluation of product compliance with the Code by a method listed in Rule 9B-72.070, F.A.C., validation of the evaluation as required by Rule 9B-72.080, F.A.C., and approval per Rule 9B-72.090, F.A.C. Validation of compliance with the Code shall be performed by approved Validation Entities. Approval shall be performed by the Commission. All products used in construction covered by the Code shall comply with the provisions or standards contained therein or with the intent of the Code.

Specific Authority 553.842(1) FS. Law Implemented 553.842(6) FS. History—New _____.

9B-72.070 Product Evaluation and Quality Assurance for Optional Statewide Approval.

(1) Method 2. Products specifically addressed in the code through performance criteria and standardized testing or comparative or rational analysis methods, which cannot be approved through the plan review and inspection process, shall demonstrate compliance with the Code through one of the following:

(a) A certification mark or listing from an approved certification agency indicating in compliance with the Code.

(b) A test report from an approved testing laboratory, which identifies which products are covered by the test report and provides verifiable documentation indicating the product or material tested complies with the Code and the product is manufactured under a quality assurance program audited by an approved quality assurance entity.

(c) An evaluation report from an approved product evaluation entity that covers the subject product based upon testing or comparative or rational analysis, or a combination thereof and indicates that the product was evaluated to be in compliance with the intent of the Code and that the product is, for the purpose intended, at least equivalent to that required by the Code.

(d) An evaluation report from a Florida Registered Architect or a Florida Professional Engineer developed and signed and sealed, based upon testing or comparative or rational analysis, or a combination thereof and indicates that the product was evaluated to be in compliance with the intent of the Code and that the product is, for the purpose intended, at least equivalent to that required by the Code.

(2) Method 3. Products for which there are no specific standardized tests or comparative or rational analysis methods of evaluation established as required the Code shall demonstrate compliance with the intent of the Code through one of the following:

(a) An evaluation report from an approved product evaluation entity and provides verifiable documentation indicating the product complies with the Code and the product is manufactured under a quality assurance program audited by an approved quality assurance entity.

(b) An evaluation report from a Florida Registered Architect or a Florida Professional Engineer based on testing or comparative or rational analysis or combination thereof, which provides verifiable documentation indicating the product complies with the Code and the product is manufactured under a quality assurance program audited by an approved quality assurance entity.

(3) Evaluation and Test Report and Certification Agency Documentation Requirements. All reports and documentation required in Rule 9B-72.070(1)(a)-(d), F.A.C., and Rule 9B-72.070(2), F.A.C., shall contain the information listed below. Design drawings submitted for permitting purposes are not to be construed to be an evaluation report and do not require this information.

(a) Name, address and phone number of the manufacturer, evaluation entity, engineer or architect or testing laboratory.

(b) Statement of compliance with the appropriate section or standard of the Code.

(c) Description of the product, construction method or building system.

(d) Technical documentation supporting the compliance statement.

(e) Installation requirements.

(f) Limitations and conditions of use.

(g) Certification of independence in conformance with Rule 9B-72.110, F.A.C.

(h) Name, title and signature of person authorized to sign on behalf of entity or signature, registration number and seal in the case of architects and engineers.

(i) Copy of certification mark applied to products designating compliance with specific standards where such marks are used.

(j) Demonstration of listing of product where a product is listed.

Specific Authority 553.842(1) FS. Law Implemented 553.842(6) FS. History—New _____.

9B-72.080 Product Validation by Approved Validation Entity for Optional Statewide Approval.

Validation of compliance with the code shall be performed by approved validation entities through the following steps:

(1) Verification that the testing, evaluation and quality assurance requirements established by Rule 9B-72.070, F.A.C., are met and that all documentation is in order.

(2) Validation of the method of compliance pursuant to Rule 9B-72.080, F.A.C., using the validation checklist in Rule 9B-72.130(3), F.A.C.

(3) Certification to the Commission that the documentation submitted for the product indicates the product complies with the Code.

Specific Authority 553.842(1) FS. Law Implemented 553.842(1) FS. History—New _____.

9B-72.090 Product Approval by the Commission.

(1) Approval of a product for statewide use shall be performed by the Commission through the following steps:

(a) Product manufacturer or its designee (applicant) shall apply to the Commission for product approval by filing an application in accordance with Rule 9B-72.130(2), F.A.C., and submitting fees pursuant to Rule 9B-72.090(2), F.A.C. Application shall be made through the Building Codes Information System on the Internet and payment shall be by credit card.

(b) The applicant submits all documentation required and fees in accordance with Rule 9B-72.070, F.A.C. and Rule 9B-72.090(2), F.A.C., respectively.

(c) Upon Commission acceptance of the required documentation pursuant to Rule 9B-72.070, F.A.C., and validation entity's certification of compliance with the Code pursuant to Rule 9B-72.080, F.A.C., a Florida Certificate of Product Approval shall be issued indicating the product has been approved for use statewide in accordance with its approval and limitations of use.

(d) Approval shall be valid until such time as the product changes significantly or the standards of the Code change or the approval is otherwise suspended or revoked.

(2) Fees for optional statewide approval of products.

(a) Fee for approval, Fifty Dollars (\$50.00) per product.

(b) Fee for reinstatement after suspension, Fifty Dollars (\$50.00) per product, plus billable staff hours at Fifty Dollars (\$50.00) per hour, plus consultant fees.

(c) Fees for approval of evaluation entities, certification agencies, testing laboratories and validation entities; for first time approval, Five Hundred Dollars (\$500.00), annual renewal fee, One Hundred Dollars (\$100.00).

(3) Applications shall be made through the Building Codes Information System on the Internet and payment shall be by credit card.

Specific Authority 553.842(1) FS. Law Implemented 553.842(1) FS. History—New _____.

9B-72.100 Approval of Product Evaluation Entities, Product Validation Entities, Testing Laboratories, Certification Agencies, and Quality Assurance Agencies and Accreditation Bodies.

(1) Approved Product Evaluation Entities. Approval by the Commission is limited to the scope of accreditation established by approved accreditation entities.

(a) The following entities are recognized in Section 553.842(9)(a), F.S., as approved product evaluation entities:

1. The National Evaluation Service (NES).

2. The International Conference of Building Officials Evaluation Services (ICBO ES).

3. The Building Officials and Code Administrators International Evaluation Services (BOCA ESI).

4. The Southern Building Code Congress International Evaluation Services (PST ESI), and

5. The Miami-Dade County Building Code Compliance Office Product Control Division (MDCBCCOPCD).

(b) Architects and engineers licensed in this state are also approved to conduct product evaluation.

(c) Evaluation entities, other than architects and engineers registered in this state, shall apply to the Commission for approval as an evaluation entity by filing an application in accordance with Rule 9B-72.130(1), F.A.C., and submitting fees pursuant to Rule 9B-72.090(2), F.A.C.

(2) Approved Validation Entities.

(a) An entity shall be approved by the Commission as a validation entity if it is a Commission approved evaluation entity, testing laboratory or certification agency and it certifies to the Commission compliance with standards established by the Code. Architects and engineers licensed in this state are also approved to conduct validation for the optional statewide approval.

(b) An entity may be approved as a validation entity after applying to the Commission for approval. Applications must be submitted in accordance with Section 8 and fees submitted pursuant to section 14. Application shall be made through the Building Codes Information System on the Internet and payment shall be by credit card.

(c) Approvals shall be valid until such time as Commission approval requirements change, the entity no longer qualifies under current requirements or the approval is suspended or revoked.

(3) Approved Testing Laboratory Criteria. Approval by the Commission is limited to the scope of accreditation established by approved accreditation entities.

(a) An entity shall be approved by the Commission as an approved testing laboratory if it complies with one of the following. Approval shall be limited to those procedures listed on the certificate of accreditation or accreditation listing issued by the accreditation body.

1. Testing laboratories accredited by American Association for Laboratory Accreditation (A2LA) that meet the requirements of the International Organization for Standardization/International Electrotechnical Commission (ISO/IEC) Guide 17025: General Requirements for the Competence of Calibration and Testing Laboratories or equivalent as certified to the Commission by the accrediting entity.

2. Testing laboratories accredited by National Voluntary Laboratory Accreditation Program (NVLAP) that meet the requirements of ISO/IEC Guide 17025: General Requirements for the Competence of Calibration and Testing Laboratories or equivalent as certified to the Commission by the accrediting entity.

3. Testing laboratories accredited by approved product evaluation entities that meet the requirements of ISO/IEC Guide 17025: General Requirements for the Competence of Calibration and Testing Laboratories or equivalent as certified to the Commission by the accrediting entity.

4. Testing laboratories accredited by other approved accreditation bodies that meet the requirements of ISO/IEC Guide 17025: General Requirements for the Competence of Calibration and Testing Laboratories or equivalent as certified to the Commission by the accrediting entity.

(b) Testing laboratories shall apply to the Commission for approval by filing an application in accordance with Rule 9B-72.130(1), F.A.C., and submitting fees pursuant to Rule 9B-72.090(2), F.A.C.

(c) Approvals shall be valid until such time as Commission approval requirements change, the testing laboratory no longer qualifies under current requirements or the approval is suspended or revoked.

(4) Approved Certification Agency Criteria. Approval by the Commission is limited to the scope of accreditation established by approved accreditation entities.

(a) An entity shall be approved by the Commission as a certification agency if it complies with one of the following. Approval shall be limited to those procedures listed on the certificate of accreditation or accreditation listing issued by the accreditation body:

1. Certification Agencies accredited by ANSI that meet the requirements of ISO/IEC Guide 65: General Requirements for Bodies Operating Product Certification Systems or equivalent as certified by the accrediting entity.

2. Certification Agencies accredited by Approved Product Evaluation Entities that meet the requirements of ISO/IEC Guide 65: General Requirements for Bodies Operating Product Certification Systems or equivalent as certified by the accrediting entity.

3. Certification Agencies accredited by other approved accreditation bodies that meet the requirements of ISO/IEC Guide 65: General Requirements for Bodies Operating Product Certification Systems or equivalent as certified by the accrediting entity.

(b) Certification Agencies shall apply to the Commission for approval by filing an application as provided by Rule 9B-72.130(1), F.A.C., and submitting fees pursuant to Rule 9B-72.090(2), F.A.C.

(c) Approvals shall be valid until such time as Commission approval requirements change, the certification agency no longer qualifies under current requirements or the approval is suspended or revoked.

(5) Approved Quality Assurance Agency Criteria. Approval by the Commission is limited to the scope of accreditation established by approved accreditation entities.

(a) An entity shall be approved by the Commission as a quality assurance agency if it complies with one of the following. Approval shall be limited to those procedures listed on the certificate of accreditation issued by the accreditation body.

1. Quality assurance agencies accredited by approved product evaluation entities that meet the requirements of ISO/IEC Guide TR 17020: 1998, General Criteria for the Operation of Various Types of Bodies Performing Inspection or equivalent as certified by the accrediting entity.

2. Quality assurance agencies accredited by approved certification agencies that meet the requirements of ISO/IEC Guide TR 17020: 1998, General Criteria for the Operation of Various Types of Bodies Performing Inspection or equivalent as certified by the accrediting entity.

3. Quality assurance agencies accredited by other approved accreditation bodies that meet the requirements of ISO/IEC Guide TR 17020: 1998, General Criteria for the Operation of Various Types of Bodies Performing Inspection or equivalent as certified by the accrediting entity.

(b) Quality assurance agencies shall apply to the Commission for approval by filing an application in accordance with Rule 9B-72.130(1), F.A.C., and submitting fees pursuant to Rule 9B-72.090(2), F.A.C. Application shall be made through the Building Codes Information System on the Internet and payment shall be by credit card.

(c) Approvals shall be valid until such time as Commission approval requirements change, the quality assurance agency no longer qualifies under current requirements or the approval is suspended or revoked.

(6) Approved Accreditation Body Criteria.

(a) The following are recognized by the Commission as approved accreditation bodies for accrediting testing laboratories, certification programs and quality assurance program auditors/inspection bodies:

1. Bodies operating acceptance/accreditation programs for testing bodies pursuant to ISO/IEC Guide 58, Calibration and Testing Laboratory Accreditation Systems – General Requirements for Operation and Recognition.

2. Bodies operating acceptance/accreditation programs for certification programs pursuant to ISO/IEC Guide 61, General Requirements for Assessment and Accreditation of Certification/Registration Bodies.

3. Bodies operating acceptance/accreditation programs for quality assurance/inspection bodies pursuant to ISO/IEC Guide TR 17010: 1998, General Requirements for Bodies Providing Accreditation of Inspection Bodies.

(b) Where accrediting bodies utilize standards other than the ISO accreditation standards referenced in Rule 9B-72.100, F.A.C., they shall provide a certification to the Commission for approval pursuant to Rule 9B-72.180(2), F.A.C.

(c) Approvals shall be valid until such time as Commission approval requirements change, the accreditation body no longer qualifies under current requirements or the approval is suspended or revoked.

(d) A Commission approved accreditation body shall not perform the functions of a testing body.

Specific Authority 553.842(9) FS. Law Implemented 553.842(9) FS. History—New _____.

9B-72.110 Criteria for Certification of Independence.

A Florida registered architect or professional engineer as applicable or by an officer of the entity, agency or laboratory who is responsible for operation of said entity, agency or laboratory shall attest to and certify the following:

(1) The entity, agency or laboratory does not have, nor does it intend to acquire or will it acquire, a financial interest in any company manufacturing or distributing products tested or labeled by the agency.

(2) The entity, agency or laboratory is not owned, operated or controlled by any company manufacturing or distributing products it tests or labels.

(3) The Florida registered architect or professional engineer performing an evaluation report does not have nor will acquire, a financial interest in any company manufacturing or distributing products for which the reports are being issued.

(4) The Florida registered architect or professional engineer performing an evaluation report does not have nor will acquire, a financial interest in any other entity involved in the approval process of the product.

Specific Authority 553.842(1) FS. Law Implemented 553.842(1),(9) FS. History—New _____.

9B-72.120 List of Approved Product Evaluation Entities, Validation Entities, Testing Laboratories, Certification Agencies, and Quality Assurance Agencies.

The Commission shall make available a current list of approved product evaluation entities, testing laboratories, certification agencies, and quality assurance agencies on its web-site.

Specific Authority 553.842(14) FS. Law Implemented 553.842(14) FS. History—New _____.

9B-72.130 Forms.

The following forms are adopted for use in reference to the Product Evaluation and Approval System. Copies of these forms are available from the Department of Community Affairs, Codes and Standards Section, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399.

(1) Florida Building Commission, Application for Entity Approval.

(2) Florida Building Commission, Application for Statewide Product Approvals.

(3) Validation Checklist for Optional Statewide Approval.

Specific Authority 553.842(1) FS. Law Implemented 553.842(1) FS. History—New _____.

9B-72.160 Revocation or Modification of Product Approvals and Entity Certifications.

(1) Product Approval Revocation or Suspension.

(a) Any product approval shall be revoked or suspended for any of the following reasons:

1. Failure to maintain certification, evaluation reports or testing in good standing with a Commission approved entity which conducted the testing or comparative or rational analysis, or combination thereof on which the product approval is based.

2. Suspension or revocation of the certification, evaluation report or testing report issued by a Commission approved entity on which the approval is based, for just cause.

3. Failure to maintain quality assurance programs for the manufacture of the approved products as required by this document.

4. Failure to correct manufacturing deficiencies required to bring the product within specifications of the originally approved product or alternatively to demonstrate in a manner consistent with this document, that the product's performance complies with the standards established by the Code.

5. Advertising and sales of the product for uses not consistent with conditions or limitations of its approval.

6. Determination that the product was approved based on misrepresentations in the application for approval.

7. Failure of the manufacturer to cooperate with a Commission ordered investigation.

(b) The Commission may suspend the approval of any entity based on any provision of Rule 9B-72.160(1), F.A.C., until such time as the manufacturer demonstrates the product is currently in compliance with this document.

(c) The Commission shall initiate an investigation based on a written complaint containing substantial material evidence by any substantially affected party.

(d) The Commission shall clearly post the status of approved product approval, suspension or revocation on its web-site list of approved products and shall notify building code enforcement jurisdictions electronically when there is a change in status.

(2) Revocation or suspension of evaluation entity, certification agency, testing laboratory, validation entity or accreditation body approval.

(a) The Commission shall revoke or suspend the approval of any evaluation entity, certification agency, testing laboratory or validation entity other than those specifically identified in law for one or more of the following reasons:

1. Failure to maintain accreditation by a Commission approved accreditation body.

2. Suspension or revocation of accreditation by a Commission approved accreditation body for failure to meet Commission accreditation standards or equivalent pursuant to Rule 9B-72.100, F.A.C.

3. Determination by the Commission that any requirement set forward in this document has been violated.

4. Determination that the criteria for independence from any manufacturer set forth in Rule 9B-72.110, F.A.C., has been violated.

5. Determination that the entity is not independent pursuant to Rule 9B-72.110, F.A.C., of any competing manufacturer of the manufacturer to whom the entity provided services on which Florida jurisdictions' product approval is based.

6. An entity has misrepresented its accreditations or other material information on its application for approval.

7. Failure to conduct investigations of products authorized by Rule 9B-72.170, F.A.C.

(b) The Commission may revoke or suspend the approval of any approved accreditation body for failure to maintain accreditation programs which comply with Rule 9B-72.100(6), F.A.C., or any material misrepresentation of its independence or substantive information on its capabilities or policies and procedures and failure to cooperate in investigations of those it accredits.

(c) The Commission may suspend the approval of any evaluation entity, certification agency, testing laboratory, or validation entity based on Rule 9B-72.160(2), F.A.C., until such time as the entity demonstrates it is currently in compliance with said requirement.

(d) The Commission shall initiate an investigation based on a written complaint providing substantial material evidence provided by any substantially affected party.

(e) The Commission shall clearly post the status of approved evaluation entity, certification agency, testing laboratory, validation entity and accreditation body approval, suspension or revocation on its web-site list of approved entities.

Specific Authority 553.842(15) FS. Law Implemented 553.842(15) FS. History—New _____.

9B-72.170 Investigations.

(1) Investigation of approved product non-compliance.

(a) The Commission shall initiate an investigation of product non-compliance on the basis of a written complaint including substantial material evidence.

(b) Investigation of product deficiencies shall be conducted by the manufacturer's certification agency, evaluation entity or test laboratory and the validation entity which certified compliance with the code standards to the Commission.

(c) The manufacturer's certification agency, evaluation entity or test laboratory and the validation entity may conduct investigations independent of the Commission initiation and report findings to the Commission on which suspension or revocation action is based.

(d) Substantially affected party complaints shall be based on one or more of the provisions of Rule 9B-71.160, F.A.C.

(2) Investigation of approved certification agency, evaluation entity, test laboratory or validation entity non-compliance.

(a) The Commission shall initiate an investigation of approved certification agency, evaluation entity, test laboratory or validation entity non-compliance on the basis of a written complaint including substantial material evidence provided by an substantially affected party.

(b) Investigation of approved certification agency, evaluation entity, test laboratory or validation entity deficiencies shall be conducted by its accrediting body.

(c) The Commission shall conduct investigations of non-compliance where the accrediting body is not capable.

(d) The Commission shall conduct investigations of non-compliance of approved accrediting bodies.

(e) Substantially affected party complaints shall be based on one or more of the provisions of Rule 9B-72.160(2), F.A.C., as applicable.

Specific Authority 553.842(15) FS. Law Implemented 553.842(15) FS. History--New _____.

9B-72.180 Equivalence of Standards.

(1) Equivalence of product standards. Product evaluation shall rely on national and international consensus standards referenced by the Code. Other standards which meet or exceed standards referenced by the Code, as determined by the Commission may be recognized as equivalent for determining Code compliance.

(2) Equivalence of accreditation standards. Where approved evaluation entities and accreditation bodies accredit testing laboratories, certification agencies and quality assurance agencies to standards other than the referenced ISO standards in Rule 9B-72.100, F.A.C., the accrediting body shall certify to the Commission that its standard is equivalent to the ISO standard. Such certification shall contain:

(a) A sworn statement by the officer of the accrediting body; and

(b) A comparison of the accrediting body's standard to each criteria of the ISO reference standard with an explanation of why it is considered equivalent.

Specific Authority 553.842(1) FS. Law Implemented 553.842(2) FS. History--New _____.

9B-72.190 Reference Standards.

(1) International Organization for Standardization/International Electrotechnical Commission ISO/IEC Guide 61, General Requirements for Assessment and Accreditation of Certification/Registration Bodies.

(2) International Organization for Standardization/International Electrotechnical Commission (ISO/IEC) Guide 65: 1996, General Requirements for Bodies Operating Product Certification Systems.

(3) International Organization for Standardization/International Electrotechnical Commission ISO/IEC Guide TR 17010: 1998, General Requirements for Bodies Providing Accreditation of Inspection Bodies.

(4) International Organization for Standardization/International Electrotechnical Commission ISO/IEC Guide TR 17020: 1998, General Criteria for the Operation of Various Types of Bodies Performing Inspection.

(5) International Organization for Standardization/International Electrotechnical Commission (ISO/IEC) Guide 17025:1999, General Requirements for the Competence of Testing and Calibration Laboratories.

(6) International Organization for Standardization/International Electrotechnical Commission ISO/IEC Guide 58, Calibration and Testing Laboratory Accreditation Systems – General Requirements for Operation and Recognition.

Specific Authority 553.842(1) FS. Law Implemented 553.842(2) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 2001

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Offender Travel

RULE NO.: 33-302.106

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify procedures relating to offender travel.

SUMMARY: The proposed rule adds relevant forms, corrects titles, updates relevant forms, and clarifies procedures relating to recreational travel, inter-county travel, and transfer of supervision.

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: Giselle Lysten Rivera, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.106 Offender Travel.

(1) Officers are required to instruct each offender under the officer's supervision not to change his or her residence, or leave the county of residence, without first procuring the consent of the officer. In order for an offender to obtain permission to travel, the following conditions must exist:

(a) through (e) No change.

(f) ~~Monetary obligations are current when the travel requested is purely recreational in nature. However, Travel shall be denied for purely recreational purposes if the offender is not current with the court ordered or releasing authority imposed payment schedule or offender financial obligation agreement when there is any outstanding, court ordered victim restitution and the offender will expend monies in the course of travel.~~

(g) No change.

(2) An officer shall ~~discuss transfer the supervision of an offender's routine travel needs during the initial interview to determine whether the offender must travel daily, weekly, or monthly between counties due to the location of her or his residence and her or his employment site, school, medical needs, program, or other approved need who is travelling to a single judicial circuit in the state of Florida for more than 30 consecutive days. If the offender must travel across county lines to get to her or his employment site, school, program, doctor, or routine shopping, the officer will document this specific information in the electronic case notes and give the offender a blanket approval for this travel, provided the travel is verified and is not prohibited by the supervision orders. If the offender's residence or purpose of travel out of county changes, the blanket approval will be suspended until the offender's travel needs are revisited, reviewed, and approved. Any other travel out of county must be approved in advance.~~

(3) Inter-county travel in Florida approved for a visit of thirty days or less does not require a "Travel Permit." DC3-220, unless the offender is a sex offender or requires specific or additional instructions that must be written on a travel permit. Sex offenders require a travel permit for all out of county travel. If the offender is granted permission to travel and visit another county and subsequently requests an extension of the visit out of county, which will exceed thirty days, the officer will transfer the offender's supervision to the other county. Form DC3-220, Travel Permit, is hereby incorporated by reference. Copies of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(4) An officer shall transfer the supervision of an offender who is granted permission to travel and remain in another county outside of her or his county of residence in the State of Florida for more than thirty consecutive days.

(5)(3) An officer shall transfer the supervision of an offender who is travelling to a single other state, the District of Columbia, the Commonwealth of Puerto Rico or the Virgin Islands of the United States, for more than thirty 30 consecutive days. The transfer of supervision involves the forwarding of all pertinent supervision documents via the Bureau of Interstate Compact to the receiving location and the formal assumption of supervision of the offender by a probation or parole officer in the receiving location. The officer shall forward the following supervision documents, in triplicate, to the Bureau of Interstate Compact:

(a) Out of State Investigation Request, Form DC3-110;

(b) Application for Compact Services and Agreement to Return, Form DC3-122;

(c) Supervision orders; and,

(d) Pre-sentence or Post-sentence investigation, or offense report and arrest history.

(e) Form DC3-110, Out of State Investigation Request and Form DC3-122, Application for Compact Services and Agreement to Return, are hereby incorporated by reference. Copies of these forms can be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of these forms is _____.

(6)(a) When interstate travel is for the sole purpose of transfer to another state, the District of Columbia, the Commonwealth of Puerto Rico or the Virgin Islands of the United States, the offender must meet the other state's requirements and receive consent to travel from the Bureau of Interstate Compact Office before proceeding to that state.

(7)(b) In compact cases that meet emergency criteria, the officer must submit an Electronic Request for Emergency Reporting Instructions and Travel Permit, Form EF3-005 EF1-007, to the Bureau of Interstate Compact Office two days before the requested date of travel. This time frame does not

apply to offenders who already reside in the receiving state and who must return immediately after sentencing. Form ~~EF1-007~~ **EF3-005** is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for copies to be mailed must be accompanied by a self-addressed envelope. The effective date of this form is 3-22-00.

~~(8)(4)~~ In high profile and sex offender cases, the officer must review the Interstate Compact File Cabinet computer database or seek guidance from the Bureau of Interstate Compact Office to ensure that the offender meets and follows travel requirements for the state of destination before granting travel permission. Once the officer has verified and instructed the offender as to the requirements of the state of destination, a copy of the travel permit providing the offender's itinerary must be transmitted to the Bureau of Interstate Compact Office.

(9) The officer will obtain permission from the sentencing or releasing authority prior to granting permission to the community control offender for the right to travel out of state. A DC3-220 will be approved with a copy forwarded to the Bureau of Interstate Compact.

~~(10)(5)~~ No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 3-21-00, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Shari Britton

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore, Secretary, Department of Corrections

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2001

COMMISSION ON ETHICS

RULE TITLE: List of Forms and Instructions

RULE NO.: 34-7.010

PURPOSE AND EFFECT: The purpose of the proposed amendment is to adopt new forms CE Form 1X and CE Form 6X, which will be used to amend previously filed financial disclosures.

SUMMARY: Sections 112.3144(6) and 112.3145(9), Florida Statutes (2000), required the Commission to adopt rules and forms specifying how persons who file financial disclosure can amend their forms to report information not included in their forms as originally filed. These forms are being adopted to fulfill that mandate.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: Art. II, Sec. 8(f),(h), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(13), 112.322(7),(10), 112.324 FS.

LAW IMPLEMENTED: Art. II, Sec. 8(a),(f),(h), Fla. Const., 112.313(9),(12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS.

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

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

PLACE: Committee Room A (Lower Level, Senate Office Building), Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julia Cobb Costas, Staff Attorney

THE FULL TEXT OF THE PROPOSED RULE IS:

34-7.010 List of Forms and Instructions.

(1) The following forms and instructions are adopted by reference and are used by the Commission in its dealings with the public:

(a) through (s) No change.

(t) Form 1X, Amendment to Form 1 Statement of Financial Interests. To be used to amend a previously filed CE Form 1. Effective _____.

(u) Form 6X, Amendment to Full and Public Disclosure of Financial Interests. To be used to amend a previously filed CE Form 6. Effective _____.

(2) No change.

Specific Authority Art. II, Sec. 8(f),(h), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(13), 112.322(7),(10), 112.324 FS., ~~Chapters 2000-232, 2000-243, and 2000-258, L.O.F.~~ Law Implemented 112.313(9), (12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS., Art. II, Sec. 8(a),(f),(h), Fla. Const., ~~Chapters 2000-232, 2000-243, and 2000-258, L.O.F.~~ History--New 4-11-76, Formerly 34-7.10 through 7.22, 8.10, Amended 2-23-77, 4-7-77, 5-17-77, 10-20-77, 2-25-79, 1-29-80, 4-29-81, 1-12-82, 3-25-82, 2-21-83, Formerly 34-7.10, Amended 7-10-88, 3-4-91, 10-6-91, 10-29-91, 12-22-91, 7-5-92, 10-15-92, 12-6-92, 11-10-93, 12-27-93, 11-21-94, 2-16-95, 12-26-95, 1-27-97, 1-1-98, 11-19-98, 12-28-99, 1-1-00, 12-4-00, 12-21-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Julia Cobb Costas, Staff Attorney

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bonnie J. Williams, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2000

COMMISSION ON ETHICS

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Disclosure of Financial Interests 34-8

RULE TITLES: RULE NOS.:

**PART I FULL AND PUBLIC DISCLOSURE OF
FINANCIAL INTERESTS (PURSUANT TO
ART. II, SEC. 8, FLA. CONST.)**

General 34-8.001

General Rule for Filing Full and Public

Disclosure of Financial Interests 34-8.002

Choosing to File Copy of Income Tax Return 34-8.007

Final Filing 34-8.008

Amended Filing 34-8.009

Penalties for Late Filing 34-8.010

Appeal of Statutory Fines: Hearings,

Unusual Circumstances 34-8.015

**PART II STATEMENT OF FINANCIAL INTERESTS
(PURSUANT TO SEC. 112.3145, FLA. STAT.)**General Rules for Filing a Statement of
Financial Interests 34-8.202

Final Filing 34-8.208

Amended Filing 34-8.209

Penalties for Late Filing 34-8.210

Appeal of Statutory Fines: Hearings,

Unusual Circumstances 34-8.215

PURPOSE AND EFFECT: In implementing the provisions of Chapters 2000-243 and 2000-258, L.O.F., the Commission proposes to reorganize the rules in Chapter 34-8, F.A.C., and address the financial disclosure obligations of those public officials and employees who are required to file annual disclosure.

SUMMARY: The proposed amendments rename Chapter 34-8 to address all financial disclosure, not just full and public disclosure. New rules implement the automatic penalty provisions for late filing; provide an amendment process for previously filed disclosure; and address the final filing required within 60 days of leaving public office or employment. Existing rules are amended to provide for filing with the Commission on Ethics instead of the Secretary of State.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: Art. II, Sec. 8, Fla. Const., 112.3144, 112.3145, 112.3147, 112.322(9) FS.

LAW IMPLEMENTED: Art. II, Sec. 8, Fla. Const., 112.3144, 112.3145 FS.

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

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

PLACE: Committee Room A (Lower Level, Senate Office Building), Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julia Cobb Costas, Staff Attorney

THE FULL TEXT OF THE PROPOSED RULE IS:

~~**FILING FULL AND PUBLIC DISCLOSURE OF
FINANCIAL INTERESTS PURSUANT TO ARTICLE II,
SECTION 8, FLORIDA CONSTITUTION**~~

**PART I FULL AND PUBLIC DISCLOSURE OF
FINANCIAL INTERESTS (PURSUANT TO ART. II, SEC. 8,
FLA. CONST.)**

34-8.001 General.

The Commission on Ethics has the responsibility pursuant to Article II, Section 8(i)(h), Florida Constitution, to prescribe forms for disclosure of income sources and amounts and the rules under which such forms are to be filed, which rules shall include disclosure of secondary sources of income. In addition, the Commission is authorized by Section 112.3147, Florida Statutes, to prescribe forms required for use in making the disclosures required by Article II, Section 8, Florida Constitution, and by Section 112.322(10), Florida Statutes, to adopt rules interpreting the disclosures established by Article II, Section 8, Florida Constitution.

The forms for full and public disclosure shall be prescribed in accordance with the rules of this chapter and adopted by reference listed in Chapter 34-7, F.A.C.

Specific Authority Art. II, Section 8, Fla. Const., 112.3144, 112.3147, 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., 112.3144 FS. History—New 4-7-77, Formerly 34-8.01, Amended 8-7-94, _____.

34-8.002 General Rule for Filing Full and Public Disclosure of Financial Interests.

(1) Every person who, on or after January 4, 1977, holds an office specified in Rule 34-8.003, F.A.C., must file full and public disclosure of his or her financial interests with the Commission Secretary of State by July 1 of each year during which he or she is in office, and every person who held an office specified in Rule 34-8.003, F.A.C., on December 31st of a year must file full and public disclosure of his or her financial interests with the Commission by July 1 of the following year. Full and public disclosure of financial interests means filing a sworn statement showing net worth, assets and liabilities on the form prescribed by the Commission, CE Form 6, adopted by reference in Rule 34-7.010(1)(c), Florida Administrative Code, together with either a copy of the person's most recent federal income tax return, including all attachments, or the completed income disclosure portion of CE Form 6. A candidate for an elective office specified in Rule 34-8.003 or otherwise specified by law must file this information prior to or at the time he or she qualifies as a candidate.

(2) Except for disclosures filed as part of a candidate's qualifying papers, full and public disclosure under this rule must be filed no later than 5:00 p.m. on the due date. However, any disclosure that is postmarked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner. A certificate of mailing obtained from and dated by the United States Postal Service at the time of mailing, or a receipt from an established courier company which bears a date on or before the due date, shall also be proof of mailing in a timely manner.

(3) If the due date prescribed in the Constitution or by statute falls on a Saturday, Sunday, or legal holiday designated in Section 110.117, F.S., then the due date shall be extended to the next day which is not a Saturday, Sunday, or legal holiday designated in Section 110.117, F.S.

Specific Authority Art. II, Section 8, Fla. Const., 112.3144, 112.3147, 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., 112.3144 FS. History—New 4-7-77, Amended 10-3-84, Formerly 34-8.02, Amended 8-7-94, 7-2-00,_____.

34-8.007 Choosing to File Copy of Income Tax Return.

(1) No change.

(2) If a reporting official has filed a copy of his or her most recent federal income tax return with the Commission on Ethics Secretary of State in lieu of disclosing his or her sources of income pursuant to this chapter and that return is amended voluntarily, adjusted through I.R.S. examination or altered in any other way, the official shall file with the Commission Secretary of State a copy of such amended, adjusted or altered return following its filing with the I.R.S., using the form prescribed in Rule 34-8.009.

Specific Authority Art. II, Section 8, Fla. Const., 112.3144, 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const. History—New 5-17-77, Formerly 34-8.07, Amended 8-7-94, 7-2-00,_____.

34-8.008 Final Filing.

(1) Each person who is required to file full and public disclosure of financial interests shall, within 60 days of leaving his or her public position, file with the Commission a final disclosure statement covering the period between January 1 of the year in which the person leaves and his or her last day in the position, unless he or she takes another position within that 60-day period which requires full and public disclosure. The final filing shall be on the form prescribed by the Commission, CE Form 6F, adopted by reference in Rule 34-7.010, F.A.C.

(2) If the due date prescribed for a final filing falls on a Saturday, Sunday, or legal holiday designated in Section 110.117, F.S., then the due date shall be extended to the next day which is not a Saturday, Sunday, or legal holiday designated in Section 110.117, F.S.

Specific Authority 112.3144, 112.3147, 112.322(9) FS. Law Implemented 112.3144(5) FS. History—New _____.

34-8.009 Amended Filing.

(1) A person may amend his or her full and public disclosure of financial interests to add to or modify the information reported on the form as originally filed at any time after filing the disclosure form. The amended filing shall be filed with the same office where the original form was filed and shall be on the form prescribed by the Commission, CE Form 6X, adopted by reference in Rule 34-7.010, F.A.C.

(2) If the amendment is the subject of a complaint filed against the reporting person, the Commission shall consider the timing of the amendment as a mitigating factor, as provided in Section 112.3144, F.S.

Specific Authority 112.3144(6), 112.3147, 112.322(9) FS. Law Implemented 112.3144(6) FS. History—New _____.

34-8.010 Penalties for Late Filing.

(1) Upon determining that a CE Form 6 has been filed after the due date or that the maximum fine has accrued, Commission staff shall send a notice by U.S. Mail notifying the delinquent person of the failure to timely file, of the amount of the payment due for the accrued fine, and of the person's right to appeal or dispute the fine as provided in Rule 34-8.015.

(2) The fine shall be \$25 per day for each late day, up to a maximum of \$1,500. Commission staff shall determine the amount of the fine due based upon the earliest of the following:

(a) When the CE Form 6 is actually received by the Commission;

(b) When the CE Form 6 is postmarked;

(c) When the certificate of mailing is dated; or

(d) When the receipt from an established courier company is dated.

(3) The fine must be paid within 30 days after the notice of payment due is transmitted, unless appeal is made to the Commission as provided in Rule 34-8.015. Commission staff shall deposit all fine moneys into the General Revenue Fund.

(4) Fines which are not waived by final order of the Commission and which remain unpaid more than 60 days after the notice of payment due is transmitted or which remain unpaid more than 60 days after the Commission renders a final order on the appeal will be referred to the Department of Banking and Finance for collection.

Specific Authority 112.3144, 112.322(9) FS. Law Implemented 112.3144 FS. History—New _____.

34-8.015 Appeal of Statutory Fines: Hearings, Unusual Circumstances.

(1) A person who chooses to appeal or dispute a fine imposed in accordance with Section 112.3144, F.S., shall file with the Commission a notice of appeal within 30 days of the date the notice of payment due is transmitted, setting out with specificity the unusual circumstances surrounding the failure to file by the due date. The notice of appeal may be accompanied

by any documentation or evidence supporting the claim, but must be received by the Commission no later than 30 days after the date the notice of payment due is transmitted.

(2) Failure to timely file a notice of appeal as described herein shall constitute a waiver of any such entitlement. A final order of waiver shall be promptly entered by the chair of the Commission without the necessity of any further action being taken by the Commission.

(3) A person who seeks a hearing before the Commission shall include in the notice of appeal a separate request for hearing. If no request for hearing is included in the notice of appeal, the Commission's determination shall be based on the notice and any supporting information and shall be final agency action. If a separate request for hearing is included in the notice, notice of hearing shall be provided and the Commission's determination after hearing shall be final agency action. Failure to appear in accordance with the notice of hearing shall constitute a waiver of such entitlement, and the Commission shall dispose of the case on the written record before it.

(4) "Unusual circumstances" means uncommon, rare or sudden events over which the reporting individual had no control and which directly result in the failure to act in accordance with the filing requirements. Circumstances which allow for time in which to take those steps necessary to assure compliance with the filing requirements shall be deemed not to constitute unusual circumstances.

Specific Authority 112.3144, 112.322(9) FS. Law Implemented 112.3144 FS. History—New _____.

PART II STATEMENT OF FINANCIAL INTERESTS (PURSUANT TO SEC. 112.3145, FLA. STAT.)

34-8.202 General Rules for Filing a Statement of Financial Interests.

(1) A person who was a local officer as defined in Section 112.3145, F.S., on December 31st of a year must file by July 1 of the following year a statement of financial interests on the form prescribed by the Commission, CE Form 1, adopted by reference in Rule 34-7.010, F.A.C., with the supervisor of elections in the county where he or she permanently resides, or, if the person does not permanently reside in Florida, with the supervisor of elections in the county of his or her agency's headquarters.

(2) A person who was a state officer or a specified state employee as defined in Section 112.3145, F.S., on December 31st of a year must file with the Commission by July 1 of the following year a statement of financial interests on the form prescribed by the Commission, CE Form 1, adopted by reference in Rule 34-7.010, F.A.C.

(3) A person who assumes a public position defined in Section 112.3145, F.S., as a state officer, specified state employee, or local officer must file within 30 days of taking that position a statement of financial interests on the form

prescribed by the Commission, CE Form 1, adopted by reference in Rule 34-7.010, F.A.C., provided that any person whose appointment is subject to confirmation by the Senate shall file prior to confirmation hearings or within 30 days from the date of appointment, whichever comes first. The disclosure statement of a state officer or specified state employee must be filed with the Commission. The disclosure statement of a local officer must be filed with the supervisor of elections in the county where he or she permanently resides, or, if the person does not permanently reside in Florida, with the supervisor of elections in the county of his or her agency's headquarters.

(4) Disclosure forms filed under (1) or (2), above, must be filed no later than 5:00 p.m. on the due date. However, any disclosure that is postmarked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner. A certificate of mailing obtained from and dated by the United States Postal Service at the time of mailing, or a receipt from an established courier company which bears a date on or before the due date, shall also be proof of mailing in a timely manner.

(5) If the due date prescribed by statute for a filing under (1), (2), or (3), above, falls on a Saturday, Sunday, or legal holiday designated in Section 110.117, F.S., then the due date shall be extended to the next day which is not a Saturday, Sunday, or legal holiday designated in Section 110.117, F.S.

(6) A candidate for an elective state or local office specified in Section 112.3145, F.S., must file with the officer before whom he or she qualifies a statement of financial interests on the form prescribed by the Commission, CE Form 1, adopted by reference in Rule 34-7.010, F.A.C., together with and at the same time he or she files qualifying papers as a candidate.

Specific Authority 112.3145, 112.3147, 112.322(9) FS. Law Implemented 112.3145 FS. History—New _____.

34-8.208 Final Filing.

(1) Each person who is required to file a statement of financial interests (CE Form 1) shall, within 60 days of leaving his or her public position, file a final statement covering the period between January 1 of the year in which the person leaves and his or her last day in the position, unless he or she takes another position within that 60 day period which requires filing either a statement of financial interests or full and public disclosure covering that disclosure period.

(2) The final filing shall be on the form prescribed by the Commission, CE Form 1F, adopted by reference in Rule 34-7.010, F.A.C.

(3) The final statement of financial interests of a state officer or specified state employee shall be filed with the Commission. The final statement of a local officer shall be filed with the supervisor of elections in the county where he or she permanently resides, or, if the person does not permanently reside in Florida, with the supervisor of elections in the county of his or her agency's headquarters.

(5) If the due date for a final filing falls on a Saturday, Sunday, or legal holiday designated in Section 110.117, F.S., then the due date shall be extended to the next day which is not a Saturday, Sunday, or legal holiday designated in Section 110.117, F.S.

Specific Authority 112.3147, 112.322(9) FS. Law Implemented 112.3145(2)(b) FS. History--New _____.

34-8.209 Amended Filing.

(1) A person may amend his or her statement of financial interests to add to or modify the information reported on the form as originally filed at any time after filing the disclosure form. The amended statement shall be filed with the same office where the original form was filed and shall be made on the form prescribed by the Commission, CE Form 1X, adopted by reference in Rule 34-7.010, F.A.C.

(2) If the amendment is the subject of a complaint filed against the reporting person, the Commission shall consider the timing of the amendment as a mitigating factor, as provided in Section 112.3145, F.S.

Specific Authority 112.3145(9), 112.3147, 112.322(9) FS. Law Implemented 112.3145(9) FS. History--New _____.

34-8.210 Penalties for Late Filing.

(1) Upon determining that a CE Form 1 has been filed after the due date or that the maximum fine has accrued, Commission staff shall send a notice by U.S. Mail notifying the delinquent person of the failure to timely file, of the amount of the payment due for the accrued fine, and of the person's right to appeal or dispute the fine as provided in Rule 34-8.015.

(2) The fine shall be \$25 per day for each late day, up to a maximum of \$1,500. Commission staff shall determine the amount of the fine due based upon the earliest of the following:

(a) When the CE Form 1 is actually received by the Commission;

(b) When the CE Form 1 is postmarked;

(c) When the certificate of mailing is dated; or

(d) When the receipt from an established courier company is dated.

(3) The fine must be paid within 30 days after the notice of payment due is transmitted, unless appeal is made to the Commission as provided in Rule 34-8.015. Commission staff shall deposit all fine moneys into the General Revenue Fund.

(4) Fines which are not waived by final order of the Commission and which remain unpaid more than 60 days after the notice of payment due is transmitted or which remain unpaid more than 60 days after the Commission renders a final order on the appeal will be referred to the Department of Banking and Finance for collection.

Specific Authority 112.3145(6)(f), 112.322(9) FS. Law Implemented 112.3145 FS. History--New _____.

34-8.215 Appeal of Statutory Fines: Hearings, Unusual Circumstances.

(1) A person who chooses to appeal or dispute a fine imposed in accordance with Section 112.3145, F.S., shall file with the Commission a notice of appeal within 30 days of the date the notice of payment due is transmitted, setting out with specificity the unusual circumstances surrounding the failure to file by the due date. The notice of appeal may be accompanied by any documentation or evidence supporting the claim, but must be received by the Commission no later than 30 days after the date the notice of payment due is transmitted.

(2) Failure to timely file a notice of appeal as described herein shall constitute a waiver of any such entitlement. A final order of waiver shall be promptly entered by the chair of the Commission without the necessity of any further action being taken by the Commission.

(3) A person desiring a hearing before the Commission shall include in the notice of appeal a separate request for hearing. If no request for hearing is included in the notice of appeal, the Commission's determination shall be based on the notice and any supporting information and shall be final agency action. If a separate request for hearing is included in the notice, notice of hearing shall be provided and the Commission's determination after hearing shall be final agency action. Failure to appear in accordance with the notice of hearing shall constitute a waiver of such entitlement, and the Commission shall dispose of the case on the written record before it.

(4) "Unusual circumstances" means uncommon, rare or sudden events over which the reporting individual had no control and which directly result in the failure to act in accordance with the filing requirements. Circumstances which allow for time in which to take those steps necessary to assure compliance with the filing requirements shall be deemed not to constitute unusual circumstances.

Specific Authority 112.3145(6)(f), 112.322(9) FS. Law Implemented 112.3145 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Julia Cobb Costas, Staff Attorney

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bonnie J. Williams, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 19, 2001

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Individual Environmental

Resource Permits

40D-4

RULE TITLES: RULE NOS.:
 Permits Required 40D-4.041
 Publications and Agreements Incorporated
 by Reference 40D-4.091
 General Conditions 40D-4.381

PURPOSE AND EFFECT: The proposed amendments will remove obsolete references to environmental resource permitting exemptions that the District previously repealed. The amendments will also accomplish the removal throughout the District's environmental resource permitting rules references to Chapter 40D-45, F.A.C., which the District is repealing.

SUMMARY: As a result of the repeal of the District's rule exemptions 40D-4.051(3),(4),(5), and (6), F.A.C., it is necessary to amend the District's rules to remove obsolete references to these exemptions. Subsections 40D-4.041(4), F.A.C., provides that a Standard General Permit for Minor Surface Water Management Systems is required for a system otherwise exempt from permitting under subsections 40D-4.051(4),(6),(7), or (8), F.A.C., under certain conditions. The amendment to 40D-4.041(4), F.A.C. will remove the reference to subsections (4) and (6). The amendment to Section H of the Environmental Resource Permit Application will remove the reference to two of the qualifying requirements to obtain a Standard General Permit for Minor Surface Water Management Systems. These two requirements are based upon a project qualifying for a permitting exemption under 40D-4.051(4) and (6), F.A.C., which have been repealed. This rulemaking will also accomplish the removal throughout the District's environmental resource permitting rules of references to Chapter 40D-45, F.A.C. The Governing Board initiated repeal of Chapter 40D-45, F.A.C., in January of 1996. In October 1999 the District listed Chapter 40D-45, F.A.C., in its entirety, as exceeding the District's rulemaking authority pursuant to Section 120.536, F.S. No authorizing legislation was passed by the 2000 Legislature and pursuant to Section 120.536, F.S., the District was required to begin proceedings to repeal Chapter 40D-45, F.A.C., by January 1, 2001. Staff are proceeding with the repeal of Chapter 40D-45, F.A.C., as required and the following amendments to the rules are necessary to remove obsolete references.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rules 40D-4.041, 40D-4.091 and 40D-4.381, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113, 373.118, 373.149, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.042, 373.114, 373.171, 373.403, 373.409, 373.413, 373.414, 373.416, 373.426, 373.427, 373.429, 373.441 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 RULES IS: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-4.041 Permits Required.

(1) No change.

(2) The District issues the following types of Environmental Resource Permits:

(a) General permits for construction, alteration, operation, removal or abandonment of surface water management systems for projects which have, either singularly or cumulatively, minimal environmental impact.

(1) Standard general permits are issued pursuant to Chapters 40D-40 and ~~40D-45~~, F.A.C.

(2)(b)through (d) No change.

(3) No change.

(4) A Standard General Permit for Minor Surface Water Management Systems is required for a surface water management system, otherwise exempt from permitting under subsections 40D-4.051(4), ~~(6),(3)(7)~~ or ~~(4)(8)~~, unless the system is exempt by statute or rule from storm water quality regulation or has received storm water quality review and approval by the District or by a DEP permit, license or certification.

(5) Any dredging or filling in, on, or over surface waters of the State which is authorized by a general or individual permit issued under Chapters 40D-4, 40D-40, ~~40D-45~~ or 16J-4, F.A.C., as such Chapters existed prior to October 3, 1995, but which is not authorized by a permit or exemption under Chapter 62-312, F.A.C., as such Chapter existed prior to October 3, 1995, shall require an Environmental Resource Permit prior to the dredging or filling. However, such dredging or filling shall be exempt from the requirements of paragraphs 40D-4.301(1)(a) through (e) and (g) through (k).

(6) No change.

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171 FS. Law Implemented 373.413, 373.416, 373.426, 373.427 FS. History--Readopted 10-5-74, Amended 12-31-74, 9-4-77, 6-7-78, Formerly 16J-4.04, 16J-4.10(1),(2),(4), Amended 10-1-84, 3-1-88, 10-3-95, 7-23-96, 10-16-96, 4-17-97,_____.

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) "Basis of Review for Environmental Resource Permit Applications within the Southwest Florida Water Management District, ~~June 12, 2001~~." This document is available from the District upon request.

(2) through (4) No change.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History-New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, _____.

40D-4.381 General Conditions.

(1) No change.

(2) In addition to those general conditions set forth in subsection (1), the Governing Board may impose on any permit granted under this chapter and Chapters 40D-40 and ~~40D-45~~, F.A.C., such reasonable project-specific conditions as are necessary to assure that the permitted system will be consistent with the overall objectives of the District and will not be harmful to the water resources of the District.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.042, 373.403, 373.409, 373.413, 373.414, 373.416, 373.426 FS. History-Readopted 10-5-74, Amended 12-31-74, 6-7-78, Formerly 16J-4.06(7), 16J-4.11, 16J-4.10(3), Amended 10-1-84, 3-1-88, 10-3-95, 10-16-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, Extension 4651

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2001

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE TITLES: Projects Subject to Review 59C-1.004
Exemptions 59C-1.005

PURPOSE AND EFFECT: Section 15 of Chapter 2001-104 Laws of Florida creates an exemption from certificate of need (CON) review for a proposal to convert hospital based distinct part skilled nursing unit (SNU) beds to acute care beds. The proposed rule amendments reflect this change and establish requirements for the exemption.

SUMMARY: The proposed amendments implement a new exemption from CON review.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 408.15(8), 408.034(5) FS.

LAW IMPLEMENTED: 408.036(3) FS., Chapter 2001-104, Laws of Florida.

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

TIME AND DATE: 2:00 p.m., August 29, 2001

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room E, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Laura MacLafferty, Certificate of Need, 2727 Mahan Drive, Building 1, Tallahassee, Florida

THE FULL TEXT OF THE PROPOSED RULES IS:

59C-1.004 Projects Subject to Review.

(1) No change.

(2) Projects Subject to Expedited Review. Unless exempted under subsection 408.036(3), F.S., (The following projects are subject to expedited review, and will be reviewed in accordance with procedures set forth in subsection 59C-1.010(4), F.A.C.:

(a) through (f) No change.

Specific Authority 408.034(5), 408.15(8) FS. Law Implemented 408.036(1)(2) FS. History-New 1-1-77, Amended 11-1-77, 9-1-78, 6-5-79, 4-25-80, 2-1-81, Formerly 10-5.04, Amended 11-24-86, 11-17-87, 1-31-91, 1-1-92, Formerly 10-5.004, Amended 9-9-92, 1-9-95, 11-4-97, 12-12-00, _____.

59C-1.005 Exemptions.

(1) Request for Exemption. Certain projects are subject to exemption from certificate of need review pursuant to subsections 408.036(3) and 408.036(4), F.S., provided the conditions specified in this rule are met. To receive an exemption, the applicant shall file a request for exemption with the agency and provide documentation to justify the request. A request for exemption may be submitted at any time, and must be submitted to:

Agency for Health Care Administration
Certificate of Need
2727 Mahan Drive, Building 1
Tallahassee, Florida 32308

(2) General Requirements. In the case of any applicant applying for an exemption from certificate of need review, the request shall include:

(a) The type of exemption requested, with reference to the authorizing paragraph in s. 408.036(3), F.S. Except as provided in paragraphs (6)(a) or (b) of this rule, an exemption request must be limited to a single type of exemption.

(b) The name of the health care facility or hospice involved, and the name of the licensee. A request for exemption affecting an existing licensed health care facility or hospice must be submitted by the current licensee.

(c) The location of the project.

(d) The costs of the project.

(e) The gross square footage of the project, if applicable.

(f) The proposed licensed bed capacity of the health care facility, if applicable.

(g) A non-refundable fee of two hundred and fifty dollars (\$250) payable to the Agency for Health Care Administration in accordance with s. 408.036(4), F.S. Exemption requests shall not be accepted by the agency at the time of receipt unless accompanied by the \$250 fee. Checks that are returned by the bank for insufficient funds will be processed consistent with the procedures for expedited review applications specified in s. 59C-1.008(3)(c)1., F.A.C.

(h) The applicable project specific information required by subsection (6) of this rule.

(3) through (5) No change.

(6) Project Specific Exemption Requests. In addition to meeting the requirements of subsections (1) and (2) of this rule, requests for exemption of certain projects must meet the additional requirements specified below:

(a) through (h) No change.

(i) 1. Conversion of skilled nursing beds to acute care beds. A request for exemption of a proposed conversion of hospital-based distinct part skilled nursing unit (SNU) beds to acute care beds shall certify that:

a. The conversion will utilize or modify physical space that exists at the time of the exemption request, without construction of new facilities.

b. The acute care beds will be located at the same premises as the SNU beds.

c. The conversion will not increase the total licensed bed capacity of the hospital.

2. An exemption granted under this paragraph is subject to the project monitoring requirements of s. 408.040(2)(a)-(c), F.S., and Rule 59C-1.013(2) and (3), F.A.C., including project progress reports, an 18-month validity period for the exemption, and the circumstances for extension of the validity period.

3. Beds authorized under this paragraph shall be inventoried as approved beds until the beds are licensed.

Specific Authority 408.034(5), 408.15(8) FS. Law Implemented 408.036(3), 408.036(4) FS. History—New 1-1-77, Amended 6-5-79, 2-1-81, Formerly 10-5.05, Amended 11-17-87, 3-23-88, 1-31-91, Formerly 10-5.005, Amended 7-13-98, 4-2-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jeff Gregg, Chief, Health Facility Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura Branker, Acting Secretary, Agency for Health Care Administration

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 22, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE:

RULE NO.:

Pari-Mutuel Wagering Racing and

Game Officials

61D-2.020

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to interpret Florida Statutes which grant permitholders the authority to designate racing officials.

SUMMARY: This proposed rule implements Florida Statutes necessary to ensure the integrity of the industry.

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 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: 550.0251(3),(11), 550.105(2)(c), (4)(b),(9), 550.2415(13), 550.2625(2)(d) FS.

LAW IMPLEMENTED 550.0251, 550.09514, 550.105, 550.235, 550.2415, 550.2625 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. – 4:00 p.m., August 28, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

Written comments or suggestions on the proposed rule may be submitted to Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional

Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-2.020 Pari-Mutuel Wagering Racing and Game Officials.

(1) Each licensed pari-mutuel wagering permitholder shall designate persons, ~~if required by the permitholder~~, for horse racing, harness racing, greyhound racing, or jai alai games, depending upon the type of permit held, for the following functions as racing or game officials:

(1)(a) No change.

(b) Harness Racing: authorized stewards, racing secretary, paddock judge, horse identifier, patrol judge, clerk of course, starter, timer, veterinarian, and chief of security.

(c) through (2) No change.

(3) No racing official shall have or maintain an ownership interest, direct or indirect, in any racing animal participating at any licensed meeting where he works or officiates.

(4) through (6) No change.

(7) No jai alai court judge shall be under contract as an active player in a fronton in which that judge officiates. In event of an emergency, a temporary court judge shall be chosen by fronton management from the roster of active players and such appointment shall be reported in writing to the division judge.

Specific Authority 550.0251(3), ~~(4)~~, 550.105(2)(b)(e), ~~(4)(b), (9), 550.2415(13), 550.2625(2)(d)~~ FS. Law Implemented 550.0251, ~~550.09514, 550.105, 550.235, 550.2415, 550.2625~~ FS. History--New 10-20-96, Amended 12-15-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Paul F. Kirsch, Director, Division of Pari-Mutuel Wagering

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Kim Binkley-Seyer, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: July 23, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: September 22, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE:

Aggravating and Mitigating Circumstances

RULE NO.:

61D-2.021

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to delineate the factors to be considered for aggravation or mitigation of penalties in relation to discipline.

SUMMARY: This proposed rule implements Florida Statutes necessary to ensure consistency in the assessment of disciplinary penalties.

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 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: 550.0251(3), 550.2415(13) FS.

LAW IMPLEMENTED: 550.0251, 550.1155 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. – 4:00 p.m., August 28, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

Written comments or suggestions on the proposed rule may be submitted to Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-2.021 Aggravating and Mitigating Circumstances.
Circumstances which may be considered for the purposes of mitigation or aggravation of any penalty shall include, but are not limited to, the following:

(1) The severity of the offense.

(2) The danger to the public and/or racing animals.

(3) The number of repetitions of offenses.

(4) The number of complaints filed against the licensee.

(5) The length of time the licensee has practiced.

(6) The deterrent effect of the penalty imposed.

(7) The effect of the penalty upon the licensee's livelihood.

(8) Any efforts at rehabilitation.

(9) Any other mitigating or aggravating circumstances.

Specific Authority 550.0251(3), 550.2415(13) FS. Law Implemented 550.0251, 550.1155 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:

Paul F. Kirsch, Director, Division of Pari-Mutuel Wagering

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Kim Binkley-Seyer, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: March 6, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: December 29, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE:

RULE NO.:

Procedures for Sampling of Racing Animals

61D-6.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to interpret Florida Statutes which authorize the Division to adopt rules for the sampling of racing animals.

SUMMARY: This proposed rule implements Florida Statutes necessary to establish procedures for sampling of racing animals.

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 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: 120.80(4)(a), 550.0251(3),(11), 550.2415(13) FS.

LAW IMPLEMENTED: 120.80(4)(a), 550.0251, 550.2415 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. – 4:00 p.m., August 28, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

Written comments or suggestions on the proposed rule may be submitted to Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-6.005 Procedures for Sampling of Racing Animals.

(1) The winner of every race and other such racing animal participants the stewards, judges, ~~or~~ division, or track veterinarian of the meeting designate, shall be sent immediately after the race to the detention enclosure for examination by the authorized representative of the division and for the taking of urine, blood or other such samples as shall be directed for the monitoring and detection of both permissible and impermissible substances. Blood specimens shall be taken only by a Florida licensed veterinarian (division or track) and witnessed by the racing animal's trainer of record, owner, or designee. Said veterinarian should attempt to attain up to six full 15-milliliter blood tubes from each horse sampled.

(2) through (3) No change.

(4) Only those persons stated in subsection ~~(3)~~(4) of this rule shall be admitted at any time to the detention enclosure except the division staff immediately in charge of such work, the stewards or judges, or such other persons as shall be authorized by the director or the division veterinarian.

(5) No change.

(6) All specimens taken by or under direction of the division veterinarian or other authorized representative of the division shall be delivered to the ~~division's~~ laboratory under contract with the division for official analysis. Each specimen shall be marked by number and date and also bear any information essential for its proper analysis; however, the identity of the racing animal from which the specimen was taken or the identity of its owner, trainer, jockey, stable, or kennel shall not be revealed to the ~~division's~~ laboratory staff until official analysis of the specimen is complete.

(7) The division veterinarian or division investigator is authorized to take samples of any legend or proprietary drugs, medications, medicinal compounds (natural or synthetic) or other materials which are found in the stable area, kennel compound or elsewhere on race tracks, or in the possession of any person participating in or connected with racing, including

veterinarians and trainers, and which are suspected of containing improper legend or proprietary drugs, medications, medicinal compounds (natural or synthetic) or other materials which are illegal or impermissible under these rules and which could affect the racing condition of a horse or racing greyhound in a race. Such legend or proprietary drugs, medications, medicinal compounds (natural or synthetic) or other materials shall be delivered to the ~~division's~~ laboratory under contract with the division for analysis under the same conditions as are prescribed in this rule for the analysis of other biological samples.

(8) The division may proceed when other evidence exists that an illegal or impermissible legend or proprietary drug, medication, or medicinal compound (natural or synthetic) may have been administered to a racing animal. Otherwise, no action shall be taken unless and until the ~~division~~ laboratory under contract with the division has properly identified the legend or proprietary drug, medication, or medicinal compound (natural or synthetic) in a sample or specimen collected pursuant to this chapter.

(9) Any licensee who threatens to or interferes with, or fails to allow the taking of urine, blood or other specimens authorized by Chapter 550, Florida Statutes, is subject to suspension by the stewards or judges of the meeting and to action by the division. The stewards or judges shall refer any such incident to the division for review.

Specific Authority 120.80(4)(a), 550.0251(3), ~~(4)~~, 550.2415(8)(e), ~~(9)(c)~~, (13) FS. Law Implemented 120.80(4)(a), 550.0251, 550.1155, 550.2415 FS. History—New 10-20-96, Amended 12-15-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Paul F. Kirsch, Director, Division of Pari-Mutuel Wagering
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Kim Binkley-Seyer, Secretary,
Department of Business and Professional Regulation
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 23, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 9, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Requirement for Instruction on Human
Immunodeficiency Virus, Acquired
Immune Deficiency Syndrome
and Communicable Diseases 61G8-32.007
PURPOSE AND EFFECT: The Board proposes to review this
rule to determine if amendments are necessary.
SUMMARY: The rule amendments are for the purpose of
updating the educational courses to one hour.

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

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

SPECIFIC AUTHORITY: 455.2226(7), 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS.

LAW IMPLEMENTED: 455.2226, 455.219(2), 470.0006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-32.007 Requirement for Instruction on Human Immunodeficiency Virus, Acquired Immune Deficiency Syndrome and Communicable Diseases.

(1) through (2) No change.

(3) To receive the Board's approval, such educational courses shall be, at a minimum, one ~~two~~ hours in length and shall consist of:

(a) Education on the transmission, infection control procedures, and prevention of HIV and AIDS;

(b) Special emphasis on precautions to be used in handling and transporting dead human bodies, handling and disposal of body fluids and tissues removed during embalming, and procedures to be used in sterilizing implements and equipment used in embalmings;

(c) Discussion of current Florida law on HIV and AIDS.

(d) Communicable diseases including transmission, sterilization techniques and risk education methods in the practice of professional services.

(4) through (10) No change.

Specific Authority 470.005, 455.2226(7), 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS. Law Implemented 455.2226, 455.219(2), 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS. History—New 3-19-92, Amended 6-17-92, Formerly 21J-32.007, Amended 5-1-95, 10-29-97, 8-8-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Funeral Directors and Embalmers

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Funeral Directors and
Embalmers

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 9, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED FAW: June 29, 2001

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE: Attendance at Board Meetings
RULE NO.: 64B11-1.001
PURPOSE AND EFFECT: The Board proposes to define unexcused absences.

SUMMARY: The rule requires attendance at Board meetings and sets forth the criteria for an excused absence.

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

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

SPECIFIC AUTHORITY: 456.011(4) FS.

LAW IMPLEMENTED: 456.011(4) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-1.001 Attendance at Board Meetings.

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

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

Specific Authority 456.011(4) FS. Law Implemented 456.011(4) FS. History—
New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Occupational Therapy

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Occupational Therapy

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

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

DEPARTMENT OF HEALTH

Board of Occupational Therapy

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.

SUMMARY: The Board is fulfilling the requirement that it determine the business-related activities for which compensation shall be paid to the Board members.

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

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

SPECIFIC AUTHORITY: 456.011(4) FS.

LAW IMPLEMENTED: 456.011(4) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-1.002 Other Business Involving the Board.

For purposes of Board member compensation pursuant to Section 456.011(4), Florida Statutes, "other business involving the Board" does not include telephone conference calls that last less than four hours, but otherwise is defined to include:

(1) Board meetings;

(2) Meetings of committees of the Board;

(3) Meetings of a Board member with staff or with a member or members of other regulatory boards at the request of the Board or the Department.

(4) Probable cause panel meetings;

(5) Attendance at legislative workshops or committee meetings at the request of the Board or Department;

(6) Attendance at meetings of National and State Associations as an authorized representative of the Board;

(7) Attendance at continuing education programs for the purpose of auditing a Board approved provider when such attendance has been approved by the Board;

(8) Attendance at any function relating to Board business and authorized by the Board or Department.

Specific Authority 456.011(4) FS. Law Implemented 456.011(4) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Occupational Therapy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Occupational Therapy
DATE PROPOSED RULE APPROVED BY THE AGENCY HEAD: June 18, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 15, 2001

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE: Address of Licensee
PURPOSE AND EFFECT: The Board proposes to define the requirement that the licensees must provide their address of record.

SUMMARY: Address of licensee is defined to include current place of practice if different from the current mailing address.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.035 FS.

LAW IMPLEMENTED: 456.035 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-4.007 Address of Licensee.

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

Specific Authority 456.035 FS. Law Implemented 456.035 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Occupational Therapy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Occupational Therapy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 15, 2001

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Physician Assistant Certification Renewal
PURPOSE AND EFFECT: The purpose of the rule amendments is to update the rule text with regard to the requirements necessary for certification renewal.

SUMMARY: The Board is amending this rule to update the requirements for physician assistants who wish to renew their certification.

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

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

SPECIFIC AUTHORITY: 456.031, 456.033, 459.005 FS.

LAW IMPLEMENTED: 456.031, 456.044, 459.022(7)(b),(c) 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: Karen Eaton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-6.0035 Physician Assistant Certification Renewal.

(1) No change.

(2) Requirements for Renewal.

(a) through (c) No change.

(d) Submission of proof of completion of the HIV/AIDS education requirement set forth in Section 456.033, F.S. In lieu of completing the HIV/AIDS education requirement, licensees are permitted to substitute a course in end-of-life care and palliative health care, provided the licensee has completed the HIV/AIDS education requirement in the immediately preceding biennium.

(e) Submission of proof of completion of the domestic violence education requirement set forth in Section 456.031, F.S. In lieu of completing the domestic violence course, licensees are permitted to substitute a course in end-of-life care and palliative health care, provided the licensee has completed the domestic violence requirement in the immediately preceding biennium.

(3) through (5) No change.

Specific Authority 456.031, 456.033, 459.005 FS. Law Implemented 456.031, 456.044, 459.022(7)(b),(c) FS. History—New 10-28-87, Amended 4-21-88, 1-3-93, Formerly 21R-6.0035, Amended 11-4-93, 3-29-94, Formerly 61F9-6.0035, 59W-6.0035, Amended 6-7-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Osteopathic Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: June 8, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: March 30, 2001

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLES:

Standards of Practice for Surgery

Standard of Care for Office Surgery

RULE NOS.:

64B15-14.006

64B15-14.007

PURPOSE AND EFFECT: The Board is creating two new rules, one will address the standards of practice for surgery and the other new rule will address the standard of care for office surgery.

SUMMARY: The Board finds it necessary to promulgate two new rules. The first new rule, entitled "Standards of Practice for Surgery", will set forth the standards and the responsibilities of the licensed doctor of medicine or osteopathic physician who is to perform surgery. The second rule, entitled "Standard of Care for Office Surgery", will set forth the definitions, the general requirements for office surgery, the different levels of surgery, the appropriate training

required, the proper equipment and supplies required at the facility where the surgery will be performed, and the appropriate assistance of other personnel required.

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: 459.005, 459.015(1)(z), 459.026 FS.

LAW IMPLEMENTED: 459.015(1)(g),(x),(z),(aa), 459.026, 459.331(1)(x),(aa) 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 RULES IS: Karen Eaton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES IS:

64B15-14.006 Standards of Practice for Surgery.

The Board of Osteopathic Medicine interprets the standard of care requirement of Section 459.015(1)(x), Florida Statutes, and the delegation of duties restrictions of Section 459.015(1)(aa), Florida Statutes, with regard to surgery as follows:

(1) The ultimate responsibility for diagnosing medical and surgical problems is that of the licensed allopathic or osteopathic physician who is to perform the surgery. In addition, it is the responsibility of the operating surgeon or an equivalently trained allopathic or osteopathic physician practicing within a Board approved postgraduate training program to explain the procedure to and obtain the informed consent of the patient. It is not necessary, however, that the operating surgeon obtain or witness the signature of the patient on the written form evidencing informed consent.

(2) Management of postsurgical care is the responsibility of the operating surgeon.

(3) The operating surgeon can delegate discretionary postoperative activities to equivalently trained licensed allopathic or osteopathic physician practicing within Board approved postgraduate training programs. Delegation to any health care practitioner is permitted only if the other practitioner is supervised by the operating surgeon or an equivalently trained licensed allopathic or osteopathic physician or a physician practicing within a Board approved postgraduate training program.

(4) The rule shall have no application to anesthesia-related activities performed in accordance with Florida law.

Specific Authority 459.005 FS. Law Implemented 459.331(1)(x),(aa) FS. History—New

64B15-14.007 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) Definitions.

(a) Surgery. For the purpose of this rule, surgery is defined as any operative procedure, including the use of lasers, performed upon the body of a living human being for the purposes of preserving health, diagnosing or curing disease, repairing injury, correcting deformity or defects, prolonging life, relieving suffering or any elective procedure for aesthetic, reconstructive or cosmetic purposes, to include, but not be limited to: incision or curettage of tissue or an organ; suture or other repair of tissue or organ, including a closed as well as an open reduction of a fracture; extraction of tissue including premature extraction of the products of conception from the uterus; insertion of natural or artificial implants; or an endoscopic procedure with use of local or general anesthetic.

(b) Surgeon. For the purpose of this rule, surgeon is defined as a licensed osteopathic physician performing any procedure included within the definition of surgery.

(c) Equipment. For the purpose of this rule, implicit within the use of the term of equipment is the requirement that the specific item named must meet current performance standards.

(d) Office surgery. For the purpose of this rule office surgery is defined as surgery which is performed outside a hospital, an ambulatory surgical center, abortion clinic, or other medical facility licensed by the Department of Health, the Agency for Health Care Administration, or a successor agency. Office surgical procedures shall not be of a type that generally result in blood loss of more than ten percent of estimated blood volume in a patient with a normal hemoglobin; require major or prolonged intracranial, intrathoracic, abdominal, or major joint replacement procedures, except for laparoscopic procedures; directly involve major blood vessels; or are generally emergent or life threatening in nature.

(2) General Requirements for Office Surgery.

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

(b) The surgeon must examine the patient immediately before the surgery to evaluate the risk of anesthesia and of the surgical procedure to be performed. The surgeon must maintain complete records of each surgical procedure, as set forth in Rule 64B15-15.004, F.A.C., including anesthesia records, when applicable and the records shall contain written

informed consent from the patient reflecting the patient's knowledge of identified risks, consent to the procedure, type of anesthesia and anesthesia provider, and that a choice of anesthesia provider exists, i.e., anesthesiologist, another appropriately trained physician as provided in this rule, certified registered nurse anesthetist, or physician assistant qualified as set forth in Rule 64B15-6.010(2)(b)6., F.A.C.

(c) The requirement set forth in subsection (2)(b) above for written informed consent is not necessary for minor Level I procedures limited to the skin and mucosa.

(d) The surgeon must maintain a log of all Level II and Level III surgical procedures performed, which must include a confidential patient identifier, the type of procedure, the type of anesthesia used, the duration of the procedure, the type of post-operative care, and any adverse incidents, as identified in Section 459.026, F.S. The log and all surgical records shall be provided to investigators of the Department of Health upon request.

(e) In any liposuction procedure, the surgeon is responsible for determining the appropriate amount of supernatant fat to be removed from a particular patient. A maximum of 4000cc supernatant fat may be removed by liposuction in the office setting. A maximum of 50mg/kg of Lidocaine can be injected for tumescent liposuction in the office setting.

(f) For elective cosmetic and plastic surgery procedures performed in a physician's office, the maximum planned duration of all surgical procedures combined must not exceed 8 hours. Except for elective cosmetic and plastic surgery, the surgeon shall not keep patients past midnight in a physician's office. For elective cosmetic and plastic surgical procedures, the patient must be discharged within 24 hours of presenting to the office for surgery; an overnight stay is permitted in the office provided the total time the patient is at the office does not exceed 23 hours and 59 minutes including the surgery time. An overnight stay in a physician's office for elective cosmetic and plastic surgery shall be strictly limited to the physician's office. If the patient has not recovered sufficiently to be safely discharged within the timeframes set forth, the patient must be transferred to a hospital for continued post-operative care.

(g) The surgeon must assure that the post-operative care arrangements made for the patient are adequate to the procedure being performed as set forth in Rule 64B15-14.006, F.A.C. Management of post-surgical care is the responsibility of the operating surgeon and may be delegated only as set forth in Rule 64B15-14.006(3), F.A.C. If there is an overnight stay at the office in relation to any surgical procedure:

1. The office must provide at least two (2) monitors, one of these monitors must be certified in Advanced Cardiac Life Support (ACLS), and maintain a monitor to patient ratio of at least 1 monitor to 2 patients. Once the surgeon has signed a timed and dated discharge order, the office may provide only one monitor to monitor the patient. The monitor must be

certified in Advanced Cardiac Life Support. The full and current crash cart required below must be present in the office and immediately accessible for the monitors.

2. The surgeon must be reachable by telephone and readily available to return to the office if needed. For purposes of this subsection, "readily available" means capable of returning to the office within 15 minutes of receiving a call.

(h) 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 and infection control, and emergency procedures. This applies only to physician offices at which Level II and Level III procedures are performed.

(i) The surgeon shall report to the Department of Health any adverse incidents that occur within the office surgical setting. This report shall be made within 15 days after the occurrence of an incident as required by Section 497.026, F.S.

(j) A sign must be prominently posted in the office which states that the office is a doctor's office regulated pursuant to the rules of the Board of Osteopathic Medicine as set forth in Rule Chapter 64B15, F.A.C. This notice must also appear prominently within the required patient informed consent.

(3) Level I Office Surgery.

(a) Scope. Level I office surgery includes the following:

1. Minor procedures such as excision of skin lesions, moles, warts, cysts, lipomas and repair of lacerations or surgery limited to the skin and subcutaneous tissue performed under topical or local anesthesia not involving drug-induced alteration of consciousness other than minimal pre-operative tranquilization of the patient.

2. Liposuction involving the removal of less than 4000cc supernatant fat is permitted.

3. Incision and drainage of superficial abscesses, limited endoscopies such as proctoscopies, skin biopsies, arthrocentesis, thoracentesis, paracentesis, dilation of urethra, cysto-scopic procedures, and closed reduction of simple fractures or small joint dislocations (i.e., finger and toe joints).

4. Pre-operative medications not required or used other than minimal pre-operative tranquilization of the patient; anesthesia is local, topical, or none. No drug-induced alteration of consciousness other than minimal pre-operative tranquilization of the patient is permitted in Level I Office Surgery.

5. Chances of complication requiring hospitalization are remote.

(b) Standards for Level I Office Surgery.

1. Training Required. Surgeon's continuing medical education should include: proper dosages; management of toxicity or hypersensitivity to regional anesthetic drugs. Basic Life Support Certification is recommended but not required.

2. Equipment and Supplies Required. Oxygen, positive pressure ventilation device, Epinephrine (or other vasopressor), Corticoids, Antihistamine and Atropine if any anesthesia is used.

3. Assistance of Other Personnel Required. No other assistance is required, unless the specific surgical procedure being performed requires an assistant.

(4) Level II Office Surgery.

(a) Scope.

1. Level II Office Surgery is that in which peri-operative medication and sedation are used intravenously, intramuscularly, or rectally, thus making intra and post-operative monitoring necessary. Such procedures shall include, but not be limited to: hemorrhoidectomy, hernia repair, reduction of simple fractures, large joint dislocations, breast biopsies, colonoscopy, and liposuction involving the removal of up to 4000cc supernatant fat.

2. Level II Office Surgery includes any surgery in which the patient is placed in a state which allows the patient to tolerate unpleasant procedures while maintaining adequate cardiorespiratory function and the ability to respond purposefully to verbal command and/or tactile stimulation. Patients whose only response is reflex withdrawal from a painful stimulus are sedated to a greater degree than encompassed by this definition.

(b) Standards for Level II Office Surgery.

1. Training Required. The surgeon must be able to document satisfactory completion of training such as Board certification or Board eligibility by a Board approved by the American Osteopathic Association, the American Board of Medical Specialties, the Accreditation Council on Graduate Medical Education or any other board approved by the Board of Osteopathic Medicine or must be able to establish comparable background, training, and experience. The surgeon and one assistant must be currently certified in Basic Life Support and the surgeon and at least one assistant must be currently certified in Advanced Cardiac Life Support or have a qualified anesthesia provider practicing within the scope of the provider's license manage the anesthesia.

2. Equipment and Supplies Required.

a. Full and current crash cart at the location the anesthetizing is being carried out. The crash cart must include, at a minimum, the following resuscitative medications:

I. Adrenalin (epinephrine) 1:10,000 dilution; 10ml

II. Adrenalin (epinephrine) 1:1000 dilution; 1ml

III. Atropine 0.1mg/ml; 5ml

IV. Benadryl (diphenhydramine)

V. Calcium chloride 10%; 10ml

VI. Dextrose 50%

VII. Dilantin (phenytoin)

VIII. Dopamine

IX. Heparin

- X. Inderal (propranolol)
- XI. Isuprel
- XII. Lanoxin (digoxin)
- XIII. Lasix (furosemide)
- XIV. Xylocaine (lidocaine)
- XV. Magnesium sulfate 50%
- XVI. Narcan (naloxone)
- XVII. Pronestyl (procainamide)
- XVIII. Sodium bicarbonate 50mEq/50ml
- XIX. Solu-medrol (methylprednisolone)
- XX. Verapamil hydrochloride
- XXI. Mazicon

b. Suction devices, endotracheal tubes, laryngoscopes, etc.

c. Positive pressure ventilation device (e.g., Ambu) plus oxygen supply.

d. Double tourniquet for the Bier block procedure.

e. Monitors for blood pressure/EKG/Oxygen saturation.

f. Emergency intubation equipment.

g. Adequate operating room lighting.

h. Emergency power source able to produce adequate power to run required equipment for a minimum of two (2) hours.

i. Appropriate sterilization equipment.

j. IV solution and IV equipment.

3. Assistance of Other Personnel Required. The surgeon must be assisted by a qualified anesthesia provider as follows: An Anesthesiologist, Certified Registered Nurse Anesthetist, or Physician Assistant qualified as set forth in Rule 64B15-6.010(2)(b)6., F.A.C., or a registered nurse may be utilized to assist with the anesthesia, if the surgeon is ACLS certified. An assisting anesthesia provider cannot function in any other capacity during the procedure. If additional assistance is required by the specific procedure or patient circumstances, such assistance must be provided by a physician, osteopathic physician, registered nurse, licensed practical nurse, or operating room technician. A physician licensed under Chapter 458 or 459, a licensed physician assistant, a licensed registered nurse with post-anesthesia care unit experience or the equivalent, credentialed in Advanced Cardiac Life Support or, in the case of pediatric patients, Pediatric Advanced Life Support, must be available to monitor the patient in the recovery room until the patient is recovered from anesthesia.

(5) Level IIA Office Surgery.

(a) Scope. Level IIA office surgeries are those Level II office surgeries with a maximum planned duration of 5 minutes or less and in which chances of complications requiring hospitalization are remote.

(b) Standards for Level IIA Office Surgery.

1. The standards set forth in 64B15-14.006(4), must be met except for the requirements set forth in Section 64B15-14.006(4)(b)4., regarding assistance of other personnel.

2. Assistance of Other Personnel Required. During the procedure, the surgeon must be assisted by a physician or physician assistant who is licensed pursuant to Chapter 458 or 459, F.S., or by a licensed registered nurse or a licensed practical nurse. Additional assistance may be required by specific procedure or patient circumstances. Following the procedure, a physician or physician assistant who is licensed pursuant to Chapter 458 or 459, F.S., or a licensed registered nurse must be available to monitor the patient in the recovery room until the patient is recovered from anesthesia. The monitor must be certified in Advanced Cardiac Life Support, or, in the case of pediatric patients, Pediatric Advanced Life Support.

(6) Level III Office Surgery.

(a) Scope.

1. Level III Office Surgery is that surgery which involves, or reasonably should require, the use of a general anesthesia or major conduction anesthesia and pre-operative sedation. This includes the use of:

a. Intravenous sedation beyond that defined for Level II office surgery;

b. General Anesthesia: loss of consciousness and loss of vital reflexes with probable requirement of external support of pulmonary or cardiac functions; or

c. Major Conduction anesthesia.

2. Only patients classified under the American Society of Anesthesiologist's (ASA) risk classification criteria as Class I, II, or III are appropriate candidates for Level III office surgery. For ASA Class III patients, the surgeon must document in the patient's record the justification and precautions that make the office an appropriate forum for the particular procedure to be performed.

(b) Standards for Level III Office Surgery. In addition to the standards for Level II Office Surgery, the surgeon must comply with the following:

1. Training Required.

a. The surgeon must be able to document satisfactory completion of training such as Board certification or Board eligibility by a Board approved by the American Osteopathic Association, the American Board of Medical Specialties, the Accreditation Council on Graduate Medical Education or any other board approved by the Board of Osteopathic Medicine or must be able to demonstrate to the accrediting organization or to the Department comparable background, training and experience. In addition, the surgeon must have knowledge of the principles of general anesthesia.

b. The surgeon and one assistant must be currently certified in Basic Life Support and the surgeon or at least one assistant must be currently certified in Advanced Cardiac Life Support.

2. Emergency procedures related to serious anesthesia complications should be formulated, periodically reviewed, practiced, updated, and posted in a conspicuous location.

3. Equipment and Supplies Required.

a. Equipment, medication, including at least 36 ampules of dantrolene on site, and monitored post-anesthesia recovery must be available in the office.

b. The office, in terms of general preparation, equipment, and supplies, must be comparable to a free standing ambulatory surgical center, including, but not limited to, recovery capability, and must have provisions for proper recordkeeping.

c. Blood pressure monitoring equipment; EKG; end tidal CO2 monitor; pulse oximeter, precordial or esophageal stethoscope, emergency intubation equipment and a temperature monitoring device.

d. Table capable of trendelenburg and other positions necessary to facilitate the surgical procedure.

e. IV solutions and IV equipment.

4. Assistance of Other Personnel Required. An Anesthesiologist, Certified Registered Nurse Anesthetist, or Physician Assistant qualified as set forth in Rule 64B15-6.010(2)(c)6., Florida Administrative Code, must administer the general or regional anesthesia and an M.D., D.O., Registered Nurse, Licensed Practical Nurse, Physician Assistant, or Operating Room Technician must assist with the surgery. The anesthesia provider cannot function in any other capacity during the procedure. A physician licensed under chapter 458 or 459, a licensed physician assistant, or a licensed registered nurse with post-anesthesia care unit experience or the equivalent, and credentialed in Advanced Cardiac Life Support, or in the case of pediatric patients, Pediatric Advanced Life Support, must be available to monitor the patient in the recovery room until the patient has recovered from anesthesia.

Specific Authority 459.005(1), 459.015(1)(z), 459.026 FS. Law Implemented 459.015(1)(g),(x),(z),(aa), 459.026 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 8, 2001

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

DEPARTMENT OF HEALTH**Board of Osteopathic Medicine**

RULE TITLE: RULE NO.:

Standards for Telemedicine Practice 64B15-14.008

PURPOSE AND EFFECT: The Board proposes to create a new rule which will set forth the standards for telemedicine practice.

SUMMARY: The Board is promulgating a new rule which will set forth rule text which describes the instances in which an osteopathic physician shall not provide treatment recommendations or a prescription via electronic or other means unless certain elements have been met.

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: 459.005, 459.015(1)(z) FS.

LAW IMPLEMENTED: 459.015(1)(x), (t) 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: Karen Eaton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-14.008 Standards for Telemedicine Practice.

(1) Prescribing medications based solely on an electronic medical questionnaire constitutes the failure to practice osteopathic medicine with that level of care, skill, and treatment which is recognized by reasonably prudent osteopathic physicians as being acceptable under similar conditions and circumstances, as well as prescribing legend drugs other than in the course of an osteopathic physician's professional practice. Such practice shall constitute grounds for disciplinary action pursuant to §§459.015(1)(x) and (t), F.S.

(2) Osteopathic Physicians shall not provide treatment recommendations, including issuing a prescription, via electronic or other means, unless the following elements have been met:

(a) a documented patient evaluation, including history and physical examination, adequate to establish the diagnosis for which any drug is prescribed.

(b) sufficient dialogue between the osteopathic physician and the patient regarding treatment options and the risks and benefits of treatment.

(c) maintenance of contemporaneous medical records meeting the requirements of Rule 64B15-15.004.

(3) The provisions of this rule are not applicable in an emergency situation. For purposes of this rule an emergency situation means those situations in which the prescribing physician determines that the immediate administration of the medication is necessary for the proper treatment of the patient.

and that it is not reasonably possible for the prescribing physician to comply with the provision of this rule prior to providing such prescription.

(4) The provisions of this rule shall not be construed to prohibit patient care in consultation with another physician who has an ongoing relationship with the patient, and who has agreed to supervise the patient's treatment, including the use of any prescribed medications, nor on-call or cross-coverage situations in which the physician has access to patient records.

Specific Authority 459.005, 459.015(1)(z) FS. Law Implemented 459.015(1)(x), (t) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 8, 2001

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE:

Medicinal Drugs Which May be Ordered

RULE NO.:

64B15-18.003

PURPOSE AND EFFECT: The purpose of the rule amendment is to update the medicinal drugs which may be ordered by pharmacists.

SUMMARY: The Board proposes to amend this rule to update the list of medicinal drugs which may be ordered for patients above the age of 6 years old.

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

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

SPECIFIC AUTHORITY: 465.186(2) FS.

LAW IMPLEMENTED: 465.186 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: Karen Eaton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-18.003 Medicinal Drugs Which May be Ordered by Pharmacists.

A Pharmacist may dispense from the following formulary, subject to the stated conditions:

(1) through (6) No change.

(7) Antihistamines and decongestants. The following, including their salts, either as a single ingredient product or in combination including nasal decongestants, may be ordered for patients above (6) years of age:

(a) through (b) No change.

(c) Loratadine (maximum 14 days supply only)
~~Clemastine 1.34 mg.~~

(d) No change.

(e) Azelastine ~~Chlorpheniramine~~

(f) through (g) No change.

(h) Fexofenadine ~~Triprolidine~~

The patient should be warned that antihistamines should not be used by patients with bronchial asthma or other lower respiratory symptoms, glaucoma, cardiovascular disorders, hypertension, prostate conditions and urinary retention. Antihistamines shall be labeled to advise of drowsiness side effects and caution against use with alcohol or other depressants.

~~(i) Pseudoephedrine~~

~~(j) Phenylpropanolamine~~

(k) through (o) relettered (i) through (m) No change.

Oral decongestants shall not be ordered for use by patients with coronary artery disease, angina, hyperthyroidism, diabetes, glaucoma, prostate conditions, hypertension, or patients currently using monoamine oxidase inhibitors.

(8) through (14) No change.

Specific Authority 465.186(2) FS. Law Implemented 465.186 FS. History—New 5-1-86, Formerly 21R-18.003, 61F9-18.003, 59W-18.003, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 8, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: May 11, 2001

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE:

Fluoride Containing Products

RULE NO.:

64B15-18.004

PURPOSE AND EFFECT: The purpose of the rule amendments is to update the rule text with regard the dosage schedule.

SUMMARY: The Board proposes to amend the rule text to update the dosage schedule for the oral usage of fluoride.

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

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

SPECIFIC AUTHORITY: 465.186(2) FS.

LAW IMPLEMENTED: 465.186 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: Karen Eaton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-18.004 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) through (2) No change.

(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

	less than 0.2		
	ppm in	0.2-0.5 ppm in	0.5 ppm in
Age in years	water	water	water
0-2	0.25 mg F/day	0-	No supplementation
2-3	0.5 mg F/day	0.25 mg F/day	No supplementation
3-13	1.00 mg F/day	0.5 mg F/day	No supplementation

(b) through (c) No change.

Specific Authority 465.186(2) FS. Law Implemented 465.186 FS. History—New 5-1-86, Formerly 21R-18.004, 61F9-18.004, 59W-18.004, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 8, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 29, 2001

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE:

RULE NO.:

Quota Permits; Antlerless Deer Permits;

Special-Opportunity Permits

68A-15.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reincorporate a revised list for quota and special-opportunity permits.

SUMMARY: The proposed changes would reincorporate a new reference list for quota hunt permits. The new list has been revised to increase hunter quotas on the Osceola Wildlife Management Area (WMA) to provide additional hunting opportunities on 71,502 acres of recently acquired, state-owned lands including the 15,236-acre Sandlin Bay addition (owned by the Suwannee River Water Management District) and the 56,266-acre John M. Bethea State Forest (Division of Forestry, lead manager). The quota for the general gun hunt (first 9 days) would be increased from 2,400 to 3,100 reflecting an increase of 51,424 acres for still hunting (total still hunt acreage will be 190,344). The quota for the general gun dog hunt (first 9 days) would be increased from 550 to 750 reflecting an increase of 20,078 acres for dog hunting (total dog hunting acreage will be 76,039).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$167 for administrative preparation and \$38 for legal advertising. No other significant economic impacts are expected.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

A HEARING ON THE PROPOSED RULE WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, September 5-7, 2001

PLACE: Amelia Island Plantation, Highway A1A South, Amelia Island, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.005 Quota Permits; Antlerless Deer Permits; Special-Opportunity Permits.

(1) No change.

(2) The maximum number of quota and special-opportunity permits to be issued for each wildlife management area, fish management area, or wildlife and environmental area shall be maintained on a list titled "Quota and special-opportunity permits," effective November 1, 2001 ~~August 1, 2001~~, incorporated herein by reference and kept by the Commission at its headquarters office and regional offices.

(3) through (4) No change.

PROPOSED EFFECTIVE DATE NOVEMBER 1, 2001.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 5-19-80, 6-22-80, 12-29-80, 6-4-81, 8-4-81, 6-21-82, 7-29-82, 7-1-83, 7-5-84, 7-1-85, 9-19-85, Formerly 39-15.05, Amended 5-7-86, 6-10-86, 5-10-87, 6-8-87, 10-8-87, 4-13-88, 6-7-88, 7-1-89, 7-1-90, 9-1-90, 7-1-91, 7-2-91, 7-1-92, 8-23-92, 7-1-93, 7-1-94, 3-30-95, 6-20-95, 8-15-95, 4-1-96, 6-27-96, 9-15-96, 10-20-96, 6-1-97, 8-7-97, 11-23-97, 7-1-98, 7-2-98, 8-11-98, 12-28-98, 5-13-99, Formerly 39-15.005, Amended 12-9-99, 4-30-00, 7-1-01, 8-1-01, 11-1-01.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert, Executive Director

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

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE:

Specific Regulations for Type I Wildlife

Management Areas – North Central Region

RULE NO.:

68A-15.062

PURPOSE AND EFFECT: The purpose of the proposed changes are to prohibit certain activities (consumption of intoxicating beverages, possession of dogs, and nighttime public access) on the Weeki Wachee portion of the Chassahowitzka Wildlife Management Area (WMA), and to expand the Osceola WMA to include the John M. Bethea State Forest (formerly known as the Pinhook addition). The effect of the proposed changes would be to resolve public safety problems on the Chassahowitzka WMA and expand public hunting opportunities on the Osceola WMA.

SUMMARY: Chassahowitzka WMA: The proposed rule would prohibit dogs and the possession or consumption of intoxicating beverages on that portion of the WMA south of County Road 550 commonly known as the Weeki Wachee River tract. Public access would be restricted to daytime hours (from sunrise to sunset).

Osceola WMA: The proposed rule would redefine the eastern dog hunt area to include an additional 20,084 acres (please refer to the proposed rule language for the specific description). Camping would be permitted on that portion of the area designated and posted as State Forest lands (56,266 acres) throughout the year only at designated sites and only by permit from the Division of Forestry. Taking of wildlife by use of a gun on or from the rights-of-way of County Road 127 and State Road 2 would be prohibited as provided by Rule 68A-4.008, F.A.C.. Vehicles would be restricted to specific named and numbered roads on those lands added to the eastern dog hunt area and those lands added to the WMA for still hunting (please refer to the proposed rule language for specific roads).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$475 for administrative preparation and \$285 for legal advertising. No other significant economic impacts are expected.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

A HEARING ON THE PROPOSED RULE WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, September 5-7, 2001

PLACE: Amelia Island Plantation, Highway A1A South, Amelia Island, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.062 Specific Regulations for Type I Wildlife Management Areas – North Central Region.

(1) through (5) No change.

(6) Osceola Wildlife Management Area.

(a) through (b) No change.

(c) Camping: ~~Throughout year but (only on designated campsites during general gun season); on that portion of the area designated and posted as National Forest lands. On that portion of the area designated and posted as State Forest lands, camping is permitted throughout the year only at designated sites and only by permit from the Division of Forestry.~~

(d) General regulations:

1. The western dog hunt area includes that portion of the area bounded on the west by Forest Service Road 237; on the south by Forest Service Road 263 and County Road 250; on the east by Forest Service Roads 233, 232, 262, 214, 272 and 270; and on the north by the National Forest Service boundary to the junction with Forest Service Road 237. The eastern dog hunt area includes those lands bounded by the following roads and survey lines: Begin at the intersection of County Road 125 and the northern boundary of the National Forest, proceed south on County Road 125 to the eastern boundary of the National Forest, then south and west along the National Forest boundary to County Road 229, then north along County Roads 229 and 250, then west along Forest Service Road 232, then northwest along Forest Service Road 235 until it becomes Forest Road 39, then generally north along Forest Road 39, then northwest along Forest Road 46, then west along Forest Road 36, then north and eventually east along Forest Road 41, then east on Forest Road 28, then east along Forest Roads 9 and 4, then northwest and northeast along Forest Road 5A, then northwest along Forest Road 5 until it becomes Forest Service Road 297, then along Forest Service Road 297 to Forest Service Road 295, then northwest and eventually northeast along Forest Service Road 295 to the junction with Forest Service Road 295A, then southeast along 295A until it becomes Forest Road 19 and junctions with Forest Road 8, then northeast along Forest Road 8 to the junction of Eddy Grade, then south along Eddy Grade to the junction of Forest Road 3, then west along Forest Road 3, southwest, west, and then south along Forest Road 4, the southeast along Forest Road 24 until it intersects the northern boundary of Section 5, Township 1 South, Range 20 East, then east along the Base Line to the Northeast corner of the Northwest 1/4 of Section 3, Township 1 South, Range 20 East, then south along the east boundary of the West 1/2 of Section 3, Township 1 South, Range 20 East to the southwest corner of the North 1/2 of the Northeast 1/4 of Section 10, Township 1 South, Range 20 East, then east back to the beginning point of County Road 125. The eastern dog hunt area includes that portion of the area bounded on the north by the National Forest Service boundary; on the west by Forest Service Road 235 and eastward on Forest

~~Service Road 232 and County Roads 250 and 229; and on the south and east by the National Forest Service property line to the intersection with County Road 125 and then along County Road 125 to the beginning point on the National Forest Service boundary.~~ Except for these areas, the possession or use of dogs other than bird dogs or retrievers is prohibited. However, leashed or caged dogs may be kept at the East Tower, Sandhill and West Tower hunt camps during the general gun season.

2. through 3. No change.

4. Taking of wildlife by use of a gun on or from the rights-of-way of Interstate 10, County Roads 250, 250A, 229, 127 and 125, ~~and~~ Forest Service Road 236 (between U.S. 90 and C.R. 250), and State Road 2 is prohibited as provided by Rule 68A-4.008, F.A.C.

5. Vehicles shall be restricted to numbered roads ~~appearing on the hunt map~~ during the periods November 1 through January 15 in that portion of the still hunt area south of Interstate 10 and east of Forest Road 236, and August 1 through January 15 in that portion of the western dog hunt area north of Forest Road 262. Vehicles shall be restricted to numbered roads on those lands lying north and northeast of Forest Service Road 200, west of Forest Service Road 255, north of Forest Service Road 232, north of Forest Service Road 212, and north of Forest Service Road 212-A in Baker County; and those lands lying north of Forest Road 36 in Columbia County.

6. through 8. No change.

9. No person shall transport dogs, other than bird dogs or retrievers, through the still hunt area to the western dog hunt area except on Forest Road 285; on Forest Road 263; on Forest Road 262 east from US 441; on Forest Road 233 north from County Road 250; ~~and~~ on Forest Road 233 east from US 441 to its juncture with Forest Road 237 and then north on Forest Road 237 to the boundary of the dog hunt area, and on Forest Road 232 west from the east dog hunt area.

(7) through (27) No change.

(28) Chassahowitzka Wildlife Management Area.

(a) through (c) No change.

(d) General regulations:

1. Dogs are prohibited south of County Road 550. Hunting with dogs other than retrievers or bird dogs is prohibited west of the Main grade, on the U.S. Fish and Wildlife Service portion of the property and east of the Swamp grade. Dogs with a shoulder height greater than 17 inches are prohibited in that portion of the area lying east of the Main grade and west of the Swamp grade.

2. through 7. No change.

8. The possession or consumption of intoxicating beverages is prohibited south of County Road 550.

9. Public access is prohibited from sunset to sunrise south of County Road 550.

10. This rule shall become effective November 10, 2001.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 375.313 FS, History--New 6-21-82, Amended 7-1-83, 11-17-83, 7-5-84, 7-1-85, 2-16-86, 5-7-86, 6-10-86, 11-27-86, 5-10-87, 5-1-88, 6-7-88, 7-1-89, 8-17-89, 7-1-90, 9-1-90, 7-1-91, 7-2-91, 7-1-92, 7-2-92, 8-23-92, 10-22-92, 7-1-93, 7-1-94, 2-9-95, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 7-1-98, 7-2-98, 7-1-99, Formerly 39-15.062, Amended 12-9-99, 7-1-00, 7-1-01, 11-10-01.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Timothy A. Breault
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Dr. Allan L. Egbert
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 18, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 22, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Specific Fish Management Area Regulations
PURPOSE AND EFFECT: The proposed rule would open to public fishing and establish fishing, angler access, and boating regulations for Eagle Lake Fish Management Area, Hamilton County and Alligator Lake Fish Management Area, Columbia County. Proposed rules are designed to effectively manage public use of freshwater fisheries resources to provide additional fishing areas and fishing opportunities for freshwater anglers.

SUMMARY: The proposed rule opens Eagle Lake Fish Management Area, Hamilton County and establishes public access, boating regulations, and public use regulations. The proposed rule opens Alligator Lake Fish Management Area and prohibits fishing in Ponderosa Pond, a small pond in the Alligator Lake Fish Management Area, to fishing except for permitted events.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency \$72 for advertising, and \$800 for signs and brochures.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

A HEARING ON THE PROPOSED RULE WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, September 5-7, 2001

PLACE: Amelia Island Plantation, Highway A1A South, Amelia Island, Florida

RULE NO.:

68A-20.005

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-20.005 Specific Fish Management Area Regulations.

(1) No change.

(2) North Central Region:

(a) through (h) No change.

(i) Eagle Lake, Hamilton County

1. The use of boats propelled by gasoline motors is prohibited.

2. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

3. Swimming and possession of firearms is prohibited.

(j) Alligator Lake, Columbia County: fishing is prohibited in Ponderosa Pond except by permit issued pursuant to subsection 68A-9.002(1), F.A.C.

(3) through (5) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 2-19-80, 5-19-80, 6-4-81, 9-28-81, 6-21-82, 7-1-83, 11-17-83, 7-1-84, 7-1-85, Formerly 39-20.05, Amended 2-27-86, 6-1-86, 5-10-87, 4-13-88, 7-1-89, 7-1-90, 4-11-91, 7-1-91, 7-2-92, 8-23-92, 4-20-93, 7-1-94, 8-15-95, 10-23-95, 4-1-96, 2-16-97, 6-1-97, 6-29-97, 1-1-98, 7-1-98, 11-2-98, Formerly 39-20.005, Amended 4-30-00, 7-1-00, 10-10-00, 4-1-01, 7-1-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Darrell L. Scovell

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 6, 2001

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Stone Crabs

RULE TITLE:

RULE NO.:

Gear, Trap Construction, Commercial Trap

Marking Requirements, Trap Working

Regulations, Trap Transfer

68B-13.008

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is to authorize use of up to four different stone crab endorsements on a single vessel provided that all holders of those endorsements are related as "immediate family" as defined in Rule 68B-13.0015(2)(k), F.A.C. The effect of this proposed rule will be to facilitate cooperative fishing efforts established within family groups.

SUMMARY: Paragraph (4)(c) of Rule 68B-13.008, F.A.C., is amended to allow up to four different stone crab endorsements to be fished simultaneously from one appropriately marked vessel provided that all individuals holding the endorsements are related to each other. Persons fishing more than two endorsements from one vessel must obtain a permit from the Division of Marine Fisheries.

A 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 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.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING ITS REGULAR MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day September 5-7, 2001

PLACE: Amelia Island Plantation, Highway A1A South, Amelia Island, Florida

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 Cindy Hoffman, ADA Coordinator, at (850)488-6411. 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-13.008 Gear, Trap Construction, Commercial Trap Marking Requirements, Trap Working Regulations, Trap Transfer.

(1) through (3) No change.

(4) TRAP-WORKING REGULATIONS.

(c)1. During any time of the year when it is legal to transport stone crab traps, a harvester may obtain permission from the Division of Law Enforcement to allow another person to transport, deploy, pull or retrieve his or her traps. Permission may be granted upon receipt of a written statement signed by both the commercial harvester seeking to have his or her traps pulled and the person designated to pull the traps. Such written statement shall contain the following:

a.1. The reason the harvester needs to have his or her traps pulled;

b.2. The numbers of the saltwater products license and stone crab endorsement of both, the harvester seeking to have the traps pulled and the person who will be pulling the traps;

c.3. The buoy colors of the harvester seeking such permission;

d.4. The name and number of the vessel to be used by the person who will be pulling the traps;

e.5. The general locations of the pulling activity of the vessel to be engaged in pulling the traps; and

f.6. The dates the other person will be transporting, deploying, pulling or retrieving the traps.

Permission to pull traps in this manner shall be obtained daily by telephone from the Division of Law Enforcement for a maximum of 5 days without renewal or extension of the request. Permission to have traps pulled by another person for a longer period of time, must be based on extraordinary circumstances such as severe personal or family illness or accident or major equipment problem, and shall be obtained through petition to the Division of Law Enforcement on Commission Form DMF-SL3030 (07-01) (Stone Crab Trap Pulling Petition), herein incorporated by reference, and will be granted upon such conditions as the division deems appropriate for the protection of the resource. It shall be the responsibility of the commercial harvester, or a member of the harvester's immediate family, to petition the division. The petition shall include a complete description of the extraordinary circumstances with corroborating documentation, the amount of additional time requested, the number of traps to be pulled, and a signed statement from the other person, attesting to his/her willingness and ability to pull these traps during this time period as well as an awareness of all rules governing the stone crab fishery. If the person designated to pull the petitioner's traps does not possess a Saltwater Products License with restricted species and stone crab endorsements, the petitioner, as the license holder of record must possess a

vessel Saltwater Products License and shall be held accountable for the designee's compliance with all regulations governing the stone crab fishery.

2. Up to and including four (4) stone crab endorsements may be worked from a single appropriately marked vessel provided that:

a. All endorsement holders are related to each other as "immediate family" as defined in paragraph (2)(k) of Rule 68B-13.0015; and

b. Persons wishing to use more than two endorsements on a single vessel, as authorized in paragraph (3)(a) of this rule, shall annually obtain a permit from the Division of Marine Fisheries. Application for said permit shall be on Commission Form DMF-SL3035(10/01), incorporated herein by reference.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-1-00, Amended 7-22-01, _____.

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: July 27, 2001

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Oysters

RULE TITLE:

Oyster Size Limit

RULE NO.:

68B-27.015

PURPOSE AND EFFECT: The purpose of this rule amendment is to specify that the existing size limits on oysters will apply to oysters possessed in or on the waters of the state through landing. The actual size limit, with the current tolerances for attached or unattached undersize oysters, is not being changed. The effect of this rule amendment should be to allow for the market-based grading of oysters by size in oyster processing facilities for shipment to wholesalers or retailers.

SUMMARY: Subsection (1) of Rule 68B-27.015, F.A.C., is amended to restrict application of the minimum size possession limit on oysters to possession while in or on the waters of the state through actual landing. Paragraphs (3)(a) and (b) of the rule are amended to restrict application of the tolerances for attached and unattached undersize oysters on the same basis. A new subsection (4) is added to the rule to define the term "land" for purposes of the rule.

A 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 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.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING ITS REGULAR MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, September 5-7, 2001

PLACE: Amelia Island Plantation, Highway A1A South, Amelia Island, Florida

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 Cindy Hoffman, ADA Coordinator, at (850)488-6411. 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-27.015 Oyster Size Limit.

(1) Except as provided in subsection (3) of this rule, no person shall harvest, ~~sell, exchange, barter, or~~ possess while in or on the waters of the state, or land, any oyster less than three (3) inches in greatest dimension. Oysters which are three (3) inches or more in greatest dimension shall be legal size.

(2) Each person harvesting oysters from the waters of this state shall cull such oysters, unless otherwise provided in this chapter, or unless otherwise permitted by the Department for the purpose of planting or relaying as provided by law.

(3) Tolerances. There shall be two types of tolerances allowed with regard to the size of oysters harvested in or on waters of the state.

(a) Tolerance for Attached Oysters. In instances in which culled oysters less than three (3) inches in greatest dimension are attached to legal size oysters such that to separate them would destroy either oyster, a person may harvest, ~~sell, exchange, barter, or possess~~ while in or on the waters of the state, and land such undersize attached oysters provided that such oysters number no more than 15% of the oysters in any bag or equivalent container. The legal size oysters to which the undersize oysters are attached shall be counted separately from the attached oysters.

(b) Tolerance for Individual, Unattached Oysters. A person may harvest, ~~sell, exchange, barter, or possess~~ while in or on the waters of the state, and land oysters less than three (3) inches in greatest dimension, provided, that such oysters number no more than 5% of the oysters in any bag or equivalent container.

(4) For purposes of this rule, the term "land" means the physical act of bringing harvested oysters ashore.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-10-91, Formerly 46-27.015, 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 24, 2001

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Mullet

RULE TITLE:

Definitions

RULE NO.:

68B-39.002

PURPOSE AND EFFECT: The purpose of this rule amendment is to shorten the length of the weekend closure on the commercial harvest of mullet by 16 hours each weekend between July 1 through January 31 each year. Commercial harvesters have requested this relaxation of the rules that govern mullet harvest. The effect of this rule amendment

should be to give commercial mullet harvesters additional valuable fishing opportunities during the time of year when mullet harvest is most efficient and profitable.

SUMMARY: Subsection (9) of Rule 68B-39.002, F.A.C., is amended to change the definition of the term "weekend", to shorten the period covered by the term to 12:01 a.m. Saturday to 12:01 a.m. the following Monday.

A 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 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.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING ITS REGULAR MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, September 5-7, 2001

PLACE: Amelia Island Plantation, Highway A1A South, Amelia Island, Florida

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 Cindy Hoffman, ADA Coordinator, at (850)488-6411. 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-39.002 Definitions.

As used in this rule chapter:

(1) through (8) No change.

(9) "Weekend" means that portion of a week commencing at 12:01 a.m. 4:00 p.m. on Saturday Friday and ending at 12:01 8:00 a.m. the following Monday.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-19-89, Amended 10-1-90, 11-16-93, 7-15-96, 3-3-97, 1-1-98, Formerly 46-39.002, 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 24, 2001

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Marine Life

RULE TITLE:

RULE NO.:

Purpose and Intent; Designation of Restricted

Species; Definition of "Marine Life Species" 68B-42.001
PURPOSE AND EFFECT: The purpose of this rule amendment is to except the ocean triggerfish (*Canthidermis sufflamen*) from operation of the chapter and to correct the scientific reference to the family of triggerfishes to which the chapter is supposed to apply. The effect of this rule amendment will be to allow the harvest of the ocean triggerfish as a food item and clarify those species in the Family that should be considered part of the ornamental tropical fish trade.

SUMMARY: In paragraph (2)(bb) of Rule 68B-42.001, F.A.C., the listing of the filefishes/triggerfishes to which the rule chapter applies is amended to correct the Family name to "Balistidae", correct the scientific name of the gray triggerfish for purposes of exception, and to include an additional exception for the ocean triggerfish (*Canthidermis sufflamen*).

A 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 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 BY THE COMMISSION DURING ITS REGULAR MEETING, AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, September 5-7, 2001

PLACE: Amelia Island Plantation, Highway A1A, South, Amelia Island, Florida

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 Cindy Hoffman, ADA Coordinator at (850)488-6411. 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-42.001 Purpose and Intent; Designation of Restricted Species; Definition of "Marine Life Species".

(1) No change.

(2) The following fish species, as they occur in waters of the state and in federal Exclusive Economic Zone (EEZ) waters adjacent to state waters, are hereby designated as restricted species pursuant to Section 370.01(20), Florida Statutes:

(bb) Filefish/triggerfish – Any species of the Family Balistidae ~~Balistes~~, except gray triggerfish, Balistes ~~Balistidae~~ capricus and ocean triggerfish, Canthidermis sufflamen.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-91, Amended 7-1-92, 1-1-95, 6-1-99, Formerly 46-42.001, 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 24, 2001

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Law Enforcement

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Uniform Waterway Markers in

Florida Waters

68D-23

RULE TITLES:

RULE NOS.:

Placement of Regulatory Markers in

Waters of the State

68D-23.003

Intent

68D-23.101

Scope

68D-23.102

Definitions

68D-23.103

Placement of Markers

68D-23.104

Criteria for Approval

68D-23.105

Permit Conditions

68D-23.106

Federal System Adopted

68D-23.107

Specifications for Markers

68D-23.108

Additional Specifications for Information

and Regulatory Markers

68D-23.109

Inspection and Certification

68D-23.110

Enforcement

68D-23.111

Exemptions

68D-24.112

PURPOSE AND EFFECT: This rulemaking action clarifies the procedures and sets forth the policies regarding the placement of markers in, on, and over Florida's waters and the shores thereof. It will provide for uniformity in design, construction and coloring of markers so that all vessel operators may more readily recognize, identify and distinguish between authorized markers and unlawfully placed markers. It will also provide a means by which the FWC Division of Law Enforcement and its officers and all other law enforcement officers charged with the enforcement of this chapter may determine with reasonable certainty which boating restricted areas are lawfully established and marked. This rule provides a grace period until December 31, 2003, during which time all markers must be brought into conformity with the provisions of chapter 327, Florida Statutes, this chapter, and Part 62 of Title 33 of the Code of Federal Regulations which is adopted by reference. The rule provides for the removal of all nonconforming markers after that date. Finally, the rule adopts by reference the United States Coast Guard's administration

and technical manuals for implementing the United States Aids to Navigation System. The effect of this action will be a reduction in the number of unnecessary waterway markers, the implementation of a truly uniform system of waterway marking, a simplification in the application process, and a reduction in the time and effort needed to secure appropriate permits to place markers necessary for safety and navigation.

SUMMARY: This notice of proposed rulemaking supersedes and replaces the notice of proposed rulemaking that was published in the January 26, 2001, issue of the FAW on pages 377 through 385 as amended by the notice of change that was published in the May 11, 2001, issue of the FAW on pages 2345 through 2351. All changes are in response to testimony at a public hearing held in Tallahassee on February 22, 2001, a public meeting of the Commission held in Palm Beach Gardens on May 24-26, 2001, a public meeting of the Boating Advisory Council held in West Palm Beach on June 21, 2001, and written comments timely received.

This rule repeals Section 68D-23.003, F.A.C. and reenacts the substance of its provisions as Section 68D-23.103, F.A.C. The rule provides additional definitions for specific types of markers and for terms used in applications for permits to place markers.

This rule provides for uniformity in design and construction of markers and provides a means by which law enforcement officers may identify lawfully placed markers. It adopts by reference federal requirements and specification concerning waterway markers and provides a grace period during which time all markers must be brought into conformity. This rule also provides for the removal of all unpermitted or otherwise nonconforming markers after that grace period.

This rule formally establishes the policies, criteria, and procedures for the application for permits to place waterway markers, particularly regulatory markers. It formally exempts private aids to navigation established in concurrent state/federal waters from further permitting if they have received a Coast Guard permit.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COST: The Commission believes that the adoption of this rule will have minimal, if any, economic impact. Much of what the rule does is clarify and codify existing procedures. By clarifying these procedures, thus reducing confusion, miscommunications, and the resultant requests for additional information or guidance, this rule will provide a nonquantifiable savings to this agency and to applicants for permits. This rule does not impose a permit application fee.

The requirement imposed by this rule on persons placing markers to inspect the markers every three years so as to insure that the markers are properly maintained and in serviceable condition is identical to the federal inspection requirement for Class-II aids to navigation, "markers located in waters used by

general navigation.” Moreover, the economic impact of this requirement is negligible when compared to the hazard posed by unserviceable or improperly maintained markers.

There is no expected impact on competition or the open market for employment. Small businesses will not be affected. This estimate is based on the experiences of this agency and its predecessor agencies, the Departments of Natural Resources and Environmental Protection, in administering this program.

Three alternatives with lesser costs have been proposed. The first is to waive permitting for markers permitted by DEP or by the Army Corps of Engineers so as to eliminate duplicated efforts. As DEP exempts from permitting any markers that are permitted under this rule (i.e., the complained of redundant permitting does not exist) and as DEP is to have no responsibility for boating safety, this proposal will not achieve the objectives of the statute. The Army Corps of Engineers authorizes all waterway markers conforming to Coast Guard standards under a “nationwide permit” issued pursuant to Section 10 of the Rivers and Harbors Act of 1899 (i.e., the complained of redundant permitting does not exist). As the Corps permits many different types of structures that could support makers (e.g.: a dock, a bollard, a piling, a seawall, etc.), if the rule were to be changed as requested, the owner of any Corps permitted structure could at whim attach to it any waterway marker without further review or permitting. By exempting from review and permitting all markers placed on Corps permitted structures, the statutory objectives of uniformity and safety would be defeated.

The next proposal was to eliminate the triennial self-inspection provision. This provision is identical to the inspection provision under federal regulations pertaining to the United States Aids to Navigation system. For most such permittees, the burden will be minimal. The rule has been changed from its original draft to allow a less burdensome requirement to be specified in the permits for Inland Navigation Districts as the Districts are required by statute to place and maintain thousands of manatee protection regulatory markers.

Finally, it was suggested that the hold-harmless agreement, as it pertained to governmental entities, was inappropriate and overly burdensome. Attorney General Opinion 00-02 was submitted in support of this suggestion. The rule as presently drafted does not impose this requirement on governmental entities.

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: 327.40, 327.41 FS.

LAW IMPLEMENTED: 327.22, 327.40, 327.41, 327.46, 327.60, 370.12 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD BY THE COMMISSION AT ITS REGULAR MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, September 5-7, 2001

PLACE: Amelia Island Plantation, 3000 First Coast Highway, Amelia Island, Florida 32034

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Captain Alan S. Richard, Coordinator, Boating Safety and Waterway Management, Division of Law Enforcement, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600

THE FULL TEXT OF THE PROPOSED RULES IS:

68D-23.003 Placement of Regulatory Markers in Waters of the State.

Specific Authority 327.40 FS. Law Implemented 327.40 FS. History—New 10-21-80, Formerly 16N-23.03, 16N-23.003, Formerly 62N-23.003, Repealed.

68D-23.101 Intent.

(1) It is the intent of this chapter:

(a) To provide for uniformity in design, construction and coloring of markers so that all vessel operators may readily recognize, identify and distinguish between authorized markers and unlawfully placed markers;

(b) To provide a means by which the Division and its officers and all other law enforcement officers charged with the enforcement of this chapter may determine with reasonable certainty which boating restricted areas are lawfully established and marked;

(c) To provide a grace period until December 31, 2003, during which time all markers shall be brought into conformity with the provisions of Chapter 327, Florida Statutes, this chapter, and Part 62 of Title 33 of the Code of Federal Regulations, and to provide for the removal of all nonconforming markers after that date; and,

(d) To insure that regulatory markers noticing boating restricted areas created pursuant to Sections 327.22, 327.60 and 370.12, Florida Statutes, are authorized only for the purposes of protecting human life and limb, vessel traffic safety and maritime property, and manatees.

(2) It is further the intent of this chapter that no boating restricted area be established, continued in effect, or enforced for the purpose of noise abatement or for the protection of shoreline, shore-based structures, or upland property from vessel wake or shoreline wash. As provided in Section 327.33(2), Florida Statutes, “vessel wake and shoreline wash resulting from the reasonable and prudent operation of a vessel shall, absent negligence, not constitute damage or endangerment to property.” The wake resulting from the

reasonable and prudent operation of a vessel is a force which should be anticipated by the owners of property adjacent to the navigable waters of this state.

(3) The Division will not issue any permit authorizing the placement of regulatory markers for:

(a) Ordinances that apply within the Florida Intracoastal Waterway, in violation of Section 327.60(2), Florida Statutes;

(b) Ordinances adopted pursuant to Section 370.12(2)(c), Florida Statutes, until such ordinances have been reviewed and approved by the commission, and provided that such ordinances do not apply within the marked navigation channel of the Florida Intracoastal Waterway nor to the waters within 100 feet of said channel;

(c) Ordinances that discriminate against personal watercraft, in violation of Section 327.60(1), Florida Statutes;

(d) Ordinances regulating the anchoring of non-live-aboard vessels in navigation, in violation of Section 327.60(2), Florida Statutes.

(4) Where conflicting speed or operational restrictions are established by law or pursuant to law, the more restrictive shall be posted and shall apply.

(5) Regulatory markers placed pursuant to a permit issued as provided herein shall be prima facie evidence of the boundaries of boating restricted areas and the speed or operational restrictions imposed therein.

Specific Authority 327.40, 327.41 FS. Law Implemented 327.40, 327.41 FS. History—New _____.

68D-23.102 Scope.

The provisions of this chapter prescribe the procedures by which the Division permits and regulates the placement of markers in, on, and over the waters of this state and the shores thereof. This chapter also provides for the design, construction, characteristics and coloring of all markers placed in, on, and over the waters of this state and the shores thereof by adopting by reference the United States Aids to Navigation System, Part 62 of Title 33 of the Code of Federal Regulations.

Specific Authority 327.40, 327.41 FS. Law Implemented 327.40, 327.41 FS. History—New _____.

68D-23.103 Definitions.

(1) For purposes of this chapter and Chapters 68C-22 and 68D-24, the following definitions shall apply:

(a) “Aid to navigation” means any device external to a vessel intended to assist a navigator to determine position or safe course, or to warn of dangers or obstructions to navigation.

(b) “Information marker” means a device external to a vessel intended to provide the mariner with information concerning matters other than dangers or obstructions to navigation, or regulatory matters.

(c) “Regulatory marker” means a device used to alert the mariner to various warnings or regulatory matters such as horsepower, speed, or wake restrictions.

(d) “Mooring buoy” means a device that is permanently secured to the bottom of a body of water and to which a vessel may be secured when not underway.

(e) “Buoy” means any device designed to float which is anchored in the waters of the state and which is used to convey a message or carry a sign.

(f) “Sign” means an object which displays a message and which is attached to another object such as a piling, buoy, structure, or the land itself.

(g) “Symbol” means the orange geometric shape displayed on an information or regulatory marker. The meanings associated with the orange geometric shapes are as follows:

1. A vertical open-faced diamond signifies danger;

2. A vertical diamond shape having a cross centered within indicates that all vessels or certain classes of vessels are excluded from the marked area;

3. A circular shape indicates that certain operating restrictions are in effect within the marked area; and,

4. A square or rectangular shape will contain directions or instructions lettered within the shape.

(h) “Display area” means the area on an information marker or regulatory marker within which the symbol is displayed.

(i) “Boating restricted area” means an area of the waters of the state within which the operation of vessels is subject to specified restrictions or from which vessels are excluded.

(j) “Shore” means that area of land immediately adjacent or contiguous to the waters of the state such that a sign or marker erected thereon is readily visible to the operator of a vessel who might reasonably believe that the sign or marker displays navigational, regulatory or other information relevant to the operation of the vessel.

(k) “Florida Intracoastal Waterway” means:

1. All waters within the right-of-way of the Atlantic Intracoastal Waterway, the Georgia state line north of Fernandina to Miami; the Port Canaveral lock and canal to the Atlantic Intracoastal Waterway; the Atlantic Intracoastal Waterway, Miami to Key West; the Okeechobee Waterway Route 1 across Lake Okeechobee; the Gulf Intracoastal Waterway, Anclote to Fort Myers; the Gulf Intracoastal Waterway, Carrabelle to Tampa Bay; the Gulf Intracoastal Waterway, Carrabelle to Anclote open bay section (using the Gulf of Mexico); and the Gulf Intracoastal Waterway, Carrabelle to the Alabama state line west of Pensacola; and,

2. All waters from shoreline to shoreline within the Okeechobee Waterway, Stuart to Fort Myers, not including Route 1 across Lake Okeechobee; the St. Johns River, Jacksonville to Sanford; and, the Apalachicola, Chattahoochee, and Flint Rivers in Florida.

(l) “Uniform State Waterway Marking System” means the system of aids to navigation, information markers, regulatory markers, and mooring buoys, as specified in Part 66 of Title 33 of the Code of Federal Regulations.

(m) “United States Aids to Navigation System” means the system of aids to navigation, information markers, regulatory markers, and mooring buoys, as specified in Part 62 of Title 33 of the Code of Federal Regulations.

(n) “Private Aid to Navigation” means an aid to navigation the establishment of which is authorized by a permit issued by the United States Coast Guard pursuant to Part 66 of Title 33 of the Code of Federal Regulations.

(o) “Maritime property” means vessels and their engines, tackle, gear, equipment, appurtenances, furnishings, cargoes, stores, personal property then on board belonging to the vessels’ occupants, and such other similar property as is consistent with the general maritime law of the United States. This definition does not include littoral or riparian property, the shores thereof, seawalls, docks, wharfs, or other property intentionally and permanently attached to the shore.

(2) When used on markers, the terms:

(a) “Idle Speed No Wake” and “Idle Speed” may be used interchangeably and mean that a vessel must proceed at a speed no greater than that which will maintain steerageway and headway. At no time is any vessel required to proceed so slowly that the operator is unable to maintain control over the vessel or any other vessel or object that it has under tow.

(b) “Slow Speed” and “Slow Speed Minimum Wake” may be used interchangeably and mean that a vessel must be fully off plane and completely settled into the water. The vessel must then proceed at a speed which is reasonable and prudent under the prevailing circumstances so as to avoid the creation of an excessive wake or other hazardous condition which endangers or is likely to endanger other vessels or other persons using the waterway. A vessel that is:

1. Operating on plane is not proceeding at this speed;

2. In the process of coming off plane and settling into the water or coming up onto plane is not proceeding at this speed;

3. Operating at a speed that creates a wake which unreasonably or unnecessarily endangers other vessels or other persons using the waterway, or is likely to do so, is not proceeding at this speed;

4. Completely off plane and which has fully settled into the water and is proceeding at a reasonable and prudent speed with little or no wake is proceeding at this speed.

“Slow Speed” and “Slow Speed Minimum Wake” are the preferred terms. “Slow Down Minimum Wake” markers may continue to be used for restricted areas authorized prior to January 1, 2001, except when such a restricted area is contiguous to an Idle Speed No Wake boating restricted area.

(c) “Caution zone” means an area presenting a significant risk of navigational hazard, an area frequently inhabited by manatees on a somewhat regular basis, or other area similarly requiring that vessels be operated with particular alertness and caution so as to avoid endangering life, limb, vessel traffic safety or maritime property, or manatees.

(d) “Vessel exclusion zone” means an area from which all vessels or certain classes of vessels are excluded. Examples include:

1. “No Vessels” or “Swim Area” – All vessels of any type are prohibited from entering the marked area.

2. “No Motorized Vessels” or “No Motorboats” or “Motorboats Prohibited” – All vessels equipped with any mechanical means of propulsion are prohibited from entering the marked area, even if the mechanical means of propulsion is not in use.

3. “No Power-driven Vessels” – All vessels equipped with any mechanical means of propulsion are prohibited from entering the marked area unless the mechanical means of propulsion is not in use and, if possible to do so, is tilted or raised out of the water.

4. “No Internal Combustion Motors” – All vessels equipped with internal combustion motors (e.g.: gasoline or diesel motors) for propulsion are prohibited from entering the marked area, even if the motor is not in use.

5. “Manually Propelled Vessels Only” – All vessels other than those propelled by oars, paddles, or poles are prohibited from entering the marked area. Vessels equipped with mechanical means of propulsion may enter the marked area only if the mechanical means of propulsion is not in use and, if possible to do so, is tilted or raised out of the water.

6. “No Entry Area” – All vessels and all persons, either in vessels or swimming, diving, or wading, are prohibited from entering the marked area.

(e) “Miles per hour” and “MPH” mean speed made good over the bottom measured in statute miles. A specific number will be posted in conjunction with “miles per hour” or “MPH” and is the maximum speed at which a vessel may lawfully be operated within the marked area. Although it is the intention of the Commission to allow those vessels capable of attaining a planing configuration at posted numerical speed limit to do so, this posted speed limit shall not be construed as permitting the reckless or careless operation of a vessel, in violation of Section 327.33, Florida Statutes, or authorizing any vessel to travel at an unsafe speed, in violation of navigation rule 6 as adopted pursuant to Section 327.33, Florida Statutes, by reason of:

1. Having an elevated bow which restricts visibility, or

2. Producing an excessive wake or other hazardous condition which endangers or is likely to endanger other vessels, other persons using the waterway, or natural resources of the state.

(f) “Wake,” when used in conjunction with a numerical size limit, means all changes in the vertical height of the water’s surface caused by the passage of a vessel including, but not limited to, a vessel’s bow wave, stern wake, and propeller wash, measured from the ambient tide level to the crest of the vessel’s wake at a distance of not less than 25 feet from the vessel.

(g) "Holiday" means:

1. New Year's Day.
2. Birthday of Martin Luther King, Jr., the third Monday in January.
3. Memorial Day.
4. Independence Day, the Fourth of July.
5. Labor Day.
6. Columbus Day.
7. Veterans' Day, November 11.
8. Thanksgiving Day.
9. Friday after Thanksgiving.
10. Christmas Day.
11. If any of these holidays falls on Saturday, the preceding Friday shall be observed as a holiday. If any of these holidays falls on Sunday, the following Monday shall be observed as a holiday.

(3) The division may authorize the use of other terminology on regulatory markers if the message is clear, unambiguous, and accurately describes a lawfully imposed restriction.

Specific Authority 327.40, 327.41, 327.46, 370.12 FS. Law Implemented 327.40, 327.41, 327.46, 370.12 FS. History—New

68D-23.104 Placement of Markers.

(1) No person, municipality, county or other governmental entity shall place, cause to be placed, or maintain in place any marker in, on or over the waters of the state or the shores thereof without a permit from the division.

(2) Any person, municipality, county, or other governmental entity desiring to place a marker shall make application to the division on the Florida Uniform Waterway Marker Application form, FWC/DLE 153(01/2001), which is adopted and incorporated herein by reference. Application forms may be obtained by submitting a request to: Fish and Wildlife Conservation Commission, Division of Law Enforcement, Office of Boating Safety and Waterway Management, 620 South Meridian Street, Tallahassee, Florida 32399-1600. Each application must include:

(a) A scale drawing no larger than 8 1/2 inches by 11 inches, reproducible on standard office photocopying equipment, showing the approximate placement of the proposed markers with each proposed marker labeled to correspond to the list required below. If the application is for regulatory markers, the drawing must also depict the exact boundaries of the proposed boating restricted area.

(b) A list of the markers proposed, labeled to correspond to the drawing required above.

(c) A statement of the specifications for the markers proposed, including:

1. A description giving each marker's size, shape, color, height above mean high water, and number, letter or message;
2. A description of the type, size, shape, and material used for any structure which will support the markers;

3. A statement of the color, characteristic, height above mean high water, intensity, and nominal range of any light which will be placed on the markers;

4. A statement of the type signal (whistle, horn, bell, etc.) and characteristic for any audible fog signal.

5. The latitude and longitude expressed in degrees, minutes, and seconds or degrees and decimal minutes of the location where each marker will be placed.

(d) A statement of the purpose for placing the proposed markers. If the application is for regulatory markers, this statement must include the purpose for regulating vessel operation and a statement of the facts and circumstances justifying the establishment of the restriction on speed or operation.

(e) A statement listing the names or titles of the individuals responsible for the placement and maintenance of the markers along with an address and a contact telephone number for each individual.

(f) If the application is for regulatory markers, the applicant must enclose therewith proof of the lawful imposition of restrictions on the speed or operation of vessels for which the regulatory markers are requested, as follows:

1. A copy of an ordinance adopted pursuant to Section 327.22, Florida Statutes, which imposes the restriction only upon vessels resident within the county or municipality imposing the restriction; or

2. A copy of an ordinance adopted pursuant to Section 327.60, Florida Statutes, which imposes the restriction for reasons of vessel traffic safety or public safety; or

3. A copy of an ordinance adopted by a county or municipality and approved by the commission pursuant to paragraph 370.12(2)(o), Florida Statutes, which imposes the restriction for reasons of manatee protection; or

4. A copy of the statute, special act, rule, regulation, order, or other instrument which imposes the restriction for reasons other than public safety or manatee protection, and a statement of the specific authority under which the restriction is imposed.

(3) Upon receipt of all statements and other documents specified above, the division will:

(a) Determine whether or not there exists a conflict with the provisions of Chapter 327, Florida Statutes, or any amendments thereto or regulations thereunder, for ordinances adopted pursuant to Section 327.60, Florida Statutes.

(b) Forward the request to the Bureau of Protected Species Management for review and approval pursuant to paragraph 370.12(2)(o), Florida Statutes, for ordinances adopted thereunder.

(c) For regulatory markers, determine whether or not the markers as proposed would clearly mark the area as a boating restricted area and adequately notice mariners of the restrictions imposed on vessel speed or operation.

(d) Determine whether or not the placement of the proposed markers in the proposed locations would create an unreasonable hazard to navigation.

(e) Determine whether the proposed markers conform to the United States Aids to Navigation System.

(4) The division may consult, coordinate, or cooperate with any other governmental entity having concurrent jurisdiction over the waters for which the permit is requested.

(5) After obtaining the requested permit, the applicant must install, inspect, maintain, and remove the permitted marker at its own expense and as directed by the division.

Specific Authority 327.40, 327.41 FS. Law Implemented 327.40, 327.41 FS. History—New _____.

68D-23.105 Criteria for Approval of Regulatory Markers.

(1) The division shall find a valid vessel traffic safety or public safety purpose is presented for ordinances adopted pursuant to Section 327.60, Florida Statutes, under the following facts and circumstances:

(a) For an Idle Speed-No Wake boating restricted area, if the area is:

1. Within 500 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways more than 300 feet wide and within 300 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways not exceeding 300 feet wide.

2. Within 500 feet of fuel pumps or dispensers at any marine fueling facility which sells motor fuel to the general boating public on waterways more than 300 feet wide and within 300 feet of the fuel pumps or dispensers at any licensed terminal facility which sells motor fuel to the general boating public on waterways not exceeding 300 feet wide.

3. Inside or within 300 feet of any lock structure.

4. An area where boating accident reports, uniform boating citations, vessel traffic studies, or other creditable data demonstrate a high risk of collision or where any significant vessel wake would be likely to endanger life, limb, vessel traffic safety or maritime property.

(b) For a Slow Speed Minimum Wake boating restricted area if the area is:

1. Within 300 feet of any bridge fender system.

2. Within 300 feet of any bridge span presenting a vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet.

3. Within 300 feet of a confluence of water bodies presenting a blind corner, a bend in a narrow channel or fairway, or such other area where an intervening obstruction to visibility may obscure other vessels or other users of the waterway.

4. Subject to unsafe levels of vessel traffic congestion.

5. Subject to hazardous water levels or currents, or containing other navigational hazards.

6. An area that accident reports, uniform boating citations, vessel traffic studies, or other creditable data demonstrate to present a significant risk of collision or a significant threat to public safety.

(c) For a numerical speed limit boating restricted area if the area is:

1. Subject to unsafe levels of vessel traffic.

2. Subject to hazardous water levels or currents or containing other navigational hazards.

3. An area that accident reports, uniform boating citations, vessel traffic studies, or other creditable data demonstrate to present a risk of collision or a risk to public safety.

4. An area within which a proposed numerical speed limit is less restrictive than the speed limit in place for the surrounding area if hazardous tides or currents require that vessels operate faster than the surrounding speed limit in order to properly maintain maneuvering ability and headway or if the geographic configuration of the area and levels of vessel traffic density indicate that higher speeds do not pose a threat to life, limb, property, or manatees. Any dispute concerning the threat to manatees shall be resolved as provided in paragraph 370.12(2)(o), Florida Statutes.

(d) For vessel exclusion zones if the area is:

1. Designated as a public bathing beach or swim area.

2. Reserved exclusively as a canoe trail or otherwise limited to vessels under oars or under sail.

3. Reserved exclusively for a particular activity and user group separation must be imposed to protect the safety of those participating in such activity.

(e) For other boating restricted areas (caution zone, no skiing, no parasailing, one-way vessel traffic, etc.) if the area is one that accident reports, uniform boating citations, vessel traffic studies, or other creditable data demonstrate to present a risk to vessel traffic safety or public safety.

(2)(a) An ordinance for the protection of manatees, adopted pursuant to paragraph 370.12(2)(o), Florida Statutes, must be reviewed and approved by the commission before any regulatory marker implementing such an ordinance may be installed. Any disagreement on the provisions of such an ordinance shall be resolved as provided in said paragraph.

(b) In order to avoid a duplicate review and approval process, the division shall defer to the findings of the commission. Therefore, upon the review of such an ordinance and the commission's approval of the ordinance upon a finding that manatees are frequently sighted, that manatees can be generally assumed to inhabit the area periodically or continuously, and that the restrictions imposed are justified and necessary for the protection of manatees or their habitat, the division shall find a valid manatee safety purpose is presented.

Specific Authority 327.40, 327.41 FS. Law Implemented 327.40, 327.41, 370.12 FS. History—New _____.

68D-23.106 Permit Conditions.

(1) All permits issued pursuant to this chapter are subject to the following conditions:

(a) Placement of these markers must be as requested in the application. Any deviation will require that the applicant apply to have the permit amended.

(b) The applicant must display the permit number on each marker and the ordinance number, municipal code section number, or rule number (etc.) on each regulatory marker. These numbers must be displayed in black, block characters approximately one inch in height.

1. The permit number must be displayed in the lower left corner on the face of each regulatory marker. The ordinance number, municipal code section number, or rule number (etc.) must be displayed in the lower right corner on the face of each regulatory marker.

2. All markers other than regulatory markers must display the permit number. This display shall be placed at any location on the marker where it can easily be read, including the reverse side of a sign, provided that it does not interfere with the message of the marker.

(c) Upon completion of the installation of markers, the applicant must notify the division in writing within 10 working days. If the latitude and longitude of each marker, as installed, is different from that listed in the application, this notification must include the correct latitude and longitude in degrees, minutes, and seconds.

(d) All markers must be maintained in proper condition at all times. A discrepancy exists whenever a marker is not exactly as described in the approved application or is destroyed, damaged, moved, or is otherwise unserviceable or not watching properly. The applicant must immediately report any discrepancy in the marker to the division by telephone, telefacsimile or other similarly rapid means of communication. Unless the applicant's permit expressly provides for a longer period, the applicant must correct any discrepancy within not more than 30 days and must notify the division when the correction is accomplished.

(e) Authorization by the division for the placement of a marker does not authorize any invasion of private rights, nor grant any exclusive privileges, nor does it obviate the necessity of complying with any other federal, state or local laws or regulations.

(f) All permits issued pursuant to this chapter are contingent upon the consent of and, if necessary, the issuance of appropriate permits by the United States Army Corps of Engineers authorizing the placement of structures for the support of the proposed markers. Consent may be by nationwide permit, regional permit, letter permit, authorization letter, statement of no objection, or other similar means.

(g) All permits issued pursuant to this chapter are contingent upon the consent of and, if necessary, the issuance of appropriate permits by the United States Coast Guard

authorizing the establishment of private aids to navigation pursuant to Part 66 of Title 33 of the Code of Federal Regulations.

(h) All permits issued pursuant to this chapter authorizing the placement of markers, buoys, or signs on submerged lands, or other property or structure not owned by the applicant are contingent upon the applicant receiving the written consent of the owner of the submerged lands, other property, or structure to the placement of said signs and providing a copy of such consent to the division.

(i) By accepting any permit and placing the markers authorized therein, the applicant other than a governmental entity, to the extent authorized by law, agrees and promises to hold harmless the State of Florida and its agencies, employees, agents, or successors from fault with respect to any claim or claims arising from alleged negligence in the placement, maintenance, operation and removal of any and all markers placed by applicants pursuant to such permits. The applicant other than a governmental entity further agrees to indemnify the State of Florida for any and all legal fees and costs incurred in defense of any suit brought against the State as a result of alleged negligence by applicant in the placement, maintenance, operation or removal of the markers.

(j) Applicants for permits to place regulatory markers or the governmental entities establishing the rules, ordinances, or other actions imposing the regulations must provide for the enforcement of operating restrictions noticed by said markers.

Specific Authority 327.40, 327.41 FS. Law Implemented 327.40, 327.41 FS. History--New

68D-23.107 Federal System Adopted.

(1) The following are adopted and incorporated by reference:

(a) The United States Aids to Navigation System, Part 62 of Title 33 of the Code of Federal Regulations;

(b) The United States Coast Guard Aids to Navigation – Administration Manual (Comdtinst M16500.7);

(c) The United States Coast Guard Aids to Navigation – Technical Manual (Comdtinst M16500.3A).

(2) All markers and mooring buoys placed or maintained in, on or over the waters of the state or the shores thereof shall conform to the United States Aids to Navigation System.

(a) Until December 31, 2003, channel markers and obstruction markers conforming to the Uniform State Waterway Marking System may continue to be used on waters of this state that are not navigable waters of the United States.

(b) No person, municipality, county or other governmental entity shall place any new marker or replace any existing marker unless such new or replacement marker or mooring buoy conforms to the United States Aids to Navigation System and all other provisions of this chapter.

(c) On or before December 31, 2003, all markers in, on or over the waters of the state or the shores thereof shall be brought into conformity with the United States Aids to Navigation System and all other provisions of this chapter, or removed from the waters or shores of the state.

(d) After December 31, 2003, no person, municipality, county, or other governmental entity shall place, maintain, or permit to remain in, on or over the waters of the state or shores thereof any nonconforming marker.

(e) After December 31, 2003, all nonconforming markers in place in, on, or over the waters of the state or shores thereof shall be declared a nuisance. The division and its officers and all other law enforcement officers charged with the enforcement of Chapter 327, Florida Statutes, shall have the authority to remove or cause the removal of any such nonconforming marker.

Specific Authority 327.40, 327.41 FS. Law Implemented 327.40, 327.41 FS. History—New _____.

68D-23.108 Specifications for Markers.

(1) A marker placed in, on or over the waters of the state or shores thereof may be displayed as a buoy bearing letters, numbers or a symbol on its surface, or as a sign mounted on a buoy, piling or other structure, or as a sign on the shore.

(2) Buoyed signs and markers must extend not less than 36 inches above the surface of the water. A sign suspended above the water must have a minimum of 25 feet clearance from the mean high water mark to the bottom of the sign.

(3) A buoy whose sole purpose is to carry a sign above it shall be marked with three horizontal bands of international orange alternating with two horizontal bands of white, each band placed completely around the circumference of the buoy and occupying approximately one-fifth of the total area of the buoy's surface above the waterline. All markers shall be made of materials which will retain, despite exposure to weather and other elements, their color, shape, legibility and position.

(4) All letters on green or black backgrounds shall be white. All letters and numerals on red or white backgrounds shall be black, except that white retroreflective letters and numerals may be used on a red background. All letters and numerals shall be of block characters of good proportion, spaced in a manner which will provide maximum legibility and of a size proportionate to the size of the marker.

(5) Retroreflective materials shall be used for all displays on markers that are required to be international orange. Retroreflective materials may be used for any other portion of a marker.

Specific Authority 327.40, 327.41 FS. Law Implemented 327.40, 327.41 FS. History—New _____.

68D-23.109 Additional Specifications for Information and Regulatory Markers.

(1) All information and regulatory markers shall be white in color and shall display international orange symbols.

(2) When a buoy is used as an information or regulatory marker, it shall be white with horizontal bands of international orange placed completely around the circumference of the buoy. One band shall be at the top of the buoy body, the second band shall be placed just above the waterline so that both international orange bands are clearly visible to approaching vessels. The international orange bands shall be not less than two inches in width. The display area shall be that portion of the buoy body between the bands and shall be white. Symbols shall be centered between the international orange bands. Only a cylindrical buoy may be used. The buoy shall have a diameter of not less than nine inches.

(3) When a sign is used for an information or regulatory marker it shall be square or rectangular. It shall be white with an international orange border. The display area shall be that portion of the sign within the border. Symbols shall be centered within the display area. The size of the sign shall be appropriate to the size of the waterway where the sign is located and the nature of the vessels transiting the waterway, however, no such sign shall be smaller than three feet by three feet.

(4) Specifications for Display of Symbols.

(a) The thickness of the international orange line used to draw the borders and the symbols shall be not less than 2 inches.

(b) The height of the symbol shall be at least half and not more than two-thirds the height of the display area.

(c) The sides of the diamond shape shall slope at a thirty to forty-five degree angle from the vertical on a plane surface. Appropriate adjustments for curvature shall be made when applied to a cylindrical surface.

(d) In addition to the permit number required to be displayed under paragraph 68D-23.106(7), F.A.C., every regulatory marker shall display the number of the statute, special act, rule, ordinance, or other governmental action that created the boating restricted area or other operating restriction, and the name of the municipality, county or other governmental agency which placed and maintains the marker. This number and name shall be displayed in characters not less than one inch in height and shall be placed in the lower right hand corner of the display area on each sign, and at any location on each buoy where it can easily be read, provided that it shall not interfere with the message of the marker.

Specific Authority 327.40, 327.41, FS. Law Implemented 327.40, 327.41 FS. History—New _____.

68D-23.110 Inspection and Certification.

(1) Each person holding a permit to place and maintain one or more markers must inspect all markers for which the permit was issued and report such inspection to the division triennially, beginning 36 months from the date the permit was issued or 36 months after this rule becomes effective.

whichever comes later. The report must be submitted at least thirty but not more than ninety days prior to expiration of the three-year period.

(2) The required report shall consist of the following:

(a) The name of the permit holder and permit number;

(b) The name of the person or persons currently responsible for the placement and maintenance of the markers; and,

(c) A statement certifying that the markers placed pursuant to the permit have been inspected during the ninety days preceding the statement and that:

1. The markers are properly maintained and in serviceable condition,

2. The markers conform to the requirements of this chapter,

3. The markers are still properly on station, and

4. The date or dates on which the markers were inspected.

(3) Failure to inspect a marker and to report the results of the inspection to the division during the specified time period shall be grounds for rescinding the permit authorizing placement of the marker and for removing or ordering the removal of the marker.

Specific Authority 327.40, 327.41 FS. Law Implemented 327.40, 327.41, 370.12 FS. History—New _____.

68D-23.111 Enforcement.

This chapter shall be enforced by the division and its officers, and any other authorized law enforcement officer as provided in Section 327.70, Florida Statutes, all of whom shall have the authority to remove or cause the removal of any marker found to be in violation of this chapter.

Specific Authority 327.40, 327.41 FS. Law Implemented 327.22, 327.40, 327.41, 327.46, 327.70, 370.12 FS. History—New _____.

68D-23.112 Exemptions.

(1) Nothing herein shall apply to the United States Government or its agencies, nor to any aid to navigation, marker, mooring buoy, or other similar device placed thereby.

(2) Persons establishing private aids to navigation other than regulatory markers and mooring buoys on waters of concurrent state/federal jurisdiction pursuant to the provisions of 33 CFR § 66.01 shall submit to the division a copy of their United States Coast Guard permit (CG-2554) in lieu of the materials required under 68D-23.104. Upon receipt by this division of said copy of their permit, such private aids to navigation shall be exempt from further permitting and need not display a permit number.

(3) Regulatory markers authorized by the former Florida Department of Natural Resources prior to January 1, 1988, are exempt until December 31, 2003, from the requirement that they display a permit number. After that date, every regulatory marker without a permit number, in place in, on or over the waters of the state or shores thereof shall be declared a

nuisance. The division and its officers and all other law enforcement officers charged with the enforcement of chapter 327, Florida Statutes, shall have the authority to remove or cause the removal of any unpermitted regulatory marker. Markers authorized prior to January 1, 1988, for which no permit number was assigned shall be issued a permit number upon receipt by the division of the following:

(a) A copy of the correspondence authorizing placement of said markers;

(b) A statement of the specifications for the markers, including:

1. A list of the markers;

2. A description giving each marker's size and message, and

3. The latitude and longitude coordinates in degrees-minutes-seconds of the location of each marker;

4. A statement that the markers have been inspected during the ninety days preceding the instant request and that:

a. The markers are properly maintained and in serviceable condition,

b. The markers conform to the requirements of this chapter,

c. The markers are still properly on station, and

d. The date or dates on which the markers were inspected.

(4) The inspection and certification requirements in rule 68D-23.110 shall not apply to markers maintained by an Inland Navigation District pursuant to s. 374.997, F.S., but shall instead be specified in each permit.

(5) The restrictions displayed on regulatory markers shall not apply:

(a) In the case of an emergency;

(b) To law enforcement patrol vessels or firefighting vessels; or,

(c) To any rescue vessel owned or operated by a governmental entity.

Specific Authority 327.40, 327.41 FS. Law Implemented 327.40, 327.41, 327.46, 370.12 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Captain Alan S. Richard, Coordinator, Office of Boating Safety and Waterway Management, Division of Law Enforcement, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Colonel Robert Edwards, Director, Division of Law Enforcement, Fish and Wildlife Conservation Commission, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 8, 2000

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

Section III

Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NOS.:	RULE TITLES:
12C-2.004	Levy of Tax – Annual and Nonrecurring
12C-2.0115	Public Use Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amendments to Rules 12C-2.004 and 12C-2.0115, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S., as originally published in the Florida Administrative Weekly (Vol. 27, No. 17, pp. 2137-2143), and as subsequently revised pursuant to a Notice of Change published in the Florida Administrative Weekly on July 20, 2001 (Vol. 27, No. 29, p. 3340). These changes are in response to additional written comments received from the Joint Administrative Procedures Committee.

A) In response to the comments received by the Department regarding the proposed amendments to Rule 12C-2.004, F.A.C., subsection (1) and the Law Implemented statement have been changed, so that, when adopted, these rule provisions will read as follows:

12C-2.004 Levy of Tax – Annual and Nonrecurring.

(1) Annual Tax – An annual tax on the just value of intangible property having a taxable situs in Florida is levied as follows:

(a)1. All firms, partnerships, joint ventures, associations, corporations, estates, trusts, trustees, personal representatives, receivers, guardians, custodians and other fiduciaries are subject to the full tax rate of \$1.00 ~~2.00~~ per thousand dollars (1 mill ~~2-mills~~) of just value of intangible property having a taxable situs in Florida.

2. Example: Artificial entities and fiduciaries.

Accounts Receivable	\$75,000.00	
Stocks	<u>150,000.00</u>	50,000.00
Bonds	<u>125,000.00</u>	25,000.00
Loans to Stockholders (outstanding balances)	50,000.00	
Taxable Assets Total	<u>\$325,000.00</u>	200,000.00
Exemption	<u>250,000.00</u>	
Net Taxable Assets	\$75,000.00	
Tax Rate	x .001	.002
Tax Due	\$ <u>75.00</u>	400.00

~~(b) Charitable trusts are those trusts paying 95 percent of their income to organizations exempt from federal income tax under s. 501(c)(3), IRC, and are subject to a tax rate of \$1.00 per thousand dollars (1 mill) of just value of intangible personal property.~~

Example: Charitable trusts:

Stocks	\$100,000.00
Mutual Funds	150,000.00
Futures Contracts	75,000.00
Bonds	125,000.00
Total	\$450,000.00
Tax Rate	x .001
Tax Due	\$ 450.00

~~(b)(e) Natural persons filing an individual or joint return are subject to the tax rate of \$1.00 2.00 per thousand dollars (1 mill) of just value of intangible property in the following manner: The first \$1.00 (1 mill) of tax per thousand dollars of the just value of intangible personal property applies to the property value of individuals in excess of \$250,000.00 20,000 (\$500,00.00 40,000 for a married couple filing a joint return). The additional \$1.00 (1 mill) of tax per thousand dollars of the just value of intangible personal property applies to the property value of individuals in excess of \$100,000 (\$200,000 for a married couple filing a joint return).~~

Examples:

1. Individual having taxable assets valued at \$300,000.00 ~~100,000 or less.~~

	(first mill tax)	(second mill tax)
Taxable Assets	<u>\$300,000.00</u>	50,000.00
Exemption	<u>250,000.00</u>	20,000.00
		100,000.00
Net Taxable Assets	<u>\$50,000.00</u>	30,000.00
Tax Rate	x .001	x .002
Tax Due	<u>\$50.00</u>	30.00
Total Tax Due	<u>\$0 30.00</u>	(tax due is less than \$60.00)

2. Individual having taxable assets valued at greater than \$430,000 ~~100,000.~~

	(first mill tax)	(second mill tax)
Taxable Assets	<u>\$430,000.00</u>	200,000.00
Exemption	<u>250,000.00</u>	20,000.00
Net Taxable Assets	\$180,000.00	\$100,000.00
Tax Rate	x .001	x .002
Tax Due	\$180.00	\$100.00
Total Tax Due	\$180.00	+\$100.00 = \$280.00

3. Married couple filing jointly having taxable assets valued at \$555,000 ~~200,000 or less~~.

	(first mill tax)	(second mill tax)
Taxable Assets	<u>\$555,000.00</u> 50,000.00	<u>\$50,000.00</u>
Exemption	<u>500,000.00</u> 40,000.00	—
		200,000.00
Net Taxable Assets	<u>\$55,000.00</u> 10,000.00	<u>\$0</u>
Tax Rate	x .001 x .001	001
Tax Due	<u>\$55.00</u> 10.00	<u>No tax is due</u>
Total Tax Due	<u>\$0</u> 10.00	<u>(tax due is less than \$60.00)</u>

4. Married couple filing jointly having taxable assets valued at \$760,000.00 ~~greater than \$200,000.00~~.

	(first mill tax)	(second mill tax)
Taxable Assets	<u>\$760,000.00</u> 300,000.00	<u>\$300,000.00</u>
Exemption	<u>500,000.00</u> 40,000.00	—
	<u>200,000.00</u>	
Net Taxable Assets	<u>\$260,000.00</u>	<u>\$100,000.00</u>
Tax Rate	x .001 x .001	001
Tax Due	<u>\$ 260.00</u>	<u>\$100.00</u>
Total Tax Due	<u>\$260.00</u> +\$100.00 = \$360.00	

Law Implemented 199.032, 199.133, 199.143, 199.185 FS., s. 1, Ch. 2001-225, L.O.F.

B) In response to the comments received by the Department regarding the proposed amendments to Rule 12C-2.0115, F.A.C., renumbered subsections (2) through (8) and the Law Implemented statement have been changed, so that, when adopted, these rule provisions will read as follows:

12C-2.0115 Public Use Forms.

(2)(4) DR-601-C	Intangible Personal Property Tax Return (Corporation and Partnership) (r. 01/02 12/92)	_____ 1/94
(3) DR-601CN	Instructions for Filing Form DR 601C (r.01/02)	_____
(4) DR-601CS	Accompanying Schedules for Form DR 601C (r. 01/02)	_____
(5) DR-601-G	Government Leasehold Intangible Tax Return (r. 01/01 01/93)	_____ 1/94
(6) DR-601-I	Intangible Personal Property Tax Return (Individual and Fiduciary) (r. 01/02 12/92)	_____ 1/94
(7) DR 601IN	Instructions for Filing Form DR 601I (r.01/02)	_____
(8) DR 601IS	Accompanying Schedules for Form DR 601I (r. 01/02)	_____

Law Implemented 199.023, 199.032, 199.042, 199.052, 199.062, 199.103, 199.1055, 199.135, 199.232, 199.292, 213.053 FS., s. 1, Ch. 2001-225, L.O.F.

DEPARTMENT OF CITRUS

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

RULE NO.:
20-40.005

RULE TITLE:
Mandatory Automated Reporting
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), F.S., published in Vol. 27, No. 24, June 15, 2001, issue of the Florida Administrative Weekly:

As of August 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 15,000 ~~4/5~~ bushel ~~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 _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-501.101
 RULE TITLE: Academic Education Program Services

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. 26, June 29, 2001, issue of the Florida Administrative Weekly:

33-501.101 Academic Education Program Services.

(1) No change.

(2) Criteria for mandated academic education program services shall be based upon:

(a) Lack of a verified high school diploma; or G.E.D. ~~or college degree~~;

(b) through (9) No change.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-2.041
 RULE TITLE: Permits Required

NOTICE OF CORRECTION

The South Florida Water Management District announces a correction to the Notice of Proposed Rulemaking regarding Rule 40E-2.041, F.A.C., which appeared in the June 29, 2001, issue of the Florida Administrative Weekly, Vol. 27, No. 26, page 3011. Specifically, the notice published in the June 29, 2001, issue of the Florida Administrative Weekly, indicated that the proposed rule amendments would be presented to the Governing Board during the public hearing portion of the

August 9, 2001 board meeting. The correct date and time will be September 13, 2001 at 8:30 a.m., or as soon thereafter as the item can be heard.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Barbers'

RULE NO.: 61G3-20.022
 RULE TITLE: Special Assessment Fee

NOTICE OF CHANGE

The Board of Barbers' gives Notice of Change to the above-referenced rule based upon comments expressed by the staff attorney for the Joint Administrative Procedures Committee. The rule was originally published in Vol. 27, No. 21, May 25, 2001, issue of the Florida Administrative Weekly. Corrected, text shall read as follows:

61G3-20.022 Special Assessment Fee.

(1) In order to eliminate the current cash deficit in the operating funds of the Board and to maintain the Board's financial integrity, each active and voluntary inactive licensee, including all licensed barbers, restricted barbers, barbers assistants, and barbershop license holders, who received their initial license prior to the effective date of this rule shall pay a one-time special assessment fee of one hundred dollars (\$100.00) as follows:

(a) All licensed barbers, restricted barbers, and barbers assistants who are scheduled to renew their license during 2002 shall pay the special assessment fee of one hundred dollars (\$100.00) no later than 5:00 p.m. on July 31, 2002.

(b) All barbershop license holders who are scheduled to renew their license during 2002 shall pay the special assessment fee of one hundred (\$100.00) no later than 5:00 p.m. on November 30, 2002.

(2) Failure to comply with this rule and pay the required fee shall constitute grounds for disciplinary action pursuant of Section 476.204(i), and 455.227(1)(b) and (q) F.S.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Baker, Executive Director, Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-30.001
 RULE TITLE: Disciplinary Guidelines

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment, published in the Florida Administrative Weekly, Vol. 27, No. 11, March 16, 2001, has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NOS.: 61G10-13.005
 61G10-13.008
 RULE TITLES: Obtaining Inactive Status
 Delinquent License Status

NOTICE OF CHANGE

The Board of Landscape Architecture gives Notice of Change to the above-referenced rules based upon comments expressed by the staff attorney for the Joint Administrative Procedures Committee. The rules were originally published in Vol. 27, No. 23, June 8, 2001, issue of the Florida Administrative Weekly. When changed, Rules 61G10-13.005 and 61G10-13.008 shall read as follows:

61G10-13.005 Obtaining Inactive Status.

(2) At time of licensure renewal, a registered landscape architect may apply to the Department to place his license on inactive status. Inactive status will be considered by the Department only during the biennium license renewal period.

61G10-13.008 Delinquent License Status.

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

(3) The delinquent status licensee who applies for active or inactive status shall:

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

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NOS.: 61G10-18.001
 61G10-18.002
 61G10-18.003
 RULE TITLES: Continuing Education Credit for Biennial Renewal
 Board Approval of Continuing Education Providers
 Obligation of Continuing Education Providers

61G10-18.004	Evaluations of Providers
61G10-18.005	Duration of Provider Status
61G10-18.006	Approval of Continuing Education Courses
61G10-18.007	Revocation of Provider Approval
NOTICE OF CHANGE	

The Board of Landscape Architecture gives Notice of Change to the above-referenced rules based upon comments expressed by the staff attorney for the Joint Administrative Procedures Committee. The rules were originally published in Vol. 27, No. 23, June 8, 2001, issue of the Florida Administrative Weekly. In Rule 61G10-18.002, subsection (2), add the phrase "Provider Approval Application" between the words "on" and "form". Remove subsection (2)(h). In Rule 61G10-18.004, remove subsection (2). In Rule 61G10-18.005, subsection (2), remove the phrase "or the renewal of any provider". In Rule 61G10-18.006, numbers 1.,2.,3.,4.,5.,6.,7.,8., and 9. shall read as follows, (1),(2),(3),(4),(5),(6),(7),(8),(9).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NOS.:	RULE TITLES:
61G15-22.002	Definitions
61G15-22.004	Conversion of Education Units to PDH
61G15-22.005	Non-Qualifying Activities
61G15-22.007	Noncompliance
61G15-22.009	Exemptions
61G15-22.010	Continuing Education Courses in Laws and Rules
61G15-22.011	Board Approval of Continuing Education Providers
61G15-22.012	Obligations of Continuing Education Providers

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. 20, May 18, 2001, issue of the Florida Administrative Weekly. These changes are being made in response to comments from the Joint Administrative Procedures Committee.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natalie Lowe, Administrator, Florida Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

1. Rule 61G15-22.002 subsection (2) shall now read as follows:

(2) Professional Development Hour (PDH): A time measurement requiring a minimum of 50 minutes instruction or presentation per hour. The PDH is the common denominator for other units of credit.

2. Rule 61G15-22.004 subsection (8) shall now read as follows:

(8) Active participation in professional and technical societies as described in Rule 61G15-22.003(6). Each hour of participation is equal to 1 PDH, with a maximum credit of 2 PDH for each organization.

3. Rule 61G15-22.005 subsection (1) shall now read as follows:

(1) Self-generated courses, that being courses generated and presented by the licensee to himself or herself for continuing education credit.

4. 61G15-22.007 shall now read as follows:

In accordance with Section 471.017, Florida Statutes, completion of the required professional development hours is a condition of licensure renewal. No license will be renewed until the requirement is satisfied. If, after renewal, it is found that the licensee did not comply with these requirements, disciplinary proceedings will be initiated.

5. Rule 61G15-22.009 subsection (1) shall now read as follows:

(1) New licensees who have achieved licensure by examination, pursuant to 471.013, F.S., shall be exempt for their first renewal period.

6. Rule 61G15-22.011 subsection (3)(i) shall read as follows and subsection (3)(j) has been deleted. Subsections (5) and (7) now read as follows:

(i) A fee of \$250.

(5) Should the Board determine that the provider has failed to provide appropriate continuing education services, it shall request that the Department of Business and Professional Regulation issue an order requiring the provider cease and desist from offering any continuing education courses and shall request that the Department revoke any approval of the provider granted by the Board.

(7) The Board retains the right and authority to audit and/or monitor programs and review records and course materials given by any provider approved pursuant to this rule. The Board shall request that the Department of Business and Professional Regulation revoke the approved status of the provider or reject individual programs given by a provider if the provider disseminated any false or misleading information in connection with the continuing education programs, or if the provider fails to conform to and abide by the rules of the Board. Licensees will not lose credit for attending courses offered by approved providers that are later rejected or stopped by the Board.

7. Rule 61G15-22.012 subsection (10) and (11) have been deleted.

DEPARTMENT OF HEALTH**School Psychology****RULE NOS.:**

64B21-502.001

64B21-502.004

64B21-502.005

RULE TITLES:

Continuing Education

Continuing Education Credit
Guidelines

Initial Licensure Period

NOTICE OF CHANGE

The Department of Health, Division of Medical Quality Assurance, in accordance with subparagraph 120.54(3)(d)1., F.S., announces changes to rule amendments proposed to Rule Chapter 64B21-502, F.A.C., originally noticed in the May 25, 2001, issue of the Florida Administrative Weekly, Vol. 27, No. 21. The changes are in response to comments provided by the Joint Administrative Procedures Committee. The changed rules will read as follows:

64B21-502.001 Continuing Education.

(1) Every applicant for renewal of licensure shall demonstrate evidence of having obtained thirty (30) contact hours of continuing education credit earned during each biennial renewal period. One (1) of the thirty (30) hours must be on domestic violence consistent with Section 456.031, F.S. The licensee shall retain for four (4) years certificates of attendance or other records to document the completion of the continuing education requirement. The Department will audit at random a number of licensees as is necessary to assure that the continuing education requirements are met.

(2) The Department may grant provider approval for programs relating to the profession for which license renewal is sought.

Specific Authority 490.007(2), 490.0085, 120.53(4), 490.015 FS. Law Implemented 490.007(2), 490.0085, 456.031 FS. History—New 4-13-82, Amended 11-27-83, 2-21-85, Formerly 21U-502.01, Amended 12-26-91, 6-24-92, Formerly 21U-502.001, 61E9-502.001, Amended _____.

64B21-502.004 Continuing Education Credit Guidelines.

(1) Licensees who obtain initial licensure in the first year of a biennium will be required to demonstrate fifteen (15) hours of continuing education during the biennium in which licensure was obtained for the first renewal of their license. Persons certified for licensure in the second half of a biennium are exempt from the continuing education requirements for that biennium. Continuing education requirements must be met for each biennium thereafter.

~~(2)(4)~~ For the purpose of renewing or reactivating a school psychologist license, only those continuing education hours approved by the Department of Health will be acceptable for credit. Credit will be approved for programs ~~approved pursuant to Section (3) or~~ offered by a continuing education provider ~~Provider~~ approved pursuant to the requirements of this rule ~~Section (8).~~

~~(3)(2)~~ One (1) hour of continuing education credit is defined as no less than fifty (50) minutes of uninterrupted learning in one (1) hour.

~~(4)(3)~~ Programs approved for continuing education credits will contain the following characteristics:

(a) Continuing education speakers must:

1. Be faculty, post-graduate faculty or former faculty of a university or college accredited by an accrediting agency approved by the United States Department of Education, or

2. Have been awarded a doctorate which is psychological in nature from a college or university which is accredited by an accrediting agency approved by the United States Department of Education, or

3. Are licensed as medical doctors in the state of their residence and can document completion of a residency in psychiatry which was approved by the American Medical Association, or

4. Be able to present two (2) signed affidavits from persons licensed under Chapter 490, Florida Statutes, which can verify that the presenter has extensive experience, to include not less than two (2) years of practical application or research, involving the subject area being taught in the program.

(b) The content of all continuing education programs must be psychological in nature and provide information concerning human behavior and/or methods of providing psychological services. Continuing education credit will be granted only for those courses designed to improve the counseling skills of the licensee.

(c) Programs accepted for continuing education credit shall fall into one of the following categories.

1. Post-graduate courses; and seminars related to school psychology and approved courses given by universities accredited by an accrediting agency approved by the United States Department of Education, or recognized hospitals and training institutes.

2. Continuing education programs presented at international, national, regional and state school psychology and psychology association conferences meetings.

~~3. Workshops and institutes, which include approved workshops at conventions.~~

4. Post masters graduate level courses completed at an accredited college or university.

~~(5)(4)~~ Continuing education credit received during conventions or conferences must be verified by the provider of the continuing education credit. Continuing education credit will be awarded for preparing to teach a continuing education program.

~~(6)(5)~~ Presenters/Moderators of programs designed for continuing education may receive credit on a one (1) time basis for programs where they are actually in attendance for the complete program. A maximum of ten (10) hours of credit per biennium may be received for presenting/moderating a program.

~~(7)(6)~~ A licensee attending a continuing education program must have that attendance verified in writing by the program's registrar or sponsor. Such verification will only be submitted to the Department if the licensee's file is audited.

~~(7) In order to receive approval for a continuing education program from the Department of Health, one must provide the following information:~~

~~(a) A completed form provided by the Department titled "Request for Approval of Continuing Education Program";~~

~~(b) A vita of all speakers, moderators and/or leaders of the activity which includes names, titles, degrees awarded, and any faculty status ever held at an accredited university or college; and~~

~~(c) An outline of the program which details the method of learning, the content, and the specific time scheduled for each speaker and topic.~~

(8) Continuing education providers will be approved for one (1) biennial renewal cycle who meet to the Department's satisfaction the following criteria:

(a) Provide to the Department:

1. A proposed program which meets the criteria of subsection (3);

2. A signed and completed Application for Continuing Education Provider Status for School Psychologists Provider Application form, DH-MQA 1049. Form DH-MQA 1049, effective 8/01, is hereby adopted and incorporated by reference, and can be obtained from the Department of Health, Office of School Psychology, at: 4052 Bald Cypress Way, Bin CO5, Tallahassee, Florida 32399-3255.

(b) Sign and abide by a written agreement to:

1. Provide an identifiable person to act as the Continuing Education Director and be responsible for each presentation of the continuing education programs;

2. Retain a list of attendees for at least three (3) years;

3. Provide all programs for continuing education credit in accordance with subsection (3);

4. Assign an identifiable person to be present at each continuing education activity whose responsibilities will include recording of attendance and monitoring of attendance to assure that credit is awarded only for those hours actually attended;

5. Provide the participants with the Department approved certificate of attendance containing the provider's name and number, title of the program, instructor, date of the program, location, number of hours of continuing education credit and the participant's license number(s);

6. Notify the Department of any significant changes relative to the maintenance of standards as set forth in these rules;

7. The Department retains the right and authority to audit and/or monitor programs given by the provider. The Department may rescind provider status or reject individual

programs given by the provider if the provider has disseminated any false or misleading information in connection with the continuing education program; or if the provider has failed to conform to and abide by the written agreement and rules of the Department.

Specific Authority 490.015 FS. Law Implemented 490.0085(4),(2) FS., Chapter 84-168, Laws of Florida. History—New 7-3-83, Amended 11-27-83, 2-21-85, Formerly 21U-502.04, Amended 12-26-91, 6-24-92, Formerly 21U-502.004, 61E9-502.004, Amended _____.

64B21-502.005 Initial Licensure Period.

No change.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
65E-25	Sexually Violent Predator Program
RULE NOS.:	RULE TITLES:
65E-25.001	Assessment and Evaluation Procedures
65E-25.002	Education and Training Requirements for Multidisciplinary Team Members
65E-25.003	Criteria for Recommendation that Involuntary Civil Commitment Petition be Filed
65E-25.004	Designation of Secure Facilities
65E-25.005	Basic Treatment Plan Components
65E-25.006	Notification of Examination

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with section 120.54(3)(d)1., Florida Statutes, published in Vol. 27, No. 18, May 4, 2001, of the Florida Administrative Weekly will be changed as to read as follows:

65E-25.001 Assessment and Evaluation Procedures.

(1) There shall be an initial assessment of every individual referred to the Sexually Violent Predator Program (SVPP). The initial assessment shall consist of a record review by no fewer than two licensed psychologists or psychiatrists. Records reviewed shall, at a minimum, consist of a referred individual's criminal and institutional background and treatment history, if any, provided with the referral by the Department of Corrections, Department of Juvenile Justice, or the Department of Children and Families under Section 394.913(2), Florida Statutes with the referral.

(2)(a) A clinical evaluation shall be conducted on referred individuals who may meet the statutory criteria for commitment as sexually violent predators as determined by the initial assessment. At least one licensed psychologist or psychiatrist shall perform a clinical evaluation, which shall include, at a minimum, a review of all records considered

during the initial assessment, and a personal interview of the referred individual if the referred individual consents to the interview.

(b) The evaluator's clinical opinion shall be the product of clinical judgment guided by the application of assessment instruments generally accepted by licensed professionals in the field of the assessment and evaluation of sexual offenders as helpful in the prediction of sexual offender recidivism. Each clinical evaluation shall include the Static 99, if sufficient information is available to score that instrument. Evaluators may, in addition to the Static 99, use other assessment instruments as appropriate. The clinical evaluation shall result in a written report that addresses, at a minimum, whether the evaluated individual suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment. "Likely to engage in acts of sexual violence" shall mean that the person's propensity to commit acts of sexual violence is of such a degree as to pose a menace to the health and safety of others.

(3) The licensed psychologist(s) or psychiatrist(s) who conduct the initial assessment or who review the complete assessment and evaluation file, and, if a clinical evaluation is conducted, the licensed psychologist(s) or psychiatrist(s) who perform the clinical evaluation, ~~and the licensed psychologist or psychiatrist who signs the department's recommendation to the appropriate state attorney's office~~ shall constitute the multidisciplinary team. The multidisciplinary team does not have to be unanimous in its determination that an individual meets criteria for involuntary civil commitment as a sexually violent predator in order for the Department to recommend to a state attorney that a commitment petition be filed. A majority of the members of the multidisciplinary team must support the conclusion reported by the team. At least one member of the multidisciplinary team who performed a clinical evaluation must conclude that the individual meets commitment criteria in order to support a multidisciplinary team conclusion that an individual meets the criteria for commitment. ~~In the event the multidisciplinary team has reached a decision as to whether a referred individual meets commitment criteria, but no licensed member of the multidisciplinary team is available to sign the recommendation to the state attorney, a Department employee other than a licensed psychologist or psychiatrist may sign the Department's recommendation. However, in the event that the Department recommends that the state attorney file a petition seeking an individual's involuntary commitment, a statement signed by a licensed psychologist or psychiatrist affirming the recommendation must be sent to the state attorney as soon as is practicable. The Department employee other than a licensed psychologist or psychiatrist who signs a department recommendation in place of a licensed psychologist or psychiatrist is not a member of the multidisciplinary team.~~

(4) The Department's recommendation to the state attorney of whether or not to file a petition shall be based upon the multidisciplinary team report. In the event the Department, or a member of the multidisciplinary team, receives additional information concerning a referred individual after the recommendation is provided to the state attorney, the Department must provide the additional information to all the members of the multidisciplinary team who participated in the assessment and evaluation of that individual. Each member of the team must review the information and indicate whether the additional information alters his or her conclusion as to whether or not the referred individual meets commitment criteria. If the conclusion of the multidisciplinary team is revised as a result of the additional information, the Department will submit a revised recommendation to the state attorney. The multidisciplinary team does not have to be unanimous in its determination that an individual meets criteria for involuntary civil commitment as a sexually violent predator in order for the Department to recommend to a state attorney that a commitment petition be filed. In the event that the members of the multidisciplinary team are not unanimous in their opinions as to whether an individual meets commitment criteria, the clinical director of the sexually violent predator program, or his or her designee, shall determine whether or not the Department will recommend that a commitment petition be filed. At least one member of the multidisciplinary team who performed a clinical evaluation must conclude that the individual meets commitment criteria in order to support a Department recommendation that a petition be filed.

65E-25.002 Education and Training Requirements for Multidisciplinary Team Members.

Multidisciplinary team members must be licensed psychologists or psychiatrists with a minimum of one year of experience in the assessment and/or treatment of sex offenders. The Department may accept other relevant experience in lieu of the one year of sex offender assessment ~~and/or~~ treatment experience. Prior to participating in risk assessments as a member of the multidisciplinary team, the licensed psychologist or psychiatrist must have attended training in the use and scoring of the Static 99 at least one of the risk assessment instruments approved by the Department for multidisciplinary team use. Multidisciplinary team members must earn a minimum of 24 hours of continuing education credit biannually in the assessment and/or treatment of sex offenders.

65E-25.003 Criteria for Recommendation that Involuntary Civil Commitment Petition be Filed.

(1) The multidisciplinary team may not determine that an individual meets criteria for involuntary civil commitment as a sexually violent predator unless the team concludes that the individual satisfies the provisions of Section 394.912(10), Florida Statutes (2000).

(2) The multidisciplinary team may not determine that an individual meets criteria if the individual has never been charged with a sexually violent offense involving physical contact with a victim unless:

(a) The record reflects a non-contact sexually motivated offense that is of a predatory nature, ~~such as false imprisonment, kidnapping, or stalking,~~ or

(b) The record reflects at least two charges of non-contact offenses involving sexual acts in the presence of a child, and the record evidences an escalation in severity of offenses such that the multidisciplinary team concludes that there is a reasonable probability that future sexual offenses will involve physical contact with the victim.

The presence of either factor listed in (a) or (b) of this subsection above does not mandate a conclusion that the referred individual meets statutory criteria as a sexually violent predator.

(3) An individual cannot be considered to meet the criteria for involuntary civil commitment as a sexually violent predator if the individual's propensity to commit sexually violent offenses is wholly attributable to a "mental illness" as defined in Section 394.455, Florida Statutes (2000).

(4) An individual cannot be considered to meet the criteria for involuntary civil commitment as a sexually violent predator if the individual's propensity to commit sexually violent offenses is wholly attributable to "retardation" or "autism" as defined in Section 393.063, Florida Statutes.

65E-25.004 Designation of Secure Facilities.

(1) The secure facilities to be utilized by the department for the control, care and treatment of persons detained and/or committed under Sections 394.910-.931, Florida Statutes, are the Florida Civil Commitment Center at 136137 S.E. Hwy. 70, Arcadia, FL 34266, and the South Bay Sexually Violent Predator Detainee Unit at 600 U.S. Highway 27 South, South Bay, FL 33493.

65E-25.005 Basic Treatment Plan Components.

(1) The treatment program for individuals involuntarily committed to the Department shall be a cognitive-behavioral therapy and relapse prevention program tailored to meet the needs of each committed individual. All committed individuals must receive a comprehensive assessment that will permit the development of an individualized treatment plan.

(2) The treatment program shall consist of a series of hierarchically advancing stages of treatment and rehabilitation. The program must afford group and, where indicated, individual counseling directed toward sex offender-specific as well as substance abuse and general psychosocial issues. In addition to structured counseling activities, the program must offer vocational therapy and therapeutic recreational activities.

(3) The treatment program may utilize phallometric and polygraphic assessment to assist in measuring treatment progress.

(4) Where medically and therapeutically appropriate, the treatment program may offer, on a voluntary basis, pharmacological treatment designed to reduce deviant sexual impulses.

~~(5)(4)~~ At least annually, each committed individual shall have his treatment plan and progress reviewed by the primary treating clinician and the clinical director or his or her licensed psychologist/psychiatrist designee. A status report shall be prepared and included in the clinical file, with notation of any adjustments made in the individual's treatment plan as a result of the review.

65E-25.006 Notification of Examination.

Prior to conducting a personal interview of a potential sexually violent predator, the individual to be interviewed must be informed that he or she is the subject of a clinical evaluation which, together with review of pertinent records, will enable the State to formulate an opinion as to whether the individual meets statutory criteria as a sexually violent predator. The individual must be informed that he may decline to be interviewed, and that if he does, the clinical evaluation will consist of a record review only. The individual must be informed that the evaluation will result in a written report that will be considered by the State in reaching its determination as to whether to recommend to the state attorney that an involuntary commitment petition be filed. This information must be orally explained to the individual and should, if practicable, be provided to the individual in a written statement that the individual may sign indicating his or her understanding of the notification. If the individual refuses to sign the written statement, the evaluator should so indicate on the written statement and sign and date it. In the event that it is not practicable to provide the individual a written statement and obtain a signature, the evaluator should so indicate on the written statement with a brief explanation of why the written statement could not be provided, ~~to the individual~~ and sign and date it.

Section IV Emergency Rules

DEPARTMENT OF REVENUE

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SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY, OR WELFARE: The Communications Services Tax Simplification Law (Chapter 202, F.S., as created by Chapter 2000-260, Laws of Florida, and amended by Chapter 2001-140, Laws of Florida) authorizes the Department of Revenue to promulgate emergency rules to implement the provisions of the Law. The promulgation of these emergency rules ensures that the appropriate procedures and forms for submitting communications services tax payments, returns, and information are provided to taxpayers before the first payments, returns, and information reports are due.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the promulgation of emergency rules to ensure the prompt availability of procedures taxpayers can follow to comply with Chapter 202, F.S. A workshop was held to receive public comments on these proposed emergency rules on June 26, 2001. Changes were incorporated into these proposed emergency rules based on the testimony received at the workshop, and on comments submitted. The emergency rules and forms are designed to be available both in hardcopy form and in an electronic format on-line. The prompt implementation of these procedures will allow affected taxpayers sufficient time to comply with these new laws.

SUMMARY OF THE RULES: These emergency rules contain the following provisions: A) Emergency Rule 12ER01-9, F.A.C. (Scope of Rules) states that Emergency Rules 12ER01-9 through 12ER01-18, F.A.C., explain the procedures the Department will use to administer the statutes governing the remittance of taxes by electronic funds transfer (EFT), and clarify that these emergency rules apply to the taxes imposed on dealers of communications services pursuant to chapter 202, F.S. B) Emergency Rule 12ER01-10, F.A.C. (Definitions) defines key terms used in the emergency rules governing the remittance of taxes by EFT. C) Emergency Rule 12ER01-11, F.A.C. (General Requirements) specifies those taxpayers that are required to submit taxes by EFT, identifies the tax types

subject to EFT (including communications services tax or substitute communications services tax), and states that a taxpayer subject to EFT must participate for a minimum of one year. D) Emergency Rule 12ER01-12, F.A.C. (Payor Information) explains that the ACH debit system is the primary EFT method, discusses the procedures for notifying a taxpayer that he or she must submit taxes by EFT, describes the forms used by taxpayers subject to EFT, and explains how these forms can be obtained. E) Emergency Rule 12ER01-13, F.A.C. (Methods of Electronic Fund Transfer) discusses how taxpayers can request permission to use the ACH credit method, specifies the name and address of the Department office responsible for EFT procedures, and states the reasons why the Department will revoke the ACH credit method payment privilege of a taxpayer. F) Emergency Rule 12ER01-14, F.A.C. (Means of Communication to Report Payment Information) discusses the communication technology that a taxpayer can use for EFT purposes. G) Emergency Rule 12ER01-15, F.A.C. (Payment Transmission Errors) explains how a taxpayer and/or the Department will address an EFT payment error. H) Emergency Rule 12ER01-16, F.A.C. (Procedures for Payment) identifies the specific procedures to be used by taxpayers using the ACH debit method, or the ACH credit method, or a wire transfer, explains the information that must be submitted when using any of these EFT methods, and contains an example of how each method works and the procedures that apply. I) Emergency Rule 12ER01-17, F.A.C. (Due Date; General Provisions) discusses when an EFT transaction must occur, explains the procedures that apply if the due date falls on a weekend or holiday, outlines the procedures for compromise or settlement of penalties imposed for late payment by EFT, grants a 3-month grace period for new EFT taxpayers, and states that failure to comply with the statutory requirements in ss. 202.28 and 202.30, F.S., to remit communications services tax by EFT will result in the loss of the dealer collection allowance. J) Emergency Rule 12ER01-18, F.A.C. (General Administrative Provisions) tells taxpayers how to contact the Department office responsible for EFT procedures, and explains that the Data Collection Center and its employees are bound by the confidentiality provisions of s. 213.053, F.S. K) Emergency Rule 12ER01-19, F.A.C. (Scope) explains that Emergency Rules 12ER01-19 through 12ER01-28, F.A.C., deal with requirements for recordkeeping by taxpayers and the transmission of information by electronic data interchange (EDI). L) Emergency Rule 12ER01-20, F.A.C. (Definitions) defines terms used in electronic data interchange emergency Rules 12ER01-19 through 12ER01-28, F.A.C. M) Emergency Rule 12ER01-21, F.A.C. (Recordkeeping Requirements – General) requires taxpayers to make records available upon the Department's request, explains that these emergency rules do not require a taxpayer to keep records in an electronic format, states that if a taxpayer keeps records in both hardcopy and electronic format, the Department can request the electronic

version of such records, identifies the form to be used when a taxpayer and the Department agree to the electronic submission of taxpayer information, and explains that pursuant to ss. 202.28 and 202.30, dealers of communications services who fail to properly remit the tax returns required by chapter 202, F.S., to the Department by EDI are not authorized to claim the dealer collection allowance. N) Emergency Rule 12ER01-22, F.A.C. (Recordkeeping Requirements – Machine-Sensible Records) contains requirements concerning the format and content of machine-sensible records maintained by taxpayers, clarifies that these emergency rules do not require taxpayers to maintain machine-sensible records other than those kept in the ordinary course of business, states that a taxpayer's machine-sensible records must contain a level of detail equal to that contained for acceptable hardcopy records, states that taxpayers do not need to keep any original EDI transaction records if the Department can establish any necessary information from the records that were retained, and explains that, if requested by the Department, the taxpayer must provide a description of the business process that creates any specific retained record. O) Emergency Rule 12ER01-23, F.A.C. (Records Maintenance Requirements) recommends that taxpayers be guided by the maintenance and storage provisions for electronic records contained in the National Archives and Records Administration standards, and states that the taxpayer's records must allow for the extraction and conversion of machine-sensible records. P) Emergency Rule 12ER01-24, F.A.C. (Access to Machine-Sensible Records) explains that the method by which the Department will access a taxpayer's machine-sensible records will be determined by discussions with the taxpayer, and lists the general categories for such access methods. Q) Emergency Rule 12ER01-25, F.A.C. (Taxpayer Responsibility and Discretionary Authority) authorizes taxpayers to create specific files and records for the Department that meet the requirements of Emergency Rules 12ER01-22, 12ER01-23, and 12ER01-24, and states that taxpayers may contract with a third party to manage or provide data access services to such records for the Department's use. R) Emergency Rule 12ER01-26, F.A.C. (Alternative Storage Media) explains that taxpayers may convert hardcopy records to microfilm, microfiche, or other storage-only imaging systems and discard the hardcopies, and specifies the requirements for the retention of records on microfilm, microfiche, or other storage-only imaging system. S) Emergency Rule 12ER01-27, F.A.C. (Effect on Hardcopy Recordkeeping Requirements) states that the provisions of Emergency Rules 12ER01-19 through 12ER01-28, F.A.C., do not relieve taxpayers of the responsibility of keeping hardcopy records of transactions that are normally retained in the ordinary course of business, explains that this requirement includes records associated with credit or debit card transactions, and provides that the Department reserves the right to request hardcopy printouts of taxpayer records for the purpose of conducting an examination. T) Emergency Rule

12ER01-28, F.A.C. (Records Retention – Time Period) states that taxpayers must retain records for the length of time required by s. 213.35, F.S., unless the Department provides a written statement that such records no longer need to be retained.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULES IS: Larry Green, Tax Law Specialist (850-922-4830), Technical Assistance and Dispute Resolution, Office of the General Counsel, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443

THE FULL TEXT OF THE EMERGENCY RULES IS:

PAYMENT OF TAXES THROUGH ELECTRONIC FUNDS
TRANSFER; TAXPAYER RECORDKEEPING AND
RETENTION REQUIREMENTS FOR ELECTRONIC DATA
INTERCHANGE COMMUNICATIONS SERVICES TAX
CHAPTER 202, FLORIDA STATUTES
ELECTRONIC FUNDS TRANSFER

12ER01-9 Scope of Rules.

Emergency Rules 12ER01-9 through 12ER01-18 set forth the rules to be used by the Department of Revenue in the administration of ss. 202.30 and 213.755, F.S., authorizing the Executive Director to require taxpayers specified by statute to remit taxes by electronic transfer of funds. If there is a conflict between these rules and any other rules applicable to taxes subject to electronic funds transfer, these rules shall govern.

Specific Authority 202.26(3)(a),(4), 202.30(1), 213.06 FS. Law Implemented 202.30, 213.755 FS. History–New 7-25-01.

12ER01-10 Definitions.

For the purposes of Emergency Rules 12ER01-9 through 12ER01-18, the terms and phrases used in these emergency rules shall have the meanings prescribed in this section, unless a different meaning is clearly indicated by the context in which the term or phrase is used.

(1) “ACH” or “Automated Clearing House” means a central distribution and settlement point for the electronic clearing of debits and credits between financial institutions rather than the physical movement of paper items.

(2) “ACH credit” means the electronic transfer of funds generated by the taxpayer, cleared through the ACH for deposit to the State Treasury.

(3) “ACH debit” means the electronic transfer of funds from the taxpayer's account which is generated upon the taxpayer's instruction and cleared through the ACH for deposit to the State Treasury.

(4) “Addenda record” means that information required by the Department in an ACH credit transfer or wire transfer, in approved electronic format.

(5) “Call-in day” means the day on which a taxpayer communicates payment information to the Data Collection Center.

(6) "Call-in period" means the specified time interval in each call-in day during which EFT payment information received by the Data Collection Center is processed for transactions occurring on the next business day. Payment information must be communicated to the Data Collection Center prior to 3:45 p.m., Eastern Time, on the call-in day to clear the ACH for deposit in the State Treasury on the next business day.

(7) "Data Collection Center" means the third party vendor, who, under contract with the Department, collects and processes EFT payment information from taxpayers.

(8) "Department" means the Florida Department of Revenue.

(9) "Due date" means the date on or before which a payment is required to be made by a taxpayer under a revenue law of this state.

(10) "Electronic Funds Transfer" or "EFT" means any transfer of funds initiated through an electronic terminal, telephone instrument, computer or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account using the methods specified in these emergency rules.

(11) "Payment information" means the data which the Department requires of a taxpayer making an EFT payment and which must be communicated to the Data Collection Center.

(12) "Payor" means the taxpayer.

(13) "Payor information number" means the confidential code assigned to each taxpayer which uniquely identifies the payor and allows the payor to communicate payment information to the Data Collection Center. The taxpayer will be given a separate payor identification number for each tax type.

(14) "State fiscal year" means July 1 through June 30.

(15) "Taxpayer" means any person required to remit an amount by the electronic transfer of funds. For the purpose of these rules, "person" includes any individual, firm, partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit and also includes any political subdivision, municipality, state agency, bureau, or department and includes the plural as well as the singular number. The term "person" does not include county tax collectors or those political subdivisions, municipalities, state agencies, bureaus, or departments which remit taxes subject to EFT through journal transfer. Solely for the purposes of these rules, a person required to remit a tax acting as a collection agent or dealer for the state shall nonetheless be considered a taxpayer.

(16) "Tax type" means a tax which is subject to EFT, each of which shall be considered a separate category of payment. The tax types for which taxpayers will be required to pay amounts due by EFT are as follows:

(a) Taxes administered under Chapter 212, F.S., and those taxes and fees reported on the DR-15 form series, including sales and use tax, local option taxes, surcharges, surtaxes, and solid waste fees;

(b) Corporate income/franchise tax (Chapter 220, F.S.) and emergency excise tax (Chapter 221, F.S.), reported on Form F-1120, including the required estimated tax payments (F-1120ES) and tentative tax payments (F-7004);

(c) Taxes on motor fuel, diesel fuel, liquefied petroleum gas, aviation fuel, and pollutants, including local option taxes reported under Chapter 206, F.S. (Form 3096 series);

(d) Gross receipts tax (Chapter 203, F.S.) reported on Form DR-133;

(e) All taxes reported on Forms DR-907 and DR-908, including insurance premium taxes and regulatory assessments subject to the provisions of Chapter 624, F.S., the excise tax on property insurance (s. 175.101, F.S.), and the excise tax on casualty insurance (s. 185.08, F.S.), and the insurance policy surcharge (s. 252.37, F.S.);

(f) Intangible personal property taxes (Chapter 199, F.S.) as reported on Form DR-601C;

(g) Severance taxes (Chapter 211, F.S.) and the Miami-Dade Lake Belt Mitigation Fee (Chapter 373, F.S.) reported on Form DR-140 series;

(h) Documentary stamp tax (Chapter 201, F.S.) reported on Form DR-225 or DR-225B;

(i) Communication services tax (Chapter 202, F.S.) reported on Form DR-70016 and substitute communications system tax (Chapter 202, F.S.) reported on Form DR-70017.

(17) "Trace number" means the verification code provided by the Data Collection Center upon receipt of all payment information from the payor which uniquely identifies the completed communication of payment information.

(18) "Treasury" or "State Treasury" means the Treasury of the State of Florida.

(19) "Wire transfer" or "Fedwire" means an instantaneous electronic funds transfer generated by the taxpayer to the State Treasury.

Specific Authority 202.26(3)(a),(4), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.755 FS. History--New 7-25-01.

12ER01-11 General Requirements.

(1) Any taxpayer subject to the following taxes who has paid that tax in the prior state fiscal year in an amount of \$50,000 or more must remit tax payments by electronic funds transfer:

(a) Sales and use tax, local option sales taxes, surcharges, surtaxes, and solid waste fees;

(b) Corporate income/franchise tax and emergency excise tax;

(c) Motor fuel, diesel fuel, liquefied petroleum gas, aviation fuel, oil and gas production, and pollutants taxes;

(d) Local option fuel tax;

(e) Insurance premium taxes and assessments;

(f) Gross receipts tax;

(g) Intangible personal property tax;

(h) Severance taxes and Miami-Dade Lake Belt Mitigation Fee; and

(i) Documentary stamp tax.

(2) Any taxpayer who is required to pay the communications services tax or the substitute communications systems tax must remit tax payments by electronic funds transfer in the following manner:

(a)1. Any taxpayer who has paid taxes imposed under Chapter 212, F.S. (Sales and Use Tax), in an amount of \$50,000 or more for the state fiscal year July 1, 2000, through June 30, 2001, must remit tax payments by electronic funds transfer beginning with the communications services tax or substitute communications systems tax return due on February 1, 2002.

2. Any taxpayer who has paid taxes imposed under Chapter 203, F.S. (Gross Receipts Tax), in an amount of \$50,000 or more for the state fiscal year July 1, 2000, through June 30, 2001, must remit tax payments by electronic funds transfer in conjunction with the communications services tax or substitute communications systems tax return due on February 1, 2002.

(b) Any taxpayer who has paid a combined amount of taxes discussed in paragraph (a) of this subsection in an amount of \$50,000 or more for the state fiscal year July 1, 2000, through June 30, 2001, must remit tax payments by electronic funds transfer in conjunction with the communications services tax or substitute communications systems tax return due on February 1, 2002.

(c) Any taxpayer who pays communications services tax or substitute communications systems tax in the amount of \$50,000 or more for the state fiscal year ending June 30, 2002, or in any state fiscal year thereafter, must remit tax payments by electronic funds transfer for taxes due during the succeeding calendar year.

(3) All taxpayers required to participate in the EFT program shall participate for a minimum of one calendar year. Persons selected on the basis of prior year tax payments will be contacted by the Department at their last address of record. Once selected for the EFT requirement, the taxpayer must electronically transmit all payments for that tax type as provided in this rule.

Specific Authority 202.26(3)(a),(4), 202.30(1), 212.06(1)(a), 213.06(1) FS. Law Implemented 202.30, 213.755 FS. History—New 7-25-01.

12ER01-12 Payor Information.

(1) The ACH debit system is the primary EFT method required of taxpayers selected to remit funds by electronic funds transfer. The ACH credit system is a payment method available only as an exception to taxpayers who qualify under the provisions of Emergency Rule 12ER01-13, F.A.C. Wire

transfer is an alternative method of EFT available to taxpayers only as an exception under the provisions of Emergency Rule 12ER01-16, F.A.C.

(2)(a) On or before November 1st, the Department will notify every taxpayer required to remit a tax by EFT in the upcoming calendar year, and include with such notification a Registration/Authorization Form-Florida EFT/EDI Program-Electronic Tax Payment System (Form DR-600F) and a Florida EFT Program Electronic Tax Payment Calendar (Form DR-659).

(b) A taxpayer who wishes to use the ACH credit method in lieu of the ACH debit method must file a written request with the Department for permission to use the ACH credit method prior to December 1, as provided in Emergency Rule 12ER01-13, F.A.C.

(3) Upon receipt of the Registration/Authorization Form-Florida EFT/EDI Program-Electronic Tax Payment System (Form DR-600F), the taxpayer must complete the form and return it to the Department by December 1. Pertinent payor information provided with Form DR-600F will be furnished to the State Treasurer's bank and the Data Collection Center.

(4) Upon receipt of payor information from the Department, the Data Collection Center shall assign a confidential payor identification number directly to the taxpayer to be used by the taxpayer when communicating payment information to the Data Collection Center. This number shall be provided to the taxpayer prior to the date the first required payment is due under the EFT program for all accounts who timely file the Form DR-600F with the Department.

(5) A taxpayer must provide at least 30 days advance written notice of any change of information required with the electronic funds transfer authorization form by submitting a revised Form DR-600F to the Department.

(6)(a) The Department prescribes Form DR-600F, Registration/Authorization Form-Florida EFT/EDI Program-Electronic Tax Payment System (r. 10/00), Form DR-659, Florida EFT Program Electronic Tax Payment Calendar (r. 10/00), and Form DR-653, Electronic Filing Agreement-Florida EFT/EDI Program Electronic Tax Filing System (r. 10/00), as the forms to be used for the purposes of this chapter and hereby incorporates these forms by reference. Copies of these forms may be obtained, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at 850-922-3676; or 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or 6) downloading selected forms from the

Department's Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.

(b) The Department will accept facsimile transmissions of requests (form DR-600F) at telephone number (850) 922-5088.

Specific Authority 202.26(3)(a),(4), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.755 FS. History--New 7-25-01.

12ER01-13 Methods of Electronic Fund Transfer.

(1) The Department will utilize the ACH debit transfer as the method by which taxpayers subject to EFT requirements shall remit taxes by electronic funds transfer.

(2) However, the Executive Director or the Executive Director's designee will grant taxpayers permission to use the ACH credit method on a case by case basis, as an exception to the required use of the ACH debit method.

(a) A taxpayer who requests permission to use the ACH credit method must submit a written request to the Department, by December 1, which demonstrates the existence of a valid business operational reason for using the ACH credit method in lieu of the ACH debit method. A taxpayer who is already using the ACH credit method is deemed to have a valid business reason for using the ACH credit method to remit payments of Florida taxes.

(b) The written request to use the ACH credit method shall be filed with the E-Services Unit, Florida Department of Revenue, P. O. Box 5885, Tallahassee, Florida 32314-5885, by December 1. The Department will accept facsimile transmissions of requests at telephone number (850) 922-5088. Taxpayers will be notified of the Department's decision within the month of January.

(c) The Department reserves the right to revoke the ACH credit method payment privilege of any taxpayer who: does not consistently transmit error-free payments; or substantially varies from the requirements and specifications of these rules; or repeatedly fails to make timely EFT payments or timely provide payment information; or, repeatedly fails to provide the required addenda record with the EFT payment.

Specific Authority 202.26(3)(a),(4), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.755 FS. History--New 7-25-01.

12ER01-14 Means of Communication to Report Payment Information.

Taxpayers who participate in the electronic funds transfer program shall use one of two means of communicating payment information through the ACH debit method:

(1) Operator-assisted communication of payment information made orally by rotary or touch-tone telephone; or

(2) PC entry communication of payment information with a computer or other communication device.

Specific Authority 202.26(3)(a),(4), 202.30(1), 213.06 FS. Law Implemented 202.30, 213.755 FS. History--New 7-25-01.

12ER01-15 Payment Transmission Errors.

(1) If a taxpayer does not make a correct payment of tax for a particular period, such taxpayer shall, on the nearest business day after the date on which the error is discovered, contact the E-Services Unit at telephone number (850) 487-7972 for specific instructions.

(a) If the taxpayer error involves an overpayment of tax, the taxpayer may either elect to have the overpayment applied against the liability for the next reporting period or apply for a refund under the provisions of the applicable tax statute.

(b) If the taxpayer error involves an underpayment of tax, the taxpayer must make appropriate arrangements to initiate payment for the amount of the underpayment.

(2) In the event a taxpayer using the ACH debit method communicates payment information to the Data Collection Center after 3:45 p.m., Eastern Time, on the business day before the due date, the payment shall be posted to the taxpayer's account on the next business day following the due date and shall constitute late payment.

(3) Except as provided in these emergency rules or Rule Chapter 12-13, F.A.C., a failure to make a timely EFT payment because of other circumstances under the taxpayer's control, including but not limited to insufficiency of funds in the taxpayer's account or a direct payment to the Department using an unauthorized payment method, shall result in the loss of the taxpayer's collection allowance and assessment of the appropriate penalties and interest by the Department.

Cross Reference: Emergency Rule 12ER01-17, F.A.C.

Specific Authority 202.26(3)(a),(4), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.755 FS. History--New 7-25-01.

12ER01-16 Procedures for Payment.

(1) ACH Debit Method.

(a) The taxpayer must report payment information to the Data Collection Center by the approved means of communication, no later than 3:45 p.m., Eastern Time, on the business day immediately preceding the due date of the payment. The Data Collection Center must be contacted during the contact period specified in the detailed instructions provided to EFT taxpayers, which include Form DR-659. The Department will bear the costs of processing EFT ACH debit payments through the Data Collection Center. Communication by the taxpayer during the contact period is mandatory to assure the timely posting of the taxpayer's payment on the following business day.

(b) After establishing contact with the Data Collection Center, the taxpayer is allowed to communicate payment information for more than one tax type or tax period. However, the taxpayer must initiate payment information for each tax type and for each tax period for which a payment is due. The following payment information is required from the taxpayer:

1. Company and ID number (Payment identification number);

2. Tax payment amount;

3. Tax period;

4. Payment type; and,

5. Verification code.

(c) A confirmation code will be issued at the conclusion of the communication of the payment information for each payment type and tax period. This number provides a means of verifying the accuracy of the recorded tax payment and serves as a receipt for the transaction.

(d) Shortly after the expiration of the contact period, the Department will receive an electronic transmission from the Data Collection Center containing all the payment information that has been communicated to the Data Collection Center during that contact period.

(e) Example. A taxpayer who uses the ACH debit method to remit the January sales tax payment will first determine the total amount of tax due with respect to the sales and use tax return (amount due with return) for the January applied period. Prior to the end of the contact period on February 19 (or the last business day prior to the 19th), the taxpayer must contact the Data Collection Center. After establishing contact, the taxpayer will identify the EFT account with the preassigned payment identification number and state the payment type (monthly return), the payment amount (\$12,345), the tax period (January), and the verification code. At the end of the communication, the taxpayer will receive a confirmation code which will verify the accuracy of the recorded tax payment and serve as a receipt for the transaction. Payment information involving the ACH debit transfer will be electronically transmitted to the Department on February 19, shortly after the expiration of the contact period. The actual tax payment of \$12,345, however, will not be posted as collected funds to the Treasurer's account until the following day, February 20. Taxpayers must file the required return as provided by law and rule. If applicable, the taxpayer must check the box on the return to show payment by EFT.

(2)(a) ACH Credit Method. Taxpayers who have been granted permission to use the ACH credit method must contact their own financial institutions and make the arrangements to transfer the tax payment to the state Treasury account using an ACH credit transfer. The Department will not bear the costs for taxpayers to use the ACH credit method.

(b) To assure the timely receipt of payment of tax, a taxpayer must initiate the payment transaction with its financial institution in time for the payment to be deposited as collected funds to the State Treasury account on or before the appropriate due date.

(c) All ACH credit transfers must be accompanied by a Cash Concentration or Disbursement (CCD) + addenda record, in the format specified by the Department, which includes the following information:

1. Record type code;

2. Addenda type code;

3. Taxpayer identification;

4. Tax type code;

5. Tax period end date;

6. Amount type code;

7. Amount.

(d) If the taxpayer fails more than three times in 12 consecutive calendar months, beginning January 1, 2002, to provide the Department with the required addenda record which conforms to the requirements of this emergency rule, the taxpayer will be required to use the ACH debit method.

(e) Example. A taxpayer who uses the ACH credit method to remit the January sales tax payment will first determine the total amount of tax due with respect to the sales and use tax return (amount due with return) for the January applied period. At a time arranged between the taxpayer and the taxpayer's financial institution, the taxpayer will provide the taxpayer's financial institution with the information necessary to initiate a timely transfer of the January tax payment and an accompanying CCD + addenda record. The timely initiated ACH credit transfer of \$12,345 will be posted as collected funds to the State Treasurer's account on February 20. To be timely, the ACH credit transfer of January tax must be deposited to the state Treasury account as collected funds on or before February 20. Taxpayers must file the required return as provided by law and rule. If applicable, the taxpayer must check the box on the return to show payment by EFT.

(3) Wire transfer. Taxpayers who, due to circumstances beyond their reasonable control, are unable to initiate a timely payment of tax through the ACH debit method or the ACH credit method may request the Department's permission, on an exception basis, to transmit a payment of tax to the State Treasurer's account via wire transfer.

(a) Prior to initiating the transmission, the taxpayer must contact the E-Services Unit through the E-Services hotline at telephone number (850) 487-7972. The taxpayer must fax a written explanation of the emergency situation which prevents timely compliance under either the ACH debit method or ACH credit method and must request written approval to wire transfer the tax payment in question to the State Treasury account. The E-Services fax number is (850) 922-5088.

(b) Taxpayers who are granted written approval to use wire transfer as an exception to either the ACH debit method or ACH credit method will be given specific instructions regarding the payment information that must accompany the wire transfer.

1. All wire transfers must be accompanied by payment information, in addition to an addenda record, in the format specified by the Department, which includes the following information:

a. Taxpayer's name;

b. Taxpayer's identification number;

c. Tax type;

d. Amount/payment type;

e. Amount of payment;

f. Tax period;

g. Name and account of correspondent bank;

h. Name of receiving bank;

i. State treasury account number; and

j. American Bank Association 9 digit number of receiving bank.

2. The Department will not bear any costs associated with the wire transfer.

(c) Wire transfers which are not received in the State Treasury account on or before the due date of the transmitted payments of tax will constitute late payment, and the applicable late filing penalties, interest, and loss of collection allowance shall apply.

Specific Authority 202.26(3)(a),(4), 202.30(1), 213.06(1) FS. Law Implemented 202.30(1), 213.755 FS. History—New 7-25-01.

12ER01-17 Due Date: General Provisions.

(1) Taxpayers who are required to remit tax payments through EFT must initiate the transfer so that the amount due is deposited as collected funds to the State Treasurer's account on or before the due date under the appropriate revenue law. If a tax due date falls on a Saturday, a Sunday, a legal holiday as defined in s. 658.70(1), F.S., or on a legal holiday of the jurisdiction in which the taxpayer's financial institution is located, the deposit by electronic funds transfer is required on or before the first banking day thereafter. For the purposes of these emergency rules, "banking day" has the meaning prescribed in s. 658.70(1), F.S. If the date on which the taxpayer is required to initiate either an ACH debit or an ACH credit transfer falls on a Saturday, Sunday, or a business or banking holiday, the taxpayer must initiate the transaction on the preceding business day pursuant to Emergency Rule 12ER01-16(3), F.A.C.

(2) The EFT method of payment does not change any current filing requirements for tax returns. If the EFT payment is not timely made or the tax return required is not filed by the due date, the provisions for late filing penalties, interest, and loss of collection allowance or discount shall apply under the provisions of the appropriate revenue law, except as provided in these emergency rules.

(3) The provisions of s. 213.21, F.S., shall govern the compromise and settlement of any tax, interest, or penalty assessed due to the late payment of an electronically filed payment, except as provided in these emergency rules.

(a) For EFT purposes, "reasonable cause" for the compromise of penalty shall include, in addition to the provisions of s. 213.21, F.S., and Rule Chapter 12-13, F.A.C., the following:

1. The inability to access the EFT system on the required date because of a system failure beyond the reasonable control of the taxpayer;

2. The failure of the EFT system to properly apply a payment; or

3. The failure of the EFT system to issue proper verification of receipt of payment information.

(b)1. A taxpayer who is required to remit payments under the EFT program and who is unable to make a timely payment because of system failures within the banking system/ACH interface which are beyond the taxpayer's control shall not be subject to penalty or interest for late payment or loss of collection allowance or discount. The taxpayer must provide a written explanation and supporting documentation to the E-Services Unit concerning any system failure within the banking system/ACH interface.

2. Taxpayers must ensure that they use reasonable and prudent judgement when selecting a banking system or ACH interface to handle their EFT transactions.

(c) Errors made by the Data Collection Center, the State Treasury, or the Department shall not subject the taxpayer to loss of collection allowance or discount, or assessment of penalty or interest for late payment.

(4) During the first 3-month period a taxpayer is required to remit tax by EFT, the Department will extend a reasonable grace period to taxpayers to resolve problems which arise when new administrative procedures, data systems changes and taxpayer operating procedures are implemented. To qualify for a grace period, the taxpayer must demonstrate in writing to the Department that a good faith effort to comply was made, or that circumstances beyond the taxpayer's reasonable control prevented compliance by the required date, or that a mistake or inadvertence prevented timely payment when the taxpayer attempted to correctly and timely initiate an EFT payment.

(5) Pursuant to s. 202.28(1), F.S., dealers of communications services who fail to properly remit the communications services taxes by EFT as required in s. 202.30(1), F.S., are not authorized to claim the collection allowance authorized by s. 202.28, F.S., for the proper remitting of taxes.

Specific Authority 202.26(3)(a),(4), 202.30(1), 213.06 FS. Law Implemented 202.28, 202.30, 212.12, 213.755 FS. History—New 7-25-01.

12ER01-18 General Administrative Provisions.

(1) Taxpayers who need general information concerning the EFT program can contact the E-Services Unit at (850) 487-7972, or (850) 488-6800 or Toll-Free 1-800-352-3671 (Florida only).

(2) Voluntary Inclusion in EFT. Those taxpayers who are required to participate in the EFT program due to a prior year tax liability for any tax type subject to EFT may request permission to also remit other tax types by EFT. Written requests for voluntary inclusion in the EFT program must be filed with the E-Services Unit at least 60 days prior to the due date of the payment(s) in question. Taxpayers may terminate

voluntary participation by filing a written notice of termination with the E-Services Unit at least 60 days prior to the due date of the last EFT payment. Requests for voluntary inclusion and termination notices must be directed to the E-Services Unit, Florida Department of Revenue, P. O. Box 5885, Tallahassee, Florida 32314-5885.

(3) The Data Collection Center and its employees shall be bound by the same confidentiality requirements as the Department under s. 213.053, F.S.

Specific Authority 202.26(3)(a),(4), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.755 FS. History—New 7-25-01.

TAXPAYER RECORDKEEPING AND RETENTION REQUIREMENTS FOR ELECTRONIC DATA INTERCHANGE

12ER01-19 Scope.

Rules 12ER01-19 through 12ER01-28, F.A.C., define the requirements imposed on taxpayers for the maintenance and retention of books, records, and other sources of information under s. 213.35, F.S. These rules address such requirements where all or a part of the taxpayer's records are received, created, maintained or generated through computer, electronic, and imaging processes and systems. Unless in conflict with the specific requirements imposed by other rules of the Department, these emergency rules shall govern the recordkeeping and retention requirements imposed by the revenue laws administered by the Department.

Specific Authority 202.26(3)(a),(4), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.35 FS. History—New 7-25-01.

12ER01-20 Definitions.

For purposes of Emergency Rules 12ER01-19 through 12ER01-28, F.A.C., these terms shall be defined as follows:

(1) "Database Management System" means a software system that controls, relates, retrieves, and provides accessibility to data stored in a database.

(2) "Department" means the Florida Department of Revenue or its authorized representative.

(3) "Electronic data interchange" or "EDI technology" means the computer to computer exchange of business transactions in a standardized structured electronic format.

(4) "Hardcopy" means any documents, records, reports or other data printed on paper.

(5) "Machine-sensible record" means a collection of related information in an electronic format. Machine-sensible records do not include hardcopy records that are created or recorded on paper or stored in or by an imaging system such as microfilm, microfiche, or storage-only imaging systems.

(6) "Storage-only imaging systems" means a system of computer hardware and software that provides for the storage, retention and retrieval of documents originally created on paper. It does not include any system, or part of a system, that

manipulates or processes any information or data contained on the document in any manner other than to reproduce the document in hardcopy or as an optical image.

(7) "Taxpayer" means any person, including any individual, firm, partnership, copartnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit and also includes any political subdivision, municipality, state agency, bureau, or department and includes the plural as well as the singular number.

Specific Authority 202.26(3)(a),(4), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.35 FS. History—New 7-25-01.

12ER01-21 Recordkeeping Requirements – General.

(1) A taxpayer shall maintain all records that are necessary to make a determination of the correct tax liability under s. 213.35, F.S. All required records must be made available on request by the Department as provided in s. 213.34, F.S. Such records shall include, but not be limited to: books of account, invoices, bills of lading, gross receipts from sales, resale certificates, consumer exemption certificates, and other pertinent records as required by statute or rule of this state.

(2) If a taxpayer maintains records required to be retained under this Chapter in both machine-sensible and hardcopy formats, the taxpayer shall make the records available to the Department in machine-sensible format upon request of the Department.

(3) Nothing in Emergency Rules 12ER01-19 through 12ER01-28, F.A.C., shall be construed to prohibit a taxpayer from demonstrating tax compliance with traditional hardcopy documents or reproductions thereof, in whole or in part, whether or not such taxpayer also has retained or has the capability to retain records on electronic or other storage media in accordance with these emergency rules. However, this subsection shall not relieve the taxpayer of the obligation to comply with subsection (2) of this rule.

(4) The Department shall use Form DR-653 (Electronic Filing Agreement-Florida EFT/EDI Program Electronic Tax Filing System) to document an agreement with a taxpayer that such taxpayer will file tax reports and returns by electronic transmission.

(5) Pursuant to s. 202.28(1), F.S., taxpayers who fail to properly initiate a communications services tax return or a substitute communications systems tax return by electronic data interchange (EDI) as required in s. 202.30(2), F.S., are not authorized to claim the collection allowance authorized by s. 202.28, F.S., for the proper filing of tax returns.

Specific Authority 202.26(3)(a),(4), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.34, 213.35 FS. History—New 7-25-01.

12ER01-22 Recordkeeping Requirements – Machine-Sensible Records.

(1) General Requirements.

(a) Machine-sensible records used to establish tax compliance shall contain sufficient transaction-level detail information so that the details underlying the machine-sensible records can be identified and made available to the Department upon request. A taxpayer has discretion to discard duplicated records and redundant information provided his or her responsibilities under these emergency rules are met.

(b) At the time of an examination by the Department, the taxpayer's retained records must be capable of being retrieved and converted to a standard record format.

(c) Taxpayers are not required to construct machine-sensible records other than those created in the ordinary course of business. A taxpayer who does not create the electronic equivalent of a traditional paper document in the ordinary course of business is not required to construct such a record for tax purposes.

(2) Electronic Data Interchange Requirements.

(a) Where a taxpayer uses electronic data interchange processes and technology, the level of record detail, in combination with other records related to the transactions, must be equivalent to that contained in an acceptable paper record. For example, the retained records should contain information including vendor name, invoice date, product description, quantity purchased, price, amount of tax, indication of tax status, and shipping detail. Codes may be used to identify some or all of the data elements, provided that the taxpayer provides a method that allows the Department to interpret the coded information.

(b) The taxpayer may capture the information necessary to satisfy these emergency rules at any level within the accounting system and need not retain the original EDI transaction records provided the audit trail, authenticity, and integrity of the retained records can be established. For example, a taxpayer using electronic data interchange technology receives electronic invoices from its suppliers. The taxpayer decides to retain the invoice data from completed and verified EDI transactions in its accounts payable system rather than to retain the EDI transactions themselves. Since neither the EDI transaction nor the accounts payable system captures information from the invoice pertaining to product description and vendor name (i.e., they contain only codes for that information), the taxpayer must retain other records, such as his or her vendor master file and product code description lists and make them available to the Department. In this example, the taxpayer need not retain its EDI transaction for tax purposes.

(3) Electronic Data Processing Systems Requirements. The requirements for an electronic data processing accounting system should be similar to those of a manual accounting system, in that an adequately designed accounting system should incorporate methods and records that will satisfy the requirements of Emergency Rules 12ER01-9 through 12ER01-28, F.A.C.

(4) Business Process Information.

(a) Upon the request of the Department, the taxpayer shall provide a description of the business process that created the retained records. Such description shall include the relationship between the records and the tax documents prepared by the taxpayer and the measures employed to ensure the integrity of the records.

(b) The taxpayer shall be capable of demonstrating:

1. The functions being performed as they relate to the flow of data through the system;

2. The internal controls used to ensure accurate and reliable processing; and

3. The internal controls used to prevent unauthorized addition, alteration, or deletion of retained records.

(c) The following specific documentation is required for machine-sensible records retained pursuant to this Rule:

1. Record formats or layouts;

2. Field definitions (including the meaning of all codes used to represent information);

3. File descriptions (e.g., data set name); and

4. Detailed charts of accounts and account descriptions.

Specific Authority 202.26(3)(a),(4), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.34, 213.35 FS. History—New 7-25-01.

12ER01-23 Records Maintenance Requirements.

(1) The Department recommends, but does not require, that taxpayers refer to the National Archives and Records Administration's (NARA) standards for guidance on the maintenance and storage of electronic records, including the labeling of records, the location and security of the storage environment, the creation of back-up copies, and the use of periodic testing to confirm the continued integrity of the records. The NARA standards may be found at 36 Code of Federal Regulations, Part 1234, July 1, 1995 edition.

(2) The taxpayer's computer hardware or software shall accommodate the extraction and conversion of retained machine-sensible records.

Specific Authority 202.26(3)(a),(4), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.35 FS. History—New 7-25-01.

12ER01-24 Access to Machine – Sensible Records.

(1) The manner in which the Department is provided access to machine-sensible records as required in Emergency Rule 12ER01-21(2), F.A.C., may be satisfied through a variety of means that shall take into account a taxpayer's specific facts and circumstances, as determined through consultation with the taxpayer.

(2) Departmental access will be provided in one or more of the following manners:

(a) The taxpayer may arrange to provide the Department with the hardware, software and personnel resources to access the machine-sensible records;

(b) The taxpayer may arrange for a third party to provide the hardware, software and personnel resources necessary to access the machine-sensible records;

(c) The taxpayer may convert the machine-sensible records to a standard record format specified by the Department, including copies of files, on a magnetic medium that is agreed to by the Department; or

(d) The taxpayer and the Department may agree on other means of providing access to the machine-sensible records.

Specific Authority 202.26(3)(a),(4), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.34, 213.35 FS. History—New 7-25-01.

12ER01-25 Taxpayer Responsibility and Discretionary Authority.

(1) In conjunction with meeting the requirements of Emergency Rules 12ER01-22, 12ER01-23, and 12ER01-24, F.A.C., a taxpayer may create files solely for the use of the Department. For example, if a data base management system is used, it is consistent with these emergency rules for the taxpayer to create and retain a file that contains the transaction-level detail from the data base management system and that meets the requirements of Emergency Rules 12ER01-22, 12ER01-23, and 12ER01-24, F.A.C. The taxpayer should document the process that created the separate file to show the relationship between that file and the original records.

(2) A taxpayer may contract with a third party to provide custodial or management services of the records. Such a contract shall not relieve the taxpayer of its responsibilities under these emergency rules.

Specific Authority 202.26(3)(a),(4), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.35 FS. History—New 7-25-01.

12ER01-26 Alternative Storage Media.

(1) For purposes of storage and retention, taxpayers may convert hardcopy documents received or produced in the normal course of business and required to be retained under this chapter to microfilm, microfiche, or other storage-only imaging systems and may discard the original hardcopy documents, provided the conditions of this emergency rule are met. Documents which may be stored on these media include, but are not limited to general books of account, journals, voucher registers, general and subsidiary ledgers, and supporting records of details, such as sales invoices, purchase invoices, exemption certificates, and credit memoranda.

(2) Microfilm, microfiche, and other storage-only imaging systems shall meet the following requirements:

(a) Documentation establishing the procedures for converting the hardcopy documents to microfilm, microfiche, or other storage-only imaging system must be maintained and made available on request. Such documentation shall, at a minimum, contain a sufficient description to allow an original

document to be followed through the conversion system as well as internal procedures established for inspection and quality assurance.

(b) Procedures must be established for the effective identification, processing, storage, and preservation of the stored documents and for making them available for the period they are required to be retained under Emergency Rule 12ER01-28, F.A.C.

(c) Upon request by the Department, a taxpayer must provide facilities and equipment for reading, locating, and reproducing any documents maintained on microfilm, microfiche or other storage-only imaging system.

(d) When displayed on such equipment or reproduced on paper, the documents must exhibit a high degree of legibility and readability. For this purpose, legibility is defined as the quality of a letter or numeral that enables the observer to identify it positively and quickly to the exclusion of all other letters or numerals. Readability is defined as the quality of a group of letters or numerals being recognized as words or complete numbers.

(e) All data stored on microfilm, microfiche or other storage-only imaging systems must be maintained and arranged in a manner that permits the location of any particular record.

(f) There is no substantial evidence that the microfilm, microfiche or other storage-only imaging system lacks authenticity or integrity.

Specific Authority 202.26(3)(a),(4), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.34, 213.35 FS. History—New 7-25-01.

12ER01-27 Effect on Hardcopy Recordkeeping Requirements.

(1) Except as otherwise provided in this emergency rule, the provisions of Emergency Rules 12ER01-9 through 12ER01-28, F.A.C., do not relieve taxpayers of the responsibility to retain hardcopy records that are created or received in the ordinary course of business as required by existing statutes and rules. Hardcopy records may be retained on a recordkeeping medium as provided in Emergency Rule 12ER01-26, F.A.C.

(2) If hardcopy records are not produced or received in the ordinary course of transacting business (e.g., when the taxpayer uses electronic data interchange technology), such hardcopy records need not be created for examination by the Department.

(3) Hardcopy records generated at the time of a transaction using a credit or debit card must be retained unless all the details necessary to determine correct tax liability relating to the transaction are subsequently received and retained by the taxpayer in accordance with this chapter. Such details include those listed in Emergency Rule 12ER01-22, F.A.C.

(4) Computer printouts that are created for validation, control, or other temporary purposes need not be retained.

(5) Nothing in this emergency rule shall prevent the Department from requesting hardcopy printouts in lieu of retained machine-sensible records at the time of examination.

Specific Authority 202.26(3)(a),(4), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.34, 213.35 FS. History—New 7-25-01.

12ER01-28 Records Retention – Time Period.

All records required to be retained under Emergency Rules 12ER01-9 through 12ER01-28, F.A.C., shall be preserved pursuant to s. 213.35, F.S., unless the Department has provided in writing that the records are no longer required.

Specific Authority 202.26(3)(a),(4), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.35 FS. History—New 7-25-01.

THIS RULE TAKE EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: July 25, 2001

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from Saddlebrook Resort Condominium Association, Inc., filed July 12, 2001 in Docket No. 010958-EL, seeking waiver from Rule 25-6.049(5), Florida Administrative Code. The rule identifies the types of facilities that require individual electric metering as opposed to master metering. Comments on the petition should be filed with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days after publication of this notice. A copy of the petition can be obtained from the Division of the Commission Clerk and Administrative Services. For additional information, please contact Marlene Stern, Division of Legal Services, at the above address or telephone (850)413-6230.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on July 11, 2001, the South Florida Water Management District (SFWMD) received a petition for waiver from the Florida Department of Transportation, for utilization of works or land of the SFWMD known as the C-11 Canal, Palm Beach County. The petition seeks relief from the Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which governs the

placement of above-ground permanent or semi-permanent encroachments within 40' of the top of the canal bank within works or lands of the District.

A copy of the petition may be obtained from Jan Sluth, (561)682-6299 or e-mail at jsluth@sfwmd.gov.

The SFWMD will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that on July 16, 2001, the South Florida Water Management District (SFWMD) received a petition for waiver from Linda Erhard, for utilization of works or land of the SFWMD known as the C-51 Canal, Palm Beach County. The petition seeks relief from the Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which establishes the low member elevation requirement for docking facilities and which governs the placement of above-ground permanent or semi-permanent encroachments within 40' of the top of the canal bank within works or lands of the District.

A copy of the petition may be obtained from Jan Sluth, (561)682-6299 or e-mail, jsluth@sfwmd.gov.

The SFWMD will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

On October 26, 2000, the Department received a request for variance/waiver pursuant to Section 120.542, F.S. (2000), from Coastal Fuels Marketing, Inc., requesting a permanent variance/waiver from the installation of secondary containment under Rule 62-761.700(1)(a)6.b. of the F.A.C., for the replacement of more than 100 feet of integral piping. The petition was assigned OGC case #00-2073. A Notice of Receipt of Petition for Variance/Waiver was published in the November 22, 2000 F.A.W. On February 9, 2001, the petition was granted.

Copies may be received from the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, Attn: Lisa Randolph.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on July 9, 2001, a petition from ConSeal International, Inc., seeking a variance under Section 120.542 of the Florida Statutes from the prohibition from a zone of discharge under Rule 62-522.300(3), Florida Administrative Code, for the use of BiOx to clean up sites that are contaminated with petroleum hydrocarbons. The petition has been assigned OGC File No.: 01-1124. Copies may be received from, and written comments submitted to, Department of Environmental Protection, Underground Injection Control Section, Mail Station 3530, 2600 Blair Stone Road, Twin Towers Office Building, Tallahassee, Florida 32399-2400; Attn.: Cathy McCarty. Comments must be received no later than 14 days from the date of publication of this notice.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on July 9, 2001, a petition from P2 Environmental, Inc., seeking a variance under Section 120.542 of the Florida Statutes from the prohibition from a zone of discharge under Rule 62-522.300(3), Florida Administrative Code, for the use of soybean oil, lecithin, and sodium lactate to clean up sites that are contaminated with chlorinated solvents. The petition has been assigned OGC File No.: 01-1136. Copies may be received from, and written comments submitted to, Department of Environmental Protection, Underground Injection Control Section, Mail Station 3530, 2600 Blair Stone Road, Twin Towers Office Building, Tallahassee, Florida 32399-2400; Attn.: Cathy McCarty. Comments must be received no later than 14 days from the date of publication of this notice.

On January 3, 2000, the Department received from Tampa Electric Company, pursuant to Section 120.542, F.S. (1999), a request for a temporary waiver from the requirement under Rule 62-761.800(3)(a)1.(a) & (b), F.A.C., to remove all liquids and accumulated sludges and disconnect and cap, or remove, all integral piping, and secure manways at their F.J. Gannon Station. The petition was assigned OGC case #00-0007. A Notice of Receipt of Petition for Variance/Waiver was published in the January 21, 2000, F.A.W. No public comment was received and on July 28, 2000, the petition was approved. Copies may be received from the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn.: Rebecca Grace.

On January 3, 2000, the Department received from Tampa Electric Company, pursuant to Section 120.542, F.S. (1999), a request for a temporary waiver from the requirement under Rule 62-761.800(3)(a)1.(a) & (b), F.A.C., to remove all liquids and accumulated sludges and disconnect and cap, or remove, all integral piping, and secure manways at their Hookers Point

Station. The petition was assigned OGC case #00-0008. A Notice of Receipt of Petition for Variance/Waiver was published in the January 21, 2000, F.A.W. No public comment was received and on March 24, 2000, the petition was denied. The petition was subsequently withdrawn and a petition to amend Waiver 98-2355 was requested and granted with conditions. Copies may be received from the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn.: Rebecca Grace.

On October 10, 2000, the Department received a request for variance/waiver pursuant to Section 376.3071(12)(k)(5), F.S. (2000), from Pure Water Remedial Trust 96-1 requesting a permanent variance/waiver from certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition was assigned OGC case #00-1390. A Notice of Receipt of Petition for Variance/Waiver was published in the October 27, 2000, F.A.W. On January 5, 2001 the petition was granted for certain documentation that was required from TIER Environmental Services, PC & B Environmental Laboratories and Enseco Laboratories. Copies may be received from the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn.: Rebecca Grace.

On August 25, 2000 the Department received a request, pursuant to Section 120.542, F.S. (2000), from Federated Mutual Insurance Company on behalf of its insured, Thomas Oil Company, seeking a waiver from certain requirements under Rule 62-773.700(11), F.A.C., regarding the Department's August 5, 2000, Order of Determination of Reimbursement. The petition was assigned OGC case #00-1730. A Notice of Receipt of Petition for Variance/Waiver was published in the September 22, 2000, F.A.W. On July 3, 2001, petitioner and the Department entered into a comprehensive settlement agreement regarding this variance and a related case. No comments were received. Copies may be obtained from the Department of Environmental Protection, Bureau of Petroleum Storage Systems, Mail Station 4575, 2600 Blair Stone Rd. Tallahassee, Florida 32399-2400; Attn.: Charles Williams.

On May 23, 2000, the Department received a request, pursuant to Section 120.542, F.S. (2000), from the W.R. Grace & Company, seeking a waiver of the requirement under Rule 62-761.200(12), F.A.C., for its calcium chloride aboveground storage tanks. The petition was assigned OGC case #00-1101. A Notice of Receipt of Petition for Variance/Waiver was published in the June 9, 2000, F.A.W. On October 30, 2000, the petition was granted with conditions. No comments were received. Copies may be obtained from the Department of

Environmental Protection, Bureau of Petroleum Storage Systems, Mail Station 4575, 2600 Blair Stone Rd. Tallahassee, Florida 32399-2400; Attn.: John Svec.

On May 4, 2000, the Department received a request, pursuant to Section 120.542, F.S. (2000), from United Petroleum, Inc. seeking a temporary variance from certain closure requirements under Rules 62-761.200(54)(1) and 62-761.800(3), F.A.C., for the United Petroleum site located in Tampa, FL. The petition was assigned OGC case #00-0984 A Notice of Receipt of Petition for Variance/Waiver was published in the May 19, 2000, F.A.W. On August 2, 2000, petitioner withdrew his request. No comments were received. Copies may be obtained from the Department of Environmental Protection, Bureau of Petroleum Storage Systems, Mail Station 4575, 2600 Blair Stone Rd. Tallahassee, Florida 32399-2400; Attn.: John Svec.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on July 13, 2001, a petition from the IMC Phosphate Co. for the Noralyn Mine facility located in Polk County seeking a waiver from the aboveground storage tank fabrication standards of Rule 62-761.500(3)(b)1., F.A.C., because the aboveground storage tank is built to equivalent standards. The petition has been assigned OGC case #01-1194. 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 took action on a petition for variance received from Camp Dresser & McKee, Inc., (CDM), on March 23, 2000. Notice of receipt of this petition was published in the Florida Administrative Weekly, dated April 14, 2000. No public comment was received. The petition requested a variance from the zone of discharge prohibition for discharges through wells under Rule 62-522.300(2)(a) of the Florida Administrative Code for the use of enhanced anaerobic bioremediation as a closed-loop re-injection in-situ aquifer remediation system into which aqueous sodium lactate solutions are introduced. It will be used to clean up sites contaminated with chlorinated hydrocarbons. Specifically the petition requested a zone of discharge for the primary drinking water standards for sodium, perchloroethylene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, trichloroethylene, 1,1-dichloroethylene, cis 1,2-dichloroethylene, trans 1,2-dichloroethylene, 1,2-dichloroethane, vinyl chloride; the secondary drinking water standards for chloride; and the minimum criteria of ammonia, 1,2-mixture dichloroethylene, 1,1-dichloroethane, chloroethane, and ethyl chloride. The zones of discharge for

these contaminants are a 75-foot radius from the point of discharge for one year. On August 18, 2000, the Department granted a variance to CDM, Inc., in a final order, OGC File No.: 00-0762. 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 sodium, perchloroethylene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, trichloroethylene, 1,1-dichloroethylene, cis 1,2-dichloroethylene, trans 1,2-dichloroethylene, 1,2-dichloroethane, vinyl chloride, chloride, ammonia, 1,2-mixture dichloroethylene, 1,1-dichloroethane, chloroethane, and ethyl chloride shall be a 75-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 aquifer; 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 Cynthia Christen, Department of Environmental Protection, MS 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; telephone (850)921-9610.

DEPARTMENT OF HEALTH

The Board of Occupational Therapy Practice hereby gives notice that it has received a petition for an emergency waiver, filed on July 19, 2001, from Sarah Grabbe, who seeks a waiver of subsection 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 August 14, 2001, within the Capital Circle Office Complex at the Department of Health, 4042 Bald Cypress Way, Tallahassee, Florida 32399-3255, (850)921-5470.

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.

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.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Division of Historical Resources** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, August 13, 2001, 1:00 – 3:00 p.m.

PLACE: Sheraton Biscayne Bay, 495 Brickell Avenue, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting for the presentation of the archaeological findings and planning for management goals regarding the TEQUESTA SITE/MIAMI CIRCLE/BRICKELL POINT.

People with disabilities wishing to attend this meeting should contact the Division, (850)245-6300, at least 48 hours prior to the meeting in order to request special assistance.

The **Department of State, Division of Cultural Affairs**, announces the following public meetings, to which all persons are invited:

DATE AND TIME : Monday, August 13, 2001, 1:00 p.m.

PLACE: Wahoo Conference Room, Kepler Complex, Florida Department of Transportation, 1650 N. Kepler Road, DeLand, FL 32724, (904)740-3402

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Proposal meeting to review and discuss final proposals for Art in State Buildings Project No. DOT 243-267, Kepler Road Complex, Deland, Volusia County.

COMMITTEE: Art Selection Committee

DATE AND TIME: Monday, August 13, 2001, 10:00 a.m.

PLACE: Lake County Conference Room, 4th Floor, Department of Transportation, District 5 Office, Florida Department of Transportation, 719 South Woodland Boulevard, DeLand, FL 32720, (904)943-5005

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold an Orientation Meeting to determine potential artwork sites for Art in State Buildings Project No. DOT 243-359, Leesburg Complex, Lake County.

COMMITTEE: Art Selection Committee

For more information or to obtain a copy of the agenda, please contact: Lee Modica, Arts Administrator, Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250, (850)487-2980, Ext 116.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Division of Cultural Affairs.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency, at least 48 hours before the meeting by contacting Don Blancett, (850)487-2980, Ext. 131. If you are hearing or speech impaired, please contact the agency by calling TT: (850)488-5779.

The **Department of State, Division of Cultural Affairs**, Florida Arts Council and the Nominating Committee of the Florida Arts Council, announce a public meeting, via conference call, to which all persons are invited:

DATE AND TIME: Tuesday, August 21, 2001; 10:00 a.m. – Conclusion

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

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. For the Council to review additional Media and Literature Fellowship Panel recommendations;
2. To request Council's review and approval of site change for the Miami Children's Museum; and
3. To discuss and nominate three members of the Florida Arts Council to fill the offices of Chairman, Vice-Chairman, and Secretary for the 2001-2002 term;

A copy of the agenda may be obtained by writing: Division of Cultural Affairs, The Capitol, PL 02, Tallahassee, Florida 32399-0250 or by calling Wendy G. Moss, (850)487-2980, Ext. 112. The conference access number is (850)921-5230.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meetings, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record these meetings.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings is asked to advise the agency at least 48 hours before the meeting by contacting Wendy G. Moss, (850)487-2980, Ext. 112. If you are hearing or speech impaired, please contact the agency by calling (850)488-5779.

DEPARTMENT OF LEGAL AFFAIRS

The Resources Committee of the Florida **Commission on the Status of Women** will hold a conference call on:

DATE AND TIME: Monday, August 20, 2001, 1:00 p.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 due to a disability in order to participate, please notify FCSW in writing at least five days in advance at the Office of the Attorney General, PL-01, The Capitol, Tallahassee, FL 32399-1050.

The Annual Report Committee of the Florida **Commission on the Status of Women** will hold a conference call on:

DATE AND TIME: August 23, 2001, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Department of Agriculture and Consumer Services** announces a public meeting of the Florida Amusement Device and Attraction Advisory Committee to which all persons are invited.

DATE AND TIME: Tuesday, September 11, 2001, 10:00 a.m.

PLACE: Boardroom, Hilton Garden Inn, Orlando Airport, 7300 Augusta National Drive, Orlando, Florida 32822

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting of the Florida Amusement Device and Attraction Advisory Committee.

A copy of the agenda may be obtained by writing to Isadore Rommes, Chief, Bureau of Fair Ride Inspections, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650 or by calling Isadore Rommes, (850)488-9790.

Pursuant to 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 Isadore Rommes at (850)488-9790. If you are hearing or speech impaired please contact the agency by calling the State of Florida TDD line at 1(800)955-8771.

The **Department of Agriculture and Consumer Services** announces a meeting of the Phase II Tobacco Certification Board

DATE AND TIME: August 9, 2001, 2:00 p.m.

PLACE: Room 209, Senate Office Building, Tallahassee

The Phase II Tobacco Certification Board will meet to make plans for the 2001 payment to Florida Tobacco Growers and Quota Holders. If special accommodations are needed to attend this meeting because of a disability, please contact Pleas Strickland at (850)488-5831.

The **Department of Agriculture and Consumer Services** announces a meeting of the Emergency Food Assistance Program Advisory Council.

DATE AND TIME: August 16, 2001, 10:00 a.m. – 3:00 p.m.

PLACE: Florida Fruit and Vegetable Association, 4401 E. Colonial Drive, Orlando, Florida 32814-0155, Phone (407)894-1351, Fax (407)894-7840

GENERAL SUBJECT MATTER TO BE CONSIDERED: Organizational meeting.

A copy of the agenda can be obtained by contacting: Kelly Boutwell, 541 E. Tennessee Street, 2nd Floor, Tallahassee, FL 32308.

If special accommodations are needed to attend this meeting because of a disability, please contact: Kelly Boutwell at (850)487-6694 by August 2, 2001.

The Florida **Department of Agriculture and Consumer Services** announces a meeting of the Florida Alligator Marketing and Education Advisory Committee.

DATE AND TIME: August 21, 2001, 9:30 a.m.

PLACE: Highlands County Extension Office, 4509 George Blvd., Conference Room #3, Sebring, FL 33872 (863)402-6540

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss marketing and educational activities beneficial to the Florida Alligator Industry.

A copy of the agenda can be obtained by contacting: Phyllis McCranie, 2051 E. Dirac Drive, Tallahassee, FL 32310-3760 or phone (850)488-0163.

If special accommodations are needed to attend this meeting because of a disability, please contact Phyllis McCranie as soon as possible.

The **Department of Agriculture and Consumer Services** announces a meeting of the Florida City State Farmers' Market Advisory Committee:

DATE AND TIME: Tuesday, August 23, 2001, 11:30 a.m.

PLACE: Florida City State Farmers' Market, 300 North Krome Avenue, Florida City, Florida 33034

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and review the budget, examine the budget, examine operational procedures, maintenance and construction projects, and to conduct other business as necessary.

A copy of the agenda may be obtained from Paul Cardwell (305)246-6334.

If special accommodations are needed due to a disability, please phone (305)246-6334.

DEPARTMENT OF LAW ENFORCEMENT

The **Criminal Justice Professionalism Program** announces an Executive Planning Committee (EPC) Conference Call to review and discuss issues relating to the training and certification of criminal justice officers. All parties are invited to participate.

MEETING NAME: Executive Planning Committee (EPC) Conference Call.

DATE AND TIME: Thursday, August 16, 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)488-5778 or SunCom 278-5778 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, jaypreston@fdle.state.fl.us.

If you wish to write the Commission for a copy of this issue, please write: Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Research and Training Specialist Jay Preston

SPECIAL ACCOMMODATIONS: Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact: Jay Preston, (850)410-8658, at least two (2) weeks prior to the meeting.

DEPARTMENT OF REVENUE

The **Advisory Committee on Property Taxation** announces two public meetings to which all interested persons are invited.

DATES AND TIME: Friday, August 10, 2001; Thursday, August 23, 2001, 9:30 a.m.

PLACE: Room 110, Senate Office Building, 404 S. Monroe St., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the first two meetings of the Advisory Committee on Property Taxation authorized by Chapter 2001-137, L.O.F.

The agenda may be obtained by writing: Lynne Moeller, Department of Revenue, Office of the Executive Director, 5050 W. Tennessee St., Room 104, Carlton Building, Tallahassee, Florida 32399-0100, telephone (850)487-1453.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department of Revenue 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).

DEPARTMENT OF TRANSPORTATION

The **Department of Transportation** announces a public hearing to which all persons are invited.

DATE AND TIME: Thursday, September 13, 2001, 5:00 p.m. – 7:00 p.m.

PLACE: Pensacola Junior College, Warrington Campus, 5555 West U.S. Hwy. 98, Pensacola, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The public hearing is being conducted exclusively to give all interested parties an opportunity to comment on the location, conceptual design, social, economic, and environmental effects of Financial Project ID: 408053-1-32-01; otherwise known as Navy Point Park Pedestrian Path. The limits of the project corridor are from the intersection of Cousineau Road and Baublits Drive to the intersection of Syrcle Road with Sunset Avenue in Escambia County, Florida.

Anyone needing project or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call telephone number (850)638-0250, Ext. 233. Special accommodation requests under the Americans With Disabilities Act should be made at least seven (7) days prior to the public hearing.

A copy of the agenda may be obtained by writing: Mr. Larry Kelley, P.E., Florida Department of Transportation, District Design Engineer, P. O. Box 607, Chipley, Florida 32428.

The **Seaport Environmental Management Committee** announces a public meeting in which all interested persons are invited to participate.

DATE AND TIME: August 9, 2001, 9:30 a.m. – 3:30 p.m.

PLACE: Hyatt Regency Orlando International Airport, 9300 Airport Blvd., Orlando, Florida 32827, (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting Tara Vercellone, Florida Ports Council, 315 South Calhoun Street, Suite 712, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise Tara Vercellone, (850)222-8028.

The **Florida Ports Financing Commission** (FPFC) announces a meeting in which all interested persons are invited to participate.

DATE AND TIME: August 17, 2001, 9:00 a.m. – 6:00 p.m.

PLACE: Hilton Jacksonville Riverfront, 1201 Riverplace Blvd., Jacksonville, Florida 32207, (904)398-8800

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General Business

Information on the meeting may be obtained by contacting: Tara Vercellone, Florida Ports Council, 315 South Calhoun Street, Suite 712, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise Tara Vercellone, (850)222-8028.

The **Florida Seaport Transportation and Economic Development Council** (FSTED) announces a public meeting in which all interested persons are invited to participate.

DATE AND TIME: August 30, 2001, 9:00 a.m. – 6:00 p.m.

PLACE: Room EL, Senate Office Building, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General Business.

Information on the meeting may be obtained by contacting: Rose Santurri, Florida Ports Council, 315 South Calhoun Street, Suite 712, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise Rose Santurri, (850)222-8028.

The **South Florida Rail Committee** announces a public meeting in which all interested persons are invited to participate.

DATE AND TIME: August 30, 2001, 11:30 a.m. – 1:00 p.m.

PLACE: Room EL, Senate Office Building, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General Business.

Information on the meeting may be obtained by contacting: Rose Santurri, Florida Ports Council, 315 South Calhoun Street, Suite 712, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise Rose Santurri, (850)222-8028.

STATE BOARD OF ADMINISTRATION

The Board of Directors of the **Florida Water Pollution Control Financing Corporation** announces a public meeting to which all persons are invited.

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

PLACE: Room 212, Knott Building, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors of the Florida Water Pollution Control Financing Corporation will meet to receive a report of the sale of the \$50,000,000 Florida Water Pollution Control Financing Corporation, Water Pollution Control Revenue Bonds, Series 2001.

A copy of the agenda may be obtained in writing: State Board of Administration, Attention: Dorothy Westwood, 1801 Hermitage Boulevard, Suite 100, Tallahassee, Florida 32308, (850)413-1350. Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify Thomas A. Beenck, (850)488-4406.

DEPARTMENT OF CITRUS

The **Department of Citrus** announces a notice of change of date for a public meeting of the Blue Ribbon Committee to which all persons are invited. The meeting has been changed to:

DATE AND TIME: Wednesday, August 22, 2001, 9:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Blue Ribbon Committee will meet to continue strategic planning. The Committee will also discuss any other issues that may properly come before the Committee. In accordance with the Americans with Disabilities Act, any person requiring

special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone at (863)499-2510.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces the rescheduling of a prehearing from August 2, 2001 in Docket No. 981609-WS – Emergency petition by D.R. Horton Custom Homes, Inc. to eliminate authority of Southlake Utilities, Inc. to collect service availability charges and AFPI charges in Lake County and Docket No. 980992-WS – Complaint by D.R. Horton Custom Homes, Inc. against Southlake Utilities, Inc. in Lake County regarding collection of certain AFPI charges.

DATE AND TIME: August 8, 2001, 2:30 p.m.

PLACE: Commission Hearing Room 152, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 990054-WU – Application for amendment of Certificate No. 106-W to add and delete territory in Lake County by Florida Water Services Corporation.

DATES AND TIME: August 22-23, 2001, 10:00 a.m.

PLACE: Shoney's Inn Meeting & Conference Center, 1308 N. 4th Street, Leesburg, Florida

Customer testimony will be taken on August 22, 2001, 10:00 a.m. and 7:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the application for amendment of Certificate No. 106-W to add and delete territory in Lake County by Florida Water Services Corporation, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on August 6, 2001. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C. Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a hearing to be held in the following dockets, to which all interested persons are invited.

Docket No. 981609-WS – Emergency petition by D.R. Horton Custom Homes, Inc. to eliminate authority of Southlake Utilities, Inc. to collect service availability charges and AFPI charges in Lake County.

Docket No. 980992-WS – Complaint by D.R. Horton Custom Homes, Inc. against Southlake Utilities, Inc. in Lake County regarding collection of certain AFPI charges.

DATE AND TIME: August 24, 2001, 9:00 a.m.

PLACE: Jenkins Auditorium, 691 Montrose Street, Clermont, Florida

Customer testimony will be taken on August 24, 2001, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the emergency petition by D.R. Horton Custom Homes, Inc. to eliminate authority of Southlake Utilities, Inc. to collect service availability charges and AFPI charges in Lake County and complaint by D.R. Horton Custom Homes, Inc. against Southlake Utilities, Inc. in Lake County regarding collection of certain AFPI charges, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on August 8, 2001. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C. Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 010827-EI – Petition by Gulf Power Company for approval of purchased power arrangement regarding Smith Unit 3 for cost recovery through recovery clauses dealing with purchased capacity and purchased energy.

DATE AND TIME: August 24, 2001, 9:30 a.m.

PLACE: Commission Hearing Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

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

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces a telephone conference meeting of the Executive Committee to which all persons are invited.

DATE AND TIME: August 15, 2001, 4:00 p.m.

PLACE: Council Office, 2009 N. W. 67 Place, Suite A, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct interviews of potential auditors.

Any person deciding to appeal any decision of the Committee with respect to any matter considered at the meeting may need to ensure that a verbatim record of the proceedings is made.

A copy of the agenda may be obtained by writing: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653-1603.

Persons with disabilities who need assistance may contact us at (904)955-2200, at least two business days in advance to make appropriate arrangements.

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

North Central Florida Local Emergency Planning Committee

DATE AND TIME: August 17, 2001, 9:30 a.m.

PLACE: Progress Corp Park, One Progress Boulevard, Alachua, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Local Emergency Planning Committee.

Regional Hazardous Materials Response Team

DATE AND TIME: August 17, 2001, 1:15 p.m.

PLACE: North Central Florida Regional Planning Council Office, 2009 NW 67 Place, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Regional Hazardous Materials Response Team.

Any persons deciding to appeal any decision of the Committee or Team with respect to any matter considered at the meetings may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by contacting: Charles F. Justice, Executive Director, North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Suite A, Gainesville, FL 32653.

Persons with disabilities who need assistance may contact us at (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **Northeast Florida Regional Planning Council** Transportation Committee announces the following public meetings to which all persons are invited:

DATE AND TIME: Thursday, August 2, 2001, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending transportation issues.

A copy of the agenda may be obtained by contacting the Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

Notice is given that two or more members of the Boards of County Commissioners, City/Town Councils/Commission and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council** Personnel, Program Planning and Budget Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, August 2, 2001, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending personnel, program planning, and budget matters.

A copy of the agenda may be obtained by contacting the Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council** Comprehensive and Project Planning Committee announces the following public meetings to which all persons are invited:

DATE AND TIME: Thursday, August 2, 2001, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending comprehensive and project planning items.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The Northeast Florida Regional Planning Council announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, August 2, 2001, 10:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting

A copy of the agenda may be obtained by contacting the Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have 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.

Individuals needing materials in alternate format, sign language interpreter, or other meeting information, call Ginny Montgomery, (904)363-6350, Extension 146, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The Northeast Florida Regional Planning Council, Local Emergency Preparedness Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: August 15, 2001, 10:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have 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.

Individuals needing materials in alternate format, sign language interpreter, or other meeting information, call Ginny Montgomery, (904)363-6375, Ext. 146, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes may attend and speak at the meeting.

The Withlacoochee Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 16, 2001, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

A copy of the agenda may be obtained by writing:: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The Tampa Bay Regional Planning Council announces a public meeting to which all persons are invited:

DATE AND TIME: Thursday, August 9, 2001, 9:00 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, Suite 219, 9455 Koger Blvd., St. Petersburg, FL 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agency on Bay Management – Committee Meeting.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The Tampa Bay Regional Planning Council announces a public meeting to which all persons are invited:

DATE AND TIME: Monday, August 13, 2001, 8:30 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, Suite 219, 9455 Koger Boulevard, St. Petersburg, FL 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive/Budget Committee.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a

verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Monday, August 13, 2001, 10:00 a.m.
(Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, Suite 219,
9455 Koger Boulevard, St. Petersburg, FL 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Tampa Bay Regional Planning Council.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Monday, August 27, 2001, 9:30 a.m.
(Subject to cancellation – please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, Suite 219,
9455 Koger Blvd., St. Petersburg, FL 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Clearinghouse Review Committee.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Southwest Florida Regional Planning Council** announces a public hearing to which all persons are invited:

DATE AND TIME: August 16, 2001, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council
Conference Room, 4980 Bayline Drive, 4th Floor, North Fort
Myers, FL 33917

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Regular meeting of the Regional Planning Council.

A copy of the proposed agenda may be obtained by writing:
Mr. Wayne E. Daltry, Executive Director, Southwest Florida
Regional Planning Council, Post Office Box 3455, North Fort
Myers, FL 33918-3455.

Please note that if a person decides to appeal any decision made by the Council with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that

a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

All Council Subcommittee meetings will immediately follow the Council meeting.

Any person requiring special accommodation due to disability or physical impairment should contact Mr. Wayne Daltry, (941)656-7720, at least five calendar days prior to the meeting. Persons who are hearing impaired should contact Mr. Daltry using the Florida Dual Party Relay System, 1(800)955-8770 (voice) and 1(800)955-8771 (TDD).

The **Southwest Florida Regional Planning Council** announces that the Human and Health Services Subcommittee/public hearing will be held to which all persons are invited:

DATE AND TIME: August 29, 2001, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council
Conference Room, 4980 Bayline Drive, 4th Floor, North Fort
Myers, FL 33917

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Subcommittee meeting of the Southwest Florida Regional
Planning Council.

A copy of the proposed agendas may be obtained by writing:
Mr. Wayne E. Daltry, Executive Director, Southwest Florida
Regional Planning Council, Post Office Box 3455, North Fort
Myers, FL 33918-3455.

Please note that if a person decides to appeal any decision made by the Council with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring special accommodation due to disability or physical impairment should contact Mr. Wayne Daltry, (941)656-7720, at least five calendar days prior to the meeting. Persons who are hearing impaired should contact Mr. Daltry using the Florida Dual Party Relay System, 1(800)955-8770 (voice) and 1(800)955-8771 (TDD).

The **Southwest Florida Regional Planning Council** announces a public hearing to which all persons are invited:

DATE AND TIME: August 30, 2001, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council
Conference Room, 4980 Bayline Drive, 4th Floor, North Fort
Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Legislative Subcommittee Meeting of the Southwest Florida
Regional Planning Council.

For further information, please contact the Council's offices in writing: Southwest Florida Regional Planning Council, P. O. Box 3455, North Fort Myers, Florida, 33918-3455.

The District XI, **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 15, 2001, 10:00 a.m.

PLACE: Fire Fighters Memorial Hall, Fire Tower Building, 8000 N. W. 21st Street, Miami, FL 33122-1605

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the LEPC's ongoing regional hazardous materials training and planning activities for FY 2000/01 and FY 2001/02.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021, or by calling (954)985-4416 in Broward, SunCom 473-4416 and 1(800)985-4416 for area codes 305, 561 and 407.

The **Treasure Coast Regional Planning Council** announces the following public meeting:

DATE AND TIME: August 10, 2001, 9:30 a.m.

PLACE: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Treasure Coast Planning Council Energy Committee.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based. Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick (561)221-4060, at least 48 hours before the meeting.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: August 17, 2001, 9:30 a.m.

PLACE: Howard Johnson's Motor Lodge, 950 U.S. Highway One, Stuart, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick (561)221-4060, at least 48 hours before the meeting.

The **Treasure Coast Regional Planning Council** announces a meeting of the Council's Comprehensive Economic Development Strategy Committee to which all persons are invited:

DATE AND TIME: September 13, 2001, 2:00 p.m.

PLACE: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Treasure Coast Regional Planning Council Comprehensive Economic Development Strategy Committee.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

DEPARTMENT OF CORRECTIONS

The **Florida Corrections Commission** announces the following public meeting to which all interested persons are invited:

DATE AND TIME: Friday, August 17, 2001, 9:00 a.m. – 3:00 p.m.

PLACE: Florida Corrections Commission, 725 South Calhoun Street, Bloxham Building Room 109, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will hold a meeting for the purposes of discussing issues to be included in the 2001 Annual Report.

A copy of the agenda may be obtained by writing: Mr. John Fuller, Executive Director, Florida Corrections Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500 or call (850)413-9330.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

METROPOLITAN PLANNING ORGANIZATIONS

The Metroplan Orlando, **The Metropolitan Planning Organization for the Orlando Urban Area**, announces the following public meeting of its Governing Board to which all persons are invited:

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

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

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Regularly Scheduled Board Meeting

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to Order
2. Agenda Review
3. Approval of Minutes
4. Consent Items
5. Action Items
6. Presentations, if any.
7. Other Business
8. Chairman's Report
9. Executive Director's Report
10. Legislative Report

A copy of the detailed agenda may be obtained by contacting: Virginia Lewis-Whittington, Manager of Board Services, METROPLAN ORLANDO, 315 East Robinson Street, Suite 355, Orlando, FL 32801, (407)481-5672, Extension 314.

Section 286.0105, Florida Statutes, states that if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Metroplan Orlando, (407)481-5672, at least 48 hours before the meeting.

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

The Florida **Department of Labor and Employment Security, Division of Workers' Compensation**, announces a meeting of the Workers' Compensation Customer Council, to which the public is invited.

DATE AND TIME: Monday, August 20, 2001, 1:00 p.m. – 5:00 p.m.

PLACE: The Orlando World Center Marriott, 8701 World Center Drive, Orlando, Florida 32821

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is for the customer committees to provide input to the division regarding issues and concerns about the workers' compensation system.

For further information regarding the meeting, please contact: Bobbi B. Scott, 2012 Capital Circle, S. E., 106 Hartman Building, Tallahassee, FL 32399-0682, phone number (850)414-6810.

Persons with a disability or handicap requiring reasonable accommodations should contact Bobbi B. Scott in writing or by phone at least two business days in advance to make appropriate arrangements. For the hearing or speech impaired, contact the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

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: Thursday, September 13, 2001, 10:00 a.m. – 12:00 p.m.

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, September 10, 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).

WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

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

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters. Public hearing in accordance with Section 373.59, F.S., concerning the proposed acquisition of Donald and Margaret Bailey/Cuba Bay Conservation Easement, 160 acres +/-, in Jefferson and Madison Counties, Florida, with funds from the Water Management Lands Trust Fund; also the proposed acquisition of the Butler Walker Tract, 127 acres +/-, Jefferson County, Florida, with funds from the Water Management Lands Trust Fund, the proposed acquisition of the CSX Transportation Tract, 16.6 acres +/-, Suwannee County, Florida, with funds from the Water Management Lands Trust Fund; also the proposed acquisition of the Otter Sink Conservation Easement, 11,609 acres +/-, in Dixie County, Florida, with funds from the Water Management Lands Trust Fund; also the proposed acquisition of the Hamilton Timberlands LLC Tract, 28 acres +/-, in Hamilton County, Florida, with funds from the Water Management Lands Trust Fund.

DATES AND TIME: August 16-17, 2001, 8:00 a.m. – 5:00 p.m.

PLACE: Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Fieldtrip.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire, (904)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **Southwest Florida Water Management District** (SWFWMD) will host the Governing Board of the Suwannee River Water Management District

DATES AND TIMES: Thursday, August 16, 2001, 1:00 p.m.; Friday, August 17, 2001, 9:00 a.m.

PLACE: SWFWMD, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Topics to be discussed will include the Partnership Agreement, desalination, the reservoir and aquifer storage and recovery. Site visits are also planned to the desalination site at Apollo Beach and a reclaimed water system in Largo. SWFWMD Governing Board members may attend.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4604, TTD only 1(800)231-6103 Florida only), Fax (352)754-6874.

The **South Florida Water Management District** announces a public meeting which may be conducted by means of or in conjunction with communications media technology, specifically by telephonic conference to which all interested parties are invited:

DATE AND TIME: August 15, 2001, 10:00 a.m. – 12:00 Noon

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget and Finance Advisory Commission meeting to discuss SFWMD budget and finance-related matters.

PLACE: South Florida Water Management District Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida

All those wishing to attend may do so at the location listed above.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

Those who desire more information, or those wishing to submit written or physical evidence may contact Marcie Daniel, Budget Department, District Headquarters, 3301 Gun Club Road, West Palm Beach.

The **South Florida Water Management District** announces a public meeting which to which all interested parties are invited:

DATE AND TIME: August 16, 2001, 5:30 p.m.

PLACE: Miami-Dade County Historical Museum of Southern Florida, 101 W. Flagler Street, Miami, FL

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Budget Public Forum

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information, please contact Maribel Balbin, Phone No. (305)377-7280, South Florida Water Management District Service Center, 172A W. Flagler Street, Miami, FL 33130

The **South Florida Water Management District** announces a public meeting which to which all interested parties are invited:

DATE AND TIME: August 29, 2001, 7:00 p.m. – 9:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: C-111 North Spreader Canal Project Public Workshop, A component of the Comprehensive Everglades Restoration Plan (CERP)

PLACE: John D. Campbell Agricultural Center, 18710 S. W. 288th Street, Homestead, FL

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information, please contact: Ms. Lisa Smith, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680, Phone (561)682-6312.

**COMMISSION FOR THE TRANSPORTATION
DISADVANTAGED**

The Florida **Commission for the Transportation Disadvantaged** announces an Ombudsman Committee Meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 21, 2001, 10:00 a.m. – 12:00 p.m.

PLACE: 2740 Centerview Drive, Rhyne Building, Suite 1-A, Tallahassee, Florida, (850)410-5711, or via conference call, (850)921-5601 or SC 291-5601

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the general program updates, review the monthly call reports, discuss Committee's role, responsibility and authority, and discuss other issues pertaining to the Ombudsman Program.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Tiffany McNabb at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5711 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs** announces a public meeting to which all persons are invited:

Alzheimer's Disease Advisory Committee

DATE AND TIMES: August 13, 2001; Ethics Subcommittee (9:00 a.m. – 10:30 a.m.); Research Subcommittees (10:30 a.m. – 11:00 a.m.); Advisory Committee (1:00 p.m. – 2:30 p.m.)

PLACE: Sheraton Ft. Lauderdale Airport Hotel, Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the business of the Alzheimer's Disease Advisory Committee.

A copy of the agenda may be attained by contacting: Michele Smith (850)414-2076. Lunch will be provided for committee members only.

The **Department of Elder Affairs** announces a public meeting to which all persons are invited:

Advisory Council

DATE AND TIME: August 13, 2001, 10:00 a.m. – 2:30 p.m.

PLACE: Sheraton Ft. Lauderdale Airport Hotel, Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the business of the DOEA Advisory Council.

A copy of the agenda may be attained by contacting: Liz Jameson, (850)414-2152 after August 1st.

DEPARTMENT OF MANAGEMENT SERVICES

The **Correctional Privatization Commission** announces a meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 21, 2001, 10:00 a.m.

PLACE: Knott Building, located at the corner of West Madison Street and Duval Street, Room 117, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of pertinent Commission business relating to the current and upcoming fiscal years.

Any person who decides to appeal a decision of the Correctional Privatization Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Section 286.0105, Florida Statutes.

A copy of the Agenda may be obtained by writing: Correctional Privatization Commission, Office of the Executive Director, 4050 Esplanade Way/Pepper Building, Suite 680, Tallahassee, Florida 32399-0950.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Correctional Privatization Commission, Office of the Executive Director, (850)921-4034, at least five (5) calendar days prior to the meeting.

If you are hearing or speech impaired, please contact the Correctional Privatization Commission, Office of the Executive Director, by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

The Boards of Directors for the **Florida Correctional Finance Corporation**, the Glades County Correctional Facilities Finance Corporation, the Bay County Private Correctional Facility Finance Corporation, and the South Bay Correctional Facilities Finance Corporation announce a meeting to which all persons are invited.

DATE AND TIME: August 21, 2001, Immediately following the Correctional Privatization Commission Meeting to be held at 10:00 a.m.

PLACE: Knott Building, located at the corner of West Madison Street and Duval Street, Room 117, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of pertinent business of the above-named Corporations relative to refinancing of correctional facilities owned by them and the merger and acquisition of private correctional and juvenile justice facilities in Bay, Glades, Columbia, Gadsden, Polk and Palm Beach Counties. Any persons deciding to appeal a decision of any of the above-named Corporations with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Section 286.0105, Florida Statutes.

A copy of each of the Corporation's agenda may be obtained by writing: Corporation c/o Correctional Privatization Commission, Office of the Executive Director, 4050 Esplanade Way/Pepper Building, Suite 680, Tallahassee, Florida 32399-0950. Any person requiring some accommodation at this hearing because of a physical impairment should call the

Correctional Privatization Commission, Office of the Executive Director, (850)921-4034, at least five (5) calendar days prior to the meeting.

If you are hearing or speech impaired, please contact the Correctional Privatization Commission, Office of the Executive Director, by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

The **Department of Management Services**, Wireless 911 Board announces the following meeting schedule information: DATES AND TIME: August 14-15, 2001, 9:00 a.m. – 5:00 p.m.

PLACE: Sheraton Bal Harbour, Bal Harbour (Miami), Florida DATES AND TIME: September 11-12, 2001, 9:00 a.m. – 5:00 p.m.

PLACE: Jupiter Beach Resort, Jupiter, Florida DATES AND TIME: October 11-12, 2001, 9:00 a.m. – 5:00 p.m.

PLACE: Doubletree Hotel, Cocoa, Florida DATES AND TIME: November 12-13, 2001, 9:00 a.m. – 5:00 p.m.

PLACE: Tampa Marriott Waterside (Arrangements Pending) DATES AND TIME: December 11-12, 2001, 9:00 a.m. – 5:00 p.m.

PLACE: Four Point Sheraton, Orlando, Florida

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Board of Architecture and Interior Design** announces the following meetings to which all parties are invited to attend.

DATE AND TIME: September 19, 2001, 9:00 a.m.

PLACE: Department of Professional Regulation, 1940 N. Monroe Street, Tallahassee, FL, telephone number (850)488-8295 or Suncom 278-8295

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Architecture and Interior Design, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)488-6685, at least five calendar days prior to the meeting. If you are hearing or speech impaired,

please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Architecture and Interior Design** announces the following meetings to which all parties are invited to attend.

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

PLACE: Department of Professional Regulation, 1940 N. Monroe Street, Tallahassee, FL, Telephone Number (850)488-8295 or Suncom 278-8295

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Architecture and Interior Design, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)488-6685, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Auctioneers** announces the following general business meeting to which all persons are invited.

DATE AND TIME: Monday, August 20, 2001, 10:30 a.m. (EST) as a telephone conference call. The number to call is: (850)488-5776 or (SunCom) 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the Board to conduct regular Board business.

A copy of the agenda may be obtained by writing: Board of Auctioneers at 1940 North Monroe Street, Tallahassee, Florida 32399-0762, Daryl Dempsey, (850)488-5189.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting Daryl Dempsey, (850)488-5189. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such

purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIME: Thursday, August 9, 2001; Friday, August 10, 2001, 8:00 a.m.

PLACE: Marriott Westshore, 1001 North Westshore Blvd., Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee, Disciplinary Actions, and General Session meetings of the Board.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings 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.

Additional information and a final agenda may be obtained by writing to the Construction Industry Licensing Board, 1940 N. Monroe Avenue, Tallahassee, Florida 32399-0754.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Jeff Ewaldt, (850)487-1395, at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay 1(800)955-8771 (TDD) 04 1(800)955-8770 (Voice).

The Florida **Electrical Contractors' Licensing Board** announces Official Board Meetings to which all interested persons are invited.

DATE AND TIME: September 11, 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: September 11, 2001, 10:30 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting

DATE AND TIME: September 12, 2001, 8:30 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting

PLACE: Sheraton Suites, 4400 W. Cypress Street, Tampa, FL 33607, (813)873-8675

A copy of the agenda may be obtained by writing: Board Office at 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.

For further information, contact: Florida Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771.

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact Jessica Koon at the 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)

The **Board of Professional Surveyors and Mappers** announces a Probation Committee, Continuing Education Committee, Application Review Committee, and a General Business Meeting. All interested parties are invited to attend at the address listed below.

DATES AND TIME: September 5, 2001, 9:00 a.m. (Continuing Education meeting, Application Review Committee meeting, followed by a General Business meeting); September 6, 2001, 9:00 a.m. (Probation Committee meeting followed by a General Business meeting)

PLACE: Embassy Suites, 1100 S. E. 17th Street, Ft. Lauderdale, Florida 33316

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular Board business.

A copy of the agenda may be obtained by writing: Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida, or by calling Sherry Landrum, Executive Director, (850)488-1470.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting Sherry Landrum, Executive Director, (850)488-1470. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by the Board with respect to any matter considered at this meeting, will need a record of the proceedings, which record shall include all testimony and evidence upon which the appeal is based; and, for such purpose may need to ensure that a verbatim record of the proceedings is made.

The Florida **Board of Veterinary Medicine** announces the following meeting to which all parties are invited to attend.

DATE AND TIME: September 10, 2001, 8:00 a.m.

PLACE: Hyatt Regency Orlando International Airport, 9300 Airport Boulevard, Orlando, FL 32827, (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Veterinary Medicine, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)922-2404, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection** announces a public meeting on rule development for the establishment of a phosphorus water quality criterion for the Everglades Protection Area pursuant to the Everglades Forever Act to which all persons are invited:

DATES AND TIME: August 23, 2001; August 24, 2001, 9:00 a.m.

PLACE: Department of Environmental Protection, Southeast District Office, 400 N. Congress Avenue, 2nd Floor Main Conference Room, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss revisions to Rules 62-302.530 and 62-302.540, F.A.C., pertaining to the establishment of a phosphorus water quality criterion for the Everglades Protection Area pursuant to the Everglades Forever Act.

A copy of the agenda may be obtained by contacting Kristi Mader, Department of Environmental Protection, Everglades Technical Support Section, 2600 Blair Stone Road, MS #3560, Tallahassee, Florida 32399-2400, (850)921-5213.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting Gloria Almada, (561)681-6600. If you are hearing or speech impaired, please contact the agency by calling (800)955-8771 (TDD).

The **Department of Environmental Protection** announces a public meeting on rule development for Chapter 62-602, F.A.C., to which all persons are invited:

DATE AND TIME: August 13, 2001, 10:00 a.m.

PLACE: Brevard Community College, Titusville Campus, Student Center Lobby, Building #3, 1311 N. U.S. Highway 1, Titusville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss revisions to Chapter 62-602, F.A.C., pertaining to the certification of water and wastewater treatment plant operators. Revisions being considered include changes to the licensing procedures to allow a license to be obtained more quickly after all the existing qualifications are met, creation of a new license category for a Consecutive Public Water System Operator, and reorganization of some rule sections to make the rule easier to use.

A copy of the agenda may be obtained by writing: Ms. Dot Teasley, Department of Environmental Protection, 2600 Blair Stone Rd., MS # 3506, Tallahassee, Florida 32399-2400; or by calling Ms. Teasley, (850)921-4019.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting the Personnel Service Specialist in the Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The **Fisheating Creek Advisory Board** announces the following meeting to which all interested parties are invited. The item of business is to develop a list of nominations for a representative of an environmental organization and a concerned citizen to be submitted to the Governor and Cabinet for final selection.

DATE AND TIME: August 15, 2001, 1:00 p.m.

PLACE: Glades County Courthouse, 500 Avenue J (Highway 27 at Red light), Moore Haven, Florida 33471

For more information, please call Mr. Bob Clark at the Office of Environmental Services, (850)487-1750.

DEPARTMENT OF HEALTH

The Florida **Board of Dentistry** will hold a Probable Cause Panel meeting to which all persons are invited:

DATE AND TIME: August 30, 2001, 6:00 p.m.

PLACE: Crowne Plaza, 950 N. W. LeJeune Road, Miami, FL 33126

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reconsideration cases.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256, or you may call (850)245-4161. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Barber, (850)245-4161, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Barber 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 Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**, announces a telephone conference call in which reconsiderations will be heard.

DATE AND TIME: August 10, 2001, 9:00 a.m.

PLACE: (850)245-4474 to inquire about call-in number

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing or speech impaired, using TDD equipment, can call the Florida Dual Party Relay system at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Opticianry**, announces a General Business Meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATE AND TIME: August 22, 2001, 9:00 a.m.

PLACE: Holiday Inn Select, 5750 T. G. Lee Blvd., Orlando, FL 32812, (407)851-6400

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Business

A copy of the agenda may be obtained by writing to Sue Foster, Executive Director, Department of Health, Board of Opticianry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster by Wednesday, August 15, 2001.

The **Department of Health, Board of Hearing Aid Specialists** announces an official board meeting. Reconsiderations will also be held during the probable cause panel meeting on August 16, 2001 beginning at 12:00 Noon. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATE AND TIME: August 17, 2001, 9:00 a.m.

PLACE: Capital Circle Office Center, 4042 Bald Cypress Way, Floor 3, Tallahassee, FL 32399-3258, (850)245-4474

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Business

A copy of the agenda may be obtained by writing to Sue Foster, Executive Director, Department of Health, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster by August 10, 2001.

The **Department of Health, Board of Nursing** jointly with the Department of Education announces public meetings to which all interested persons are invited. Student Teacher Ratio Meeting

DATE AND TIME: Monday, August 13, 2001, 9:30 a.m. – 4:00 p.m.

PLACE: Hyatt Regency Orlando International Airport, 9300 Airport Blvd., Orlando, FL 32827, (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss recommendations for legislature in reference to student teacher ratio issues.

A copy of the agenda may be obtained by writing: Dr. Ruth Stiehl, Executive Director, Florida Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, FL 32207.

Please Note that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings and for such purpose he/she may need to insure

that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact the Board of Nursing office (904)858-6940, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Nursing** announces it will hold the following meetings to which all persons are invited.

Board Legislative Committee

DATES AND TIMES: August 17, 2001, to follow bi-monthly Board meeting which begins at 8:30 a.m.

PLACE: Radisson Plaza Hotel, 60 South Ivanhoe Blvd., Orlando, FL 32804

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss all upcoming legislative issues concerning the Board of Nursing and Nursing issues.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Dr. Ruth Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, FL 32207. you will be charged \$.15 per page for the number of copies desired.

The **Department of Health, Board of Nursing** announces will hold the following meetings to which all persons are invited. Central Probable Cause Panel

DATES AND TIME: August 22, 2001; September 17, 2001; October 29, 2001, 6:30 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 #3 Building, Tallahassee, Florida 32308, Attn: Reginald D. Dixon, Staff Attorney.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Dr. Ruth Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Ste. 202, Jacksonville, FL 32207. You will be charged \$.15 per page for the number of copies desired.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Florida **Department of Children and Family Services** announces the Suncoast Region Manatee County Community Alliance meeting.

DATE AND TIME: Monday, August 13, 2001, 11:30 a.m.

PLACE: Anna Maria Oyster Bar Restaurant, 6906 14th St., W., Bradenton, Florida

The public is welcome to attend. Contact person: Tom Hannon (941)741-3682.

The **Health Services Task Force** will meet on the following dates and times:

DATES AND TIMES: Thursday, August 23, 2001, 10:00 a.m. – 4:00 p.m.; Monday, September 10, 2001, 1:00 p.m. – 5:00 p.m.; Monday, October 8, 2001, 1:00 p.m. – 5:00 p.m.; Monday, October 22, 2001, 1:00 p.m. – 5:00 p.m.; Monday, November 5, 2001, 1:00 p.m. – 5:00 p.m.; Monday, November 26, 2001, 1:00 p.m. – 5:00 p.m.; Monday, December 3, 2001, 1:00 p.m. – 5:00 p.m.

All meetings will be held at the Senate Office Building, Room 37, 404 South Monroe Street, Tallahassee, Florida.

Prior to the meeting, in accordance with the Americans with Disabilities Act, persons needing an accommodation to participate should contact: Susan Moore, 1317 Winewood Boulevard, Building 1, Room 202, Tallahassee, Florida. Telephone: (850)487-1111, SunCom 277-1111 or call via The Florida Relay Service 1(800)955-8771 (TDD).

The Florida **Department of Children and Family Services** announces a meeting of the Hernando County Community Alliance to which all persons are invited.

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

PLACE: Youth & Family Alternatives, 18377 Clinton Blvd., Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: to provide participation and governance of community based services, Chapter 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, telephone (352)330-2177.

The Florida **Department of Children and Family Services** announces a meeting of the Hernando County Community Alliance Steering Committee to which all persons are invited.

DATE AND TIME: Wednesday, August 8, 2001, 10:00 a.m.

PLACE: Youth and Family Alternatives, 18377 Clinton Blvd., Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Chapter 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, telephone (352)330-2177.

The Florida **Department of Children and Family Services** announces a meeting of the Lake County Community Alliance to which all persons are invited.

DATE AND TIME: Wednesday, August 15, 2001, 12:00 p.m.

PLACE: Lake Technical Center, 2001 Kurt St., Eustis, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Chapter 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, telephone (352)330-2177.

The Florida **Department of Children and Family Services** announces a meeting of the Citrus County Community Alliance to which all persons are invited.

DATE AND TIME: Thursday, August 30, 2001, 8:30 a.m.

PLACE: Citrus County School Board Office, 1007 W. Main Street, Inverness, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Chapter 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, telephone (352)330-2177.

The Florida **Department of Children and Family Services** announces a meeting of the Citrus County Community Steering Committee to which all persons are invited.

DATE AND TIME: Thursday, August 30, 2001, 10:00 a.m.

PLACE: Citrus County School Board Office, 1007 W. Main Street, Inverness, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Chapter 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785.

Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, telephone (352)330-2177.

The Florida **Department of Children and Family Services**, The Suncoast Region, DeSoto County Community Alliance will meet on:

DATE AND TIME: Tuesday, August 14, 2001, 1:30 p.m.

PLACE: Arcadia Service Center, 805 North Mills Road, Arcadia, Florida.

The public is welcome to attend. For information call (941)741-3682.

The Florida **Department of Children and Family Services**, District 4, announces public meetings to which all persons are invited:

WHAT: ITN – Community Based Care, Duval County, Meeting of Detailed System of Care Proposal Review Team

DATE AND TIME: August 17, 2001, 10:00 a.m., EST

PLACE: Family Safety Program Office, 5920 Arlington Expressway, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Instructions for Review Team to evaluate System of Care Proposals submitted by qualified applicants for Community Based Care Service Delivery for Duval County.

WHAT: ITN – Community Based Care, Duval County, Debriefing and Scores of Detailed System of Care Proposals by the Review Team.

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

PLACE: Family Safety Program Office, 5920 Arlington Expressway, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Reporting of scores by the Review Team members regarding the System of Care Proposals submitted by qualified applicants for Community Based Care Service Delivery for Duval County.

A copy of agendas may be obtained by contacting: Department of Children and Families, P. O. Box 2417, Jacksonville, FL 32231-0083 (Attention: Andrea Trzcinski)

If you need special accommodations (ie. assistive listening devices, sign language interpreter, etc.) please notify Andrea Trzcinski (904)723-5374, at least 48 hours in advance of the meeting. TDD (904)723-8606

WHAT: ITN – Community Based Care, Duval County, Posting of applicant scores.

DATE AND TIME: August 28, 2001, 11:00 a.m., EST

PLACE: Reception Area, 1st Floor, 5920 Arlington Expressway, Jacksonville, FL

The Florida **Department of Children and Family Services**, District 4, announces public meetings to which all persons are invited:

WHAT: Nassau County Community Alliance

DATE AND TIME: August 20, 2001, 2:00 – 4:00 p.m.

PLACE: Children and Family Services Education Center, 479 Felmore Road, Yulee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Bylaw amendment to increase advocacy representation, vote on membership, nominations for officers, education: transitional housing for addicts.

WHAT: Children and Families Community Alliance of Northeast Florida – Full Alliance

DATE AND TIME: September 19, 2001, 2:30 – 4:30 p.m.

PLACE: St. Johns County Health Department, 1955 U. S. 1 South, St. Augustine, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: priority issues for Children and Family Services and possible outcome measures, education: youth in Independent Living Program.

WHAT: Children and Family Services Community Alliance of Northeast Florida – Environmental Scan Committee

DATE AND TIME: August 22, 2001, 10:00 a.m.

PLACE: Roberts Building, 5920 Arlington Expressway, Jacksonville, FL 32211

GENERAL SUBJECT MATTER TO BE CONSIDERED: Prepare tools for the work to be done by the priority focus area sub-committees.

WHAT: Children and Families Community Alliance of Northeast Florida – Basic Needs Sub-Committee

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

PLACE: Roberts Building, 5920 Arlington Expressway, Jacksonville, FL 32211

GENERAL SUBJECT MATTER TO BE CONSIDERED: Alliance issues for this priority focus area identified by the Human Services Council.

WHAT: Children and Family Services Community Alliance of Northeast Florida – Positive Youth Development Sub-Committee

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

PLACE: Roberts Building, 5920 Arlington Expressway, Jacksonville, FL 32211

GENERAL SUBJECT MATTER: Alliance issues for this priority focus area identified by the Human Service Council

WHAT: Children and Family Services Community Alliance of Northeast Florida – Birth to 3 Sub-Committee

DATE AND TIME: September 12, 2001, 10:00 a.m.

PLACE: Roberts Building, 5920 Arlington Expressway, Jacksonville, FL 32211

GENERAL SUBJECT MATTER: Alliance issues for this priority focus area identified by the Human Service Council

WHAT: Children and Family Services Community Alliance of Northeast Florida – Personal Safety from Individuals Sub-Committee

DATE AND TIME: September 12, 2001, 10:00 a.m.

PLACE: Roberts Building, 5920 Arlington Expressway, Jacksonville, FL 32211

GENERAL SUBJECT MATTER: Alliance issues for this priority focus area identified by the Human Service Council

WHAT: Children and Family Services Community Alliance of Northeast Florida – Environmental Scan

Sub-Committee

DATE AND TIME: September 12, 2001, 11:00 a.m.

PLACE: Roberts Building, 5920 Arlington Expressway, Jacksonville, FL 32211

GENERAL SUBJECT MATTER: Collect and review work of the priority focus area sub-committees.

WHAT: Children and Family Services Community Alliance of Northeast Florida – Executive Committee

DATE AND TIME: September 12, 2001, 12:00 Noon – 1:30 p.m.

PLACE: Roberts Building, 5920 Arlington Expressway, Jacksonville, FL 32211

GENERAL SUBJECT MATTER TO BE CONSIDERED: Prepare for full alliance meeting on 9/19/01.

Copies of the agendas may be obtained by contacting: Department of Children and Families, P. O. Box 2417, Jacksonville, FL 32231-0083 (Attention: Debbi Thomas)

If you need special accommodations (i.e., assistive listening devices, sign language interpreter, etc.) please notify Debbi Thomas (904)723-2032, at least 48 hours in advance of the meeting. TDD (904)723-8606.

The **Department of Children and Family Services**, Refugee Services Program Office announces the following public meetings to which all interested persons are invited.

*MEETING: Districts 5, 6 and 14/Tampa Bay Area Refugee Task Force

DATE AND TIME: August 28, 2001, 9:30 a.m. – 12:00 p.m.

PLACE: TBA (Contact person: Taddese Fessehaye (407)245-0450 or (850)488-3791)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Tampa Bay Area/Children and Family Services, District 5, 6, and 14 areas.

A copy of the agenda may be obtained by writing: Taddese Fessehaye, Refugee Services Office, 400 West Robinson Street, Suite 1009, Orlando, Florida 32801.

MEETING: District 9/Palm Beach Area Refugee Task Force

DATE AND TIME: August 15, 2001, 1:30 p.m. – 3:30 p.m.

PLACE: Naval and Marine Reserve Center, 1227 Marine Drive, West Palm Beach, FL (Contact person: Taddese Fessehaye (407)245-0450 or (850)488-3791)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Palm Beach Area/Children and Family Services, District 9 area.

A copy of the agenda may be obtained by writing: Taddese Fessehaye, Refugee Services Office, 400 West Robinson Street, Suite 1009, Orlando, Florida 32801.

*MEETING: District 10/Broward County Refugee Task Force
DATE AND TIME: August 28, 2001, 9:00 a.m. – 12:00 p.m.

PLACE: First Lutheran Church, 441 N. E. 3rd Ave., Ft. Lauderdale, FL 33301 (Contact person: Cheraka Thomas (850)414-0067)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Broward County/Children and Family Services, District 10 area.

A copy of the agenda may be obtained by writing: Cheraka Thomas, Refugee Services Office, 1317 Winewood Blvd., Building 1, Room 303, Tallahassee, Florida 32399-0700.

*MEETING: District 11/Miami Area Refugee Task Force

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

PLACE: Miami-Dade Community College, 300 N. E. Second Avenue, Building #2, Room 2106, Miami, Florida, Telephone (305)237-7069, (Contact persons: Bill Long (850)413-8207 and Vinayak Sharma (850)413-9225)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Miami Area County/Children and Families District 11 area.

A copy of the agenda may be obtained by writing: Bill Long or Vinayak Sharma, Refugee Services Office, 1317 Winewood Blvd., Building 1, Room 303, Tallahassee, Florida 32399-0700.

*MEETING: District 7/Orlando Area Refugee Task Force

DATE AND TIME: August 8, 2001, 9:30 a.m. – 11:30 p.m.

PLACE: Catholic Charities of Orlando, 1771 North Semoran Blvd., Orlando, FL 32897 (Contact persons: Taddese Fessehaye (407)245-0450 or (850)488-3791)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Orlando Area County/Children and Family Services, District 7 area.

A copy of the agenda may be obtained by writing: Taddese Fessehaye Refugee Services Office, 400 West Robinson Street, Suite 1009, Orlando, Florida 32801.

Pursuant to the Provisions of the American's with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Refugee Services Office, (850)488-3791 or FAX (850)487-4272. If you are hearing or speech impaired, please contact the agency by calling TDD Number (850)922-4449 and reference the specific Refugee Task Force Meeting by location and date.

The Florida **Department of Children and Family Services** announces the District 8, Lee County Community Alliance will meet on the following dates: All persons are invited.

DATES AND TIME: September 20, 2001; October 18, 2001, 3:30 p.m.

PLACE: Regional Service Center, 2295 Victoria Avenue, Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Lee County Community Alliance Board meetings.

A copy of the agenda may be obtained by contacting: Department of Children and Families, Community-Based Care Unit, 2nd Floor, 2295 Victoria Avenue, Fort Myers, Florida 33901, one week prior to the meeting.

In accordance with the Americans With Disabilities Act, persons needing an accommodation to participate in the meetings or needing additional information should contact the Community-Based Care Unit, (941)338-1343.

The Florida **Department of Children and Family Services** announces the District 8 Hendry/Glades Counties Community Alliance will meet on the following dates:

DATES AND TIME: August 15, 2001; September 19, 2001, 1:30 p.m.

PLACE: LaBelle Service Center, 485 Cowboy Way, LaBelle, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Hendry/Glades Counties Community Alliance Board meetings.

A copy of the agenda may be obtained by contacting the Department of Children and Family Services, Community-Based Care Unit, 2nd Floor, 2295 Victoria Avenue, Fort Myers, Florida 33901, one week prior to the meeting. All persons are invited.

In accordance with the Americans With Disabilities Act, persons needing an accommodation to participate in the meetings or needing additional information should contact the Community-Based Care Unit at (941)338-1343.

The **Department of Children and Family Services** (District Ten) in conjunction with the community will conduct the following meeting during the month of August:

The Department of Children and Family Services Alcohol, Drug Abuse and Mental Health Standing Committee announces a public meeting to which you are invited to attend:

DATE AND TIME: August 13, 2001, 3:00 p.m. – 5:00 p.m.

PLACE: Broward Regional Health Planning Council, Inc., 915 Middle River Drive, Suite 115, Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues relating to Alcohol, Drug Abuse and Mental Health clients.

A copy of the agenda may be obtained by writing: Scott Silverman, Management Review Specialist, Regional Office, 201 W. Broward Blvd., Suite 200, Ft. Lauderdale, FL 33301.

Anyone requiring a special accommodation to participate in this meeting is requested to advise District Administration (Scott Silverman) at least 5 working days before the meeting at (954)759-5446 or (954)467-4509 (TDD).

The Florida **Department of Children and Family Services**, District 13, announces a meeting for public hearing regarding the application for Designation as a Baker Act Receiving Facility and Crisis Stabilization Unit for Adults and Children at LifeStream Behavioral Center, to which all persons are invited.

DATE AND TIME: Friday, August 10, 2001, 9:00 a.m.

PLACE: Florida Department of Children and Family Services, 1601 West Gulf Atlantic Highway, Wildwood, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation, complaints and comments regarding the Application for Designation by LifeStream Behavioral Center, Leesburg, FL. Written comments may be sent in advance to: Marilyn Connor, ADM Program Office, 1601 W. Gulf Atlantic Hwy., Wildwood, FL 34785-8158.

Persons needing special accommodations to participate in this proceeding should contact the agency no later than four working days prior to the meeting. Telephone (352)330-2177, Ext. 6356.

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15, announces the following public meeting to which all persons are invited:

Executive Committee

DATES AND TIME: August 8, 15, 22 and 29, 2001, 8:30 a.m.

PLACE: Department of Children and Family Services, 337 North 4th Street, Room 327D, Fort Pierce, FL 34950

For more information, please contact: Betty Robinson, CBC Liaison, 337 North 4th Street, Room 327, Fort Pierce, Florida 34950, (561)467-4174

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlle Clark, ADA Coordinator, (561)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)8770 (Voice) and 1(800)955-8771 (TDD).

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15, announces the following public meeting to which all persons are invited:

ALLIANCE MEETING

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

PLACE: Workforce Development Board, 9350 South U.S. 1, Port St. Lucie, FL

For more information, please contact: Betty Robinson, CBC Liaison, 337 North 4th Street, Room 327, Fort Pierce, Florida 34950, (561)467-4174

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (561)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)8770 (Voice) and 1(800)955-8771 (TDD).

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15, announces the following public meeting to which all persons are invited:

FOSTER CARE SUB-COMMITTEE

DATES AND TIME: August 8 and 22, 2001, 10:00 a.m.

PLACE: Benton Regional Service Center, 337 North 4th Street, Room 316, Fort Pierce, FL

For more information, please contact: Betty Robinson, CBC Liaison, 337 North 4th Street, Room 327, Fort Pierce, Florida 34950, (561)467-4174

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (561)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)8770 (Voice) and 1(800)955-8771 (TDD).

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15, announces the following public meeting to which all persons are invited:

MENTAL HEALTH SUB-COMMITTEE

DATE AND TIME: August 20, 2001, 10:00 a.m.

PLACE: Benton Regional Service Center, 337 North 4th Street, Room 104, Fort Pierce, FL

For more information, please contact: Betty Robinson, CBC Liaison, 337 North 4th Street, Room 327, Fort Pierce, Florida 34950, (561)467-4174

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (561)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)8770 (Voice) and 1(800)955-8771 (TDD).

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15, announces the following public meeting to which all persons are invited:

ITN/OUTCOMES SUB-COMMITTEE

DATES AND TIME: August 8 and 22, 2001, 3:00 p.m.

PLACE: Benton Regional Service Center, 337 North 4th Street, Room 316, Fort Pierce, FL

For more information, please contact: Betty Robinson, CBC Liaison, 337 North 4th Street, Room 327, Fort Pierce, Florida 34950, (561)467-4174.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (561)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Advocacy Committee**, District 15 announces a public meeting to which all persons are invited.

DATE AND TIME: August 21, 2001, 9:30 a.m.

PLACE: 337 North 4th Street, Benton Regional Service Center, Room 104, Fort Pierce, FL 34950

A copy of the agenda may be obtained by contacting: Ellen Higinbotham, FLAC Liaison, (561)467-3042.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (561)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)8770 (Voice) and 1(800)955-8771 (TDD).

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation**, Predevelopment Loan Program, announces a Review Committee meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, August 15, 2001, 2:00 p.m. (Prior to the meeting, interested parties are advised to confirm the meeting date and time by calling Florida Housing, (850)488-4197 or checking Florida Housing's web site at www.floridahousing.org.)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 5th Floor, Executive Director Conference Room, Tallahassee, Florida 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct discussions and reviews and make decisions in reference to the confirmation, rejection, approval or request for revision of PLP 2000 Applications and/or Development Plans.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Debbie L. Moran, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** has scheduled a public meeting. This notice announces the date, time and place of that meeting to which all interested persons are invited:

PLACE: Amelia Island Plantation, Highway A1A South, Amelia Island, Florida

DATES AND TIME: September 5-7, 2001, 8:30 a.m. each day
To review and discuss substantive and procedural issues associated with the Fish and Wildlife Conservation Commission and to take action on proposed rules and policy issues.

A copy of the proposed agenda may be obtained from the Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600.

If any person decides to challenge any decision with respect to any matter considered at the above meeting, a record of the proceeding will be needed. For this purpose, you may need to ensure that a verbatim record of the proceeding is made which includes testimony and evidence upon which the challenge is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the workshop or meeting is asked to advise the Commission at least 5 calendar days prior by calling Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

LEGAL AUTHORITY: Article IV, Section 9, Florida Constitution.

HILLSBOROUGH AREA REGIONAL TRANSIT

The **Hillsborough Area Regional Transit Authority** (HART) announces the following public meetings of the Governing Board of the Authority to which all persons are invited:

Public Hearing

DATE AND TIME: August 6, 2001, 8:30 a.m.

PLACE: Hillsborough Area Regional Transit Authority (HART), 601 E. Kennedy Boulevard, 18th Floor, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Board Meeting

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to order
2. Approval of Minutes
3. Introductions, Recognition and Awards
4. Consumer Advisory Committee Report
5. Public Comment on Action Items
6. Consent Action Items
7. Other Action Items
8. Chairman's Report
9. Reports from HART Representatives
10. HART Committee Reports
11. Other Board Member's Report
12. Executive Director's Report
13. Employee Comment
14. General Public Comment
15. Discussion and Presentations
16. Monthly Information Reports
17. Other Information Items
18. Other Business

A copy of the detailed agenda may be obtained by contacting: Mary Staples, Administrative Assistant II, Hillsborough Area Regional Transit Authority, 201 E. Kennedy Boulevard, Suite 900, Tampa, FL 33602, (813)223-6831.

Section 286.0105, Florida Statutes, states that if a person decided to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Alvin Orgeron, (813)623-5835, at least 48 hours before the meeting. If the caller is hearing impaired, contact the Authority, (813)626-9158 (TTD).

TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY

The **Technological Research and Development Authority** (TRDA) announces a meeting of its Board of Directors to which all persons are invited to participate.

DATE AND TIME: August 8, 2001, 1:00 p.m.

PLACE: Technological Research and Development Authority, 5195 South Washington Avenue, Titusville, Florida 32780

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General Quarterly Board Meeting.

A copy of the agenda may be obtained by contacting: Linda D. Lundy, TRDA Office Manager, (321)269-6330 or llundy@trda.org.

FLORIDA INSURANCE GUARANTY ASSOCIATION

The **Florida Insurance Guaranty Association** announces a meeting to which all interested parties are invited to attend.

DATES AND TIMES: August 9, 2001, 9:00 a.m. (Eastern Time), recessing at Noon or as soon as business has been concluded.

PLACE: Florida Insurance Guaranty Association Offices, 10151 Deerwood Park Blvd., Building 100, Ste. 400, Jacksonville, FL 32256-0556

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors of the Florida Insurance Guaranty Association will meet regarding the regular business of the Association.

A copy of the agenda may be obtained by writing Mr. Jerry Service at the address above or by calling (904)398-1238, Ext. 109.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to attend the meeting is asked to advise the Association by contacting Jerry Service, (904)398-1238, Ext. 109, at least 48 hours before the session the person wishes to attend. A person who is hearing or speech impaired may also contact the TDD at 1(800)955-1339.

FLORIDA TELECOMMUNICATIONS RELAY

The **Florida Telecommunications Relay, Inc.** announces the annual membership meeting to be followed by a regular meeting of the Board of Directors.

DATE AND TIME: Monday, August 13, 2001, 1:30 p.m.

PLACE: 1311A Paul Russell Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual membership meeting followed by a regular meeting of the Board of Directors. Note that the Board of Directors meeting will convene immediately after conclusion of the membership meeting.

A copy of the agenda may be obtained by writing: Mr. James Forstall, Executive Director, 1311B Paul Russell Road, Suite 101B, Tallahassee, FL 32301-4860. The meeting is subject to cancellation for lack of a quorum or unavailability of an interpreter.

ENTERPRISE FLORIDA

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, August 15, 2001, 10:30 a.m. – 12:30 p.m.

PLACE: Renaissance Orlando Hotel Airport, 5445 Forbes Place, Orlando, Florida 32812, (407)240-1000

Meeting: Enterprise Florida, Inc. Strategic Planning Committee

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Rochelle Turner, (407)316-4717, at least seven (7) days prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, August 15, 2001, 1:30 p.m. – 5:00 p.m.

PLACE: Renaissance Orlando Hotel Airport, 5445 Forbes Place, Orlando, Florida 32812, (407)240-1000

Meeting: Enterprise Florida Partner Council Meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Rochelle Turner, (407)316-4717, at least seven (7) days prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, August 15, 2001, 7:30 p.m. – 9:00 p.m.

PLACE: Renaissance Orlando Hotel Airport, 5445 Forbes Place, Orlando, Florida 32812, (407)240-1000

Meeting: Enterprise Florida, Inc. Board Member Dinner

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Rochelle Turner, (407)316-4717, at least seven (7) days prior to the activity. Persons who are

hearing or speech impaired can contact the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited:

DATE AND TIME: Thursday, August 16, 2001, 8:00 a.m. – 12:00 p.m.

PLACE: Renaissance Orlando Hotel Airport, 5445 Forbes Place, Orlando, Florida 32812, (407)240-1000

Meeting: Enterprise Florida, Inc. Board of Directors Meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Rochelle Turner, (407)316-4717, at least seven (7) days prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited:

DATE AND TIME: Thursday, August 16, 2001, 1:15 p.m. – 5:00 p.m.

PLACE: Renaissance Orlando Hotel Airport, 5445 Forbes Place, Orlando, Florida 32812, (407)240-1000

Meeting: Enterprise Florida, Inc. Legislative Workshop

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Rochelle Turner, (407)316-4717, at least seven (7) days prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

SEMINOLE COMMUNITY COLLEGE

The **Region VII, Training Council** announces a public meeting to which all interested persons are invited:

DATE AND TIME: August 16, 2001, 10:00 a.m.

PLACE: Seminole Community College, Room A 202, 100 Weldon Blvd., Sanford, FL 32773, (407)328-2316

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Meeting.

CRIMINAL JUSTICE TRAINING INSTITUTE

The Indian River Community College, **Criminal Justice Training Institute** announces a public meeting, to which the public is invited.

DATE AND TIME: August 29, 2001, 10:00 a.m.

PLACE: Indian River Community College, Indian River Academy Site, 5900 Tedder Road, Fort Pierce, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review information gathered at the August State Commission meeting, and provide update on training classes at the academy.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF CITRUS

NOTICE IS HEREBY GIVEN that on June 19, 2001, the State of Florida, Department of Citrus, received a Petition to Initiate Rulemaking from Dundee Citrus Growers Association, a licensed citrus fruit dealer located in Dundee, Florida. The petition requests that Chapter 20-39.004, Florida Administrative Code, which provides for approved bags for regular use in shipping fresh Florida citrus be amended to include a new container.

A copy of the Petition may be obtained from: Alice P. Wiggins, Administrative Assistant, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148.

NOTICE IS HEREBY GIVEN that on June 14, 2001, the State of Florida, Department of Citrus, received a Petition to Initiate Rulemaking from DNE Sales International, a licensed citrus fruit dealer located in Ft. Pierce, Florida. The petition requests that Chapter 20-39.003, Florida Administrative Code, which provides for approved containers for regular use in shipping fresh Florida citrus be amended to include a new container.

A copy of the Petition may be obtained from: Alice P. Wiggins, Administrative Assistant, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148.

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Mark Osterback. The Petitioner requested that the Department of Corrections amend Rule 33-208.101(4)(h)11., Florida Administrative Code, to require staff members to wear nameplates on Class D uniforms.

The Department denied Inmate Osterback's Petition to Initiate Rulemaking on the grounds that the requested amendment is unnecessary and not feasible. Staff members are required by Department procedures to wear identification while on duty. The wearing of nameplates is not feasible due to the fact the lightweight material of the Class D uniform shirt will not support the metal nameplate.

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 July 20, 2001 from Douglas Jackson. Petitioner is seeking amendment of Rule 33-602.405, Florida Administrative Code, to require same day photocopying services for inmates in confinement units.

A copy of the Petition may be obtained by writing Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on July 20, 2001 from Douglas Jackson. Petitioner is seeking amendment of Rule 33-602.402, Florida Administrative Code, to add the phrase "parties to a legal cause of action" to the definition of what constitutes legal mail for purposes of determining those categories of persons for whom the Department must supply postage for indigent inmates.

A copy of the Petition may be obtained by writing Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

DEPARTMENT OF ELDER AFFAIRS

NOTICE IS HEREBY GIVEN that the Department of Elder Affairs received a Petition for Declaratory Statement June 11, 2001, filed on behalf of Mario Albo, Petitioner. Petitioner seeks a declaratory statement clarifying how Rules 59G-8.200 and 65A-1.711, Florida Administrative Code, certain provisions of the DOEA Client Services Manual, and certain federal regulations apply to her application for Medicaid Home and Community Based Services. The original Petition was forwarded to the Agency for Health Care Administration for handling.

A copy of the Petition may be obtained by writing Lena Baulkmon, Administrative Assistant, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000. Questions or comments regarding the petition may be directed to Kathryn E. Price, Senior Attorney, Department of Elder Affairs.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement In Re: Petition for Declaratory Statement: Angostura Holdings Limited, Petitioner. The

Petitioner requests an interpretation as to whether Section 561.22 and Section 561.42, Florida Statutes (2000), prohibits a foreign manufacturer of alcoholic beverages from acquiring a controlling interest in a wholly owned subsidiary that will obtain a State of Florida alcoholic beverage vending license.

A copy of the Petition for Declaratory Statement, Docket Number DS2001-002 may be obtained by writing: Agency Clerk Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-2202. Please refer all comments to Sherrie J. Barnes, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Johns Building, Tallahassee, Florida 32399-2202.

Notice is hereby given that the Division of Alcoholic Beverages and Tobacco has issued and Declaratory Statement in In Re: Petition for Declaratory Statement: Angostura Holdings Limited, Petitioner, Docket Number DS2001-002.

The Declaratory Statement declares that Sections 561.22 and 561.42, Florida Statutes, (2000), prohibit the implementation of Petitioner's proposed business plan.

A copy of the Declaratory Statement may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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:

Shore Village Property Owners Association, Inc.; Rebecca Farris; Sandra Henry; and Robert Ruston vs. Board of Trustees of the Internal Improvement Trust Fund; Case No.: 01-2681RP; Rule No.: 18-21.004(1)(d)

Punta Gorda HMA, Inc., Licensee for Charlotte Regional Medical Center vs. Agency for Health Care Administration; Case No.: 01-2620RP; Rule No.: 59C-1.033

Bethesda Healthcare System, Inc. vs. Agency for Health Care Administration; Case No.: 01-2665RP; Rule No.: 59C-1.033(7)

Merrill Gardens, L.L.C. vs. Agency for Health Care Administration; Case No.: 01-2724RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Charlotte County vs. Department of Environmental Protection and IMC Phosphates Company; Case No.: 01-2399RU; Closed

Peace River/Manasota Regional Water Supply Authority vs. Department of Environmental Protection and IMC Phosphates Company; Case No.: 01-2412RU; Closed

**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 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: The Rosen School of Hospitality Management, University of Central Florida, Orlando, Florida 32816-3020.

The project consists of the design and construction of a new facility that contains approximately 134,961 gross square feet in the following breakdown: classrooms – 44,156 gsf; teaching lab – 31,928 gsf; study – 12,848; office/computer – 18,276; support services – 21,084; the balance of the gross square footage in instructional media, auditorium/exhibition, teaching gymnasium, and student academic support.

The new building will serve as the primary facility for the University of Central Florida's Rosen School of Hospitality Management, and will be located off-campus at the Universal-Sand Lake Road Complex. The construction cost will be approximately \$19,000,000. This facility will be the in

the planning phase in the fiscal year 2002. The selected firm will provide design, construction documents, and administration for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$1,000,000 and will be provided as a part of Basic Services.

INSTRUCTIONS:

Firms desiring to apply for consideration 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" (PQS) dated 9/99, completed by the applicant. Applications on any other form will not be considered. Do not alter the PQS form.
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 that 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: gseabroo@mail.ucf.edu, Web site: www.fp.ucf.edu. A pre-submittal meeting will be held for all prospective proposers on Wednesday, August 15, 2001 at 2:00 p.m. The meeting will be held in the Physical Plant building, Large Conference Room, on the campus of the University of Central Florida. 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 P.M. local time, on Wednesday, September 12, 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-423

Project and Location: Education Building Remodel, University of Central Florida, Orlando, Florida 32816-3020.

The project consists of the design and remodel of the existing College of Education building that will consist of space reconfigurations for approximately 41,603 sq. ft. in the following breakdown: Classroom – 3,405 sq. ft.; Teaching Lab – 1,561 sq. ft.; Library/Study – 895 sq. ft.; Office/Computer – 35,742 sq. ft. The construction cost will be approximately \$4,795,812. This facility will be in the planning phase in the year 2001.

The selected firm will provide design, construction documents and administration for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$500,000, and will be provided as a part of Basic Services.

INSTRUCTIONS:

Firms desiring to apply for consideration 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" (PQS) dated 9/99, completed by the applicant. Applications on any other form will not be considered. Do not alter the PQS form.
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: gseabroo@mail.ucf.edu, Website www.fp.ucf.edu.

A pre-submittal meeting will be held for all perspective proposers on Tuesday, August 14, 2001, at 2:00 p.m. The meeting will be held in the Education Complex, Building 21, Room 174 A, on the campus of the University of Central Florida.

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, on Monday, September 3, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

**DUVAL COUNTY
PUBLIC SCHOOLS
ADVERTISEMENT FOR BIDS
For
General Contractor**

Sealed bids will be received by Duval County Public Schools, Division of Facilities Services, Room 535, 1701 Prudential Drive, Jacksonville, Florida 32207 until 2:00 p.m. Tuesday, September 4, 2001, recorded below and immediately thereafter publicly opened and recorded in room 513D, 1701 Prudential Drive, Jacksonville, Florida 32207.

BIDS ARE DUE SEPTEMBER 4, 2001

BIDS WILL BE OPENED AT 2:00 P.M.

DCSB Project No. C-90740 – Additions and Site Improvements at Ortega Elementary School No. 16 (4010 Baltic Street, Jacksonville, Florida 32210) with a total construction budget of \$578,675. (New construction of food service kitchen and remodel existing cafeteria.)

All general contractors or prime bidders that are interested in bidding are required to attend a mandatory pre-bid conference to be held on August 28, 2001; at 10:00 a.m., at Ortega Elementary School No. 16, 4010 Baltic Street, Jacksonville, Florida 32210. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

All bidders and subcontractors shall be licensed contractors and registered corporations as required by the laws of the State of Florida.

Contract documents for bidding may be obtained for a fee of \$150.00 at the office of Drake/Pattillo & Associates, Architects, Inc., 126 W. Adams Street, Ste. 602, Jacksonville, Florida 32202, (904)598-0072.

Contract documents for bidding may be examined at but not obtained at Duval County Public Schools, Facilities Services, 5th Floor, 1701 Prudential Drive, Jacksonville, FL.

If you have any questions, please contact: Mr. Russell Gustafson, (904)390-2505
 MBE Participation Goal: 5% AA; 7% HANA; 7% WBE

DUVAL COUNTY
 PUBLIC SCHOOLS
 ADVERTISEMENT FOR BIDS
 Invitation To Bid (ITB)
 For a
 General Contractor

Sealed bids will be received by Duval County Public Schools, Division of Facilities Services, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207 until the time and date(s) recorded below and immediately thereafter publicly opened and recorded Fifth (5th) Floor Conference Room No. 513D, School Board Building.

September 11, 2001
 2:00 p.m.

DCSB Project No. C-90160 – Replacement of Building No. 4 at Lake Shore Middle School No. 69

This project is for a new three lab wing,, two science labs and one home economics lab. The construction cost estimate is \$600,000. All general contractors or prime bidders that are interested in bidding are required to attend a mandatory pre-bid conference to be held on August 22, 2001; at 10:00 a.m., Lake Shore Middle School No. 69, 2519 Bayview Road, Jacksonville, Florida 32210. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

All bidders and subcontractors shall be licensed contractors and registered corporations as required by the laws of the State of Florida.

Contract documents for bidding may be obtained for a fee of \$100.00 at the office of Reynolds, Smith and Hills, Inc., 4651 Salisbury Road, Suite 400, Jacksonville, Florida 32256, (904)279-2311 contact Cathy Wilder. DCSB Point of Contact: Tony M. Gimenez, (904)390-2279

Contract documents for bidding may be examined at but not obtained at Duval County Public Schools, Facilities Services, 5th Floor, 1701 Prudential Drive, Jacksonville, FL.

The bid tabulation and Notice of Award recommendation will be posted at 5:00 p.m. local time on the first floor bulletin board at the Duval County Public Schools, 1701 Prudential Drive, Jacksonville, Florida 32207-8182. MBE Participation Goal: 10% AA; 7% WBE; 3% HANA

WATER MANAGEMENT DISTRICTS

INVITATION TO BID
 CONSTRUCTION OF ECONFINA CREEK
 BOARDWALK PROJECT
 ITB #01B-012

The Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333, will receive sealed bids until 2:00 p.m., EDT, August 30, 2001, for the construction only of a circular driveway, boardwalk and deck. The District will provide materials for the construction of the structures. The project site is located adjacent to the Econfina Creek in Bay County, Florida. All bids must conform to the instructions in the Invitation to Bid. Interested parties may obtain a copy of the complete bid package at the above address or by calling (850)539-5999.

A pre-bid meeting will be held at District Headquarters in Midway (10 miles west of Tallahassee on Highway 90) on August 15, 2001 at 2:00 p.m. EDT. The opening of the bids is public. Provisions will be made to accommodate the handicapped provided the District is given at least 72 hours advance notice. All bids must comply with applicable Florida Statutes.

REQUEST FOR PROPOSALS (RFP)
 TECHNICAL SERVICES – Design of an Alum Injection
 Stormwater Treatment Facility
 RFP #01-004

The Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333, will receive sealed proposals from qualified firms to provide professional engineering services. Services being requested are design of a stormwater pre-treatment facility that will chemically treat approximately 1600 acre-feet of stormwater runoff annually with aluminum sulfate (alum), equipped with an automated floc disposal system which periodically pumps accumulated floc from the settling chamber to a nearby sanitary sewer system. Proposals will be accepted up to the 2:00 P.M. EST opening time on Wednesday, August 29, 2001.

A pre-proposal meeting will be held on Tuesday, August 7, 2001 at 2:00 p.m. Eastern Time at District Headquarters, Midway, Florida (ten miles west of Tallahassee on U.S. 90). All proposals must conform to the instructions in the RFP. Interested parties may obtain a copy of the complete RFP package at the above address, via the Internet at <http://www.state.fl.us/nwfwmd/admin/rfps.htm> or by calling (850)539-5999. The proposals opening is open to the public. Provisions will be made to accommodate the handicapped (if requested) provided the District is given at least 72 hours advance notice. All proposals must comply with applicable Florida Statutes.

AGENCY FOR HEALTH CARE ADMINISTRATION

The Agency for Health Care Administration will hold a public meeting on August 15, 2001 to discuss a new Medicaid primary care case management initiative and discuss and distribute provider/organization applications with interested parties and respond to questions about the application process and the pilot project initiative. The meeting will be held at 2728 Mahan Drive, Building #3 (Conference Room A) in Tallahassee, Florida from 10:00 a.m. – 2:00 p.m.

The Agency for Health Care Administration intends to contract with group medical practices, independent practice associations (IPAs), physician practice management groups (PPMGs), or other comparable entities for the implementation of primary care case management projects and pediatric emergency department diversion projects. The Agency intends to test at least one pilot program that uses a predominantly minority-physician network. The projects will provide for alternative managed care arrangements under the Florida Medicaid primary care case management system, which is known as the MediPass program.

The demonstration projects are authorized by Conference Report on SB 2000, the FY 2001-02 General Appropriations Act (GAA). The GAA included the following proviso:

“The Agency for Health Care Administration shall establish methods to improve the quality of care and the cost effectiveness of the MediPass program. The method shall include, but are not limited to, the establishment of a pilot (or pilots) to test new approaches to better manage the access to and utilization of appropriate health care services. The Agency shall contract with physician owned and operated organizations which have experience in managing care for the Medicaid and Medicare programs, and at least one pilot shall utilize a predominantly minority-physician network, with a history of providing service to Medicaid populations. The Agency is authorized to develop a payment methodology which may include shared savings with contractors, but shall not increase spending relative to current appropriations. The Agency is authorized to seek federal waivers, if necessary, to implement provisions.”

Currently these entities contract with payers such as managed care organizations and employ a variety of mechanisms designed to improve access, control costs and improve outcomes. Many of these established organizations have existing relationships with MediPass participating physicians but do not apply practice management tools to the MediPass population. MediPass Pilot Projects/Pediatric ER Diversion Projects will seek to build on existing physician-patient relationships while incorporating management controls already in place for other payers.

MediPass Pilot Projects/Pediatric ER Diversion Projects must have the capabilities for providing or and managing patient care to ensure adequate access to primary care, reduce inappropriate utilization, control program costs, and improve

health outcomes. Participating projects will develop direct contracts with primary care providers who will be expected to fulfill the terms of the Agreement for Participation in MediPass including the provision of primary care services and authorization/referral requirements. In addition, the projects will be responsible for maintaining a network of credentialed primary care providers, as well as compiling and reporting key service utilization and clinical outcome measures.

For the purposes of this initiative, applicants must meet the following criteria to be considered for participation. Applicants must have a proposed primary care provider (PCP) network of currently enrolled MediPass providers. Applicants must have a current MediPass caseload/patient assignment of at least 1,500 enrollees. Applicants must have a combined MediPass caseload capacity of at least 10,000 enrollees for the anticipated PCP network.

MediPass Pilot Projects/Pediatric ER Diversion Projects will receive payment for administrative services and medical management comparable to existing MediPass financing. The Agency will also provide opportunities for distribution of shared savings to participating projects. Savings will be determined by comparing actual costs (per member per month) for enrollees in participating projects to costs that would have been incurred if such recipients were enrolled in a Medicaid HMO.

DEPARTMENT OF MANAGEMENT SERVICES**RE-ADVERTISEMENT****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, high/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 two Construction Management firms (one for high/medium/low voltage and one for low voltage only) with responsibility for performance of construction contracts, which will vary in size up to \$500,000, functioning as an independent contractor. Proposals for this contract should clearly state which classification they are submitting proposals on. 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, September 6, 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: To Be Announced

DATE AND LOCATION FOR INTERVIEWS: TO BE ANNOUNCED

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 OF DESIGN/BUILD SELECTION RESULTS

The Department of Management Services, Division of Building Construction, announces that on the date listed below, authority was issued to negotiate and enter into a contract for Design/Build Services in accordance with Rule 60D-5, F.A.C., for the following:

DATE: July 17, 2001

NAME OF CLIENT AGENCY: Highway Safety and Motor Vehicles

PROJECT NUMBER: HSMV-20056000

PROJECT NAME: HVAC Renovations & Retrofit,

Neil Kirkman Building, Tallahassee

1. Vause Mechanical – Tallahassee
2. Natkin Service – Tallahassee
3. Neel Mechanical Contractors, Thomasville

PUBLIC ANNOUNCEMENT OF CONSTRUCTION MANAGEMENT SELECTION RESULTS

The Department of Management Services, Division of Building Construction, announces that on the date listed below, authority was issued to negotiate and enter into a contract for Construction Management Services in accordance with Rule 60D-5, F.A.C., for the following:

DATE: July 16, 2001

NAME OF CLIENT AGENCY: City of Clearwater

PROJECT NUMBER: COC-97075010

PROJECT NAME: Clearwater Public Library

1. Turner Construction, Tampa, Florida
2. Ajax Building Corporation, Tampa, Florida
3. Bovis Lend Lease, Orlando, Florida

**PUBLIC ANNOUNCEMENT OF CONSTRUCTION
MANAGEMENT SELECTION RESULTS**

The Department of Management Services, Division of Building Construction, announces that on the date listed below, authority was issued to negotiate and enter into a contract for Construction Management Services in accordance with Rule 60D-5, F.A.C., for the following:

DATE: July 12, 2001

NAME OF CLIENT AGENCY: Department of Military Affairs

PROJECT NUMBER: DMA-20034000

PROJECT NAME: Joint Armed Forces Reserve Center

1. Hunt Construction Group, Inc., Tampa, FL
2. Turner Construction, Tampa, Florida
3. Centex Rooney Construction Company, Tampa, Florida

**PUBLIC ANNOUNCEMENT OF CONSTRUCTION
MANAGEMENT SELECTION RESULTS**

The Department of Management Services, Division of Building Construction, announces that on the date listed below, authority was issued to negotiate and enter into a contract for Construction Management Services in accordance with Rule 60D-5, F.A.C., for the following:

DATE: July 12, 2001

NAME OF CLIENT AGENCY: Florida Department of Veteran's Affairs

PROJECT NUMBER: FDVA-20001010

PROJECT NAME: State Nursing Home for Veteran's Bay County

1. Walbridge Aldinger, Tampa, Florida
2. Turner Construction, Tampa, Florida
3. Dooley & Mack Constructors, Inc., Sarasota, Florida

**PUBLIC ANNOUNCEMENT OF CONSTRUCTION
MANAGEMENT SELECTION RESULTS**

The Department of Management Services, Division of Building Construction, announces that on the date listed below, authority was issued to negotiate and enter into a contract for Construction Management Services in accordance with Rule 60D-5, F.A.C., for the following:

DATE: July 12, 2001

NAME OF CLIENT AGENCY: Florida Department of Veteran's Affairs

PROJECT NUMBER: FDVA-20001020

PROJECT NAME: State Nursing Home for Veteran's Charlotte County

1. Dooley & Mack Constructors, Inc., Sarasota, Florida
2. W.G. Mills, Inc. Fort Myers, Florida
3. Walbridge Aldinger, Tampa, Florida

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF INVITATION TO BID

BID NO. BDRS 11-01/02

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the project listed below:

PROJECT NAME: Wastewater Treatment Plant Replacement at Blue Spring State Park

SCOPE OF WORK: The contractor shall provide the necessary labor, supervision, equipment and materials to complete the wastewater treatment plant replacement and associated work.

PARK LOCATION: Blue Spring State Park
2100 W. French Avenue
Orange City (Volusia County), Florida

PROJECT MANAGER: Fredrick Hand
Bureau of Design and Recreation Services
Telephone Number: (850)488-5372
Fax Number: (850)488-1411

**MINORITY BUSINESS
REQUIREMENT:**

The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total bid price including alternates exceeds \$200,000.00, each bidder whose field is governed by Chapter 399, 489, and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Plans and specifications will be available on Friday, August 3, 2001 at:
Blue Spring State Park
2100 W. French Avenue
Orange City, FL 32763
Attention: Danny Paul, Park Manager, Telephone Number: (904)775-3663

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Bureau of Design and Recreation Services at (850)488-5372 at least five (5) workdays prior to openings.

BID SUBMITTAL

DUE DATE: No later than 2:00 p.m., Tuesday, August 28, 2001 to the below address:
Florida Department of
Environmental Protection Bureau
of Design and Recreation Services
3540 Thomasville Road
Tallahassee, Florida 32309

The Department reserves the right to reject any or all bids.

Michael Renard, Contracts
Manager, Bureau of Design and
Recreation Services

NOTICE OF INVITATION TO BID

BID NO. BDRS 12-01/02

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the project listed below:

PROJECT NAME: Reverse Osmosis Plant Upgrades at Myakka River State Park

SCOPE OF WORK: The contractor shall provide the necessary labor, supervision, equipment and materials to complete the reverse osmosis plant upgrades and associated work.

PARK LOCATION: Myakka River State Park
13207 State Road 72
Sarasota (Sarasota County),
Florida

PROJECT MANAGER: Fredrick Hand
Bureau of Design and Recreation
Services
Telephone Number:
(850)488-5372
Fax Number: (850)488-1411

MINORITY BUSINESS REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total bid price including alternates exceeds \$200,000.00, each bidder whose field is governed by Chapter 399, 489, and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the

address or calling the telephone number below. Plans and specifications will be available on Friday, August 3, 2001 at:
Myakka River State Park
13207 State Road 72
Sarasota, FL 34241-9542
Attention: Robert Dye, Park Manager, Telephone Number: (941)361-6511

**ADA
REQUIREMENTS:**

Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Bureau of Design and Recreation Services at (850)488-5372, at least five (5) workdays prior to openings.

BID SUBMITTAL

DUE DATE:

No later than 2:30 p.m., Tuesday, August 28, 2001 to the below address:

Florida Department of
Environmental Protection
Bureau of Design and Recreation
Services
3540 Thomasville Road
Tallahassee, Florida 32309

The Department reserves the right to reject any or all bids.

Michael Renard, Contracts
Manager, Bureau of Design and
Recreation Services

SCOPE OF WORK:

The contractor shall provide the necessary labor, supervision, equipment and materials to complete the groin and breakwater repairs and associated work.

PARK LOCATION:

Ft. Zachary Taylor Historic State Park
Southard Street on Truman Annex
Key West (Monroe County),
Florida

PROJECT MANAGER:

Fredrick Hand
Bureau of Design and Recreation
Services
Telephone Number:
(850)488-5372
Fax Number: (850)488-1411

**MINORITY BUSINESS
REQUIREMENT:**

The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION:

When the total bid price including alternates exceeds \$200,000.00, each bidder whose bid is governed by Chapter 399, 489, and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

INSTRUCTIONS:

Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Plans and specifications will be available on Friday, August 3, 2001 at:

NOTICE OF INVITATION TO BID

BID NO. BDRS 13-01/02

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the project listed below:

PROJECT NAME: Groin and Breakwater Repair at
Ft. Zachary Taylor Historic State
Park

ADA REQUIREMENTS:	Ft. Zachary Taylor Historic State Park P. O. Box 6560 Key West, FL 33041 Attention: Bob Rahberg, Park Manager Telephone Number: (305)292-6713	PARK LOCATION: PROJECT MANAGER:	and renovate the concrete approach to the pier and all associated site work. Sebastian Inlet State Park 9700 S. A1A Melbourne Beach (Brevard County) Florida Efrain Prado
	Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Bureau of Design and Recreation Services at (850)488-5372 at least five (5) workdays prior to openings.	PROJECT MANAGER: MINORITY BUSINESS REQUIREMENT:	Bureau of Design and Recreation Services Telephone Number: (850)488-5372 Fax Number: (850) 488-3537 The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.
BID SUBMITTAL DUE DATE:	No later than 3:00 p.m., Tuesday, August 28, 2001 to the below address: Florida Department of Environmental Protection Bureau of Design and Recreation Services, 3540 Thomasville Road Tallahassee, Florida 32309	PREQUALIFICATION:	Each bidder must be a pre-qualified marine/bridge contractor or, when the total bid price including alternates exceeds \$200,000.00, if governed by Chapters 399, 489, and 633 of the Florida Statutes for licensure or certification the contractor must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date. The contractor shall have successfully completed at least three (3) similar projects during the past five (5) years. A list identifying the projects shall be submitted five (5) calendar days prior to the bid opening.
The Department reserves the right to reject any or all bids.	Michael Renard, Contracts Manager, Bureau of Design and Recreation Services		
<hr/>			
NOTICE OF INVITATION TO BID			
BID NO. BDRS 15-01/02			
The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the project listed below:			
PROJECT NAME:	Pier Renovation		
SCOPE OF WORK:	The contractor shall provide the necessary labor, supervision, equipment and materials to construct a new crib structure and pile cap over existing pier structure, renovate existing side walk along the north side of inlet	INSTRUCTIONS:	Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Plans and specifications will be available on Friday, August 3, 2001 at:

Sebastian Inlet State Park
9700 S. A1A
Melbourne Beach, Florida 32951
Attention: Ron Johns, Park
Manager
Telephone Number:
(321)984-4852

ADA**REQUIREMENTS:**

Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Bureau of Design and Recreation Services at (850) 488-5372 at least five (5) workdays prior to openings.

BID SUBMITTAL**DUE DATE:**

No later than 3:30 p.m., Tuesday, September 4, 2001 to the below address:

Florida Department of
Environmental Protection
Bureau of Design and Recreation
Services
3540 Thomasville Road
Tallahassee, Florida 32309

The Department reserves the right to reject any or all bids.

Michael Renard, Contracts
Manager, Bureau of Design and
Recreation Services

PARK LOCATION:

regrading, paving and striping. The contractor will provide a temporary mobile office and temporary utility connections.

Long Key State Park
Mile marker 67.5
67400 Overseas Hwy. (Monroe County) Florida

PROJECT MANAGER:

Efrain Prado
Bureau of Design and Recreation
Services
Telephone Number:
(850)488-5372
Fax Number: (850) 488-3537

**MINORITY BUSINESS
REQUIREMENT:**

The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION:

When the total bid price including alternates exceeds \$200,000.00, each bidder whose bid is governed by Chapter 399, 489, and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

INSTRUCTIONS:

Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Plans and specifications will be available on Friday, August 3, 2001 at:

Long Key State Park
P. O. Box 776
Long Key, Florida 33001
Attention: Catherine Close, Park
Manager
Telephone Number:
(305)664-4815

NOTICE OF INVITATION TO BID**BID NO. BDRS 16-01/02**

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the project listed below:

PROJECT NAME: New Entrance Station and Associated Site Work

SCOPE OF WORK: The contractor shall provide the necessary labor, supervision, equipment and materials to remove existing entrance station and associated walks, trees and traffic island entirely. Construct new entrance station and associated site work including new lift station and force main,

ADA

REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Bureau of Design and Recreation Services, at (850)488-5372, at least five (5) workdays prior to openings.

BID SUBMITTAL

DUE DATE: No later than 3:30 p.m., Wednesday, August 29, 2001 to the below address:
Florida Department of
Environmental Protection
Bureau of Design and Recreation
Services
3540 Thomasville Road
Tallahassee, Florida 32309

The Department reserves the right to reject any or all bids.

Michael Renard, Contracts
Manager, Bureau of Design and
Recreation Services

NOTICE OF INVITATION TO BID

BID NO. BDRS 17-01/02

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the project listed below:

PROJECT NAME: Bathhouses and Associated Work
SCOPE OF WORK: The contractor shall provide the necessary labor, supervision, equipment and materials to construct two bathhouses, sidewalks, ADA parking spaces and associated utilities – one at Lower Wekiwa River Preserve State Park and one at Rock Springs Run State Preserve.

PARK LOCATIONS: Lower Wekiwa River Preserve State Park
W. of Sanford on S. R. 46, (Lake County) Florida
Rock Springs Run State Reserve
W. of Sanford on S. R. 46, (Lake County) Florida

PROJECT MANAGER: Hugh McArthur
Bureau of Design and Recreation Services
Telephone Number:
(850)488-5372
Fax Number: (850) 488-3537

MINORITY BUSINESS REQUIREMENT:

The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total bid price including alternates exceeds \$200,000.00, each bidder whose field is governed by Chapter 399, 489, and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Plans and specifications will be available on Friday, August 3, 2001 at:
Wekiwa Basin GEOPark
1800 Wekiwa Circle
Apopka, Florida 32712
Attention: John Fillyaw, Park Manager
Telephone Number:
(407)884-2006

ADA

REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If

accommodations are needed because of disability, please contact the Bureau of Design and Recreation Services at (850)488-5372 at least five (5) workdays prior to openings.

BID SUBMITTAL

DUE DATE: No later than 4:00 p.m., Wednesday, August 29, 2001 to the below address:
Florida Department of Environmental Protection
Bureau of Design and Recreation Services
3540 Thomasville Road
Tallahassee, Florida 32309

The Department reserves the right to reject any or all bids.

Michael Renard, Contracts Manager, Bureau of Design and Recreation Services

DEPARTMENT OF HEALTH**NOTICE OF INVITATION TO BID****BID NO. MDCHD 5-2001**

The State of Florida, Miami-Dade County Health Department is soliciting formal competitive bids for the service listed below:

SERVICE NAME: Collection and Disposal of Solid Waste

SCOPE OF WORK: The provider shall collect and dispose all solid waste generated by the department, excluding radioactive, volatile, highly flammable, explosive or toxic material. The provider shall acquire title to the solid waste when such waste is loaded into the provider's vehicles.

SERVICE LOCATIONS: Golden Glades Admin. Annex,
1725 N. W. 167th Street
Miami, Florida

State Laboratory Site
1325 N. W. 14th Avenue
Miami, Florida

Little River Clinic
300 N. W. 80th Terrace
Miami, Florida

Quail Roost Drive Center
12330 Quail Roost Drive
Miami, Florida

South Miami – RLW Center
6601 S. W. 62 Avenue
South Miami, Florida

SouthSide Center
5798 S. W. 68th Street
South Miami, Florida

INSTRUCTIONS:

Any firm desiring bid specifications for this service may obtain a copy by contacting Donald Young at the address below or by calling (786)845-0187. Specifications will be available on Friday, August 3, 2001 at the Miami-Dade County Health Department, Contracts Division, 8175 N. W. 12th Street, 3rd Floor, Miami, Florida 33126.

ADA**REQUIREMENTS:**

Any person requiring a special accommodations at the Miami-Dade County Health Department because of a disability should call the Contracts Division at (786)845-0187 at least five (5) work days prior the bid opening, or any meeting. If you are hearing or speech impaired, please contact by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

BID SUBMITTAL DATE: No later than 10:30 a.m., Friday, August 31, 2001 to the below address:

Miami-Dade County Health Department
Contracts Division
8175 N. W. 12th Street, 3rd Floor
Miami, Florida 33126

The Department reserves the right to reject any or all bids.

INVITATION TO BID

Sealed bids will be accepted by the Pinellas County Health Department (PCHD), located at 300 31st St., North, Suite 602, St. Petersburg, FL 33713, until 1:00 p.m. on August 20, 2001. Bid No.0102-01-RW to furnish MEDICAL FILE FOLDERS may be secured from the Purchasing Department within the

PCHD at the above address, telephone No. (727)893-2209. Bid packages include specifications, terms, and general conditions. Any "Certified Minority Business Enterprise" (pursuant to section 288.703(2), FS) is encouraged to participate. Right is reserved for the PCHD to reject any or all bids.

SPECIAL NOTE: If you require accommodations because of a disability in order to participate in the bid process, please contact: Rick Wallace, (727)893-2209, Ext. 137, by August 13, 2001.

FLORIDA LEGISLATURE

NOTICE OF REQUEST FOR PROPOSALS

Statement of Work: The Florida Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA) is requesting proposals for two different Best Financial Management Practices Reviews to be conducted as described in the *Sharpening the Pencil Act* (HB 269) passed by the 2001 Florida Legislature. These two reviews will occur during the same time period in the Hillsborough County School District and the Santa Rosa County School District. Interested private firms may submit proposals to conduct one or both reviews, but a separate proposal must be submitted for each school district.

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.

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 Hillsborough County School District," and the "Request for Proposals for a Best Financial Management Practices Review of the Santa Rosa County School District," dated August 3, 2001. Copies of these documents are available from the contact person.

Firms that have already registered with OPPAGA to receive the RFPs for each Best Financial Management Practices Review will receive the document without an additional request. Firms that have not registered with OPPAGA may do so on-line at the following Internet address: http://www.oppaga.state.fl.us/school_districts/contractorlist.html

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: For each school district review, 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, on August 14, 2001. OPPAGA will have further communications after that date only with those persons who indicate their initial intent to submit a proposal on each project. The closing date and time to receive proposals is 3:30 p.m., Eastern Time, August 31, 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 September 2001.

FLORIDA SHERIFFS ASSOCIATION

FLORIDA SHERIFFS ASSOCIATION
P. O. BOX 12519
TALLAHASSEE, FLORIDA 32317-2519
BID ANNOUNCEMENTS

BID NUMBER: 01-09-0904
BID TITLE: PURSUIT, ADMINISTRATIVE
NON-PURSUIT, UTILITY, FIRE
& RESCUE VEHICLES,
TRUCKS & VANS

ADVERTISEMENT

DATES: AUGUST 3 & 10, 2001
PRE-BID CONFERENCE: AUGUST 15, 2001, 10:00 a.m.
**PRE-BID CONFERENCE
TO BE HELD AT:**

MARION COUNTY SHERIFF'S
OFFICE
CONFERENCE ROOM
692 N. W. 30TH AVENUE
OCALA, FL 34475-5608

BID OPENING DATE: SEPTEMBER 4, 2001, 10:00 a.m.

**BID OPENING TO BE
HELD AT:**

FLORIDA SHERIFFS
ASSOCIATION
COOPERATIVE BID
COORDINATOR'S OFFICE
2617 MAHAN DR. (32308)
P. O. BOX 12519
TALLAHASSEE, FL 32317-2519

**BIDS MUST BE CONTAINED IN A SEALED ENVELOPE
ADDRESSED TO THE FLORIDA SHERIFFS
ASSOCIATION. INDICATE ON THE OUTSIDE OF THE
ENVELOPE THE BID NUMBER, TITLE, OPENING DATE
AND TIME. ALL BIDS MUST BE RECEIVED ON OR
BEFORE THE DATE AND TIME NOTED ABOVE.**

ALL QUESTIONS PERTAINING TO THIS BID, SHOULD BE DIRECTED TO GARY PERKINS WITH THE FLORIDA SHERIFFS ASSOCIATION AT (850)877-2165.

Section XII Miscellaneous

DEPARTMENT OF BANKING AND FINANCE

NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following applications and/or other notice. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Chapter 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., August 24, 2001):

APPLICATION WITHDRAWN

Application to Acquire Control

Financial Institution to be Acquired: First Western Bank, Cooper City, Florida 33330

Proposed Purchaser: Milstar Financial Inc., a Florida Corporation, Miami Beach, Florida 33141

Withdrawn: July 19, 2001

APPLICATION TO CONVERT A FEDERAL CREDIT UNION TO A FLORIDA CREDIT UNION

Applicant and Location: Eastern Financial Federal Credit Union, 3700 Lakeside Drive, Broward County, Miramar, Florida

With Title: Eastern Financial Credit Union Correspondent: Robert A. Vale, Sr. Legal Counsel, Eastern Financial Federal Credit Union.

Received: July 24, 2001

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: Gulf State Credit Union, 9405 S. Highway 17-92, Maitland, Florida 32751

Expansion Includes: Employees of Pro Image Solutions

Received: July 23, 2001

IN RE:

INVESTOR'S ASSOCIATES, INC.; Administrative Proceeding
Dorothy Buckingham, No. 3078-S-02/01
Respondent.

NOTICE OF INTENT TO ENTER A FINAL ORDER GRANTING RECOVERY

FROM THE SECURITIES GUARANTY FUND

The State of Florida Department of Banking and Finance, Division of Securities and Investor Protection ("Department"), being authorized and directed to administer and to accept and pay claims against the Securities Guaranty Fund ("Fund"), codified in Sections 517.131, 517.141, and 517.151, Florida Statutes, does hereby give NOTICE of its intention to enter a Final Order GRANTING the application of the claimant for payment from the Fund for alleged violations of the Florida Securities and Investor Protection Act by Respondent, Investor's Associates, Incorporated.

The Securities Guaranty Fund is disbursed as provided in Section 517.141, Florida Statutes, to a person who is adjudged by a court of competent jurisdiction to have suffered monetary damages as a result of a dealer, investment advisor, or associated person having violated Sections 517.07 or 517.301, Florida Statutes.

STATEMENT OF FACTS

1. On January 16, 2001, the Department received a letter from Dennis Hernandez, attorney for Dorothy Buckingham ("Claimant"), informing the Department that her client was seeking payment from the Fund. The letter was accompanied by a copy of an NASD arbitration award against Respondent in favor of Claimant, and the letter attested to Claimant's inability to recover from Respondent.

2. The NASD arbitration award was based on the Respondent's failure to supervise the fraudulent actions of its broker, James Reid.

3. On June 6, 2001, the Department received a conformed copy of a Final Judgment entered by the Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County confirming the NASD award.

4. The final judgment entered by the Thirteenth Circuit awarded \$23,380.00 in compensatory damages, plus interest and attorney's fees.

5. Investor's Associates, Incorporated was registered pursuant to Chapter 517, Florida Statutes at all relevant times.

6. The events upon which the NASD award was based took place after 1979.

CONCLUSIONS OF LAW

7. The Florida Securities and Investor Protection Act ("Act") charges the Department with the responsibility and duty to administer the Fund, this includes the duty to approve or deny applications for payment from the Fund in accordance with Section 517.141(3)(a) of the Florida Statutes.

8. Sections 517.131 and 517.141, Florida Statutes set forth the requirements for perfecting a claim to the Fund.

9. Pursuant to Section 517.141(1), Florida Statutes, Claimant is limited to recovering the amount equal to the unsatisfied portion of her judgment or \$10,000, whichever is less.

10. Pursuant to Section 517.141(2), Florida Statutes, total claims against Respondent may not exceed \$100,000, and Claimant's claim will be prorated based upon the ratio of her claim to the total of all claims filed.

11. Pursuant to Section 517.141(3), Florida Statutes, no payment shall be made from the Fund until two years after that claim or any prior claim against the same party has been determined by the Department to be eligible for payment from the Fund. Accordingly, the Department concludes that no payment shall be made in connection with this claim until two years from the date of entry of the first Final Order regarding respondents. Further, any additional or potential claims submitted to or approved by the Department as against respondent during the two year period shall be cause for further proration in accordance with Section 517.141(2), Florida Statutes.

12. Based on the foregoing Statement of Facts, the Department concludes that the Claimant has satisfied the requirements of Sections 517.131 and 517.141, Florida Statutes.

PROPOSED FINAL ORDER

Upon consideration of the factual statement set forth above and applicable law, NOTICE is hereby given that the Department intends to issue a Final Order substantially as follows, subject only to the attached notice of rights:

1. No payment from the Fund shall be made until after the expiration of two years from the date of the Final Order.

2. Upon expiration of such two year period, provided that no further claims are received or approved by final order by the Department alleging violations of the Act by respondents, and subject to further proration and limitation as may be required by Section 517.141, Florida Statutes, the Department shall pay Dorothy Buckingham the sum of \$10,000 from the Florida Securities Guaranty Fund.

NOTICE OF RIGHTS

Notice is hereby given that Respondent may request a hearing on this Notice Of Intent To Enter A Final Order Granting Recovery From The Securities Guaranty Fund to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. Requests for such a hearing must comply with the provisions of Rule 28-106.201 or Rule 28-106.301, Florida Administrative Code (2000), and must be filed with:

Clerk
Department of Banking and Finance
Suite 526, The Fletcher Building
101 East Gaines Street
Tallahassee, FL 32399-0350
(850)488-9896

Requests must be filed within twenty-one (21) days after Respondent's receipt of a copy of this Notice of Intent. Should the Respondent request such a hearing, Respondent has the right to be represented by counsel or other qualified representative; to offer testimony, either written or oral; to call and cross-examine witnesses; and to have subpoenas and subpoenas duces tecum issued on his behalf. The failure to timely request a hearing shall be deemed a waiver of all rights to such hearing and the Department shall issue a final order without a hearing. Pursuant to Sections 120.573, Florida Statutes (2000), Claimant is further advised that mediation is not available.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20th day of June, 2001, a true and correct copy of this Notice of Intent to Deny Recovery from the Securities Guaranty Fund was sent by CERTIFIED U. S. MAIL/RETURN RECEIPT REQUESTED to the individual listed below.

Paul Forsythe
Investor's Associates, Inc.
411 Hackensack Avenue
Continental Plaza
Hackensack, NJ 07601

Peter G. Fisher
Assistant General Counsel
Department of Banking and Finance
Suite 526, The Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399
(850)410-9896

DEPARTMENT OF INSURANCE

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL
CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA

CASE NO.: 01-1254

In Re: The Receivership of FORTUNE INSURANCE
COMPANY, a Florida corporation.

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND
CLAIMANTS HAVING BUSINESS WITH FORTUNE
INSURANCE COMPANY.

You are hereby notified that by order of the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, entered the 6th day of July, 2001, the Department of Insurance

of the State of Florida was appointed as Receiver of FORTUNE INSURANCE COMPANY, and was ordered to liquidate the assets located in Florida of said company.

Policyholders, claimants, creditors, and other persons in this State having claims against the assets of FORTUNE INSURANCE COMPANY, shall present such claims to the Receiver on or before 11:59 p.m. July 6, 2002, or such claims shall be forever barred.

Requests for forms for the presentation of such claims and inquiries concerning this Receivership should be addressed to: The Division of Rehabilitation and Liquidation of the Florida Department of Insurance, Receiver for FORTUNE INSURANCE COMPANY, Post Office Box 110, Tallahassee, Florida 32302-0110.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

FOR IMMEDIATE RELEASE

FOR INFORMATION

Mike Humphrey, (850)414-8602

FEDERAL GRANTS AVAILABLE FOR URBAN FORESTRY PROGRAMS

TALLAHASSEE – Florida Agriculture Commissioner Charles Bronson today announced that \$526,232 in federal funds will be available to local governments, Native-American tribal governments, educational institutions, and legally organized nonprofit (volunteer) organizations to develop or enhance urban and community forestry programs.

The grant funds are part of the federal government's Urban and Community Forestry Matching Grant Program. The federal funds will be administered by the Florida Department of Agriculture and Consumer Services, Division of Forestry. Awards will be made as 50-50 matching grants (50 percent federal, 50 percent applicant) in five grant categories:

- Local Government Program Development
- Demonstration or Site-Specific Projects
- Nonprofit Administration
- Information and Education Projects
- Urban Forestry or Arboricultural Training

A maximum of \$10,000 will be awarded to successful applicants for tree-planting projects, and a maximum of \$5,000 will be awarded for information and education projects. Nonprofits staffing grants will be limited to three years. Otherwise, the maximum award is \$25,000 for applicants who have never received these grants and \$15,000 for previous urban and community forestry grant recipients. The closing date for applying is September 21, 2001 at 2:30 p.m. To request a grant application, contact:

Florida Department of Agriculture and
Consumer Services
Purchasing Office
Mayo Building, Room SB-8
Tallahassee, FL 32399-0800
Telephone (850)488-7552

DEPARTMENT OF COMMUNITY AFFAIRS

DCA Final Order No. DCA01-OR-108

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY MONROE COUNTY
ORDINANCE NO. 025-2001

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) & (11), and § 380.0552(9), Fla. Stat. (2000), regarding a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. On June 22, 2001, the Department received for review Monroe County Ordinance No. 025-2001 which was adopted by the Monroe County Board of County Commissioners ("Ord. 025-2001"). Ord. 025-2001 amends section 9.5-281 of the Monroe County Code to reduce the side setback requirements for the Urban Residential Mobile Home (UR-M) zoning district from 10/20 feet to 5/10 feet for lots less than fifty feet wide, and to 10/15 for lots fifty feet wide or greater.

2. Ord. 025-2001 is consistent with the County's Comprehensive Plan.

CONCLUSIONS OF LAW

3. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) & (11), and § 380.0552(9), Fla. Stat. (2000).

4. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2000) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

5. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2000). The regulations adopted by Ord. 025-2001 are land development regulations.

6. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles"). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2000).

7. Ord. 025-2001 promotes and furthers Principle (a), "To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation;" and Principle (j), "To make available adequate affordable housing for all sectors of the population of the Florida Keys."

8. Ord. 025-2001 is not inconsistent with the remaining Principles. §380.0552(7), Fla. Stat. (2000). Ord. 025-2001 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 025-2001 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

/s/ _____
J. THOMAS BECK, DIRECTOR
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT

WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 19th day of July, 2001.

/s/ _____
Paula Ford, Agency Clerk

By U.S. Mail:
Honorable George Neugent
500 Whitehead Street
Key West, Florida 33040

Danny L. Kolhage
Clerk to the Board of County Commissioners
500 Whitehead Street
Key West, Florida 33040

Timothy J. McGarry, AICP
Director, Growth Management Division
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

By Hand Delivery or Interagency Mail:
Michael McDaniel, Growth Management Administrator, DCA
Tallahassee
Rebecca Jetton, DCA Florida Keys Field Office
David Jordan, Deputy General Counsel, DCA Tallahassee

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for the Relocation of a
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that American Suzuki Motor Corporation's intends to allow the relocation of Team Savage, Inc., d/b/a Cycle Springs, as a dealership for the sale of Suzuki motorcycles, from its present location at 37182 U.S. 19 North, Palm Harbor, Florida 34684-1109 to a proposed location at 29703 U.S. 19 North, Palm Harbor, FL 34684, on or after August 3, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Team Savage, Inc., d/b/a Cycle Springs are: dealer operator(s) and principal investor(s): Marty Skapik, 491 Hammock Drive, Palm Harbor, FL 34683, and Noel Hughes, 2132 Cedar Drive, Dunedin, FL 34698.

The notice indicates an intent to relocate the franchise 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, 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: Steve Barth, Dealer Network Manager, American Suzuki Motor Corporation, 3251 E. Imperial Highway, P. O. Box 1100, Brea, CA 92822-1100.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation 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, Daimler Chrysler Motors Corp., intends to allow the establishment of T.T. of Commercial, Inc., d/b/a Sawgrass Chrysler Jeep as a dealership for the sale of Chrysler and Jeep motor vehicles, at a location in the city of Tamarac, Broward County, Florida, which is 450 feet north of the intersection of State street and West Commercial Boulevard. State Street is approximately 900 feet east of the intersection of West Commercial Boulevard and the Sawgrass Expressway. The legal description of this property is as follows:

A portion of Tract B, Westpoint Section 7 Plat, according to the plat thereof recorded in Plat Book 162 Page 23, of the Public Records of Broward County, Florida, more particularly described as follows: commence at the southeast corner of the southwest one-quarter (S.W. 1/4) of Section 7, Township 49 South, Range 41 East;

Thence 5.89°07'00"W., along the south line of the said Southwest one-quarter (S.W. 1/4) a distance of 142.53 feet; Thence N.00°53'00"W., a distance of 60.00 feet, to a point on the south line of said Tract B; Thence N. 44°11'07"E., a distance of 49.44 feet; Thence N. 82°34'09"E., a distance of 28.19 feet; Thence N. 00°44'46"W., a distance of 147.99 feet; Thence N.03°21'27"W., a distance of 219.48 feet; Thence N. 00°44'46"W., a distance of 470.88 feet, to the point of

beginning; Thence continue N.00°44'46"W., a distance of 255.69 feet, to a point on the arc of a tangent curve concave to the southeast; Thence northerly and northeasterly along the arc of said curve to the right, having a central angle of 42°10'30" and a radius of 110.00, feet for an arc distance of 80.97 feet; Thence N.48°34'16"W., a distance of 10.50 feet; Thence N. 62°29'43"W., a distance of 244.14 feet; Thence S.00°40'20"E., a distance of 13.86 feet; Thence S.66°02'04"W., a distance of 726.55 feet; Thence S.81°30'48"W., a distance of 78.03 feet; Thence S.00°24'54"E., a distance of 329.25 feet, to a point on the east right-of-way line on the Sawgrass Expressway; Thence S17°47'39"E., along said east right-of-way line, a distance of 46.96 feet; Thence east, a distance of 985.32 feet, to the point of beginning. Said lands situate within Broward County, Florida, containing 9.32 acres (405,770 square feet), more or less.

The name and address of the dealer operator(s) and principal investor(s) of T.T. of Commercial, Inc., d/b/a Sawgrass Chrysler Jeep are: dealer operator(s): Mr. Cory Fairbanks, 515 East Las Olas Blvd., Suite 900, Ft. Lauderdale, FL 33301 and principal investor(s): Mr. Terry Taylor, 515 East Las Olas Blvd. Suite 900, Ft. Lauderdale, FL 33301.

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: J. J. Browne, Zone Manager, Daimler Chrysler Motors Corporation, 8000 South Orange Blossom Trail, Orlando, FL 32809

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

AGENCY FOR HEALTH CARE ADMINISTRATION

CERTIFICATE OF NEED EXEMPTIONS

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Palm Beach District: 9
ID #: 0000275 Decision: A Issue Date: 7/12/2001
Facility/Project: JFK Medical Center

Applicant: Columbia/JFK Medical Center, L.P.

Project Description: Add 37 acute care beds to 367 existing acute care beds

Proposed Project Cost: \$6,000,000 Equipment Cost:
County: Hillsborough District: 6
ID #: 0000276 Decision: D Date: 7/18/2001

Facility/Project: Brandon Regional Hospital

Applicant: Galencare, Inc.

Project Description: Add 22 acute care beds to 218 existing acute care beds

Proposed Project Cost: \$0 Equipment Cost:
County: Hillsborough District: 6
ID #: 0100002 Decision: A Issue Date: 7/18/2001

Facility/Project: Brandon Regional Hospital

Applicant: Galencare, Inc.

Project Description: Delicense 15 hospital-based skilled nursing unit beds and add 15 acute care beds

Proposed Project Cost: \$0 Equipment Cost:
County: Seminole District: 7
ID #: 0100004 Decision: A Issue Date: 7/18/2001

Facility/Project: Lutheran Haven

Applicant: Lutheran Haven, Inc.

Project Description: Construct a 42-bed community nursing home facility on the same site as the existing facility

Proposed Project Cost: \$5,458,615 Equipment Cost:
AHCA Purchase Order Number S5900I00310.

CERTIFICATE OF NEED RECEIPT OF EXPEDITED APPLICATIONS

The Agency For Health Care Administration received the following Certificate of Need applications for expedited review:

County: Duval Service District: 4
Facility/Project: Baptist Medical Center/Wolfson Children's Hospital

Applicant: Southern Baptist Hospital of Florida, Inc.

Project Description: Convert 24 adult psy, 8 child/adoles psy and 6 adult substance abuse to 38 acute beds

AHCA Purchase Order Number S5900I0310.

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for nursing home facilities participating in the Florida Medicaid Program.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for nursing home facilities, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Title XIX Long-Term Care Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

PROPOSED RATES: Effective September 1, 2001, the proposed rates for Medicaid nursing home reimbursement will be rates resulting from the current methodology used to calculate per diem rates except for the following:

1. Changes of ownership or of licensed operator do not qualify for increases in reimbursement rates associated with the change of ownership or of licensed operator. The Agency will provide that the initial nursing home reimbursement rates, for the operating, patient care, and MAR components, associated with related and unrelated party changes of ownership or licensed operator filed on or after September 1, 2001, are equivalent to the previous owner's reimbursement rate.

METHODOLOGIES: The methodology underlying the establishment of the proposed rates for Medicaid nursing facilities will be rates resulting from the current methodology used to calculate reimbursement rates, except that it will include the following changes:

1. Changes of ownership or of licensed operator do not qualify for increases in reimbursement rates associated with the change of ownership or of licensed operator. The Agency will provide that the initial nursing home reimbursement rates, for the operating, patient care, and MAR components, associated with related and unrelated party changes of ownership or licensed operator filed on or after September 1, 2001, are equivalent to the previous owner's reimbursement rate.

JUSTIFICATION: The justification for the proposed rate change is provided in Section 5 of Senate Bill 792 of the 2001-2002 Legislative Session.

The Agency is proposing the above rates and changes in methodology, effective September 1, 2001. Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: John Owens, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308. Written comments should be submitted no later than August 13, 2001.

Copies of the proposed reimbursement plan incorporating the above changes may be obtained by contacting John Owens, Medicaid Cost Reimbursement Section, at the address above.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

**NOTICE OF PUBLIC OPPORTUNITY
TO INSPECT AND COMMENT ON
A FINAL ENVIRONMENTAL IMPACT STATEMENT
A PROPOSED NOTICE OF SALE, AND
A COASTAL ZONE CONSISTENCY DETERMINATION
REGARDING OUTER CONTINENTAL SHELF
OIL AND GAS LEASE SALE 181
IN THE EASTERN GULF OF MEXICO PLANNING AREA**

Interested persons are hereby given notice that a Final Environmental Impact Statement (FEIS), a proposed notice of sale, and the coastal zone consistency determination for outer continental shelf oil and gas Lease Sale 181 in the Eastern Gulf of Mexico Planning Area, are being reviewed by the State of Florida. These documents are available for inspection at the Florida Department of Environmental Protection (FDEP), Office of Intergovernmental Programs, Room 953, Douglas Building, 3900 Commonwealth Boulevard, Mail Station 47, Tallahassee, Florida 32399-3000. Written comments regarding the size, timing and location of Lease Sale 181 and its consistency with the Florida Coastal Management Program are being solicited and will be included as part of the state's review if submitted to FDEP at the address listed above by August 7, 2001. Contact Carliane Johnson, FDEP Office of Intergovernmental Programs, (850)487-2231, if additional review time is needed. This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Department of Children and Family Services has conducted a survey to determine the need for new medication (methadone) treatment service providers, pursuant to section 397.427, Florida Statutes, and administrative rules adopted thereunder. The specific service to be added is outpatient methadone maintenance treatment. The results of the survey indicate that the need for additional outpatient methadone maintenance treatment has been established in the following districts:

District 7 and District 11

Prospective applicants for a license to operate outpatient methadone maintenance treatment in District 7 and District 11, may direct requests for an application for licensure to the following:

District 7
Department of Children and Family Services
Alcohol, Drug Abuse, and Mental Health
Program Office
400 West Robinson Street
Hurstons Building, S-430
Orlando, Florida 32801
Attention: Rick McEntire

District 11

Department of Children and Family Services
Alcohol, Drug Abuse, and Mental Health
Program Office

401 N. W. 2nd Avenue, Room N-812
Miami, Florida 33128

Attention: David Raymond

Each application will be subject to review by the district and rated in accordance with specific criteria established for that purpose.

The closing date for submitting applications for licensure to the aforementioned districts is Friday, September 28, 2001, 5:00 p.m., Eastern Standard Time.

Copies of the assessment report may be obtained from:

Department of Children and Family Services
Substance Abuse Program Office

1317 Winewood Boulevard

Building 6, Room 306

Tallahassee, Florida 32399-0700

CITY OF CLEWISTON

MUNICIPAL UTILITIES DIRECTOR – City of Clewiston, FL. (Population 6,500), an agricultural community, located in South Florida, nestled on the southwestern shores of Lake Okeechobee, 60 miles, from West Palm Beach on the Atlantic Ocean and Fort Myers on the Gulf of Mexico, is seeking a director for its municipal utilities system. The successful candidate will be responsible for the daily operation, maintenance, and planning of the City's electric, water, and sewage departments. The City's electrical utility consists of 455 commercial, one industrial, and 3,309 residential accounts. System territory is five square miles. Requirements: bachelor's degree in electrical engineering, related field or equivalent experience in municipal electrical utility required. Must possess strong management, supervisory, organizational and employee relations skills. Must have three years electric utility experience including distribution and substation maintenance. Salary negotiable. Please submit resume and three references with telephone numbers to Sharon Bosley, Human Resources, City of Clewiston, 115 West Ventura Avenue, Clewiston, FL 33440. Position open until filled. EOE/ADA/DFWP

Section XIII

Index to Rules Filed During Preceding Week

RULES FILED BETWEEN July 16, 2001 and July 20, 2001

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF EDUCATION

University of South Florida

6C4-1.005	7/19/01	8/8/01	Newspaper	
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DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

Unemployment Appeals Commission

38E-2.002	7/18/01	8/7/01	27/20	27/25
38E-2.003	7/18/01	8/7/01	27/20	27/25
38E-3.007	7/18/01	8/7/01	27/20	27/25
38E-5.003	7/18/01	8/7/01	27/20	27/25
38E-5.004	7/18/01	8/7/01	27/20	27/25
38E-5.005	7/18/01	8/7/01	27/20	27/25

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF ELDER AFFAIRS

Administration of Federal Aging Programs

58A-1.010	7/17/01	8/6/01	27/23	
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Community Care for the Elderly

58C-1.008	7/17/01	8/6/01	27/23	
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Administration of the Alzheimer's Disease Initiative

58D-1.007	7/17/01	8/6/01	27/23	
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Home Care for the Elderly

58H-1.009	7/17/01	8/6/01	27/23	
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AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid Program Office

59G-4.010	7/16/01	8/5/01	27/16	27/24
59G-4.030	7/16/01	8/5/01	27/16	27/21
59G-4.230	7/16/01	8/5/01	27/16	27/21
59G-4.231	7/16/01	8/5/01	27/16	27/21
59G-5.020	7/17/01	8/6/01	27/19	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
DEPARTMENT OF ENVIRONMENTAL PROTECTION					64B19-13.002	7/16/01	8/5/01	27/20	
62-204.800	7/18/01	8/1/01	27/22		64B19-13.003	7/16/01	8/5/01	27/20	
DEPARTMENT OF HEALTH					64B19-13.005	7/16/01	8/5/01	27/20	
Board of Medicine					64B19-15.001	7/16/01	8/5/01	27/20	
64B8-51.001	7/20/01	8/9/01	27/23		64B19-15.003	7/16/01	8/5/01	27/20	
64B8-55.001	7/19/01	8/8/01	27/21		Division of Environmental Health and Statewide Program				
Board of Optometry					64E-5.101	7/17/01	8/6/01	27/17	
64B13-4.005	7/18/01	8/7/01	27/17		64E-5.210	7/17/01	8/6/01	27/17	27/25
Board of Psychology					64E-5.601	7/17/01	8/6/01	27/17	
64B19-11.001	7/16/01	8/5/01	27/20		64E-5.603	7/17/01	8/6/01	27/17	
64B19-11.005	7/16/01	8/5/01	27/20		64E-5.606	7/17/01	8/6/01	27/17	
64B19-11.007	7/16/01	8/5/01	27/20		64E-5.626	7/17/01	8/6/01	27/17	
64B19-12.002	7/19/01	8/8/01	27/20		64E-5.627	7/17/01	8/6/01	27/17	
64B19-12.003	7/19/01	8/8/01	27/20		64E-5.630	7/17/01	8/6/01	27/17	
64B19-12.0041	7/19/01	8/8/01	27/20		FISH AND WILDLIFE CONSERVATION COMMISSION				
64B19-12.005	7/19/01	8/8/01	27/20		Marine Fisheries				
64B19-12.007	7/19/01	8/8/01	27/20		68B-13.006	7/16/01	8/5/01	27/24	
64B19-12.0085	7/19/01	8/8/01	27/20		68B-38.003	7/16/01	8/5/01	27/21	
64B19-12.009	7/19/01	8/8/01	27/20						
64B19-13.001	7/16/01	8/5/01	27/20						

Section XIV List of Rules Affected

This "List of Rules Affected" is a cumulative list of all rules which have been proposed but not filed for adoption. Beginning with the February 2, 1996 issue, the list will be published monthly for the period covering the last eight weeks.

w – Signifies Withdrawal of Proposed Rule(s)

c – Rule Challenge Filed

v – Rule Declared Valid

x – Rule Declared Invalid

d – Rule Challenge Dismissed

dw – Dismissed Upon Withdrawal

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
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STATE

1B-2.011 27/22

1B-24.002 26/43

1C-3.134 27/3

1C-3.138 27/3

1C-3.140 27/3

27/26w

27/26w

27/26w

LEGAL AFFAIRS

2-37 27/15

BANKING AND FINANCE

3-1 26/43c

27/2c

3C-1.022 21/25

3C-100.970 27/17

3C-560.704 27/7

3C-560.803 27/7

27/18c

3C-560.805 27/7

27/19c

3E-500.017 27/16

27/29

3F-5.0021 27/25

3F-5.006 27/30

3F-7.011 27/10

3F-7.012 27/10

27/21

27/24

3F-7.013 27/10

3F-8.006 27/19

3F-10.002 27/10

3F-10.003 26/47

27/23

27/24

27/10c

3F-11.003 27/19

27/26

INSURANCE

4ER01-1

27/28

Rule No.

Proposed
Vol./No.

Amended
Vol./No.

Adopted
Vol./No.

4ER01-2

27/28

4ER01-3

27/28

4ER01-4

27/28

4ER01-5

27/28

4ER01-6

27/28

4ER01-7

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4ER01-8

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4ER01-9

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4ER01-10

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4ER01-22

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4-1

26/44c

27/16c

27/18c

4-5.074

27/15

4-124.003

27/17

27/24

4-124.004

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4-124.005

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4-124.006

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4-124.007

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4-124.009

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4-124.012

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4-124.026

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4-128.001

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4-128.024

27/30

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
4-141.0016	21/2c			4-149.104	23/45	24/31	
4-149	24/3c					26/12	
	24/3c					26/22	
4-149.001	23/45	26/22			24/3c		
	24/46	26/22			24/3c		
4-149.002	23/45	26/22			24/46	26/22	
	24/46	26/22		4-149.105	23/45	24/31	
4-149.003	23/45	26/22				26/12	
	24/46	26/22				26/22	
4-149.004	23/45	26/22			24/3c		
	24/46	26/22			24/3c		
4-149.005	23/45	26/22			24/46	26/22	
	24/46	26/22		4-149.106	23/45	24/31	
4-149.006	23/45	26/22				26/12	
	24/46	26/22				26/22	
4-149.007	23/45	26/22			24/3c		
	24/46	26/22			24/3c		
4-149.008	23/45	26/22			24/46	26/22	
	24/46	26/22		4-149.107	23/45	24/31	
4-149.009	23/45	26/22				26/12	
	24/46	26/22				26/22	
4-149.010	23/45	26/22			24/3c		
	24/46	26/22			24/3c		
4-149.020	23/45	26/22			24/46	26/22	
	24/46	26/22		4-149.108	23/45	24/31	
4-149.021	23/45	26/22				26/12	
	24/46	26/22				26/22	
4-149.022	23/45	26/22			24/3c		
	24/46	26/22			24/3c		
4-149.023	23/45	26/22			24/46	26/22	
	24/46	26/22		4-149.109	23/45	24/31	
4-149.024	23/45	26/22				26/12	
	24/46	26/22				26/22	
4-149.035	23/45	26/22			24/3c		
	24/46	26/22			24/3c		
4-149.101	23/45	24/31			24/46	26/22	
	24/3c			4-149.110	23/45	24/31	
	24/3c					26/12	
	24/46	26/22				26/22	
4-149.102	23/45	24/31			24/3c		
		26/12			24/3c		
		26/22			24/46	26/22	
	24/3c			4-149.1105	23/45	24/31	
	24/3c				24/3c		
	24/46	26/22		4-149.111	23/45	24/31	
4-149.103	23/45	24/31				26/12	
		26/12				26/22	
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	24/3c				24/3c		
	24/3c				24/46	26/22	
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	24/3c			4-154.112(1)(b)	27/17c		
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4-149.113	24/3c			4-154.403	26/25		
	24/3c			4-154.404	26/25		
4-149.114	24/3c			4-154.405	26/25		
4-149.115	24/3c			4-154.406	26/25		
4-149.116	24/3c			4-154.407	26/25		
4-149.117	24/3c			4-154.4071	26/25		
4-149.118	24/3c			4-154.408	26/25		
4-149.119	24/3c			4-154.411	26/25		
4-149.120	23/45	24/31 26/12 26/22		4-154.412	26/25		
	24/3c			4-154.502	26/25		
	24/3c			4-154.503	26/25		
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4-149.121	23/45	24/31 26/12 26/22		4-154.506	26/25		
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	24/3c			4-154.508	26/25		
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4-149.122	23/45	24/31 26/12 26/22		4-154.517	26/25		
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4-149.123	23/45	24/31 26/12 26/22		4-157.022(1),(2)(c),(4)	23/52c		27/26d
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4-149.125	24/3c			4-166.020	27/22		
4-149.126	24/3c			4-166.022	27/22		
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4-149.129	24/3c			4-166.027	27/17		
4-149.130	24/3c			4-166.028	27/17		
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4-149.131	24/3c			4-167.002	27/14		
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4-149.133	24/3c			4-184.011	27/27		
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4-186.003	27/21			4A-36.100	27/12		27/27
4-186.006	27/21			4A-36.101	27/12		27/27
4-186.008	27/21			4A-36.102	27/12		27/27
4-186.012	27/21			4A-36.103	27/12		27/27
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4-193.065	26/41			4A-36.107	27/12		27/27
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4-203.029	27/21			4A-37.036	27/26		
4-203.033	27/21			4A-37.037	27/26		
4-203.038	27/21			4A-37.0371	27/26		
4-211.0031	27/11	27/15		4A-37.0385	27/26		
4-211.031	27/11		27/24	4A-37.039	27/26		
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4-228.055	26/35			4A-37.0527	27/26		
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4A-3.011	27/12			4A-37.065	27/26		
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4A-21.103	27/14	27/26		4A-38.023	27/12		27/27
4A-21.104	27/14	27/26		4A-38.024	27/12		27/27
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4A-21.113	27/14	27/26		4A-39.010	27/26		
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4A-52.003	27/12	27/27		4H-2.008	26/43	27/17	27/25
4A-52.004	27/12	27/27		4H-2.009	26/43	27/11	27/25
4A-53.003	27/12		27/27			27/17	27/25
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4A-54.004	27/12			4K-1.001	27/8		
4A-54.006	27/12	27/27		4K-1.002	27/8		
4A-54.007	27/12			4K-1.003	27/8	27/12	
4A-55.002	27/12		27/27	4K-1.004	27/8		
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5F-11.013	27/20	27/27		9B-1.002	27/12		
5K-5.014	27/27			9B-1.003	27/12		
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6A-1.0453	27/17		27/26	9B-1.011	27/12	27/28	
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6A-4.00821	27/19		27/28	9B-1.026	27/12	27/28	
6A-4.01761	27/28			9B-1.027	27/12	27/28	
6A-6.03012	27/28			9B-1.028	27/12	27/28	
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6C1-1.0062	Newspaper		27/27	9B-72.080	27/31		
6C1-2.005	Newspaper		27/27	9B-72.090	27/31		
6C1-2.012	Newspaper		27/27	9B-72.100	27/31		
6C1-2.0161	Newspaper		27/27	9B-72.110	27/31		
6C1-3.007	Newspaper		27/28	9B-72.120	27/31		
6C1-4.006	Newspaper		27/27	9B-72.130	27/31		
6C1-5.076	Newspaper		27/26	9B-72.160	27/31		
6C1-5.0761	Newspaper		27/26	9B-72.170	27/31		
6C1-5.0763	Newspaper		27/26	9B-72.180	27/31		
6C1-6.011	Newspaper		27/28	9B-72.190	27/31		
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9K-7.009	27/14	27/19	27/25	11B-35.006	27/17		27/30
9K-7.010	27/14		27/25	11B-35.007	27/17		27/30
9K-7.011	27/14		27/25	11B-35.008	27/17		27/30
9K-7.012	27/14		27/25	11B-35.010	27/17		27/30
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11B-20.001	27/17		27/30	11D-8.015	27/17		27/30
11B-20.0012	27/17		27/30	11D-8.016	27/17		27/30
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11B-20.0015	27/17		27/30	11G-2.004	27/17		27/30
11B-20.0016	27/17		27/30	11G-2.006	27/17		27/30
11B-20.0017	27/17		27/30	11N-1.001	27/30		
11B-20.0018	27/17		27/30	11N-1.002	27/30		
11B-21.005	27/17		27/30	11N-1.0021	27/30		
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11B-27.006	27/17		27/30	11N-1.004	27/30		
11B-27.013	27/17		27/30	11N-1.005	27/30		
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62-522.300	27/22	27/28		62D-5.073	27/15		27/28
62-524.400	20/45			62D-5.074	27/15		27/28
62-528.605	27/22	27/28		62N-3.002	21/43		
62-550.310	20/47			62N-36.004	21/43		
62-550.730	20/19			62R-7.002	21/17		
62-561.100	24/52			62R-7.010	23/34		
62-610.814	24/52			62R-7.020	21/17		
62-621.200	21/52			62R-7.022	21/17		
62-699.311	27/18		27/26	62R-7.025	21/17		
62-701	22/42c			62R-7.026	21/17		
62-707.500	22/30			62R-7.028	21/17		
62-712.100	21/34				22/47		
62-712.200	21/34			62R-7.032	21/17		
62-712.300	21/34			62R-9.001	27/13		27/27
62-712.400	21/34			62R-9.002	27/13		27/27
62-712.410	21/34			62R-9.003	27/13		27/27
62-712.420	21/34			62R-9.004	27/13		27/27
62-712.430	21/34			62R-9.005	27/13		27/27
62-712.440	21/34			62R-9.006	27/13		27/27
62-712.450	21/34			62R-9.007	27/13		27/27
62-712.460	21/34			62R-9.008	27/13		27/27
62-712.500	21/34			62R-9.009	27/13		27/27
62-712.800	21/34			62S-3.001	27/30		
62-712.810	21/34			62S-3.002	27/30		
62-712.900	21/34			62S-3.003	27/30		
62-730.050	23/7						
62-761.891	24/14						
62-771.300	21/52						
62-775.500	21/52	22/15		63E-2.004	27/28		
62-788.400	25/5			63E-2.007	27/28		
62B-26.011	26/51	27/11		63E-2.008	27/28		
62B-33.002	27/11	27/20	27/26	63E-2.009	27/28		
62B-33.0051	27/11	27/20	27/26	63E-2.010	27/28		
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63E-2.018	27/28			64B5-15.009	27/30		
63E-2.019	27/28			64B5-15.010	27/30		
63E-2.020	27/28			64B5-15.011	27/30		
63E-2.021	27/28			64B5-15.012	27/30		
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64B-2.002	27/25	27/29		64B8-4.004	27/20		27/27
64B-2.003	27/25			64B8-4.009	27/20		27/27
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64B1-6.005	26/50			64B8-40.003	27/15		27/24
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64B3-11.004	26/38	27/14				27/24	
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64B4-6.0013	25/32			64B11-4.007	27/31		
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64B5-13.001	27/30			64B13-4.005	27/17		27/31
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64B15-12.007	26/51	27/29		64B21-502.004	27/21	27/31	
64B15-14.006	27/31			64B21-502.005	27/21	27/31	
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64B18-17.001	27/29			64E-5.214	27/30		
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64B19-11.007	27/20		27/31	64E-5.223	27/30		
64B19-11.009	27/30			64E-5.224	27/30		
64B19-12.002	27/20		27/31	64E-5.225	27/30		
64B19-12.003	27/20		27/31	64E-5.226	27/30		
64B19-12.0041	27/20		27/31	64E-5.401	27/18		
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64B19-12.009	27/20		27/31	64E-5.405	27/18		
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64B21-501.006	27/21	27/29		64E-5.420	27/18		
64B21-501.0065	27/21	27/29		64E-5.421	27/18		
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64B21-501.009	27/21			64E-5.424	27/18		
64B21-501.010	27/21			64E-5.425	27/18	27/30	
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64E-5.430	27/18			65C-23.002	27/17		27/29
64E-5.431	27/18	27/30		65C-27.001	27/17		27/30w
64E-5.432	27/18	27/30			27/30		
64E-5.433	27/18	27/30		65C-27.002	27/17		27/30w
64E-5.434	27/18	27/30			27/30		
64E-5.435	27/18	27/30		65E-2.003	26/20	26/28	
64E-5.436	27/18			65E-25.001	27/18	27/31	
64E-5.437	27/18			65E-25.002	27/18	27/31	
64E-5.438	27/18			65E-25.003	27/18	27/31	
64E-5.439	27/18			65E-25.004	27/18	27/31	
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64E-5.441	27/18			65E-25.006	27/18	27/31	
64E-5.601	27/17		27/31	FLORIDA HOUSING FINANCE CORPORATION			
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64E-5.626	27/17		27/31	67-4.011	27/6c		
64E-5.627	27/17		27/31	67-21.019	24/46	24/46	
64E-5.630	27/17		27/31	67-29.002	27/30		
64E-5.901	27/30			67-29.003	27/30		
64E-6.007	25/48			67-29.004	27/30		
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64F-16.001	27/22			67-29.006	27/30		
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65-29.001	27/21			67-29.0072	27/30		
	27/28c			67-29.0073	27/30		
65A-1.205	27/3	27/21	27/30	67-29.0074	27/30		
65A-1.400	25/21c			67-29.0075	27/30		
65A-1.602	27/3		27/30	67-29.0076	27/30		
65A-1.702	27/27			67-29.008	27/30		
65A-1.704	27/29			67-31.002	27/21		27/28
65A-1.705	27/27			67-31.004	27/21		27/28
65A-4.202	27/9		27/24	67-31.005	27/21		27/28
65A-4.206	27/20			67-31.006	27/21		27/28
65A-4.213	25/32			67-31.007	27/21		27/28
65A-4.216	25/32			67-31.008	27/21		27/28
65A-15.0095	26/4			67-31.009	27/21		27/28
65A-33.007	27/16		27/24w	67-31.010	27/21		27/28
65A-33.008	27/16		27/24w	67-32.009	24/28		
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		27/12	27/26	68A-9.004	27/16	27/23	27/29
		27/18	27/26	68A-13.004	27/16		27/26
65C-19.003	26/40	27/18	27/26	68A-13.008	27/16		27/26
65C-19.004	26/40	26/52	27/26	68A-15.005	27/16		27/26
65C-19.005	26/40	26/52	27/26		27/31		
65C-19.006	26/40	26/52	27/26	68A-15.062	27/31		
65C-19.007	26/40	27/18	27/26	68A-15.063	27/16	27/23	27/29
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65C-19.009	26/40	27/12	27/26				

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68B-13.0015	27/16		27/29	68D-23.102	27/4		
68B-13.006	27/24		27/31		27/31		
68B-13.008		26/13	27/29	68D-23.103	27/4	27/19	
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	27/31			68D-23.104	27/4	27/19	
68B-13.009	27/16		27/29		27/31		
68B-13.010	27/16	27/23	27/29	68D-23.105	27/4	27/19	
68B-13.011	27/16		27/29		27/31		
68B-13.012	27/16		27/29	68D-23.106	27/4	27/19	
68B-14.0045	27/19		27/24		27/31		
68B-24.0055	27/16		27/26	68D-23.107	27/4		
68B-24.006	27/16		27/26		27/31		
68B-24.009	27/16		27/26	68D-23.108	27/4		
68B-27.015	27/31				27/31		
68B-35.003	27/16	27/23		68D-23.109	27/4		
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68B-35.004	27/16	27/23		68D-23.110	27/4		
	27/25c				27/31		
68B-35.005	27/16	27/23		68D-23.111	27/4		
	27/25c				27/31		
68B-38.003	27/21		27/31	68D-23.112	27/4	27/19	
68B-39.002	27/31				27/31		
68B-42.001	27/31			68E-9.001	27/16		27/26
68C-22.005	26/7	26/25	27/28	68E-9.002	27/16		27/26
68C-22.005(2)(d)8.	26/13c			68E-9.003	27/16		27/26
68C-22.005(2)(i)	26/13c			68E-9.004	27/16		27/26
68C-22.006	27/16	27/24		68E-9.005	27/16		27/26
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	27/25c			68E-9.007	27/16		27/26
	27/25c			68E-18.002	27/16		27/26
	27/25c			68E-18.004	27/16		27/26
68C-22.018	27/16			68E-18.005	27/16		27/26
68C-22.021	27/16			68E-18.007	27/16		27/26
68D-1.001	27/4			68E-18.009	27/16		27/26
68D-23.003	27/4	27/19					
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