

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF LEGAL AFFAIRS

Florida Elections Commission

RULE CHAPTER TITLE: Practice and Procedure
 RULE CHAPTER NO.: 2B-1

RULE TITLES: Complaints
 RULE NOS.: 2B-1.0025

Minor Violations 2B-1.003
 Hearings Before the Commission 2B-1.004

Fine Imposed; Timely Filed Reports 2B-1.0052

PURPOSE AND EFFECT: Rule 2B-1.0025, F.A.C., is amended to provide: (1) that for a complaint to be considered legally sufficient, it must contain credible evidence supporting specific facts that a person violated election laws over which the Commission has jurisdiction; and (2) that when determining the legal sufficiency of a complaint, the executive director shall consider any document referred to in the complaint, and when determining the legal sufficiency of a complaint alleging a violation of the campaign finance laws, the executive director shall also consider campaign treasurer’s reports on file with the filing officer. Rule 2B-1.0025, F.A.C., also is amended to state that the complaint form, Complaint Form FEC 001, is available on the Commission’s website and the complaint form, Complaint Form FEC 001, is amended and incorporated by reference to indicate that the Commission now has jurisdiction over violations of Section 105.071, F.S., dealing with prohibitions on political activities by judicial candidates.

Rule 2B-1.003, F.A.C., is amended to provide that the following three offenses can be considered minor offenses: (1) an alleged violation of the political advertising requirements which occurred less than 14 days before an election and the complaint does not contain an allegation that the political advertising was either deceptive or influenced the outcome of the election; (2) a candidate or person represents in a political advertisement that a person or an organization supports the candidate before obtaining the written approval of the organization or person; or (3) a person accepts a contribution in excess of the limits prescribed by Section 106.08, F.S., and the excessive contribution was returned to the donor with 14 days of receipt. Rule 2B-1.003, F.A.C., also is amended to delete (2)(q) which implemented minor violations of Section 106.085, F.S., which was found unconstitutional in *Florida Right to Life, Inc. v. Crotty*, No. 98-770-CIV-ORL-19A (M.D. Fla. 1998).

Rule 2B-1.004, F.A.C., dealing with hearings before the Commission is amended to comply with the Uniform Rules and is amended to provide that when a Commissioner or Commissioners hear a case which is not heard by the full

Commission, those Commissioners who heard the case shall not participate in the deliberation or vote of the full Commission. Rule 2B-1.004 also is amended to provide that a clerical mistake in a final order arising from oversight or omission may be corrected by the Commission at any time on its own initiative or on the motion of any party.

SUBJECT AREA TO BE ADDRESSED: The subject of the rules is procedures regarding complaints; minor violations of Chapter 106, Florida Statutes; hearings held before the Commission; and evidence that may be presented at a hearing on the late-filing of a campaign treasurer’s report.

SPECIFIC AUTHORITY: 106.26(1), 106.26(12), 106.24(5) FS.

LAW IMPLEMENTED: 106.25, 106.26(12), 106.24(5), 106.26, 106.26(1) FS.

IF REQUESTED WITHIN 14 DAYS 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., September 5, 2001

PLACE: Room 2002, The Capitol, Tallahassee, Florida 32399-1050

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Phyllis Hampton, General Counsel, Florida Elections Commission, Room 2002, The Capitol, Tallahassee, Florida 32399-1050, telephone (850)922-4539

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

2B-1.0025 Complaints.

(1) Any complaint of alleged violations of the Florida Election Code over which the Florida Elections Commission has jurisdiction shall be filed with the Commission. A complaint form, Complaint Form FEC 001, effective ~~12-3-01~~ ~~1-12-99~~, which is hereby adopted and incorporated by reference, may be obtained by calling the Commission office during normal business hours or by writing to the Commission. The complaint form may also be obtained from the Commission’s website www.fec.state.fl.us.

(2) Within five working days of receipt of a sworn complaint, the executive director shall send a copy of the complaint to the person against whom the complaint was made, the respondent.

(3) Upon receipt of a complaint, the executive director shall determine whether the complaint is legally sufficient, unless the executive director determines that the identity of the parties or witnesses or other factual or legal basis would prevent his or her determination due to an appearance of impropriety or a conflict as defined by Section 112.312(8), Florida Statutes. Upon the executive director’s determination that he or she has a conflict or that action on the complaint

would present an appearance of impropriety, the executive director shall refer the complaint to the Commission for a determination of legal sufficiency.

(4) A complaint is legally sufficient if it meets the following criteria.

(a) The complaint alleges a violation of Chapter 104 or 106, Florida Statutes;

(b) The complaint was made under oath in the presence of a notary public or other person authorized by law to administer oaths;

(c) The complaint contains specific facts supported by credible evidence upon which the complainant bases the allegation of a violation of law; and

(d) The complaint alleges a violation that occurred within two years of the date the complaint is filed with the Commission.

(5) A complaint is not required to list every section of the Election Code that a respondent could have violated or to specify facts that support every element of the violations alleged.

(6) In determining the legal sufficiency of a complaint, the executive director shall consider any document referred to in the complaint. In determining the legal sufficiency of a complaint alleging a violation of the campaign finance laws, the executive director shall also consider campaign treasurer's reports on file with the filing officer.

~~(7)(6)~~ When the executive director or the Commission determines that a complaint is legally insufficient, the complaint shall be dismissed.

~~(8)(7)~~ The complainant and the respondent shall be notified of the dismissal of the complaint. The notice shall include the reason the complaint is legally insufficient and notify the complainant of the right to seek the Commission's review of the dismissal.

~~(9)(8)~~ A complainant seeking the Commission's review of the dismissal of a complaint shall file a written request for review with the Commission clerk stating with specificity the reasons the complainant believes that the complaint is legally sufficient within 21 days of receipt of the notice of dismissal.

Specific Authority 106.26(1) FS. Law Implemented 106.25 FS. History--New 2-17-91, Amended 11-14-93, 3-19-96, 8-19-96, Formerly 1D-1.0025, Amended 1-12-98,_____.

2B-1.003 Minor Violations.

(1) The Commission shall consider a violation of Chapter 106, Florida Statutes, a minor violation under the following circumstances:

(a) The violation is one of those identified in this rule;

(b) The complaint alleging the violation contains no legally sufficient violation other than those identified in this rule;

(c) The respondent against whom the complaint was filed has not been notified of an allegation of the same violation before the conduct about which the complaint was filed;

(d) The respondent against whom the complaint was filed agrees to correct, if feasible, the conduct that resulted in a violation identified in this rule; and

(e) If the violation involves political advertising, the violation must have occurred more than 14 days before the election in which the candidate or committee named in the political advertising is participating and the person, candidate, or committee that paid for the political advertisement must be named in the political advertisement. If the violation occurred less than 14 days before the election, the complaint must not contain an allegation that the political advertising was either deceptive or influenced the outcome of the election.

(2) The following violations are minor violations so long as the requirements of subsection (1) of this rule have been met:

(a) Section 106.021(1)(b), Florida Statutes, failure of a candidate or political committee to properly designate a separate interest-bearing campaign account, so long as the account is identified as the campaign account of the candidate or political committee. A fine of \$100 shall be imposed for each a violation;

(b) Section 106.023, Florida Statutes, failure of a candidate to file a statement that says the candidate has read and understands the requirements of Chapter 106, Florida Statutes, within ten days after filing his or her appointment of campaign treasurer and designation of campaign depository. A fine of \$100 shall be imposed for each a violation;

(c) Section 106.025(1)(c), Florida Statutes, failure of a person who holds a campaign fund raiser to include the statement required by this section on tickets or advertising. A fine of \$250 shall be imposed for each violation;

(d) Section 106.071(1), Florida Statutes, failure of a person to include the proper disclaimer in a political advertisement paid for by an independent expenditure. A fine of \$250 shall be imposed for each violation.

(e) Section 106.143(1), Florida Statutes, failure of a person to mark all political advertisements as a "pd. pol. adv." or a "paid political advertisement" or to identify the sponsor. A fine of \$200 shall be imposed for each violation;

(f) Section 106.143(2), Florida Statutes, failure of a person to mark the political advertisement of a candidate running for partisan office with the candidate's political party affiliation or to indicate that he or she is running with no party affiliation. A fine of \$200 shall be imposed for each violation;

(g) Section 106.143(3), Florida Statutes, prohibiting a candidate or any person on behalf of a candidate from representing in a political advertisement that a person or an organization supports the candidate before obtaining the

written approval of that person or organization, so long as written approval was obtained. A fine of \$200 shall be imposed for each violation;

(h) Section 106.143(4)(a), Florida Statutes, failure of a person offering a political advertisement on behalf of a candidate to obtain approval from the candidate before circulating the advertisement. A fine of \$200 shall be imposed for each violation;

(i) Section 106.143(4)(a), Florida Statutes, failure of a candidate or a person on behalf of a candidate to state on the candidate's political advertisement that the content of the advertisement was approved by the candidate or the identity of the person who paid for the advertisement. A fine of \$250 shall be imposed for each violation;

(j) Section 106.143(4)(a), Florida Statutes, failure of a candidate to provide the news media with a written statement authorizing the content of each political advertisement submitted to the media for distribution. A fine of \$250 shall be imposed for each violation;

(k) Section 106.143(4)(b), Florida Statutes, failure of a person making an independent expenditure for a political advertisement submitted to the news media for distribution to provide the media with a written statement that no candidate approved of the advertisement. A fine of \$200 shall be imposed for each violation;

(l) Section 106.143(4)(b), Florida Statutes, failure of a person making an independent expenditure for a political advertisement to state on the advertisement that no candidate approved the advertisement. A fine of \$200 shall be imposed for each violation;

(m) Section 106.143(5), Florida Statutes, prohibiting a person who is not the incumbent from including the word "re-elect" in a political advertisement. A fine of \$200 shall be imposed for each violation;

(n) Section 106.143(5), Florida Statutes, failure of a person in a political advertisement of a candidate who is not the incumbent to use the word "for" between the candidate's name and the office for which the candidate is running, unless incumbency is implied. A fine of \$100 shall be imposed for each violation;

(o) Section 106.1435(3), Florida Statutes, prohibiting a person from placing or locating a political advertisement on or above any state or county road right-of-way. A fine of \$100 shall be imposed for each a violation;

(p) Section 106.1437, Florida Statutes, failure of a person sponsoring a political advertisement intended to influence public policy or the vote of a public official to include a statement of sponsorship. A fine of \$200 shall be imposed for each violation;

~~(q) Section 106.144, Florida Statutes, failure of a group, club, association or other organization that endorses or opposes a candidate or referendum by means of political advertisements~~

~~to file a statement of endorsement or opposition with the filing officer before distributing the advertisement. A fine of \$250 shall be imposed for each violation; and~~

~~(q)(+) Section 106.148, Florida Statutes, failure of a candidate, political party, political committee, or committee of continuous existence or an agent of a candidate, political party, political committee or committee of continuous existence to include a political disclaimer on a message placed on an information system accessible by computer by more than one person. A fine of \$200 shall be imposed for each violation; and~~

~~(r) Section 106.19(1)(a), Florida Statutes, prohibiting a person from accepting a contribution in excess of the limits prescribed by Section 106.08, Florida Statutes, if the excessive contribution is returned to the donor within 14 days of receipt. A fine of \$200 shall be imposed for each violation.~~

~~(3)(2) Upon the executive director's determination that an alleged violation is a minor violation as defined by this rule, the executive director shall offer the respondent an opportunity to enter into a consent order to pay the fine or fines designated above. The consent order shall provide that the respondent neither admits nor denies the allegations.~~

~~(4)(3) The Commission shall approve the consent order unless it determines that the requirements of this rule have not been met.~~

Specific Authority 106.26(12) FS. Law Implemented 106.26(12) FS. History—New 1-12-99, Amended 2-14-00,_____.

2B-1.004 Hearings Before the Commission.

(1) If a respondent who is entitled to a formal hearing does not elect to proceed before the Division of Administrative Hearings, and the Commission does not refer the case to Division of Administrative Hearings, the executive director shall schedule the formal hearing before the Commission.

(2) At the time the hearing is scheduled, the Chairman shall issue a pre-hearing order, Pre-hearing Order Form FEC 002, effective 1-12-99, which is hereby adopted and incorporated by reference. The order shall require the parties to file a joint pre-hearing statement at least five working days before the scheduled hearing date. The pre-hearing order shall provide the date of the hearing and the date the pre-hearing statement must be filed. The pre-hearing order shall require the parties to confer and file a joint pre-hearing statement that provides the following information:

(a) The name, address and telephone number of each person intended to be called as a witness by either party.

(b) A stipulation by the parties setting forth:

1. The facts that are not in dispute;

2. The facts that are in dispute;

3. A list of all exhibits that the parties agree should be admitted into evidence;

4. A list of exhibits to which either party objects, the nature of the objection and a response to the objection; and

5. An estimate of the time that each party believes shall be necessary to present the formal hearing to the Commission.

(c) Should the parties fail to reach a joint pre-hearing statement, each party shall be required to file a unilateral pre-hearing statement that also includes the reasons that a joint pre-hearing statement was not filed.

(3) When necessary to expedite the processing of agency matters on behalf of the public, the Chairman shall designate one or more Commissioners to hear any motion filed by a party that is not dispositive of the case pending before the Commission.

(4) Upon the request of any party, the commission clerk shall schedule a motion hearing on any pending motion, so long as the motion is not dispositive of the matter pending before the Commission, a designated Commissioner is available to hear the motion, and adequate notice and opportunity to appear in person or by telephone can be provided to the parties.

(5) When necessary to secure the just, speedy, and inexpensive determination of a case, the Chairman shall direct that one or more Commissioners hear any formal hearing, informal hearing or dispositive motion hearing.

(a) Designation of the specific Commissioner or Commissioners to hear a formal hearing, informal hearing or dispositive motion shall be made only by a majority of the Commissioners voting.

(b) The Commission clerk shall notify the parties of the designation of a Commissioner or Commissioners and shall notice the hearing.

(c) The designated Commissioner or Commissioners shall hear the evidence and argument presented by the parties during a formal hearing, informal hearing or dispositive motion hearing.

(d) The designated Commissioner or Commissioners hearing the case shall file a report with the commission clerk within 30 days of receiving any post hearing submissions from the parties. The report shall contain a recommended order that includes findings of fact, conclusions of law, a recommended disposition or penalty, if applicable, and any exceptions and responses filed by the parties. The report shall be served upon the parties.

(e) The Commission shall review the report, deliberate and reach a decision in the case. The designated Commissioner or Commissioners hearing the case shall not participate in the deliberation or vote of the Commission.

(6) Upon the Commission's determination of the outcome of a case after formal hearing or after reviewing the report of the designated Commissioner or Commissioners, the Commission's counsel shall prepare a proposed final order. ~~The order shall be served upon the parties. The parties shall have 15 days from service of the proposed final order to file~~

~~any exceptions. After consideration of the proposed final order and any exceptions filed, the Commission shall enter a final order.~~

(7) A clerical mistake in a final order arising from oversight or omission may be corrected by the Commission at any time on its own initiative or on the motion of any party.

Specific Authority 106.24(5), 106.26 FS. Law Implemented 106.24(5), 106.26 FS. History—New 1-12-99, Amended _____.

2B-1.0052 Fine Imposed; Timely Filed Reports.

(1) Campaign treasurer's reports are required to be filed in the office of the filing officer by 5 p.m. on the due date. A report is deemed timely filed if it is postmarked before midnight on the due date.

(2) If a report is received after the due date and there is no postmark or the postmark is illegible, it shall not be deemed timely filed unless the appealing party submits a copy of a proof of mailing or at a hearing before the Commission, presents the oral testimony of the person who timely mailed the report. The proof of mailing submitted shall reflect that it was obtained from the United States Postal Service or other mail delivery service at the time of mailing and shall reflect that the report was mailed before midnight on the due date. The testimony presented shall indicate that the report was mailed so that it would have received a postmark or a legible postmark on the report's due date but for the failure of the United States Postal Service to properly mark the report.

(3) A metered postage mark does not constitute a postmark or a proof of mailing.

Specific Authority 106.26(1) FS., Ch. 97-13, Sec. 52, Laws of Florida. Law Implemented 106.04(8), 106.07(8) FS. History—New 1-12-98, Amended _____.

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE TITLE: Appraisals, and Appraisal Standards and Policies of State Financial Institutions

RULE NO.: 3C-100.600

PURPOSE AND EFFECT: This rule will be revised to make it more nearly consistent with the appraisal requirements imposed by Federal regulators of financial institutions. In so doing, the regulatory burden of Florida-chartered financial institutions will be reduced.

SUBJECT AREA TO BE ADDRESSED: Appraisals of real estate securing loans of Florida-chartered financial institutions.

SPECIFIC AUTHORITY: 655.12, 655.60 FS.

LAW IMPLEMENTED: 655.60 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., September 4, 2001

PLACE: Division of Banking Conference Room, 6th Floor, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Alex Hager, Director, Division of Banking, 614 Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9111

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3C-100.600 Appraisals, and Appraisal Standards and Policies of State Financial Institutions.

(1) The board of directors of each state financial institution shall adopt appraisal standards and policies. Such standards and policies shall be reviewed and approved annually by the board of directors and such approval shall be recorded in the minutes of the meetings of the board of directors.

(2) At a minimum, the appraisal standards and policies shall require that ~~an~~ ~~(a)~~ ~~An~~ appraisal prepared by a state-certified or state-licensed appraiser must be obtained prior to funding any loan or extension of credit that is based on the security of real estate, except:

(a) Loans with a total value of \$250,000 or less;

(b) Loans with a lien on real property when such property has been taken as collateral solely in an abundance of caution;

(c) When a lien on real estate has been taken for purposes other than the real estate's value;

(d) The transaction is a business loan that:

1. Has a transaction value of \$1 million or less; and

2. Is not dependent on the sale of, or rental income derived from, real estate as the primary source of repayment;

(e) A lease of real estate, unless the lease is the economic equivalent of a purchase or sale of the leased real estate;

(f) The transaction involves an existing extension of credit at the lending institution, provided that:

1. There has been no obvious and material deterioration in market conditions or physical aspects of the property that would threaten the institution's collateral protection after the transaction, even with the advancement of new monies; or

2. There is no advancement of new monies, other than funds necessary to cover reasonable closing costs;

(g) The transaction involves the purchase, sale, investment in, exchange of, or extension of credit secured by, a loan or interest in a loan, pooled loans, or interests in real property, including mortgage-backed securities, and each loan or interest in a loan, pooled loan, or real property interest met these appraisal requirements at the time of origination;

(h) The transaction is wholly or partially insured or guaranteed by a United States government agency or United States government-sponsored agency; or

(i) The transaction either:

1. Qualifies for sale to a United States government agency or United States government-sponsored agency; or

2. Involves a residential real estate transaction in which the appraisal conforms to the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation appraisal standards applicable to that category of real estate.

1. Loans with a total value of \$250,000 or less;

2. Loans with a lien on real property when such property has been taken as collateral solely through an abundance of caution and where the terms of the transaction as a consequence have not been made more favorable to the borrower than they would have been in the absence of a lien;

3. Maturing loans, provided that:

a. The borrower has performed satisfactorily according to the original terms of the loan;

b. No new monies have been advanced other than as previously agreed;

c. The credit standing of the borrower has not deteriorated; and

d. There has been no obvious and material deterioration in market conditions or physical aspects of the property that would threaten the institution's collateral protection after the transaction, even with the advancement of new monies;

4. Loans or portions thereof purchased from a state or federal financial institution, pooled loans, or interests in real property, provided that the appraisal prepared for each pooled loan or real property interest meets the requirements of the appraisal policies and standards adopted by the board of directors.

(3) Any loan or extension of credit not requiring a state-certified or state-licensed appraisal under paragraphs (2)(a), (d), or (f) shall not be funded until an appropriate evaluation of the real property has been obtained; and

(4) Any appraisal report or other evaluation shall be certified to the financial institution and dated within one year prior to funding the loan or extension of credit.

~~(5) The board of directors shall establish an appraisal review function to ensure compliance with adopted standards and policies.~~

Specific Authority 655.012(3), 655.60(2) FS. Law Implemented 655.60 FS. History—New 11-2-92, Amended 9-27-94, _____.

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE TITLES:	RULE NOS.:
Deferred Presentment Providers	3C-560.607
Deferred Presentment Providers	3C-560.707
Verification Fee	3C-560.801
Minimum Disclosure	3C-560.802
Scope	3C-560.901
Definitions	3C-560.902
Deferred Presentment Transactions	3C-560.903
Disclosure Requirements	3C-560.904
Transaction Fees	3C-560.905
Consumer Credit Counseling Services	3C-560.906

PURPOSE AND EFFECT: The purpose and effect of these proposed rules and rule amendments is to implement the provisions of Senate Bill 1526 enacted by the legislature during the 2001 legislative session regarding the deferred presentment industry. These rules will provide for record keeping and reporting requirements for deferred presentment providers. Deferred presentment providers will be required to post fee schedules at all locations. The rules will clarify the allowable fees and required disclosures expected of all deferred presentment providers. The proposed rules will provide requirements for transaction agreements. The proposed rules will establish procedures for using the deferred presentment database. Lastly, the rules will provide for qualifications and operating guidelines for consumer credit counseling services regarding customers of deferred presentment providers.

SUBJECT AREA TO BE ADDRESSED: The proposed rules and rule amendments address the specific requirements for deferred presentment providers and procedures for engaging in deferred presentment transactions with the public.

SPECIFIC AUTHORITY: 560.105(3), 560.118(2), 560.211, 560.310, 560.401, 560.402, 560.403, 560.404, 560.405, 560.406, 560.407, 560.408 FS.

LAW IMPLEMENTED: 560.118, 560.206, 560.208, 560.211, 560.307, 560.308, 560.310, 560.401, 560.402, 560.403, 560.404, 560.405, 560.406, 560.407, 560.408 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., September 5, 2001

PLACE: Room 301, The Capitol Building – Senate Side, Tallahassee, Florida

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

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: Citrus Canker
RULE TITLE: Citrus Canker Eradication
RULE CHAPTER NO.: 5B-58
RULE NO.: 5B-58.001

PURPOSE AND EFFECT: The purpose and effect is to establish procedures for implementation of the citrus canker eradication program to prevent devastation of Florida’s more than \$8 billion citrus industry and dooryard citrus.

SUBJECT AREA TO BE ADDRESSED: The proposed rules require removal of all citrus trees infected with citrus canker and all citrus trees located within 1,900 feet of such infected trees. The proposed rules also establish the required content of immediate Final Orders and delivery of such Final Orders in pursuit of the citrus canker eradication program.

SPECIFIC AUTHORITY: 570.07(21),(23), 581.031(1),(4),(5), 581.091(1), 581.0101(1), 581.184 FS.

LAW IMPLEMENTED: 570.07(2),(13),(21), 581.031(6),(7), (9),(15),(17), 581.013, 581.0101, 581.131, 581.141, 581.184, 581.211 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: Richard Gaskalla, Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100, telephone number (352)372-3505

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5B-58.001 Citrus Canker Eradication.

(1) Definitions. For the purpose of this rule, the definitions in Sections 581.011, Florida Statutes, and the following definitions shall apply:

(a) through (d) No change.

~~(e) Risk Canker Risk Assessment Group. A group of scientists and regulatory officials with knowledge of citrus canker disease and its eradication appointed by the director to make biologically sound recommendations for the control and eradication of citrus canker from the state. Risk assessments are science-based recommendations on control and eradication strategies and other issues upon request for assistance from the Citrus Canker Eradication Program.~~

(f) through (g) renumbered (e) through (f) No change.

~~(h) Exposed. Determined by the Department to likely harbor citrus canker bacteria because of proximity to infected plants, or probable contact with personnel, or regulated articles, or other articles that may have been contaminated with bacteria that causes citrus canker, but not expressing visible symptoms.~~

(i) through (k) renumbered (g) through (i) No change.

(2) through (3) No change.

(4) Quarantine area. An area around a site where an infestation of citrus canker is known to occur will be quarantined. The geographical boundaries of the quarantine shall be established by risk assessment procedures and will be published in a major newspaper of general distribution in each area affected and through other appropriate media. Risk

assessment procedures will consider the aggressiveness of the pathogen in the field, the level of disease inoculum, the location and spatial distribution of the infected and exposed plants, the variety and type of citrus plants, the risk of spread to areas growing citrus commercially, maintenance practices, and other relevant information. An area shall be released from quarantine provided no detections of citrus canker have occurred during a minimum two-year period of intensive survey and a declaration that citrus canker has been eradicated from the area.

(5) Removal Control Procedures.

(a) Removal of citrus trees. For the purposes of eradicating, controlling, and preventing the dissemination of citrus canker in this state, the Department shall remove and destroy all citrus trees which are infected or are located within 1,900 feet of an infected citrus tree. Risk Assessment. The department shall perform risk assessment procedures to determine the steps necessary to eradicate, control, and prevent the dissemination of citrus canker. The Director shall evaluate the risk assessment requests in consultation with the Citrus Canker Risk Assessment Group Leader to determine the need to engage the services of the Citrus Canker Risk Assessment Group to conduct a full risk assessment. All citrus trees which are infected or infested shall be removed. The decision to remove exposed trees will take into consideration the recommendations of the Citrus Canker Risk Assessment Group. In developing the recommendations, the Citrus Canker Risk Assessment Group will take the following variables into consideration: property type, cultivar, cultivar susceptibility, tree size and age, size of block, tree spacing, horticultural condition, tree distribution, tree density, weather events, wind breaks, movement factors, disease strain, exposure, infection age, infection distribution, disease incidence, Asian citrus leafminer damage, survey access, security of property, sanitation, management practices, closeness of other host properties, and closeness of other infected properties.

(b) Immediate Final Orders. The Department shall issue an Immediate Final Order stating the removal quarantine and control methods to be implemented on the infected or exposed citrus located on the property. It may be delivered in person, by certified mail or similar common carrier, or attached to a conspicuous place on that posted on the property. Immediate final orders are not required for removal control action in commercial citrus groves provided the owner agrees voluntarily to the removal control action and enters into an agreement not to sue with the Department. The Immediate Final Orders to be used by the Department in furtherance of the destruction of citrus trees under this rule, Form No. 01262, and Form No. 01263, are hereby incorporated by reference. Simultaneously with the delivery of an Immediate Final Order pursuant to this Section, the Department shall also provide the following information to the property owner:

1. The physical location of the infected tree which has necessitated destruction of the property owner's tree;

2. The diagnostic report which resulted in the determination that the infected tree is infected with the citrus canker; and

3. The distance between the infected citrus tree and the property owner's citrus trees.

(6) through (16) No change.

Specific Authority 570.07(21),(23), 581.031(1),(4),(5), 581.091(1), 581.0101(1), 581.184 FS. Law Implemented 570.07(2),(13),(21), 581.031(6),(7),(9),(15),(17), 581.083, 581.0101, 581.131, 581.141, 581.184, 581.211 FS. History--New 1-17-96, Amended 4-9-96, 5-14-97, 8-19-97, 11-19-97, 11-16-99, 7-17-00, 2-22-01, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Feed Rule 5E-3

RULE TITLES: RULE NOS.:

Inspection; Sampling; Analysis; Reporting
 Rejected Feed and Feedstuff; Reduced
 Sampling Requirements; Laboratory
 Certification Exemption Requirements
 and Feed 5E-3.003

Ingredient Statement 5E-3.004

Medicated Feed 5E-3.008

Minimum Standards for Feed Materials 5E-3.013

Customer-formula Feed 5E-3.014

Master Registration Fees 5E-3.015

Tolerances for Nutrients, Minerals, Medicaments,
 Aflatoxin, Pesticide Residues and Weight 5E-3.016

Penalties 5E-3.018

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring it into conformance with Chapter 580, Florida Statutes, as amended by the 2001 legislation.

SUBJECT AREA TO BE ADDRESSED: Revision of definitions, label requirements, laboratory certification requirements and updating reference materials. Also the addition of Pet Food to regulation.

SPECIFIC AUTHORITY: 570.07(23), 580.036(2) FS.

LAW IMPLEMENTED: 580.031, 580.051, 580.065, 580.091, 580.112 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 31, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mr. Dale Dubberly, Chief, Bureau of Compliance Monitoring, Department of Agriculture

and Consumer Services, Division of Agricultural Environmental Services, 3125 Conner Blvd., Tallahassee, Florida 32399-1650, telephone (850)488-8731
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AT THE WORKSHOP.

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE TITLES:	RULE NOS.:
Appointment and Jurisdiction	6D-1.002
Meetings	6D-1.003
Officers	6D-1.004
Committees	6D-1.008
Forms and Standard Instructions	6D-1.012
Naming Facilities	6D-1.013

PURPOSE AND EFFECT: These rules establish the organizational procedures of the Board of Trustees of the Florida School for the Deaf and the Blind. Amendments are being made to align with statutory amendments and update some of the organizational procedures.

SUBJECT AREA TO BE ADDRESSED: Organizational procedures adopted by the Board of Trustees concerning its jurisdiction, meetings, officers and committees.

SPECIFIC AUTHORITY: 242.331(3) FS.

LAW IMPLEMENTED: 242.331(1), 242.331(2) FS.

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

TIME AND DATE: 9:00 a.m., September 22, 2001

PLACE: Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Florida Small Cities Community Development Block Grant Program	9B-43

PURPOSE AND EFFECT: The Department of Community Affairs announces proposed rule development for amendments to Chapter, 9B-43, Florida Administrative Code, the rule governing the Small Cities Community Development Block Grant Program in the Department of Community Affairs. Under Section 290.048(3), F.S., the Department is given specific authority to "(3) Adopt and enforce rules not

inconsistent with ss. 290.0401-290.49 for the administration of the fund." The proposed rule development is intended to clarify definitions, improve administrative efficiency and streamline and simplify the application requirements.

SUBJECT AREAS TO BE ADDRESSED: Address issues raised since the last rule amendment process. Minor technical changes will also be developed to clarify administrative procedures already included in the rule.

SPECIFIC AUTHORITY: 120.53, 290.048 FS.

LAW IMPLEMENTED: 290.0401-.049 FS.

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

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

PLACE: Department of Community Affairs, Capital Circle Office Complex, Room 260N, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Community Development Block Grant Section, (850)487-3644, at least five calendar days prior to the hearing in their area. If you are hearing or speech impaired, please contact the Community Development Block Grant Section using the Florida Dual Party Relay System, (850)922-5609 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Susan M. Cook, Ph.D., Community Program Administrator, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100, (850)922-1879

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

DEPARTMENT OF CORRECTIONS

RULE TITLE:	RULE NO.:
Institutional Mail	33-210.104

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to ensure the confidentiality of substance abuse records received through the mail at correctional institutions.

SUBJECT AREA TO BE ADDRESSED: Institutional mail.

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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-210.104 Institutional Mail.

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

(d) Only the classification supervisor will open mail marked "Substance Abuse Records – Confidential" in the mail room. The classification supervisor will ensure that the confidentiality of any substance abuser records contained in inmate records that arrive through the mail is maintained in accordance with 42 C.F.R. Part II, Chapter 397, Florida Statutes, and Chapter 65D-16, F.A.C. The name of the inmate or inmates whose records are contained therein will not be identified on the envelope.

(3) through (4) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 12-7-98, Formerly 33-3.0054, Formerly 33-602.404, Amended _____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Everglades Program
 RULE CHAPTER NO.: 40E-63

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

SUBJECT AREA TO BE ADDRESSED: Rule development to establish a compliance methodology for phosphorus load limitations for the C-139 Basin.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.4592 FS.

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

TIME AND DATE: September 10, 2001, Rule Workshop: 10:00 a.m. – 11:00 a.m., Training Workshop: 11:00 a.m. – 4:00 p.m.

PLACE: Conference Room, Clewiston Field Station of the South Florida Water Management District, S.R. 832, Rt. 1, Clewiston, FL 33440

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: For technical questions, Pamela Sievers, P.E., Senior Supervising Engineer, Everglades Regulation Division, Environmental Resource Regulation Department, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6901 or

(561)682-6901 (e-mail: psievers@sfwmd.gov); or for legal/administrative questions, Julie Jennison, Senior Legal Research Asst., 1(800)432-2045, Extension 6294 or (561)682-6294 (e-mail: jjenniss@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.

DEPARTMENT OF ELDER AFFAIRS

RULE CHAPTER TITLE: Home Care for the Elderly
 RULE CHAPTER NO.: 58-1

PURPOSE AND EFFECT: A rule development workshop will be held to discuss the Home Care for the Elderly Program, Rules Chapter 58H-1, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Home Care for the Elderly Program.

SPECIFIC AUTHORITY: 430.08, 430.603 FS.

LAW IMPLEMENTED: 430.601-.608 FS.

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

TIME AND DATE: 10:00 a.m. – 4:00 p.m., Thursday, September 6, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM: Sharlene Davis or Mary Hodges, Division of Home and Community-Based Services, (850)414-2108

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Inpatient
 RULE NO.: 59G-6.020

Hospital Services
 PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement plan payment methodology, effective July 1, 2001, to provide the following changes based on Legislative direction provided in Senate Bill 2000, General Appropriations Act 2001-2002, Specific Appropriation 254:

1. Special Medicaid payments will be made to statutory teaching hospitals, hospitals providing primary care to low-income individuals, hospitals that operate designated or provisional trauma centers and rural hospitals.
2. Inpatient reimbursement ceilings will be eliminated for hospitals whose charity care and Medicaid days as a percentage of total hospital days equals or exceeds fifteen percent. Hospitals that exceed the fifteen percent as described above and are a trauma center shall be paid \$2,000,000 if their variable cost rate is less than their variable cost target or county ceiling target. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.
3. Inpatient reimbursement ceilings will be eliminated for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6%, and are a trauma center. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.
4. Special Medicaid payments will be made to hospitals that serve as a safety net in providing emergency and inpatient care to low-income and indigent individuals.
5. The Medicaid inpatient per diem rate will be adjusted for Lake Wales Hospital, Winter Haven Hospital, Health Central Hospital and Larkin Community Hospital in accordance with s. 409.905(5)(c), Florida Statutes.
6. From the funds made available under the Medicare program, the Medicaid program, and the State Children's Health Insurance Program Benefits Improvement and Protection Act of 2000 for the 2001 federal fiscal year, disproportionate share program funds shall be distributed as follows: \$13,937,997 to Jackson Memorial; \$285,298 to Mount Sinai Medical Center; \$313,748 to Orlando Regional Medical Center; \$2,734,019 to Shands – Jacksonville; \$1,060,047 to Shands – University of Florida; \$1,683,415 to Tampa General Hospital; and \$2,231,910 to North Broward Hospital District.
7. Special Medicaid payments of \$379,036,725 will be made to inpatient hospitals providing enhanced services to low-income individuals.

Additional changes to the Plan unrelated to Senate Bill 2000 are as follows:

1. The audited data for charity care days has been updated to 1994 charity data to be used to calculate payments under the regular disproportionate share program.
2. The definition for charity care or uncompensated charity care has been updated to reflect the Federal poverty level is equal to or less than 200 percent for charity care or uncompensated charity care in Section X, Definitions, subsection F.
3. All Code of Federal Regulations (CFR) references have been updated to the year 2000.
4. The Health Care Financing Administration (HCFA) has been renamed the Centers for Medicare and Medicaid Services (CMS).

5. The definition for Community Hospital Education Program (CHEP) hospitals has been expanded in Section X, Definitions, subsection R.

6. Hospital inpatient rates shall be reduced by 6 percent effective July 1, 2001 and restored effective April 1, 2002. (Senate Bill 792)

The effect of the proposed amendment will be Special Medicaid payments will be made to statutory teaching hospitals, hospitals providing primary care to low-income individuals, hospitals that operate designated or provisional trauma centers and rural hospitals; inpatient reimbursement ceilings will be eliminated for hospitals whose charity care and Medicaid days as a percentage of total hospital days equals or exceeds fifteen percent; hospitals that exceed the fifteen percent as described above and are a trauma center shall be paid \$2,000,000 if their variable cost rate is less than their variable cost target or county ceiling target; inpatient reimbursement ceilings will be eliminated for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6%, and are a trauma center; Special Medicaid payments will be made to hospitals that serve as a safety net in providing emergency and inpatient care to low-income and indigent individuals; the Medicaid inpatient per diem rate will be adjusted for Lake Wales Hospital, Winter Haven Hospital, Health Central Hospital and Larkin Community Hospital in accordance with s. 409.905(5)(c), Florida Statutes; hospital inpatient rates shall be reduced by 6 percent effective July 1, 2001 and restored effective April 1, 2002; from the funds made available under the Medicare program, the Medicaid program, and the State Children's Health Insurance Program Benefits Improvement and Protection Act of 2000 for the 2001 federal fiscal year, disproportionate share program funds shall be distributed as follows: \$13,937,997 to Jackson Memorial; \$285,298 to Mount Sinai Medical Center; \$313,748 to Orlando Regional Medical Center; \$2,734,019 to Shands – Jacksonville; \$1,060,047 to Shands – University of Florida; \$1,683,415 to Tampa General Hospital; and \$2,231,910 to North Broward Hospital District; Special Medicaid payments of \$379,036,725 will be made to inpatient hospitals providing enhanced services to low-income individuals; the audited data for charity care days has been updated to 1994 charity data to be used to calculate payments under the regular disproportionate share program; the definition for charity care or uncompensated charity care has been updated to reflect the Federal poverty level is equal to or less than 200 percent for charity care or uncompensated charity care in Section X, Definitions, subsection F; all Code of Federal Regulations (CFR) references have been updated to the year 2000; the Health Care Financing Administration (HCFA) has been renamed the Centers for Medicare and Medicaid Services (CMS); the definition for Community Hospital Education Program (CHEP) hospitals has been expanded in Section X, Definitions, subsection R.

SUBJECT AREA TO BE ADDRESSED: Special Medicaid payments for statutory teaching hospitals, hospitals providing primary care to low-income individuals, hospitals that operate designated or provisional trauma centers and rural hospitals; inpatient reimbursement ceilings will be eliminated for hospitals whose charity care and Medicaid days as a percentage of total hospital days equals or exceeds fifteen percent; hospitals that exceed the fifteen percent as described above and are a trauma center shall be paid \$2,000,000 if their variable cost rate is less than their variable cost target or county ceiling target; inpatient reimbursement ceilings will be eliminated for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6%, and are a trauma center; Special Medicaid payments will be made to hospitals that serve as a safety net in providing emergency and inpatient care to low-income and indigent individuals; the Medicaid inpatient per diem rate will be adjusted for Lake Wales Hospital, Winter Haven Hospital, Health Central Hospital and Larkin Community Hospital in accordance with s. 409.905(5)(c), Florida Statutes; hospital inpatient rates shall be reduced by 6 percent effective July 1, 2001 and restored effective April 1, 2002; from the funds made available under the Medicare program, the Medicaid program, and the State Children's Health Insurance Program Benefits Improvement and Protection Act of 2000 for the 2001 federal fiscal year, disproportionate share program funds shall be distributed as follows: \$13,937,997 to Jackson Memorial; \$285,298 to Mount Sinai Medical Center; \$313,748 to Orlando Regional Medical Center; \$2,734,019 to Shands – Jacksonville; \$1,060,047 to Shands – University of Florida; \$1,683,415 to Tampa General Hospital; and \$2,231,910 to North Broward Hospital District; Special Medicaid payments of \$379,036,725 will be made to inpatient hospitals providing enhanced services to low-income individuals; the audited data for charity care days has been updated to 1994 charity data to be used to calculate payments under the regular disproportionate share program; the definition for charity care or uncompensated charity care has been updated to reflect the Federal poverty level is equal to or less than 200 percent for charity care or uncompensated charity care in Section X, Definitions, subsection F; all Code of Federal Regulations (CFR) references have been updated to the year 2000; the Health Care Financing Administration (HCFA) has been renamed the Centers for Medicare and Medicaid Services (CMS); the definition for Community Hospital Education Program (CHEP) hospitals has been expanded in Section X, Definitions, subsection R.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908, 409.9117 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., September 4, 2001

PLACE: 2727 Mahan Drive, Conference Room D, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John Owens, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Tallahassee, Florida 32308, (850)414-2756

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Outpatient

RULE NO.:

Hospital Services

59G-6.030

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Outpatient Hospital Reimbursement plan (the Plan) payment methodology, effective July 1, 2001, to provide the following changes based on the Legislative direction provided in Senate Bill 2000, General Appropriations Act 2001-2002, Specific Appropriation 257:

1. Outpatient reimbursement ceilings will be eliminated for hospitals whose charity care and Medicaid days as a percentage of total hospital days equals or exceeds fifteen percent. The Agency shall use the disproportionate share hospital 1997 audited data available as of March 1, 2001.
2. Outpatient reimbursement ceilings will be eliminated for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6%, and are a trauma center. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.
3. Hospital outpatient rates shall be reduced by 6% effective July 1, 2001 and restored effective April 1, 2002.

Additional changes to the Plan unrelated to Senate Bill 2000 are:

1. The Health Care Financing Administration (HCFA) has been renamed the Centers for Medicare and Medicaid Services (CMS).
2. The Code of Federal Regulation (CFR) references have been updated to reflect the year 2000.
3. Appendix B has been updated to display more current years to calculate the applicable inflation factors for a given hospital. The effect of the proposed amendment will be: outpatient reimbursement ceilings will be eliminated for hospitals whose charity care and Medicaid days as a percentage of total hospital days equals or exceeds fifteen percent; outpatient reimbursement ceilings will be eliminated for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6%, and are a trauma center; hospital outpatient rates shall be reduced by 6% effective July 1, 2001 and restored effective April 1, 2002; the Health Care Financing Administration

(HCFA) has been renamed the Centers for Medicare and Medicaid Services (CMS); the Code of Federal Regulation (CFR) references have been updated to reflect the year 2000; Appendix B has been updated to display more current years to calculate the applicable inflation factors for a given hospital.

SUBJECT AREA TO BE ADDRESSED: Outpatient reimbursement ceilings will be eliminated for hospitals whose charity care and Medicaid days as a percentage of total hospital days equals or exceeds fifteen percent; outpatient reimbursement ceilings will be eliminated for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6%, and are a trauma center; hospital outpatient rates shall be reduced by 6% effective July 1, 2001 and restored effective April 1, 2002; the Health Care Financing Administration (HCFA) has been renamed the Centers for Medicare and Medicaid Services (CMS); the Code of Federal Regulation (CFR) references have been updated to reflect the year 2000; Appendix B has been updated to display more current years to calculate the applicable inflation factors for a given hospital.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 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., September 4, 2001

PLACE: 2727 Mahan Drive, Conference Room D, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John Owens, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Tallahassee, Florida 32308, (850)414-2756

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-38R

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Hazardous Waste	62-730
RULE TITLES:	RULE NOS.:
Declaration and Intent	62-730.001
Definitions	62-730.020
References, Variances and Case-by-Case Regulations	62-730.021
Identification of Hazardous Waste	62-730.030
General	62-730.150
Standards Applicable to Generators of Hazardous Waste	62-730.160

Emergency Identification Numbers	62-730.161
Standards Applicable to Transporters of Hazardous Waste	62-730.170
Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities	62-730.180
Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities	62-730.181
Standards for Universal Waste Management	62-730.185
Introduction and Scope	62-730.200
Definitions	62-730.210
Application for Permits	62-730.220
Newly Regulated Facilities	62-730.231
Operation Permits	62-730.240
Construction Permits	62-730.250
Closure Permits	62-730.260
Clean Closure Plans	62-730.265
Remedial Action Plans	62-730.266
Exemptions	62-730.270
Permit Modification	62-730.290
Permit Renewal and Transfer	62-730.300
Fees	62-730.305
Availability of Information	62-730.310
Quality Assurance	62-730.350
Forms	62-730.900

PURPOSE AND EFFECT: The proposed rule amendments are intended to update Chapter 62-730, F.S., to implement federal regulations already adopted by reference; harmonize the state and federal provisions with respect to requests for a variance from hazardous waste regulations; implement statutory requirements for a clean closure plan; clarify criteria and procedures for remedial activities and equivalency determinations; incorporate RCRA flexibilities, including RCRA Remedial Action Plans (RAP) and relief concerning contaminated soil; modify the fee schedule to address specific authorizations issued by the department; designate a mechanism to authorize management of hazardous waste generated by conditionally exempt small quantity generators (CESQG); clarify time periods and documentation requirements; add and reorganize definitions; and remove or amend inconsistent, confusing, outdated, unnecessary or incorrect terminology.

SUBJECT AREAS TO BE ADDRESSED: Variances; definitions; postclosure permits; clean closure plans, RCRA RAP; alternative treatment standards and "contained out" determinations for contaminated soil; cleanup target levels (CTLs); equivalency determinations; financial assurance; documentation; CESQG waste; permit modifications to achieve secondary standards; fees, including yearly fees; public records requests; quality assurance; and forms.

SPECIFIC AUTHORITY: 120.53, 403.061, 403.704, 403.721, 403.722, 403.724, 403.7255, 403.8055, 403.814 FS.

LAW IMPLEMENTED: 120.52, 120.53, 120.542, 120.55, 403.061, 403.087, 403.0875, 403.088, 403.091, 403.151, 403.201, 403.704, 403.7045, 403.707, 403.72, 403.721, 403.722, 403.7222, 403.723, 403.724, 403.7255, 403.783, 403.8055 FS.

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

TIME AND DATE: 2:00 p.m., October 9, 2001

PLACE: Conference Room A&B, Department of Environmental Protection, Northeast District Office, 7825 Baymeadows Way, Suite B-200, Jacksonville, Florida

If you need an accommodation for a disability in order to participate in this workshop, please notify Bill Green, (904)807-3300, Extension 3203 or 1(800)955-8771 (TDD), at least seven days before the workshop.

TIME AND DATE: 2:00 p.m., October 10, 2001

PLACE: Main Conference Room, Department of Environmental Protection, Southwest District Office, 3804 Coconut Palm Drive, Tampa, Florida

If you need an accommodation for a disability in order to participate in this workshop, please notify Karen Johnson, Extension 358 or Paul May, Extension 355 at (813)744-6100 or 1(800)955-8771 (TDD), at least seven days before the workshop.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY TEXT, IF AVAILABLE, IS: Bheem Kothur, Professional Engineer II, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2600, (850)488-0300 or bheem.kothur@dep.state.fl.us.

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance Boards

RULE CHAPTER TITLE: Clinic Registration RULE CHAPTER NO. 64B-5

RULE TITLE: Registration Requirements, Fee RULE NO.: 64B-5.001

PURPOSE AND EFFECT: Pursuant to s. 456.0375, F.S., (2001), the Department of Health is proposed a new rule necessary to implement the clinic registration program established in Chapter 2001-277, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: The registration procedure, form and fees associated with clinic registration.

SPECIFIC AUTHORITY: 456.0375 FS.

LAW IMPLEMENTED: 456.0375 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 IS: Diane Orcutt, Bureau Chief, Health Care Practitioner Regulation, 4052 Bald Cypress Way, Bin C11, Tallahassee, FL 32399-3261

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLE: Administrative Policies Pertaining to Certification of Advanced Registered Nurse Practitioners RULE NO.: 64B9-4

PURPOSE AND EFFECT: The Board proposes to review this chapter and update the rules text.

SUBJECT AREA TO BE ADDRESSED: Definitions; Requirements for Certification; Requirements for Documentation; Provisional Certification; National Advanced Practice Nursing Specialty Board Certification; Malpractice Requirements; Advance Practice Nursing Education Program Guidelines; Scope of Practice of the Advanced Registered Nurse Practitioner; Standards for Protocols; Dispensing Practitioners; Recertification; Inactive Status; Reactivation of ARNP Certificate.

SPECIFIC AUTHORITY: 458.348(2), 464.006, 464.012, 464.014 FS.

LAW IMPLEMENTED: 455.624(1)(f),(2), 455.694, 455.711(5),(9), 458.348(2), 464.003(6), 464.012, 464.014, 464.018(1)(b), 465.0276 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Ruth Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, Florida 32207

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLES:	RULE NOS.:
Continuing Education of Domestic Violence	64B9-5.010
Continuing Education on Prevention of Medical Errors	64B9-5.011
Continuing Education on End of Life	64B9-5.012

PURPOSE AND EFFECT: The Board proposes to amend Rule 64B9-5.010, F.A.C., so that applicants for initial licensure, upon showing of good cause, can be given six months from the date of licensure to complete the Domestic Violence course. The rule also defines good cause. The Board also proposes to promulgate Rule 64B9-5.011, F.A.C., setting forth continuing education requirements for completing a course on prevention of medical errors in an effort to decrease medical errors in the profession and Rule 64B9-5.012, F.A.C., in regards to the continuing education requirement on end of life.

SUBJECT AREA TO BE ADDRESSED: Continuing education of domestic violence and Continuing education on prevention of medical errors.

SPECIFIC AUTHORITY: 455.587, 456.031, 464.006 FS.

LAW IMPLEMENTED: 455.587, 456.031 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Ruth Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, Florida 32207

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLE:	RULE NO.:
Reactivation of Inactive License	64B9-6.003

PURPOSE AND EFFECT: The Board proposes to review this rule and possibly update the language of the rule.

SUBJECT AREA TO BE ADDRESSED: Reactivation of inactive license.

SPECIFIC AUTHORITY: 464.006, 464.014, 456.036 FS.

LAW IMPLEMENTED: 464.014, 456.036 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Ruth Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, Florida 32207

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

**Section II
Proposed Rules**

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE TITLES:	RULE NOS.:
Procedures for Filing Claim	3D-20.0021
Proof of Ownership and Entitlement to Unclaimed Property	3D-20.0022
Claimant Affidavit	3D-20.0026
Definitions	3D-20.030
Remitting of Safe Deposit Box Contents and Reimbursement of Expenses	3D-20.036
Written Notice	3D-20.040

PURPOSE AND EFFECT: Implement legislative changes to Chapter 717, Florida Statutes.

SUMMARY: The proposed rule amendments clarify claim filing requirements for claims filed by owner’s representatives, claims filed by other than apparent owners, and claims filed by apparent owners. The proposed rule amendments also provide a procedure for notifying claimants when their claims are incomplete. Active Florida corporate claimants need no longer provide personal identification under certain circumstances, but for others, letterhead and business cards alone will not be sufficient to demonstrate the entity representative’s right to act on behalf of the business, or to demonstrate ownership or entitlement to the property. A procedure is provided to claim small estates with a value of \$5,000 or less without estate administration. A guardian must provide legal authority to file a claim on behalf of a ward. The property will be delivered to the guardian for the ward. All claim denials will contain notice of appeal rights. The proposed rule amendments specify by whom electronic claim forms can be used, and how holders will be reimbursed for their costs. The proposed rule amendments set forth required contents of agreements between owners and owner’s representatives, as well as the department’s implementation of fee cap provisions contained in new legislation. A procedure to access the department’s listing of cash and coin items considered to have numismatic value is provided. The proposed rule amendments set forth how unclaimed property will be valued, and how payment and delivery of fees and property will be accomplished. The rule defines the terms “Owner’s Representative”, “Claimant,” “Entity Representative,” and “Filed.” The owner’s

representative fee caps provisions of the rule will not apply to claims pending at the department prior to the effective date of the rule.

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

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

SPECIFIC AUTHORITY: 717.138, 717.119 FS.

LAW IMPLEMENTED: 92.525, 717.102, 717.1201, 717.117, 717.119, 717.124, 717.125, 717.126, 717.127, 717.135 FS.

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

TIME AND DATE: 10:00 a.m., September 10, 2001

PLACE: Room 547, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lesley Mendelson, Chief Counsel, Office of the General Counsel, Room 526, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9896

THE FULL TEXT OF THE PROPOSED RULES IS:

3D-20.0021 Procedures for Filing Claim.

(1) Claims Submission. ~~All~~ Celaims for unclaimed property in the custody of the Department pursuant to Chapter 717, F.S. Florida Statutes, shall be submitted to the Department on the form(s) prescribed and supplied by the Department, together with documentation supporting the claim. ~~The Department will only accept and review claims that are complete. A complete claim shall include the appropriate claim form, manually signed by all claimants, and all supporting documentation as described and required by Sections 3D-20.0021(2) (6), F.A.C., and Rule 3D-20.0022, F.A.C. Incomplete claims delivered to the Department will be returned to the claimant with a letter advising the reason the claim is being returned.~~ All forms referenced in this rule are available from and shall be submitted to: The Department of Banking and Finance, Division of Accounting and Auditing, Finance Bureau of Unclaimed Property, Abandoned Property Section Suite 330, Fletcher Building, Tallahassee, Florida 32399-0350.

(a) The Department will only accept and review claims that are complete.

(b) A complete claim shall include the correct claim form identified in this rule, fully completed with all blanks filled in and manually signed by all claimants, and all supporting documentation as described and required by this rule, and Rule 3D-20.0022, F.A.C.

(c) Claims meeting the requirements of paragraph (b) above shall be deemed complete.

(d) Incomplete claims delivered to the Department will be returned to the claimant with a letter describing the additional documentation that must be submitted to make the claim complete.

(e) The claim may be refiled at any time.

(2) Claim Determination. ~~The Department will only review the merits of a claim that has been deemed complete as filed. A claim for unclaimed property will not be approved unless the Department has received the appropriate form(s), which forms must be fully completed and manually signed. Within 90 days of receipt of the fully completed and duly executed claim for unclaimed property, the Department will determine make a determination of whether the claimant has established ownership and burden of demonstrating entitlement to the unclaimed property has been met by the person(s) claiming the unclaimed property.~~

(a) If the claim is approved, the proceeds will be delivered as set forth in subsection (11).

(b) If the claim is denied, written notice containing rights of appeal will be mailed to the claimant at the address provided in the claim by the Department within ninety (90) days of receipt of the claim for all claims that have been denied by the Department. In the event entitlement has not been demonstrated, the claim will be denied without prejudice and may be refilled at any time. However, if providing that the unclaimed property has not been awarded to another claimant in good faith, prior to refile, the later filed claim may be denied with prejudice person. Written notice containing rights of appeal will be provided.

(3) Withdrawal of Claim. A claimant may make a written request, including email or facsimile transmission, that the claim be withdrawn withdrawal of the claim at any time.

(4)(3)(a) Claims Filed by Apparent Owner, (including corporations).

(a) The Celaims by apparent owners for unclaimed property shall be submitted on Form DBF-UPA-106, entitled Claim by Apparent Owner, which is hereby incorporated by reference, revised 10/1/01 effective 1-18-99.

(b) Form DBF-UPA-106 shall be manually signed by the claimant and person(s) filing the claim. Form DBF-AP-106 shall be accompanied by the following:

1. Personal identification of claimant individual(s) making claim.

2. Proof demonstrating that the person(s) filing the claimant is the owner(s) and is entitled to the claimed property as required by Rule 3D-20.0022 F.A.C. When ownership is claimed by an entity, personal identification of the entity representative is also required. Personal identification of the entity representative is not required if the entity is an active Florida corporation, the entity representative is a corporate

officer listed on the Florida Secretary of State's website, and the property is to be mailed to the corporate address listed on the website being claimed.

(5)(4)(a) Claims Filed by Other than Apparent Owners.

(a) All Claims for unclaimed property filed by someone other than the apparent owner, for example, an heir, personal representative, or beneficiary, shall be submitted on form DBF-UPA-107, entitled Claim by Other than Apparent Owner, which is hereby incorporated by reference, revised 10/1/01 effective 1-18-99.

(b) Form DBF-UPA-107 shall be manually signed by the person(s) filing the claimant. Form DBF-AP-107 shall be and accompanied by the following:

1. Original documentation establishing such person's right to act on behalf of the owner.

2. The name, address, taxpayer identification number (if available), and telephone number (if available), of the beneficiary, heir or personal representative for whom payment is sought.

3.2. Personal Appropriate identification of the beneficiary, heir or personal representative for whom payment is sought except as provided by an appropriate probate court order.

4.3. Proof demonstrating the person(s) estate, beneficiary or heir represented is entitled to the unclaimed abandoned property consistent with Rule 3D-20.0022, F.A.C.

(6) Claims Filed by Owner's Representative.

(5)(a) Claims filed by Legal Representative or Private Investigator. All claims for unclaimed property filed by an Owner's Representative a Legal Representative or Private Investigator, shall be submitted on form DBF-UPA-108, entitled Claim by Owner's Representative Legal Representative or Private Investigator, which is hereby incorporated by reference, revised 10/1/01 effective 3-13-96.

(b) Form DBF-UPA-108 shall be manually signed by the person(s) filing the claim and Form DBF-AP-108 shall be accompanied by the following:

1. Original Agreement documentation establishing the owner's representative's such person's right to act on behalf of the owner.

2. The name, address, taxpayer identification number (if available), and telephone number (if available), of the person or entity for whom payment is sought.

3.2. Personal Appropriate identification of the person(s) or entity for whom payment is sought being represented or the beneficiary except as provided by an appropriate probate court order. When ownership is claimed by an entity, personal identification of the entity representative is also required, unless the entity is an active Florida corporation, the corporate representative is listed as an officer of the corporation on the Secretary of State's website, and the property is to be mailed to the corporate address listed on the website.

4.3. Proof demonstrating that the person(s) or entity the person's estate being represented is entitled to the property being claimed consistent with Rule 3D-20.0022, F.A.C.

(c) Owner's Representative Fee Caps.

1. The Agreement between the owner and the owner's representative shall reflect the fee charged by the representative for the account listed on the claim.

2. The Agreement between the owner and the owner's representative shall contain either full disclosure or fee caps.

3. Full disclosure will be recognized by the Department when the following language, fully completed with all blanks filled in, is conspicuously incorporated within the Agreement just prior to the signature of the owner, as follows:

FULL DISCLOSURE STATEMENT

Pursuant to Chapter 717, F.S., this unclaimed property is currently held by the Florida Department of Banking and Finance. The property was reported in the name of (exact name of the owner(s) as listed in UCP records), and sent to the Department in (mm/dd/yy). The person/entity that reported it to the state is (XYZ Corporation). The person/entity's last date of contact with the apparent owner was (mm/dd/yy). The property consists of (\$/# of shares/SDB contents - list contents), from (type of property - utility deposit/wages/ etc.) The property has a value of _____.

4. If full disclosure is not made, and the Agreement between the owner and the owner's representative contains fees that exceed statutory caps, the Department will pay only the statutory fee caps. If the value of the property is less than \$25.00, only the value of the property will be paid.

5. Fees will be paid when the value of all approved accounts associated with the Agreement have been determined as follows:

a. Cash accounts - when posted to the account.

b. Securities

i. If the security is reissued to the owner in the form of a certificate, value will be determined as of the close of business on the date of reissuance.

ii. If the security is transferred to the owner/broker account, value will be determined as of the close of business on the date of the transfer.

c. Tangible Personal Property - The value of tangible personal property accounts shall be based on the appraised value at the time the property is prepared for transfer to the owner or owner's representative. A letter indicating the appraised value will be sent to the owner and the owner's representative.

6. If it is necessary to open an estate for the purpose of collecting the unclaimed property, or to reopen an estate to obtain a new order for the purpose of collecting the unclaimed property, then the fee cap exemption set forth in Section 717.135(1)(b) F.S. shall apply. However, fee caps shall apply to closed probate estates and estates that have never been probated.

7. In the case of guardianship proceedings, the fee cap exemption only applies to those proceedings opened for the purpose of collecting the unclaimed property, or where a new order must be obtained to collect the unclaimed property.

(7)(6)(a) Claims Filed by Holders of Unclaimed Property Paid or Delivered to the Department.

(a) The Claims for unclaimed property filed by a the holder shall be submitted on Form DBF-UPA-110, Claim Filed by Holder, which is hereby incorporated by reference, revised 10-1-01 effective 1-18-99.

(b) Form DBF-UPA-110 shall be manually signed by the authorized representative of the holder.

(8) Claim by Other States.

(7)(a) The Claims for unclaimed property filed by another state shall be submitted on form DBF-UPA-131, Claim by Other States, which is hereby incorporated by reference, revised 10-1-01 effective 3-13-96.

(b) Form DBF-UPA-131 shall be manually signed by the unclaimed property administrator of the state filing the claim or the duly authorized representative of the state filing the claim such person.

(9)(8)(a) Claims for Reimbursement for Cost by Holders of Safe Deposit Boxes or Other Safekeeping Repositories.

(a) This subsection applies to claims for reimbursement filed by holders of unclaimed property for their actual costs of the opening of safe deposit boxes and for any valid lien or contract providing for the holder to be reimbursed for unpaid rent or storage charges removed from safe deposit boxes or other safekeeping repositories, which property has been paid or delivered to the Department. The claim for reimbursement for the actual cost of the opening and for any valid lien or contract providing for the holder to be reimbursed for unpaid rent or storage charges shall be submitted on form DBF-UPA-112, Safe Deposit Reimbursement Claim Form, which is hereby incorporated by reference, revised 10-1-01 effective 3-13-96.

(b) Form DBF-UPA-112 shall be manually signed by an authorized representative of the holder.

(c) Form DBF-UPA-112 shall not be filed with the Department prior to the date of the sale of the contents of the safe deposit box or other safekeeping repository.

(10)(9) Form DBF-UP-105, Missing Assets, The following forms, which is are hereby incorporated by reference, effective 10/1/01, can be downloaded from the Department's website at www.dbf.state.fl.us. and used by apparent owners and other than apparent owners (but not owner's representatives) to submit claims for unclaimed property.:

(a) Form DBF-AP 106EZ effective 6/99 to be used for claims filed by an apparent owner;

(b) Form DBF-AP 107EZ (effective 6/99) to be used for claims filed by other than an apparent owner; and

(c) Form DBF-AP 108EZ (effective 6/99) to be used for claims filed by a legal representative or private investigator an owner's representative.

(11) Payment and Delivery of Property.

(a) Payment and Delivery when Claim is Filed by Owner.

1. Cash. The Department will issue and mail a warrant payable to the claimant.

2. Securities. Payment will be processed for the property (either cash value of securities, shares or securities, or certificates) in the account at the time the claim is filed, unless liquidation is requested by the claimant or has already been requested by the Department.

a. The Department will deliver the securities to the owner, unless securities cannot be transferred or sold due to current valuation or ongoing corporate activity, for example, mergers, reorganizations or splits.

b. The securities will be delivered in physical form, or directly transferred into an owner's brokerage account if the information is provided to the Department at the time the claim is filed with the Department. The information required by the securities industry for electronic transfer could include the broker or agent's DTC (Depository Trust Corporation) number, ABA (American Bankers Association) number, the owners' account number and account registration.

3. Tangible personal property.

a. If the property has a value of less than ten thousand dollars (\$10,000), and if it will be accepted for delivery by a common carrier, the property will be mailed to the owner at the address listed on the claim.

b. If the property has a value of ten thousand dollars (\$10,000) or greater, or it will not be accepted for delivery by a common carrier, the Department will advise the owner of the award by letter, and make the property available for pickup during normal business hours at the Department's offices in Tallahassee, Florida.

i. The owner must produce the award letter and a personal picture identification to claim the property at the Department's Tallahassee address.

ii. Anyone other than the owner must produce the award letter, written authorization to receive the property signed by the owner and notarized, and personal picture identification to receive the property at the Department's Tallahassee address.

iii. Receipt of the property must be acknowledged by a signed receipt.

iv. If the property is not collected at the Department's Tallahassee office within ninety (90) days of the date on the award letter, it may be offered for sale at the next auction and the proceeds delivered the same as cash in paragraph (11)(a) above.

(b) Payment and Delivery of Claims filed by Owner's Representative.

1. Cash – Payment will be made electronically at least twice a month provided a completed Form DBF-AA-26E, incorporated by reference in Rule 3A-22.002, F.A.C., is provided.

2. Securities – Payment will be processed for the property (either cash value of securities, shares of securities, or certificates) in the account at the time the claim is filed, unless liquidation is requested by the claimant or has already been requested by the Department.

i. If cash value, payment will be made electronically as set forth in paragraph (b)1. above.

ii. If non-certificated shares of securities, the shares will be registered in the name of the owner and notification will be sent to both the Owner and the Owner’s Representative.

iii. If a certificate is issued, written notice will be provided to the owner that the physical certificate has been sent to the Owner’s Representative.

iv. If both the Owner and the Owner’s Representative request direct transfer of shares of securities to the owner in writing when the claim is filed, the securities will be made out in the name of the owner and transferred directly to the Owner’s brokerage accounts.

v. All securities will be registered according to industry standards.

(12) Applicability. The provisions of paragraph 3D-20.0021(6)(c), F.A.C., “Owner’s Representative Fee Caps,” shall apply to all claims filed on or after the effective date of this rule.

Specific Authority 717.138 FS. Law Implemented 92.525, 717.1201, 717.124, 717.125, 717.126, 717.135 FS. History—New 3-20-91, Amended 3-13-96, 3-18-96, 1-18-99, 1-5-00, _____.

3D-20.0022 Proof of Ownership and Entitlement to Unclaimed Property.

(1) Any and all persons filing a claim for unclaimed property ~~have~~ the burden to provide to the Department a preponderance of evidence to prove ownership and entitlement to such property being claimed. Accordingly, in addition to the requirements specified in Rule 3D-20.0021, F.A.C., persons making a claim to unclaimed property shall comply with the provisions of this rule, as specified ~~required~~ below.

(2) Claims by Apparent Owner. Any and all persons claiming an interest in unclaimed property within the possession of the Department shall file with the Department a copy of a current driver’s license showing the full name and current address of such person or persons. In the event that a current driver’s license is not available, another form of identification showing full name and current address of such person or persons shall be filed with the Department. This subsection shall not apply to any person who is acting as an owner’s representative in the capacity of a legal representative or private investigator.

(3) Claims by Beneficiaries or Estates.

(a) If the apparent owner is deceased, the claim must include a certified copy of the decedent’s death certificate, as well as the following: any person as an heir or personal representative of the estate, filing a claim for unclaimed property shall file with the Department:

1. ~~(b)~~ Open Estates – If the estate is opened, Court records, duly authenticated within one (1) year of the date of filing the claim with the Department, court records reflecting the heir, or the personal representative’s right to act for the estate of the apparent owner.

2. ~~Closed Estates – If the estate is closed, attach A~~ probate court order, duly authenticated within one (1) year of the date of filing of the claim with the Department, identifying the heir or heirs beneficiaries and the proportional entitlement of each to the estate together with any additional information needed to identify the heir or heirs or the relative interests in the unclaimed property of the heir or heirs.

3. ~~(c)~~ Will Never Probated – If an owner died testate with a will, but the will was not probated, and

a. All of the unclaimed property held by the Department on behalf of the owner has an aggregate value of \$5,000 or less – provide a certified copy of the will and an affidavit signed by all the beneficiaries stating that all the beneficiaries have amicably agreed upon a division of the estate assets of the estate of the owner, excluding the unclaimed property, are sufficient to pay all just claims and that no probate proceedings have been instituted upon the estate, and that all funeral expenses, expenses of the last illness and other lawful claims have been paid. The affidavit shall be submitted on Form DBF-UPA-1243, Estate Affidavit revised 10/1/01 effective 1-18-99, which is hereby incorporated by reference and available from the Department of Banking and Finance, Bureau of Unclaimed Property Division of Finance, Fletcher Building, 101 East Gaines Street, Room 330, Tallahassee, Florida 32399-0330. No partial payments shall be made.

b. If the aggregate value of the unclaimed property held by the Department is more than \$5,000, a probate estate administration must be opened and a current certified copy of a court order identifying either the personal representative, or, in the case of a summary administration, the beneficiaries and the proportional share of each to the estate, must be submitted to the Department.

4. No Will and No Administration –

a. ~~(d)~~ All of the unclaimed property held by the Department on behalf of the owner has an aggregate value of \$5,000 or less – If the owner died intestate, and the estate was never probated, a beneficiary the heir may file an affidavit signed by all the beneficiaries, stating that all the beneficiaries heirs have amicably agreed among themselves upon a division of the estate, that the assets of the estate of the owner, excluding the unclaimed property, are sufficient to pay all just claims, and that no probate proceedings have been instituted upon the estate, and that all funeral expenses, expenses of the

last illness, and any other lawful claims have been paid. The affidavit shall be submitted on Form DBF-UPA-1243. No partial payments shall be made.

b. If the aggregate value of the unclaimed property held by the Department is \$5,000 or more, a probate administration must be opened and a certified copy of a court order identifying either the personal representative or, in the case of a summary administration, the beneficiaries and their proportional interests in the estate, must be submitted to the Department.

~~(e) Affidavits under paragraphs (3)(c) and (3)(d) apply only if all of the unclaimed property held by the Department on behalf of the owner has an aggregate value of \$1,000 or less.~~

~~(b)(4) If the apparent owner is deceased, the claimant must provide appropriate documentation to connect the Estate that is being represented by the claimant to the deceased apparent owner.~~

(4) Claims for Guardianship Assets.

(a) The claim must be filed by the court appointed guardian who must provide a court order evidencing the claimant's current existing authority to act as guardian on behalf of the ward, duly authenticated within one (1) year of filing the claim with the Department, along with the guardian's name, address and social security number.

(b) The warrant will be made payable to "Guardian For" the ward.

(5) Claims for Business Accounts. Any person claiming an interest in an unclaimed business account ~~in within~~ the possession of the Department as an official of the business shall file with the Department the following:

(a) If the unclaimed business account relates to is a proprietorship or a partnership then:

1. Documentation is needed to reflect that the apparent owner is the same proprietorship or partnership, and-

2. Documentation reflecting the individual's authorization to file claim for the proprietorship's or partnership's unclaimed property.

3. Personal identification shall be provided as specified in subsection (2) of this rule.

(b) If the unclaimed business account relates to an active is a corporation that is still active then:

1. Certification, within one (1) year of the filing of the claim, from an appropriate state official shall be provided to the Department to reflect the officers and directors of the corporation. In the case of a Florida corporation, a copy of the most recent filing with the Florida Secretary of State shall be provided.

2. Unless the corporate representative is listed as an officer of the corporation on the Secretary of State's corporate website, Appropriate evidence shall be filed with the claim to reflect the claimant's right to act on behalf of the business. Letterhead and business cards alone will not be sufficient to meet the required burden of proof. For example:

a. Signed statement by an officer of the corporation, other than the person signing the claim, authorizing the individual authority to file the claim.

b. Bylaws of the corporation identifying the person signing the claim as occupying a position with authority to contractually bind the corporation.

c. Corporate resolution authorizing the person signing to file the claim on behalf of the corporation.

3. Personal identification as specified in subsection (2) of this rule, unless the claimant is an active Florida corporation, the corporate representative is listed as an officer of the corporation on the Secretary of State's corporate website, and the property is to be mailed to the corporate address listed on the website.

4. Documents evidencing ownership or entitlement to the account. Letterhead and business cards alone will not be sufficient to meet the required burden of proof. Examples of other documentary evidence include: Utility bills, cancelled checks or deposit slips, copies of annual reports, sales or marketing materials that would identify the corporation and match one of the account identifiers; copy of an occupational license issued to the corporation, price lists, bank statements, loan papers, etc., documents in the corporation's name which establish a relationship with a bank, tax filings, including annual tax returns, quarterly employee withholding filings, employee tax filings records such as W-2 or W-4 forms (with personal information redacted) sales tax filings, other tax filings or bills, financial statements (audited), SEC filings (other than those which are public records; company identification cards, insurance documentation – property and casualty, health and workers's compensation insurance policies, claim forms, premium statements, benefit membership cards.

(c) If the unclaimed business account is for a dissolved corporation, that is a dissolved corporation then certification from an appropriate state official of the state of incorporation, certified within one (1) year of the filing of the claim, shall be provided to the Department to reflect the last corporate filing. Appropriate evidence shall be provided to reflect that the corporation is the same corporation as on the Department's records and appropriate evidence shall be provided to reflect the claimant is entitled to all or a proportional share of the dissolved corporation. Duly authenticated copy of the petition filed in bankruptcy proceedings indicating the case number of the dissolved corporation shall be provided to the Department if existent and copies of any orders appointing a trustee or examiner. If no bankruptcy proceedings of the dissolved corporation are known, a completed United States Bankruptcy Court Application for Search of Bankruptcy Records shall be provided to the Department from the state and district of incorporation, and where the main office is located, if different. Personal identification shall be provided as specified in subsection (2) of this rule.

Specific Authority 717.138 FS. Law Implemented 92.525, 717.124, 717.126 FS. History—New 3-20-91, Amended 3-13-96, 8-18-96, 1-28-97, 1-18-99, _____.

3D-20.0026 Claimant Affidavit.

In the event proof ~~ownership of entitlement~~ to unclaimed property cannot be substantiated, the claimant may file an affidavit swearing to the authenticity of the claim and to the lack of documentation and agreeing to the release of the claimant's name and address by the Department to subsequent claimants providing substantiated proof of entitlement to the unclaimed property. The affidavit shall be submitted on Form DBF-UPA-124, Claimant Affidavit revised 10/1/01 (~~effective 1-28-97~~), which is hereby incorporated by reference and available from the Department of Banking and Finance, Bureau of Unclaimed Property ~~Division of Finance~~, Fletcher Building, 101 East Gaines Street, Room 330, Tallahassee, Florida 32399-0350. This section applies only if all of the unclaimed property held by the Department on behalf of the claimant for which entitlement has not been established has an aggregate value of \$250 or less.

Specific Authority 717.138 FS. Law Implemented 717.124(3) FS. History—New 1-28-97, Amended _____.

3D-20.030 Definitions.

As used in these rules:

- (1) The definitions provided in Section 717.101, F.S. Florida Statutes, shall also apply to these rules.
- (2) "Service charge" and "maintenance charge" means all documented charges that are incurred by a banking or financial organization with regard to the handling of an account.
- (3) "Presumed Unclaimed" means the apparent owner has not indicated an interest in the property for the applicable prescribed period. The interest should be evidenced by communication by the owner with a record of same on file.
- (4) "Safekeeping Repository" means safe deposit boxes held in banks and financial institutions.
- (5) "Owner of a Cashiers' Check" is the named payee of the cashiers' check unless the remitter has a release of ownership from the payee.
- (6) "Inactive status" means the holder is not required to file a report of property presumed unclaimed with the Department on an annual basis.
- (7) "Report of property presumed unclaimed" means a completed original set of reporting forms by the holder consisting of Forms DBF-AP-111, 121, 128, and 129 which discloses the amount of unclaimed property, apparent owner(s), last known address, social security number or federal employer identification number, property type, and date of last contact or Form DBF-AP-111 with the specific owner information in an electronic medium.

(8) "Owner's Representative" means an attorney-at-law, Florida-certified public accountant, or private investigative agency which is duly licensed to do business in Florida who is authorized by an owner to claim unclaimed property on the owner's behalf.

(9) "Claimant" means the person or entity for whom payment is sought. As used in this definition, the term "claimant" does not include an owner's representative.

(10) "Entity Representative" means one who is legally authorized to represent a claimant that is not a natural person. As used in this definition, the phrase "entity representative" does not include an owner's representative.

(11) "Filed" means the receipt of a completed claim as set forth in paragraph 3D-20.0021(1), F.A.C.

Specific Authority 717.138 FS. Law Implemented 717.102(1), 717.117(1), 717.1201(7) FS. History—New 6-23-91, Amended 1-28-97, _____.

3D-20.036 Remitting of Safe Deposit Box Contents and Reimbursement of Expenses.

(1) All property presumed unclaimed under Section 717.116, F.S. Florida Statutes, shall be delivered to the Department pursuant to Section 717.119, F.S. Florida Statutes. The delivery of the property, through the U.S. Mail or other carrier, shall be insured at an amount equal to the estimated value of the property. The package should be clearly marked on the outside "Deliver Unopened".

(2) Reimbursement may be made for the actual cost incurred in the opening of a safe deposit box and to any valid lien or contract providing for the holder to be reimbursed for unpaid rent or storage costs pursuant to Section 717.1201(7), F.S. Florida Statutes. The Department shall reimburse the holder out of the proceeds remaining after the deduction of the Department's selling cost.

(3) Holders shall request reimbursement from the Department by submitting a completed form DBF-UPA-112, Safe Deposit Reimbursement Claim Form, effective 6-23-91, hereby incorporated by reference and available from the Department of Banking and Finance, ~~Division of Finance~~, Bureau of Unclaimed Abandoned Property ~~Section~~, Suite 330, Fletcher Building, Tallahassee, Florida 32399-0350.

(4)(a) All intangible and tangible property held in a safe deposit box or any other safekeeping repository and reported to the Department pursuant to Section 717.117, F.S. Florida Statutes, shall be delivered to the Department in accordance with Section 717.119(4), F.S. Florida Statutes. Delivery of property shall be commenced 120 days after the report due date and completed within 165 days after the report is due. In the event that the reporting date is postponed, the time periods specified in paragraph (4)(a) are extended for a period of time equal to the additional time given to the holder to report the unclaimed property.

~~RESIDENTIAL SUBDIVISIONS OR CONDOMINIUMS
PREVIOUSLY TRANSFERRED TO OPERATION PHASE
FORM 41.00-114 (07/00)~~

(13) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (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: July 24, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 10, 2001

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLES:	RULE NOS.:
Policy and Purpose	40E-20.011
Notice of Intent	40E-20.112
Conditions for Issuance of Authorization	40E-20.302
Limiting Conditions	40E-20.381

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to establish criteria for conditions for permit issuance consistent with Rule 40E-8, F.A.C., regarding minimum flows and levels. The purpose is also to update references to the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District – October 1997". THESE PROPOSED AMENDMENTS WERE PREVIOUSLY PUBLISHED ON MARCH 30, 2001, AND ARE BEING REPUBLISHED HERE WITH NO CHANGES.

SUMMARY: Citations to the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District – October 1997" are updated to reflect the current revision date of the Basis of Review. The "Conditions for Issuance of Authorization" section regarding general permit authorization is changed to be consistent with Chapter 40E-8, F.A.C. addressing water use activities that directly withdraw water from an MFL water body.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Consumptive use permittees (including those owned or operated by local governments) in the Lower East Coast planning area, including the Lake Okeechobee Service area, and the Lower West Coast planning area, will be required to comply with rule criteria for permit renewals, new permits and permit modifications for allocations

either directly or indirectly from MFL water bodies, depending upon the applicable recovery or prevention strategy for the subject MFL water body. Cost estimates for implementation of recovery and prevention strategies are laid out in the Lower East Coast Regional Water Supply Plan (May 2000) for the Everglades, Biscayne Aquifer, and Lake Okeechobee, and Caloosahatchee River and in the Lower West Coast Regional Water Supply Plan (April 2000) for the Caloosahatchee River and Lower West Coast Aquifer system. In general, the water management districts are primarily responsible for implementing "water resource development" as defined in Section 373.019(19), and consumptive users are primarily responsible for implementing "water supply development" options as defined in Section 373.019(21). Cost estimates for alternative sources identified in the regional water supply plans can be found in the description of "Water Supply Development Options". See pages 241-268 of the Lower East Coast Regional Supply Plan (May 2000) and pages 49-100 in the Lower West Coast Regional Water Supply Plan (April 2000). Cost estimates for implementation of "water resource development" projects are set forth in the Lower East Coast Regional Water Supply pages 272-328, and in the Lower West Coast Regional Water Supply Plan pages 105 to 140. In general, the MFL rules are designed to implement the "assurances" to existing water users approved by the Governing Board in the applicable regional water supply plans. The estimated Costs to the SFWMD for implementation of the MFL rules through regulatory programs are set forth in the chapters on "Recommendations" in the applicable regional water supply plan.

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

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.103, 373.118, 373.175, 373.246 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE TO BE DETERMINED.

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

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 testimony and evidence upon which any appeal is to be based.

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

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-20.011 Policy and Purpose.

(1) No change.

(2) Water uses or withdrawals that meet the conditions for issuance of authorization for a general permit specified in Rule 40E-20.302 are presumed to meet the criteria in Section 373.223, Florida Statutes. Staff will recommend denial of general permit authorizations for water uses or withdrawals that do not meet the conditions for issuance of authorization. The District shall require an individual permit, or deny issuance of a general permit authorization, if the applicable conditions for issuance of authorization are insufficient to demonstrate that a particular proposed use or withdrawal meets the criteria in Section 373.223, Florida Statutes. Where applicable, criteria in the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – _____” incorporated by reference in Rule 40E-2.091, will be utilized to determine whether the conditions for issuance of authorization are satisfied.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.219 FS. History–New 9-3-81, Formerly 16K-2.032(4), 16K-3.031(4), Amended 4-20-94, 7-11-96, 4-9-97, 12-10-97, _____.

40E-20.112 Notice of Intent.

Except in those circumstances detailed in subsection (4), prior to commencement of any use or withdrawal of water authorized in this chapter the permittee shall file with the District, a written Notice of Intent to Use Water, form number 0645, Surface Water Management Permit Applications and/or Water Use Permit Applications, in addition to any other applicable Notice of Intent forms specified in this section for a requested general permit authorization. Authorized uses or withdrawals, in existence prior to January 29, 1979, are not required to file a Notice of Intent. However, in order to continue such use or withdrawal beyond January 29, 1999, the appropriate Notice of Intent must be filed in order to receive a general permit prior to that date.

(1) No change.

(a) through (i) No change.

(j) A statement that all applicable conditions in Rule 40E-20.381 and Section 5 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – _____” incorporated by reference in Rule 40E-2.091, will be met.

(2) No change.

(a) through (k) No change.

(l) A statement that all applicable conditions in Rule 40E-20.381 and Section 5 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – _____” incorporated by reference in Rule 40E-2.091, will be met.

(m) No change.

(3) No change.

(a) through (i) No change.

(j) A statement that all applicable conditions in Rule 40E-20.381 and Section 5 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – _____” incorporated by reference in Rule 40E-2.091, will be met.

(4) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.223, 373.229 FS. History–New 9-3-81, Formerly 16K-2.031(3), 16K-2.032(3), Amended 7-26-87, 11-21-89, 4-20-94, 7-11-96, 4-9-97, 12-10-97, 7-2-98, _____.

40E-20.302 Conditions for Issuance of Authorization.

To receive a general permit authorization, a person must provide reasonable assurances that the conditions for issuance of authorization are met. Applicable criteria in the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – _____” incorporated by reference in Rule 40E-2.091(1), shall be utilized by District Staff in determining whether applicable conditions for issuance of authorization will be met.

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

(c) Water use activities that directly withdraw water from a MFL water body that is subject to a recovery strategy shall not qualify for a general permit.

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

(d) Water use activities that directly withdraw water from a MFL water body that is subject to a recovery strategy shall not qualify for a general permit.

(3)(a) and (b) No change.

(c) Water use activities that directly withdraw water from a MFL water body that is subject to a recovery strategy shall not qualify for a general permit.

(4) Persons who use or withdraw water in conjunction with short-term dewatering operations or aquifer performance tests (APT) are authorized to do so provided the permittee provides reasonable assurances that the applicable conditions of subparagraph 40E-20.381 and Section 5 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – _____” incorporated by reference in subsection 40E-2.091(1), will be satisfied and provided the permittee satisfies all conditions below.

(a) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.118, 373.219, 373.223 FS. History–New 9-3-81, Amended 12-1-82, Formerly, 16K-2.031(1), 16K-2.032(1)(b), Amended 2-24-85, 3-29-87, 7-26-87, 4-20-94, 7-11-96, 4-9-97, 12-10-97, _____.

40E-20.381 Limiting Conditions.

(1) The Board shall impose on any permit granted under this chapter such reasonable standard and special conditions as are necessary to assure that the permitted use or withdrawal will be consistent with the overall objectives of the District, will not be harmful to the water resources of the District, is reasonable-beneficial, will not interfere with any presently existing legal uses, and is consistent with the public interest. Standard permit conditions in Section 5 of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District - _____" incorporated by reference in subsection 40E-2.091(1) shall be in the permit. Special permit conditions, including those specified in Section 5.2 of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District - October 1997" shall be in the permit.

(2) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.118, 373.219, 373.223 FS. History--New 9-3-81, Formerly, 16K-2.031(2), 16K-2.032(2), Amended 2-24-85, 7-26-87, 4-20-94, 7-11-96, 4-9-97, 12-10-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wm. Scott Burns, Director, Water Use Regulation Department
NAME OF PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE: Governing Board of the South Florida Water Management District
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 15, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 28, 2000; October 20, 2000; November 27, 2000; February 2, 2001; and February 16, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE CHAPTER TITLE: Public Food Service Establishments
RULE CHAPTER NO.: 61C-4

RULE TITLE: Food Protection Manager Certification and
PUBLIC FOOD SERVICE EMPLOYEE TRAINING
RULE NO.: 61C-4.023

PURPOSE AND EFFECT: This rule adoption is to implement the statutory requirements of Section 509.049, Florida Statutes, as amended by CS for HB 2281 (2000-191, LOF) during the 2000 Legislature and HB 1471 (2001-257, LOF) during the 2001 Legislature.

SUMMARY: This rule provides the specifications for the submittal, review, and approval of food service employee training programs; the required components of the training programs; and, the mandatory timelines for submittal of the training programs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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 in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 509.049, 509.032(6) FS.

LAW IMPLEMENTED: 509.049 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. EST, Monday, September 10, 2001

PLACE: Secretary's Conference Room, Room 259, The Johns Building, 725 South Bronough Street, Tallahassee, Florida

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 agency at least 48 hours before the hearing by contacting Lee M. Cornman, Management Review Specialist, (850)488-9263. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lee M. Cornman, Management Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012, Telephone (850)488-9263

THE FULL TEXT OF THE PROPOSED RULE IS:

61C-4.023 Food Protection Manager Certification and Public Food Service Employee Training.

(1) through (3) No change.

(4) Public Food Service Employee Training.

(a) All public food service employees must receive training on professional hygiene and foodborne disease prevention through a food safety training program administered by the division's contracted training provider or another food safety training program approved by the division. Any food safety training program established and administered to food handler employees utilized at a public food service establishment prior to July 1, 2000 may provide food handler employee training and certification if the programs is reviewed and approved by the division. For purposes of division approval, the program provider shall submit its training program to the division for review by providing a completed application, which is DBPR Form HR 5026-011, incorporated herein by reference and effective 11-08-00, identifying the training components covered by the program, as well as an executed copy of the division's applicant affidavit attesting to the accuracy of the application. The division will approve programs that the division determines to be in substantial compliance with the division's adopted minimum food safety

standards and related rules. A provider's approval is subject to the program provider's continued compliance with the division's minimum food safety standards and related rules. The division may conduct random audits of approved programs to determine compliance and may audit any program if it has reason to believe a program is not in compliance with the division's minimum food safety standards. The division shall revoke its approval of any program which, upon examination, fails to substantially comply with the minimum food safety standards and related rules established by the division, as amended from time to time.

(b) Approved program providers must maintain training information for a period of at least three years from the date training is provided. If the program provider directly administers training to a food service employee, this information must include the name of the trained food service employee, the name of establishments where training has been provided, the date of training, and the specific course that was used for the training. If the program provider furnishes program materials but does not directly administer training to a food service employee, this information must include the name of establishments where program materials have been provided, the date these material were provided, and the specific course which was provided. The division shall revoke its approval of any program which, upon examination, is found to have failed to keep this required information or to have knowingly participated in falsifying any training record. Professional hygiene includes personal cleanliness and hygienic practices in accordance with the Food Code and techniques to prevent cross contamination. Foodborne disease prevention training must include the types and causes of foodborne illness, identification of potentially hazardous food, and how to control or eliminate harmful bacteria in a food service establishment.

(c)(b) Public food service employees must receive training which includes specific program components in personal hygiene, excludable and restrictive illnesses, foodborne illness prevention, safe food preparation, premises sanitation, and vermin control, as addressed by the Food Code relates to their assigned duties. The personal hygiene components shall include instruction in personal cleanliness, hygienic practices, and techniques to prevent cross contamination. The foodborne illness prevention components shall include the types and causes of foodborne illness, identification of potentially hazardous food, and how to control or eliminate harmful bacteria in a food service environment. The safe food preparation components shall include instruction in safe methods of thawing, cooking, cooling, handling, holding, serving, and storing foods. The premise sanitation components shall include instruction in cleaning equipment and facilities, sanitization methods, premise maintenance, and vermin control. Additional training emphasis shall be placed on those components that relate to a public food service employee's assigned duties. A copy of the food safety standards and

training criteria that must be included in an approved food safety certification program may be obtained from the division upon request. Employees who prepare foods must be knowledgeable about safe methods of thawing, cooking, cooling, handling, holding and storing foods. Service personnel must be knowledgeable about safe methods of serving food. Employees who clean equipment and facilities must be knowledgeable about proper cleaning and sanitization methods. Employees responsible for maintaining the premises must be knowledgeable about proper vermin control methods as specified in the Food Code.

(d)(e) It is the duty of the licensee to ensure that the food safety employee training under this rule and section 509.049, Florida Statutes, is provided by January 1, 2001 or within 60 days of employment to all employees under the licensee's control who are responsible for food storage, preparation, display, or food service to the public. The training program must be administered by the program provider, the licensee, or by a certified food protection manager designated by the licensee. Employees who receive the training must be provided documentation from the training administrator of having received training, which must include at least the name of the trained employee, the name of the training program provider, the date the employee was trained, and the name of the specific course which was used for the training. The licensee is responsible for providing documentation of employee training to the division upon request, which must include at least the name of the trained employee, the name of the training program provider, the date the employee was trained, and the name of the specific course which was used for the training. Failure of the licensee to provide this documentation of employee training upon request of the division is a violation of this rule. Licensees who provide in-house employee training shall maintain these training records make available on the premises of the establishment, or in a central location in a theme park or entertainment complex in a central location, upon the division's request, the curriculum and materials used to conduct training. If training is obtained from an outside provider, the licensee must provide, upon the division's request, information about the selected training program and methods used to evaluate training outcomes. A licensee violates this rule if the licensee, or its agent or employee, knowingly participates in falsifying any training record. Training outcomes are subject to verification and inspection by the division, and include employees correctly applying procedures and answering questions relative to assigned duties. Employees must perform their work duties safely in a manner consistent with the requirements of the Food Code.

(e) No new application or affidavit must be filed for programs approved by the division prior to the effective date of this rule, however, such programs shall otherwise continue to be governed by this rule.

Specific Authority 509.032(6), 509.039, 509.049 FS. Law Implemented 509.039, 509.049 FS. History--New 2-21-91, Amended 5-12-92, Formerly 10D-13.037, Formerly 7C-4.023, Amended 3-31-94, 10-9-95, 1-18-98, 2-7-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lee M. Cornman, Management Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation

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 18, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 23, 2001, Vol. 27, No. 12

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Income and Resource Criteria RULE NO.: 65A-1.716

PURPOSE AND EFFECT: This proposed rule amendment updates federal poverty income guidelines used in determining Medicaid eligibility.

SUMMARY: This rule amendment will bring federal poverty standards in the rule to 2001 levels. The federal poverty guidelines for QI1 and QI2 coverage (135% and 175% respectively) are included for the first time.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: An estimate of the regulatory cost was not prepared for this rule.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.903, 409.904, 409.919 FS.

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

TIME AND DATE: 2:00 p.m., September 10, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, FL 32399-0700, Telephone (850)488-3090

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.716 Income and Resource Criteria.

(1) The monthly federal poverty level figures based on the size of the filing unit are as follows:

Filing Unit Size	90% of Poverty Guideline	100% of Poverty Guideline	120% of Poverty Guideline	133% of Poverty Guideline
1	\$ 645627	\$ 716696	\$ 859835	\$ 953926
2	871844	968938	1161425	12874247
3		12204180		16224569
4		14714421		19574890
5		17234663		22912212
6		19754905		26262533
7		22262146		29612854
8		24782388		32963176
9		27302630		36303497
10		29812871		39653819
11		32333113		43004140
12		34853355		46344462
Add each add. person		\$ 252242		\$ 335322

Filing Unit Size	135% of Poverty Guideline	175% of Poverty Guideline	185% of Poverty Guideline	200% of Poverty Guideline
1	\$ 967	\$ 1253	\$ 13254288	\$ 14324392
2	1307	1694	17904735	19354875
3			22562182	24392359
4			27222629	29422842
5			31873076	34453325
6			36533523	39493809
7			41183970	44524292
8			45844417	49554775
9			50494864	54595259
10			55155312	59625742
11			59815759	64656225
12			64466206	69696709
Add each add. person			\$ 466448	\$ 504484

(2) through (5) No change.

Specific Authority 409.919 FS. Law Implemented 409.903, 409.904, 409.919 FS. History--New 10-8-97, Amended 12-9-99, 2-15-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Rodney McInnis, Management Review Specialist
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Audrey Mitchell, Program
 Administrator, Public Assistance Policy Bureau – Policy
 Support Unit
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: August 2, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: June 1, 2001

**DEPARTMENT OF CHILDREN AND FAMILY
 SERVICES**

Economic Self-Sufficiency Program

RULE TITLES:	RULE NOS.:
Rights and Responsibilities	65A-2.022
Application and Determination of Eligibility	65A-2.023
Determination of Continued Eligibility	65A-2.024
Advance Notice: Written Ten Day	
Advance Notice	65A-2.031
Optional State Supplementation	
Eligibility Criteria	65A-2.032
Optional State Supplementation	
Coverage Groups	65A-2.033
Definitions of Special Living Arrangements	65A-2.034
Income Calculation	65A-2.035
Optional State Supplementation Base Provider	
Rates and Program Standards	65A-2.036

PURPOSE AND EFFECT: These rule amendments are the result of a long-term review of each listed rule to identify deficiencies in rule statements regarding citation of other rules, reference to program names, definitions of special living arrangements, and redundant rule material. Additionally, application processing criteria, notice criteria, eligibility criteria, coverage group criteria, provider rates and eligibility standards are being revised and Medicaid Assistive Care Services is being implemented. Assistive Care Services provides enhanced payment for the care of those eligible for the OSS program.

SUMMARY: Rule 65A-2.022 is clarified as to use of OSS payments, applicability of the right to prompt notice of decision and use of a designated representative and rights and responsibilities. Rule 65A-2.023 is clarified as to notice requirements. Rule 65A-2.024 is amended to clarify use of a designated representative, to use the word “terminated” instead of the word “cancelled” and to add an eligibility criterion. Rule 65A-2.031 is amended to use “terminate” and “termination” or “reduction” instead of “cancel” or “cancellation” and to clarify use of ten-day advance notice. Additionally, action on benefits subsequent to denial of an Administrative Hearing or system failure to reduce or terminate benefits is clarified. Rule 65A-2.032 is amended to correct rule citations within it and to clarify and simplify statements of eligibility requirements.

Rule 65A-2.033 is amended to use current terminology to reflect types of special living arrangements (coverage groups). Rule 65A-2.034 is repealed. Rule 65A-2.035 is amended to: clarify statements about income; correct a rule citation; provide a statutory reference for exclusions; and, remove language that repeats statutory provisions. Rule 65A-2.036 is amended to: revise statements about provider rates, program financial standards, the personal needs allowance and payment criteria; correct a rule citation; and to change the maximum provider rate(s).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost was not prepared for this rule.

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

SPECIFIC AUTHORITY: 409.212(7) FS.

LAW IMPLEMENTED: 409.212 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 10:00 a.m., September 10, 2001

PLACE: 1317 Winewood Boulevard, Building 3, Room 100, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE, THE PUBLIC HEARING OR AN ECONOMIC STATEMENT IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700, Telephone (850)488-3090

THE FULL TEXT OF THE PROPOSED RULES IS:

65A-2.022 Rights and Responsibilities of Applicants and Recipients.

(1) Any individual has the right to apply for Optional State Supplementation (OSS) and, if found eligible according to these rules and s. 409.212, F.S., to receive an established monthly payment. The OSS payment is made to assist individuals residing in Assisted Living Facilities (ALFs) and in those Mental Health Residential Treatment Facilities (MHRTFs) that are enrolled as qualified Medicaid Assistive Care Services (ACS) providers with the cost of room and board. The OSS payment made to individuals residing in Adult Family Care Homes, Mental Health Residential Treatment Facilities that do not meet the criteria for enrollment as qualified Medicaid ACS providers, and for the individuals covered under Rules 65A-2.033(3) and (4) is inclusive of room, board and personal care. The individual’s use of the personal needs allowance this payment is not restricted. The recipient is responsible for providing all facts necessary to

establish initial and continuing eligibility. The recipient is also responsible to promptly notify the Department of any changes in circumstances that may affect their eligibility.

(2) An authorized representative as defined in Rule 65A-1.203(10), F.A.C., may be designated to act on behalf of the individual in any matter pertaining to the individual's OSS eligibility. Designation may be made by the individual, or a person knowledgeable of the individual's affairs may be self-designated as the individual's representative. The authorized representative will be identified on the department's form CF-ES 2505, Affidavit for Designated Representative, Jan 98 (incorporated by reference).

(3) The individual is responsible for providing all facts necessary to establish initial and continuing eligibility. The individual is also responsible to notify the department of any changes in circumstances that could affect their eligibility within ten days of the date of the change.

(4) The Department is responsible for providing prompt action, equitable treatment and timely notification of any decision regarding to make a change in an individual's payment or eligibility status.

(5) Copies of the forms incorporated by reference in this rule may be obtained from the Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Building 3, Room 427, Tallahassee, Florida 32399-0700.

Specific Authority 409.212(7)(5) FS. Law Implemented 409.212 FS. History--New 1-1-77, Formerly 10C-2.22, 10C-2.022, Amended _____.

65A-2.023 Application and Determination of Eligibility.

(1) Any individual wishing to receive an Optional State Supplementation (OSS) payment must submit a completed, dated, and signed form CF-ES 2066, Request for Assistance, Apr 01 (incorporated by reference). This form is used as the application for OSS assistance. Once the completed, dated and signed application is received, and date stamped as received by the Department, the application process begins. A decision regarding eligibility or ineligibility must be reached, and a check or letter of rejection of the application must be in the mail within 45 days of the date stamped on the application. In determining an applicant's eligibility status, a Department employee obtains facts of the situation of the applicant as related to each factor of eligibility. Information provided by the application must be substantiated, verified, or documented.

(2) Applications are processed and the eligibility decision is made in accordance with the standards in Rule 65A-1.205, FAC, with the exception that the Request for Assistance (incorporated by reference in this rule) is the application form for the OSS program. The notice of decision is provided by form CF-ES 2235, Aug 01 (incorporated by reference).

(3) Copies of the forms incorporated by reference in this rule may be obtained from the Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Building 3, Room 427, Tallahassee, Florida 32399-0700.

Specific Authority 409.212(7)(5) FS. Law Implemented 409.212 FS. History--New 1-1-77, Formerly 10C-2.23, Amended 2-9-88, Formerly 10C-2.023, Amended _____.

65A-2.024 Determination of Continued Eligibility.

(1) The individual receiving Optional State Supplementation (OSS) must notify maintain continuing communication with the Department of changes in circumstances as indicated in Rule 65A-2.022(3). The Department, in cooperation with the individual, must redetermine the individual's eligibility for continued assistance at least annually.

(2) Individuals who do not cooperate with the Department by providing in the provision of required information or documentation shall have their case terminated cancelled, as continuing eligibility cannot be established.

(3) If an individual leaves the special living arrangement for a period of 30 consecutive days, the individual is no longer eligible for continued OSS benefits and must reapply in order for thier eligibility to be determined.

Specific Authority 409.212(7)(5) FS. Law Implemented 409.212 FS. History--New 1-1-77, Amended 10-7-80, Formerly 10C-2.24, 10C-2.024, Amended _____.

65A-2.031 Advance Notice: Written Ten Day Advance Notice.

(1) Written notification must be given or mailed to an individual A person receiving Optional State Supplementation must be given or mailed written notification ten days in advance of action to terminate cancel his/her grant or reduce the payment the amount of assistance.

(2) Exception: Conformity to ten day advance notice is waived in the following situations, but written notification must be given or mailed to the individual or thier authorized representative prior to the effective date of the action:-

- (a)(1) When termination cancellation is due to death;
- (2) When cancellation is due to transfer within program to another type of coverage;

(b)(3) When an individual or thier authorized representative person requests termination or reduction of assistance cancellation in writing;

(c)(4) When the Department is unable to locate an individual as evidenced by the return of a letter of a recent date, with an indicationg that the letter could not be delivered due to no forwarding address, and no further information for locating the individual is available;

(d)(5) When an Administrative or Fair Hearing has been denied, the benefits that were continued without reduction pending the outcome of the hearing may be reduced with no advance notice of adverse action to the individual; or

(e)(6) When systems transactions fail to effect payment reduce or terminate assistance correctly cancellation and notice has previously been given.

Specific Authority 409.212(7)(5) FS. Law Implemented 409.212 FS. History--New 1-1-77, Formerly 10C-2.31, 10C-2.031, Amended _____.

65A-2.032 Optional State Supplementation General Eligibility Criteria.

(1) An eligible individual must be age 65 or older, or age 18 or older and blind or disabled as defined by Title XVI of the Social Security Act. Federal disability criteria are found at 20 CFR 416. Eligibility on the factors of age, residence, citizenship, assets, and income is established by Supplemental Security Income Program staff based on Title XVI of the Social Security Act for those recipients receiving Supplemental Security Income.

(2) An eligible individual must be living in the State of Florida with the intent to remain. To be eligible for Optional State Supplementation an individual must be eligible for and receiving a check from the Supplemental Security Income Program, or any Optional State Supplementation recipient who for the month of June 1981 or thereafter was receiving financial assistance under the Title XVI Supplemental Security Income Program, was also entitled to monthly insurance benefits under the Title II Social Security Program, and except for the increase(s) in monthly insurance benefits under Title II would have been eligible for Title XVI (Supplemental Security Income) benefits for the current month, may be determined to be eligible for Optional State Supplementation provided applicable criteria found in (1) above and those listed under Rule 65A-2.033 are met.

(3) An eligible individual must be a United States citizen or a qualified non-citizen as defined in 8 USC s. 1641(b). All individuals receiving Optional State Supplementation (OSS) must meet the program eligibility criteria as specified under Chapters 10A-4, 10A-5, and 10E-4 for the specific living arrangement.

(4) An eligible individual must have income within standards established by the department. Aged, blind or disabled adults who meet Supplemental Security Income Program eligibility criteria, except for the amount of their income meet all other Optional State Supplementation Program eligibility criteria may be eligible to receive Optional State Supplementation payments if their monthly income is equal to or below the income standard set by the Department.

(5) An eligible individual must have assets within SSA Title XVI standards for SSI.

(6) An individual must apply for and seek a determination of eligibility for all other monetary benefits for which they may be entitled or otherwise potentially eligible.

(7) An eligible individual must be living in a licensed Assisted Living Facility (as defined in s. 400.402, F.S.); a licensed Adult Family Care Home (as defined in s. 400.618, F.S.); or, a licensed Mental Health Residential Treatment Facility (as defined in s. 394.875, F.S.). Additionally, the facility must meet the individual's needs based on objective medical and social evaluations and care plans, in accordance with Chapters 58A-5, 58A-14 or 65E-4, F.A.C., respectively.

(8) When appropriated Optional State Supplementation funding is insufficient to meet fiscal demands, a proportional reduction will be applied to Optional State Supplementation payments, but shall not affect maintenance of effort required per s. 1618 of the Social Security Act.

Specific Authority 409.212(7)(5) FS. Law Implemented 409.212 FS. History—New 1-1-77, Amended 9-29-81, 10-31-83, Formerly 10C-2.32, Amended 9-30-86, Formerly 10C-2.032, Amended _____.

65A-2.033 Optional State Supplementation Coverage Groups Eligibility Factors Other Than Need.

To be determined eligible for Optional State Supplementation (OSS), an individual must qualify under one of the following coverage groups.

(1) The individual must be eligible for and receiving a check from the Supplemental Security Income Program administered by the Social Security Administration. The department accepts receipt of SSI as meeting all factors of Optional State Supplementation eligibility criteria in Rule 65A-2.032, except age and placement need as specified in Rule 65A-2.032(8), which must be verified by department staff. A person meeting general eligibility criteria must be certified as eligible for placement in Room and Board with Personal Care or Foster Care for Adults, or other Special Living Arrangements. Eligibility is based on medical and social evaluations in accordance with approved departmental policies relating to the Community Care Program, as found in Chapter 10A-4, Specialized Adult Services, F.A.C.

(2) For the purpose of meeting OSS placement criteria, mental health residential treatment facilities licensed under Chapter 394.875(2), F.S., will be considered as living in a special living arrangement.

(3)(2) The individual must meet all SSI and OSS eligibility criteria, except for income which must be equal to or less than the Optional State Supplementation income standard established by the department. These individuals must meet eligibility criteria in Rule 65A-2.032. The following placement criteria used when funds are insufficient to meet the placement needs. Applicants requesting placement must be evaluated according to the following criterion with the first criteria being the highest priority.

(a) The applicant must be in imminent danger of abuse, neglect or exploitation and all other placement alternatives and resources have been explored;

(b) The applicant must be at risk of institutionalization within 90 days and all other placement alternatives and resources have been explored;

(c) The applicant is institutionalized and is discharge ready and all other placement alternatives and resources have been explored;

~~(d) All other placement alternatives have been explored and Adult Congregate Living Facility, Mental Health Residential Treatment Facility or Adult Foster Home Placement is the only appropriate placement and the receipt of Optional State Supplementation is a prerequisite for placement.~~

~~(3) The individual must have been eligible for and receiving Aid to the Aged, Blind or Disabled (AABD) from the state as of December 1973. This federally mandated coverage group did not qualify for the same level of benefits under SSI in 1974. For this coverage group, the special living facility criteria at Rule 65A-2.032(7) does not apply.~~

~~(4) The individual must: reside in an ALF or MHRTE; have been eligible for and receiving OSS payments for August 2001; have become ineligible for OSS as of September 2001 solely because thier income exceeds the applicable OSS income standard of \$609.40; and, not be categorically eligible for full Medicaid benefits as of September 2001. As long as the individual continues to meet all OSS eligiblity criteria and the income standard test in Rule 65A-2.036(3)(b), they will remain eligible for payment under the provider rates in Rule 65A-2.036(4)(b). Once an OSS recipient no longer meets all OSS eligibility criteria or the income standard in Rule 65A-2.036(3)(b), they will no longer be eligible under this coverage group.~~

~~Specific Authority 409.212(7)(5) FS. Law Implemented 409.212 FS. History--New 1-1-77, Formerly 10C-2.33, Amended 9-30-86, 2-9-88, Formerly 10C-2.033, Amended _____.~~

~~65A-2.034 Definitions of Special Living Arrangements.~~

~~Specific Authority 409.212(5) FS. Law Implemented 409.212 FS. History--New 1-1-77, Formerly 10C-2.34, Amended 9-30-86, 2-9-88, Formerly 10C-2.034, Repealed _____.~~

~~65A-2.035 Income Calculation Eligibility Factors of Need.~~

~~(1) To be determined ~~A person~~ eligible for Optional State Supplementation, an individual must not have gross monthly income, after with the following exclusions, in excess of ~~Departmental Standards~~, as found in Rule 65A-2.036(3)(c), F.A.C.:-~~

~~(a) Gross income, less an the earned income exclusion of \$65 plus one-half of the remaining earned income, is computed on a monthly basis and considered in determining the amount of an individual's Optional State Supplementation Payment.:-~~

~~(b) Other federal exclusions to the individual's income An earned income exclusion of \$65 plus one-half of the remaining earned income is applied in cases where the individual has earned income; and,-~~

~~(b) A person may receive additional supplementation from third parties to contribute to his cost of care. The payments shall be made to the adult congregare living facility, or to the operator of an adult foster home, family placement, or other special living arrangement, on behalf of the person and not directly to the Optional State Supplementation recipient. The additional supplementation shall not exceed two times the~~

provider rate recognized under the Optional State Supplementation program. Contributions meeting these qualifications will be excluded as income.

~~(c) Additional exclusions provided by Chapter 409.212(5), F.S. Rent vouchers issued pursuant to a federal, state, or local housing program may be issued directly to a recipient of Optional State Supplementation. Rent vouchers will be excluded as income.~~

~~Specific Authority 409.212(7)(5) FS. Law Implemented 409.212 FS. History--New 1-1-77, Amended 9-29-82, Formerly 10C-2.35, Amended 1-27-91, Formerly 10C-2.035, Amended _____.~~

~~65A-2.036 Amount of Optional State Supplementation Payments Base Provider Rates and Program Standards.~~

~~(1) Within the funds appropriated by the Legislature, the department will establish base provider rates for specialized living arrangements (the amount the individual is to pay the facility). Base provider rates may vary depending upon type of specialized living facility and covered services in such facilities. The Departmental Standards for the cost of care in the Special Living Arrangement, plus a personal need allowance, less the individual's gross income, minus the earned income exclusion, equals the amount of the Optional State Supplementation Payment rounded down to the nearest whole dollar. Payment for the month of admission shall be prorated if the month of admission is the month of application or later. For months other that the month of admission, payment begins the first day of the month. The payment is issued monthly through a computerized delivery system. Reference 65A-2.036(3) below. The cost of care standard established for OSS applicants and recipients residing in Adult Congregate Living Facilities will be utilized for OSS applicants and recipients residing in Mental Health Residential Treatment Facilities.~~

~~(2) Within the funds appropriated by the Legislature, OSS eligible individuals receive a standard personal needs allowance (PNA), the amount the individual keeps for personal needs. The PNA is established by Legislative proviso language. The individual's PNA does not vary due to type of specialized living facility and covered services in such facilities. The Optional State Supplementation payment is, in fact, a supplement to all other sources of income, excepting the exclusions found in 65A-2.035, to meet the recognized cost of care in special living arrangements. The department shall not increase an Optional State Supplementation payment to offset the reduction in Supplemental Security Income benefits that will occur because of third party contributions.~~

~~(3) Optional State Supplementation (OSS) Program Financial Standards.~~

~~(a) The monthly income eligibility standard for residents of Assisted Living Facilities (ALFs) and, except as specified in paragraph (b) of this rule, Mental Health Residential Treatment Facilities (MHRTEFs) is \$609.40 Personal Need Standard -- \$43.~~

(b) The monthly income eligibility standard for residents of Adult Family Care Homes, for residents of MHRTFs that do not meet the criteria for enrollment as qualified Medicaid ACS providers, and for individuals with coverage under Rules 65A-2.033(3) and (4) is \$716 Maximum Provider Rate (cost of care) — a standard of \$622 per month.

(c) The personal needs allowance (PNA) is \$54 Monthly Income Standard — \$622.

(4) Optional State Supplementation (OSS) Base Provider Rates.

(a) For Assisted Living Facilities (ALFs) and, except as specified in paragraph (b) of this rule, Mental Health Residential Treatment Facilities (MHRTFs), the base provider rate is \$555.40 and is inclusive of room and board only.

(b) For Adult Family Care Homes, Mental Health Residential Treatment Facilities that do not meet the criteria for enrollment as qualified Medicaid ACS providers, and for the individuals covered under Rules 65A-2.033(3) and (4), the base provider rate is \$716 and is inclusive of room, board and personal care.

(5) To calculate the amount of the Optional State Supplementation payment, the base provider rate is added to the standard personal needs allowance to determine the individual’s total needs. From this sum, the individual’s gross income, minus the allowable exclusions at Rule 65A-2.035, is subtracted, resulting in the amount of the Optional State Supplementation payment.

(6) Payment for the month of admission to the special living arrangement shall be prorated if the month of admission is the month of application or later. For months other than the month of admission, payment begins the first day of the month.

(7) The monthly income eligibility standards of Rule 65A-2.036(3)(a) and (b) and the base provider rates established at Rule 65A-2.036(4) shall be increased by the annual cost-of-living adjustment to the federal benefit rate, provided the average state optional supplementation contribution does not increase as a result.

(8) The payment is issued monthly through an automated delivery system.

Specific Authority 409.212(7)(5) FS. Law Implemented 409.212 FS. History—New 1-1-77, Amended 9-27-79, 10-7-80, 9-29-81, 9-29-82, 10-31-83, 11-28-83, 9-30-84, 10-1-85, Formerly 10C-2.36, Amended 1-1-87, 2-9-88, 11-6-88, 2-16-89, 3-1-90, 1-27-91, 2-19-95, Formerly 10C-2.036, Amended 1-27-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rodney McInnis, Operations Review Specialist
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy Bureau
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 13, 2001

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation

RULE TITLE: Training
RULE NO.: 65C-22.003

PURPOSE AND EFFECT: The minimum standards in this document will add the training certificate form number which is required to document completion of the Observation of Developmental Behaviors Module, will amend the number of introductory child care training modules that may be exempted by successfully completing module exemption tests, and will amend the minimum passing score required to successfully complete the exemption tests.

SUMMARY: Current Rule 65C-22.003(2), F.A.C., requires that the Part I (Modules I-IV) training must be documented on CF-FSP Form 5154, Oct. 96. The proposed change will add Form CF-FSP Form 5243, Sept. 2000 for Part I (Module V). Current Rule 65C-22.003(3), F.A.C., allows child care personnel to exempt any of the four (4) introductory child care training modules by successfully completing a module exemption test with an eight (80) percent or better score. The proposed change will allow exemption testing for any of the five (5) introductory child care training modules and change the score for successful completion to 70 percent.

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: 402.305(2),(3) FS.

LAW IMPLEMENTED: 402.305(2),(3) FS.

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

TIME AND DATE: 9:00 a.m., September 10, 2001

PLACE: 1317 Winewood Blvd., Building 6, Conference Room 355, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Pace-Brown, Licensing Specialist, 1317 Winewood Blvd. Building 6, Room 387, Tallahassee, FL 32399, (850)488-4900

THE FULL TEXT OF THE PROPOSED RULE IS:

- 65C-22.003 Training.
- (1) No change.
- (2) Training Requirements.
- (a) through (b) No change.
- (c) Documentation. Training certificates are issued by training coordinating agencies upon the completion of training.

1. Part I, Modules I through IV, must be documented on CF-FSP Form 5154, Oct. 96, Part I, Module V, must be documented on CF-FSP 5243, Sept. 2000, the Department's Introductory Child Care Training Course Certificate (Part I), and Part II must be documented on CF-FSP Form 5166, Oct. 96, the Department's Specialized Training Module Certificates (Part II), which are incorporated by reference.

2. No change.

(3) Exemptions from Part I of the Introductory Child Care Course.

(a) Child care personnel can be exempt from any of the five (5) four (4) introductory child care training modules by successfully completing module exemption tests with an seventy (70) eighty (80) percent or better score. Exemption tests will be offered by the training coordinating agency, or its designee.

(b) No change.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cynthia A Brown, Licensing Specialist, 1317 Winewood Blvd. Building 6, Room 389-A, Tallahassee, FL 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Deborah Russo, 1317 Winewood Blvd., Building 6, Room 389-A, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 5, 2001

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

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NO.: 4A-49.004
RULE TITLE: Attendant on Duty

AMENDED 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. 29, July 20, 2001, of the Florida Administrative Weekly.

4A-49.004 Attendant on Duty.

(1) All self-service gasoline service stations shall have at least one attendant on duty and present on the premises of the station while the station is operating as a retail outlet where motor fuel is offered for sale, at retail, to the motoring public open to the public or at any time fuel is offered for sale to the public. The duties of the attendant are specified by subsection

(3) of Section 526.141, Florida Statutes, and JFPA 30A, Section 9-4, the edition as adopted in Section 4A-3.012, Florida Administrative Code.

Specific Authority 633.01, 633.022(1)(b), 526.141(7) FS. Law Implemented 633.01, 526.141(7) FS. History--New _____.

The remainder of the rule reads as previously published.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER NO.: 4A-62
RULE NO.: 4A-62.003
RULE CHAPTER TITLE: Firefighter Employment Standards
RULE TITLE: Firefighter Employment Standards; Adoption of 29 C.F.R. 1910.134(g)(3) and 1910.134(g)(4), Including Notes One and Two

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 47, November 22, 2000, edition of the Florida Administrative Weekly.

4A-62.003 Firefighter Employment Standards; Adoption of 29 C.F.R. 1910.134(g)(3) and 1910.134(g)(4), Including Notes One and Two.

(1) through (2) No change.

(3) With respect to 29 C.F.R. Section 1910.134(g)(4), the two individuals located outside the immediately dangerous to life and health atmosphere may be assigned to an additional role, such as incident commander, pumper operator, engineer, or driver, so long as such individual is able to immediately perform assistance or rescue activities without jeopardizing the safety or health of any firefighter working at an incident. Also with respect to 29 C.F.R. Section 1910.134(g)(4):

(a) Each county, municipality, and special district shall implement such provision by April 1, 2002, except as provided in Paragraphs (b) and (c).

(b) If any county, municipality, or special district is unable to implement such provision by April 1, 2002, without adding additional personnel to its firefighting staff or expending significant additional funds, such county, municipality, or special district shall have an additional six months within which to implement such provision. Such county, municipality, or special district shall notify the Division that the six month extension to implement such provision is in effect in such county, municipality, or special district within 30 days of its decision to extend the time for the additional six months. The decision to extend the time for implementation shall be made prior to April 1, 2002.

(c) If the extension granted in Paragraph (b) expires, and the county, municipality, or special district, after having worked with and cooperated fully with the Division and the

Firefighters Standards and Training Council as provided in Subsection (4), is still unable to implement 29 C.F.R. Section 1910.134(g)(4) without adding additional personnel to its firefighting staff or expending significant additional funds, such municipality, county, or special district shall be exempt from the requirements of 29 C.F.R. Section 1910.134(g)(4). Each year thereafter the Division shall review each exempt county, municipality, or special district to determine if such county, municipality, or special district has the ability to implement 29 C.F.R. Section 1910.134(g)(4) without adding additional personnel to its firefighting staff or expending significant additional funds. If the Division determines that any county, municipality, or special district has the ability to implement 29 C.F.R. Section 1910.134(g)(4) without adding additional personnel to its firefighting staff or expending significant additional funds, the Division shall require such county, municipality, or special district to implement such provision. Such requirement by the Division under this paragraph constitutes final agency action subject to Chapter 120, Florida Statutes.

Specific Authority 633.01(1) FS. Law Implemented 633.45(1)(a) FS. History—New _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
5B-58	Citrus Canker
RULE NO.:	RULE TITLE:
5B-58.001	Citrus Canker Eradication

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 29, July 20, 2001, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NOS.:	RULE TITLES:
12B-8.001	Premium Tax; Rate and Computation
12B-8.003	Tax Statement; Overpayments
12B-8.016	Retaliatory Provisions

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Governor and Cabinet, sitting as the head of the Department of Revenue, announce a public hearing to which all persons are invited.

DATE AND TIME: Tuesday, August 28, 2001, 9:00 a.m. – conclusion

PLACE: Cabinet Meeting Room, The Capitol, Lower Level, Monroe Street and Apalachee Parkway, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Governor and Cabinet, sitting as the Department of Revenue, on August 28, 2001, will consider the proposed amendments to

Rules 12B-8.001, 12B-8.003, and 12B-8.016, F.A.C. These proposed rules were noticed for a Rule Development Workshop in the Florida Administrative Weekly on April 6, 2001 (Vol. 27, No. 14, pp. 1562-1564). A rule development workshop was held on April 24, 2001, in Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida, regarding the proposed rule changes. In response to these changes, the proposed amendments in paragraphs (3)(a) and (c) of Rule 12B-8.001, F.A.C., and the proposed amendments to subsection (5) of Rule 12B-8.016, F.A.C., were modified to withdraw the issues at protest that are currently under litigation. Subsequently, a Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on July 6, 2001, (Vol. 27, No. 27, pp. 3112-3115). A public hearing was held on July 31, 2001. No one attended the hearing to provide comments regarding these proposed rules, and no written comments were received.

A copy of the Department of Revenue’s agenda for the August 28, 2001, Cabinet meeting may be obtained by contacting: Debbie Thomas, Florida Department of Revenue, Room 104, 501 South Calhoun Street, Tallahassee, Florida 32314, telephone number (850)487-1453

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NOS.:	RULE TITLES:
12C-1.013	Adjusted Federal Income Defined
12C-1.0151	Apportionment for Special Industries
12C-1.0155	Sales Factor for Apportionment
12C-1.022	Returns; Filing Requirement

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Governor and Cabinet, sitting as the head of the Department of Revenue, announce a public hearing to which all persons are invited.

DATE AND TIME: Tuesday, August 28, 2001, 9:00 a.m. – conclusion

PLACE: Cabinet Meeting Room, The Capitol, Lower Level, Monroe Street and Apalachee Parkway, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Governor and Cabinet, sitting as the Department of Revenue, on August 28, 2001, will consider the proposed amendments to Rules 12C-1.013, 12C-1.0151, 12C-1.0155, and 12C-1.022, F.A.C. The proposed rules were noticed for a Rule Development Workshop in the Florida Administrative Weekly on April 6, 2001 (Vol. 27, No. 14, pp. 1564-1566). A rule development workshop was held on April 24, 2001, in Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida, regarding the proposed rule changes. In response to these comments, the Department amended subparagraph (3)(a)1. of Rule 12C-1.0151, F.A.C., to clarify how an insurance company must determine the premium written for reinsurance accepted in respect to properties and risks in

Florida. Subsequently, a Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on July 6, 2001, (Vol. 27, No. 27, pp. 3115-3117). A public hearing was held on July 31, 2001. No one attended the hearing to provide comments regarding these proposed rules, and no written comments were received.

A copy of the Department of Revenue's agenda for the August 28, 2001, Cabinet meeting may be obtained by contacting: Debbie Thomas, Florida Department of Revenue, Room 104, 501 South Calhoun Street, Tallahassee, Florida 32314, telephone number (850)487-1453.

STATE BOARD OF ADMINISTRATION

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

NOTICE OF HEARING

The Florida State Board of Administration announces a public hearing to which all persons are invited.

DATE AND TIME: Tuesday, August 28, 2001, 9:00 a.m. – conclusion

PLACE: Room 212, Knott Building, 111 W. St. Augustine Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Trustees of the State Board of Administration, on August 28, 2001, will consider six proposed new rules in Rule Chapter 19-12, F.A.C., and will be asked for permission to file these six rules for notice:

These proposed new rules implement regulations of the Internal Revenue Code to enable the Public Employee Optional Retirement Program to qualify for tax-qualified status. Proposed new Rule 19-12.001 provides definitions. Proposed new Rule 19-12.002 sets out the purpose of the rules. Proposed new Rule 19-12.003 establishes limitations on contributions on conformance with IRS regulations. Proposed new Rule 19-12.004 provides methods for dealing with any excess contributions which exceed section 415(c) of the Internal Revenue Code. Proposed new Rule 19-12.005 provides procedures to ensure that the assets of the plan be used only for the exclusive benefit of the plan's participants. Proposed new Rule 19-12.006 provides methods for distributing benefits. The rule development workshop was scheduled for on August 20, 2001.

A copy of the State Board of Administration's agenda for the August 28, 2001, Cabinet meeting may be obtained by contacting: Dorothy Westwood, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1350.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.:	RULE TITLE:
61G17-7.001	Seals Acceptable to the Board

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Professional Surveyors and Mappers hereby gives notice that an additional public hearing on the above-referenced rule will be held on September 6, 2001 at 9:00 a.m. at the Embassy Suites, 1100 S. E. 17th Street, Ft. Lauderdale, Florida 33316, (954)527-2700. This hearing is being held due to comments received by the Board from interested parties. The rule was originally published in Vol. 27, No. 27, of the July 6, 2001 issue of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.:	RULE TITLE:
64B5-15.010	Fee for Inactive Status

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 30, July 27, 2001, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE RULE WITHDRAWAL IS: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Medicine

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

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 20 of the May 18, 2001, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Rules Committee held a public hearing on the rule on August 2, 2001, in Tallahassee, Florida. The Board voted to change the rule on August 4, 2001. When changed, subsection (12) of the rule shall read as follows:

(12) For the purpose of implementing corrective action with regard to disciplinary proceedings, "community service" shall be defined as the delivery of medical services directly to patients, or the delivery of other volunteer services to an entity which is exempt from federal taxation under 26 U.S.C. s. 501(c)(3), without fee or cost to the patient or the entity, for the good of the people of the State of Florida. Community service shall be performed outside the physician's regular practice setting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: 64E-5.225
 RULE TITLE: Public Notification and Public Participation

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 30, July 27, 2001, of the Florida Administrative Weekly:

The changes were made in response to written comments received from the Joint Administrative Procedures Committee. Rule 64E-5.225, Florida Administrative Code, is changed, so that when adopted will read:

64E-5.225 Public Notification and Public Participation.

Upon the receipt of a license termination or decommissioning plan or a proposal for release of a site as specified in Rules 64E-5.223 or 64E-5.224, F.A.C., and the total effective dose equivalent will exceed 50 millirem (0.5 mSv), the department shall:

(1) Notify and solicit comments from:

(a) Local and other state governments in the vicinity of the site and any Indian Nation or other indigenous people that could be affected by the decommissioning; and

(b) The U.S. Environmental Protection Agency if the licensee proposes to release a site as specified in Rule 64E-5.224, F.A.C.

(2) Publish a notice in the Florida Administrative Weekly to solicit comments from affected parties.

**Section IV
 Emergency Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE TITLE: Citrus Canker Eradication
 RULE NO.: 5BER01-1

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Citrus canker, Asian strain *Xanthomonas axonopodis* pv.citri, is one of the most destructive bacterial diseases of citrus. Severe infections of citrus canker cause fruit to blemish, making it difficult to market for fresh consumption. The disease also causes premature fruit drop, thereby reducing commercial citrus production. If not eradicated from the state, Florida's citrus industry, valued at more than \$8 billion will be in jeopardy due to lost production and lost markets resulting from quarantine action, and dooryard citrus production will be substantially damaged. Quarantines have already been imposed in certain areas and those quarantines will necessarily be expanded if immediate action is not taken. Previous efforts by the Department to eradicate citrus canker included the destruction of all citrus trees located within 1,900 feet of any citrus tree which exhibited visible signs of citrus canker infection subject to the performance of a risk assessment process to assess whether facts and circumstances applicable in a particular setting warranted destruction of citrus trees located within a greater or lesser radius. Application of the risk assessment process has resulted in consistent determinations that citrus trees located within 1,900 feet of a citrus tree exhibiting visible signs of citrus canker must be removed to effectuate eradication of citrus canker. As a result of the consistency of those risk assessment determinations, the Department's experience and scientific information provided to the Department, the Department has determined that continued risk assessments are no longer necessary, and would unnecessarily delay eradication efforts. Since November 1, 2000, due to court actions the Department has destroyed only those trees which exhibit visible signs of the citrus canker. As a result of the fact that, in Miami-Dade and Broward Counties, the Department has not destroyed all citrus trees located within 1,900 feet of those trees exhibiting visible signs of citrus

canker infection, the number of newly identified trees exhibiting such visible signs of citrus canker has increased by more than 4,950. Accordingly, since November 1, 2000, more than 343 square miles in Miami-Dade and Broward Counties are now located within 1,900 feet of a citrus tree exhibiting visible signs of citrus canker infection, and the Department has now identified newly infected citrus trees in Palm Beach County. To address the potential devastation of Florida's citrus industry, it is necessary to implement destruction of all citrus trees located within 1,900 feet of citrus trees exhibiting visible signs of citrus canker infection. Failure to do so will result in continued and rapid spread of citrus canker into areas of the state beyond those areas in which citrus canker has been found. In view of these specific facts and reasons and in accordance with the constitutional authority conferred upon the Commissioner of Agriculture by the Florida Constitution, Article IV, Section 4, and authorized by Sections 570.07(21) (to declare an emergency), 120.54(4)(a), 581.031(6), (17), and 581.111, Florida Statutes, the Commissioner hereby declares that an emergency exists pertaining to agriculture, and finds an immediate danger to the public health, safety or welfare exists requiring emergency action, and that a plant pest endangers or threatens the agricultural and horticultural interests of this state, and directs that citrus trees be removed and destroyed as set forth in the emergency rule hereby promulgated.

REASONS FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: This action is necessary and fair under this emergency because immediate action must be taken to prevent the spread of Asian strain citrus canker and expedite the removal of infected trees and citrus trees located within 1,900 feet of an infected tree. If immediate action is not taken, eradication costs will rise phenomenally due to the increased area which must be quarantined and in which citrus trees must be removed. If Asian strain citrus canker continues to spread unchecked, it will cause substantial damage to citrus production in home gardens and to the more than \$8 billion citrus industry.

SUMMARY OF RULE: Requires the removal of all citrus trees infected with citrus canker and all citrus trees located within 1,900 feet of an infected citrus tree. The rule also establishes Immediate Final Order procedures.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Richard Gaskalla, Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100, telephone number (352)372-3505

THE FULL TEXT OF THE EMERGENCY RULE IS:

5BER01-1 (5B-58.001) Citrus Canker Eradication.

(1) Definitions. For the purpose of this rule, the definitions in Sections 581.011, Florida Statutes, and the following definitions shall apply:

(a) through (d) No change.

~~(e) Risk Canker Risk Assessment Group. A group of scientists and regulatory officials with knowledge of citrus canker disease and its eradication appointed by the director to make biologically sound recommendations for the control and eradication of citrus canker from the state. Risk assessments are science-based recommendations on control and eradication strategies and other issues upon request for assistance from the Citrus Canker Eradication Program.~~

~~(f) through (g) renumbered (e) through (f) No change.~~

~~(h) Exposed. Determined by the Department to likely harbor citrus canker bacteria because of proximity to infected plants, or probable contact with personnel, or regulated articles, or other articles that may have been contaminated with bacteria that causes citrus canker, but not expressing visible symptoms.~~

~~(i) through (k) renumbered (g) through (i) No change.~~

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

(4) Quarantine area. An area around a site where an infestation of citrus canker is known to occur will be quarantined. The geographical boundaries of the quarantine shall be established by risk assessment procedures and will be published in a major newspaper of general distribution in each area affected and through other appropriate media. Risk assessment procedures will consider the aggressiveness of the pathogen in the field, the level of disease inoculum, the location and spatial distribution of ~~the infected and exposed~~ plants, the variety and type of citrus plants, the risk of spread to areas growing citrus commercially, maintenance practices, and other relevant information. An area shall be released from quarantine provided no detections of citrus canker have occurred during a minimum two-year period of intensive survey and a declaration that citrus canker has been eradicated from the area.

(5) Removal Control Procedures.

(a) Removal of citrus trees. For the purposes of eradicating, controlling, and preventing the dissemination of citrus canker in this state, the Department shall remove and destroy all citrus trees which are infected or are located within 1,900 feet of an infected citrus tree. Risk Assessment. The department shall perform risk assessment procedures to determine the steps necessary to eradicate, control, and prevent the dissemination of citrus canker. The Director shall evaluate the risk assessment requests in consultation with the Citrus Canker Risk Assessment Group Leader to determine the need to engage the services of the Citrus Canker Risk Assessment Group to conduct a full risk assessment. All citrus trees which are infected or infested shall be removed. The decision to remove exposed trees will take into consideration the recommendations of the Citrus Canker Risk Assessment Group. In developing the recommendations, the Citrus Canker Risk Assessment Group will take the following variables into consideration: property type, cultivar, cultivar susceptibility, tree size and age, size of block, tree spacing, horticultural

~~condition, tree distribution, tree density, weather events, wind breaks, movement factors, disease strain, exposure, infection age, infection distribution, disease incidence, Asian citrus leafminer damage, survey access, security of property, sanitation, management practices, closeness of other host properties, and closeness of other infected properties.~~

(b) Immediate Final Orders. The Department shall issue an Immediate Final Order stating the ~~quarantine and control~~ methods to be implemented on the ~~removal infected or exposed citrus located on the~~ property. It may be delivered in person, by ~~certified mail or similar common carrier~~, or ~~attached to a conspicuous place on that posted on the~~ property. Immediate final orders are not required for ~~removal control~~ action in commercial citrus groves provided the owner agrees voluntarily to the ~~removal control~~ action and enters into an agreement not to sue ~~with the Department~~. The Immediate Final Orders to be used by the Department in furtherance of the destruction of citrus trees under this rule, Form No. 01262, and Form No. 01263, are hereby incorporated by reference. Simultaneously with the delivery of an Immediate Final Order pursuant to this Section, the Department shall also provide the following information to the property owner:

1. The physical location of the infected tree which has necessitated destruction of the property owner's tree;
2. The diagnostic report which resulted in the determination that the infected tree is infected with the citrus canker; and
3. The distance between the infected citrus tree and the property owner's citrus trees.

(6) through (16) No change.

Specific Authority 570.07(21),(23), 581.031(1),(4),(5), 581.091(1), 581.0101(1), 581.184 FS. Law Implemented 570.07(2),(13),(21), 581.031(6),(7),(9),(15),(17), 581.083, 581.0101, 581.131, 581.141, 581.184, 581.211 FS. History--New 1-17-96, Amended 4-9-96, 5-14-97, 8-19-97, 11-19-97, 11-16-99, 7-17-00, 2-22-01, 8-7-01.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: August 7, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: Payment of Prizes by Retailers

RULE NO.: 53ER01-51

SUMMARY OF THE RULE: This emergency rule sets forth the provisions for payment of prizes by retailers.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-51 Payment of Prizes by Retailers.

(1) A retailer shall pay only those winning lottery tickets valued less than \$600 that are validated through the retailer's terminal.

(2) A retailer shall ensure that sufficient funds are available by cash, check, or money order before validating any ticket to pay a prize.

(3) A retailer shall pay any winning ticket of \$50 or less in cash unless:

(a) It is impossible or impracticable to do so due to a company or store policy that for safety or security reasons, limits the amount of cash available to the clerk; or

(b) It is impossible or impracticable to do so due to an applicable local government ordinance that limits the amount of cash available to the clerk.

(4) A retailer shall pay any winning ticket exceeding \$50 but less than \$600 by cash, check, or money order.

(5) A retailer shall validate a winning ticket with a prize valued at \$600 or more. Once the ticket is validated, the retailer shall provide the player with the original ticket and the two claim tickets produced by the retailer terminal. The retailer shall instruct the claimant to complete and submit to the Florida Lottery a Winner Claim Form DOL 173-2, revised 02/01, or Spanish Winner Claim Form DOL 173-S, revised 02/01, incorporated herein by reference, for prizes of \$600 or more or when any dispute arises regarding the amount or validity of an apparent winning ticket or when an apparent winning ticket will not validate using the terminal. Forms may be obtained at any Lottery district office or retailer, or by writing the Florida Lottery, Public Information, Capitol Complex, Tallahassee, Florida 32399-4016.

(6) A retailer shall be held responsible for and not receive credit for any prize paid for a ticket that was not a winner or was recorded in the gaming system as paid by another retailer.

(7) A retailer shall not pay any winning ticket of \$600 or more. A retailer who violates this subsection and fails to furnish to the Lottery the complete name, address and tax identification number of the player to whom payment was made in order to file a Form W-2G, shall be charged backup withholding pursuant to Internal Revenue Service (IRS) regulations, as well as a non-refundable \$50 service charge to offset any penalties and interest imposed by the IRS. If the IRS imposes penalties and interest in excess of \$50, the retailer's account will be adjusted in the amount of any excess. The Lottery is authorized to reimburse the retailer only upon receipt of documentation establishing that the ticket was paid in full and a determination that no fraud or other violation has been committed.

(8) A retailer shall not charge the player a fee for the service of redeeming winning lottery tickets. This prohibition includes charging a fee for payment of a prize by money order when that is the only method of prize payment made available by the retailer.

(9) A retailer shall be responsible for destroying all original tickets validated and paid by it as well as any tickets it cancels. The term "destroy" shall include, but not be limited to, tearing, shredding, or defacing by stamping "Paid."

(10) A ticket submitted to the Florida Lottery for payment which is recorded in the gaming system as paid by a retailer but which has not been destroyed will be paid to the claimant by the Lottery and the prize amount will be charged back to the retailer and reflected as an adjustment on its weekly Settlement Report.

(11) If a retailer violates any provision of this rule, the retailer shall be subject to suspension or termination in accordance with Emergency Rule 53ER94-60, Florida Administrative Code, Suspension and Termination of Retailer Contract.

Specific Authority 24.109(1), 24.112(1), 24.115 FS. Law Implemented 24.112(1), 24.115 FS. History--New 8-3-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: August 3, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 395, YEARLY DIVIDEND

RULE NO.: 53ER01-52

SUMMARY OF THE RULE: This emergency rule relates to the Instant Game Number 395, "YEARLY DIVIDEND" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prize winners, and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-52 Instant Game Numbers 395, YEARLY DIVIDEND.

(1) Name of Game. Instant Game Number 395, "YEARLY DIVIDEND."

(2) Price. YEARLY DIVIDEND tickets sell for \$2.00 per ticket.

(3) YEARLY DIVIDEND lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number

(VIRN) under the latex area on the ticket. To be a valid winning YEARLY DIVIDEND lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any YEARLY DIVIDEND lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(7) The legends are as follows:

INSERT SYMBOLS

(8) Determination of Prize Winners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches any number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to ten matching sets of numbers. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$1,000, and \$12,000 A YEAR-5 YR. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that totals \$2.00, except as follows. A person who submits by mail a YEARLY DIVIDEND lottery ticket which entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(b) A claimant who is entitled to a prize of “\$12,000 A YEAR-5 YR” shall be entitled to five annual payments of \$12,000, less federal withholding tax.

(c) A ticket having a “dollar bill” symbol in the “YOUR NUMBERS” play area shall entitle the claimant to a prize of \$50.

(9) Number and Size of Prizes. The value, number of prizes, and odds of winning in Instant Game Number 395 are as follows:

GAME PLAY TICKET	WIN \$2 TICKET	NUMBER OF WINNERS IN 42 POOLS OF 180,000 TICKETS	
		PER POOL	ODDS
\$2	\$2	1,008,000	1 in 7.50
\$2 + \$2	\$4	302,400	1 in 25.00
(\$1 x 3) + \$2	\$5	302,400	1 in 25.00
\$5	\$5	252,000	1 in 30.00
(\$1 x 6) + \$2 + \$2	\$10	252,000	1 in 30.00
\$5 + \$5	\$10	50,400	1 in 150.00
\$10	\$10	50,400	1 in 150.00
(\$2 x 5) + \$5 + \$10	\$25	50,400	1 in 150.00
\$1 + (\$2 x 2) + (\$5 x 2) + \$10	\$25	11,550	1 in 654.55
\$25	\$25	10,500	1 in 720.00
\$5 x 10	\$50	9,450	1 in 800.00
(\$20 x 2) + \$10	\$50	8,400	1 in 900.00
\$50 (Dollar Bill Symbol)	\$50	6,300	1 in 1,200.00
\$20 x 5	\$100	5,334	1 in 1,417.32
(\$5 x 4) + (\$10 x 2) + (\$20 x 3)	\$100	336	1 in 22,500.00
\$100	\$100	294	1 in 25,714.29
\$100 x 10	\$1,000	252	1 in 30,000.00
\$1,000	\$1,000	10	1 in 756,000.00
\$12,000 A YEAR-5YR	\$12,000 A YEAR-5YR	10	1 in 756,000.00
		2	1 in 3,780,000.00

(10) The overall odds of winning any prize in Instant Game Number 395 are 1 in 3.26.

(11) For reorders of Instant Game Number 395, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(12) By purchasing a YEARLY DIVIDEND lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for YEARLY DIVIDEND lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(10)(a),(b),(c), 24.115(1) FS. History—New 8-3-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: August 3, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 391, TOUCHDOWN
 RULE NO.: 53ER01-53

SUMMARY OF THE RULE: This emergency rule relates to the Instant Game Number 391, “TOUCHDOWN” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prize winners, and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-53 Instant Game Number 391, TOUCHDOWN.

(1) Name of Game. Instant Game Number 391, “TOUCHDOWN.”

(2) Price. TOUCHDOWN tickets sell for \$1.00 per ticket.

(3) TOUCHDOWN lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number (VIRN) under the latex area on the ticket. To be a valid winning TOUCHDOWN lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any TOUCHDOWN lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The PRIZE symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(6) The legends are as follows:

INSERT SYMBOLS

(7) Determination of Prize Winners. There are four games on each ticket. A ticket having a total of ten or more yards for all four downs in any one game shall entitle the claimant to a prize of the corresponding amount shown for that game. Prizes that may appear in the PRIZE area are: TICKET, \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$250, and \$500. A

claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a TOUCHDOWN lottery ticket which entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(8) Number and Size of Prizes. The value, number of prizes, and odds of winning in Instant Game Number 391 are as follows:

GAME PLAY TICKET	WIN \$1 TICKET	NUMBER OF WINNERS IN 84 POOLS OF 180,000 TICKETS		ODDS
		PER POOL		
\$1 x 2	\$2	1,814,400		1 in 8.33
\$2	\$2	756,000		1 in 20.00
(\$1 x 2) + \$2	\$2	352,800		1 in 42.86
\$4	\$4	201,600		1 in 75.00
(\$1 x 3) + \$2	\$4	50,400		1 in 300.00
\$1 + (\$2 x 2)	\$5	50,400		1 in 300.00
\$1 + \$4	\$5	50,400		1 in 300.00
\$5	\$5	50,400		1 in 300.00
\$1 + (\$2 x 2) + \$5	\$10	25,200		1 in 600.00
\$1 + \$4 + \$5	\$10	25,200		1 in 600.00
\$5 x 2	\$10	25,200		1 in 600.00
\$10	\$10	25,200		1 in 600.00
(\$5 x 3) + \$10	\$25	35,616		1 in 424.53
\$25	\$25	33,600		1 in 450.00
\$25 x 4	\$100	1,008		1 in 15,000.00
(\$25 x 2) + \$50	\$100	1,008		1 in 15,000.00
\$100	\$100	8		1 in 1,890,000.00
\$250 x 2	\$500	14		1 in 1,080,000.00
\$500	\$500	6		1 in 2,520,000.00

(9) The overall odds of winning any prize in Instant Game Number 391 are 1 in 4.26.

(10) For reorders of Instant Game Number 391, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(11) By purchasing a TOUCHDOWN lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(12) Payment of prizes for TOUCHDOWN lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(10)(a), (b), (c), 24.115(1) FS. History—New 8-3-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: August 3, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE:

On-Line Retailer Responsibilities

RULE NO.:

53ER01-57

SUMMARY OF THE RULE: The emergency rule replaces 53ER00-20, F.A.C., and sets forth provisions regarding the responsibilities of an on-line Lottery retailer.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-57 On-Line Retailer Responsibilities.

(1) The Lottery shall contract with specified retailers to sell on-line lottery tickets from on-line terminals provided to retailers by the Lottery or its vendors. Retailers shall attend such training sessions as the Lottery shall require to ensure that all retailers and their employees are properly trained in the operation of the on-line terminal prior to their on-line terminal being activated to sell on-line tickets.

(2) All equipment provided to the retailer by the Lottery or its vendors shall remain the property of the Lottery or its vendors, and retailers shall acquire no interest whatsoever in the equipment.

(3) There are two types of on-line terminals that may be provided to a retailer by the Lottery; one type requires a dedicated data line and the other type operates on a standard telephone line.

(a) If the on-line terminal provided by the Lottery to the retailer is the type that requires a dedicated data line, prior to its installation the retailer shall provide a grounded electrical circuit dedicated for use with the on-line terminal. The circuit must meet the following electrical requirements: 115 volts AC, single phase; 60 HZ nominal, with a 15-ampere breaker. The circuit shall have a dedicated quadruple three-prong electrical outlet located within six unobstructed feet of the terminal. The circuit must remain operational twenty-four hours a day.

(b) If the on-line terminal provided by the Lottery to the retailer is the type that operates on a standard telephone line, prior to its installation the retailer shall provide a grounded duplex three-prong electrical outlet located within six unobstructed feet of the terminal. Retailer shall also provide a standard single business line and an RJ11 telephone jack within six unobstructed feet of the terminal. Retailer may use the telephone line for other purposes when not in use by the on-line terminal.

(4) Retailers shall locate a telephone within six unobstructed feet of the on-line terminal.

(5) Retailers shall provide a minimum amount of space as determined by the Lottery at the location of the on-line terminal for proper ventilation, maintenance, and material loading and removing.

(6) If the on-line terminal installed for use by the retailer is of the type that requires a dedicated data line, retailer shall pay a weekly service charge to the Lottery. The current service

charge is \$10.00 per week and may be amended from time to time. Promotional terminals and second terminals installed for a promotional event or other special event or to accommodate sales volume will not be assessed a service charge.

(7) Retailers shall pay all electrical utility charges in connection with operation of the on-line terminal.

(8) Retailers shall use due diligence and care when operating the on-line terminal and shall immediately notify the Lottery's designated VENDOR HOTLINE of any phone line or on-line terminal malfunction, such as the issuance of an invalid ticket, the inability to cancel a ticket or the non-issuance of a ticket.

(9) Upon display of proper identification, retailers shall provide access to Lottery or vendor personnel for service.

(10) Retailers shall be responsible for the physical security of the on-line terminal.

(11) The Lottery is authorized to recover the cost of any damage to on-line terminals in excess of normal wear and tear.

(12) Retailers shall not attempt to perform any mechanical or electrical maintenance or repairs on the on-line terminal except as authorized by the Lottery or its vendors.

(13) Retailers shall change ribbons, replenish ticket stock, and clear paper jams as required on the on-line terminal.

(14) Retailers shall provide a space for the play station provided by the Lottery at a location approved by the Lottery. Retailers shall maintain an adequate supply of pencils, play slips, claim forms, and brochures for use by players as provided by the Lottery or authorized vendor. Material not authorized by the Lottery shall not be displayed at or dispensed from the play station.

(15) A retailer shall destroy all original tickets that it validates and pays or cancels. The term "destroy" shall include, but not be limited to, tearing, shredding, or defacing by stamping "Paid."

(16) Upon violation of these rules by a retailer, the Lottery is authorized to terminate or restrict the retailer's authority to sell lottery tickets.

(17) This emergency rule replaces Emergency Rule 53ER00-20, Florida Administrative Code.

Specific Authority 24.112(1), 24.105(2)(a), 24.109(1) FS. Law Implemented 24.112(1) FS. History--New 8-3-01, Replaces 53ER00-20 F.A.C.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: August 3, 2001

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

WATER MANAGEMENT DISTRICTS

The St. Johns River Water Management District hereby gives notice that it received a petition on July 26, 2001, from Wayne E. Flowers, Esq., representing Cape Canaveral Hospital, seeking a variance of Rule 40C-4.302(1)(c), F.A.C., and the associated portion of the Applicant's Handbook: Management and Storage of Surface Waters, including Section 12.2.5(c), with respect to the Environmental Resource Permit Application to construct certain facilities related to expansion of the Cape Canaveral Hospital in Brevard County, Florida. Some of the planned construction is proposed to occur directly in the Banana River which is categorized as Class III waters that are classified by the Department as conditionally approved and/or conditionally restricted for shellfish harvesting. Comments on this petition should be filed with Sandy Bertram, District Clerk, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, within 14 days of publication of this notice. The petition has been assigned F.O.R. Number 2001-0053.

For a copy of the petition or additional information, contact: Thomas I. Mayton, Jr., Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, or telephone (386)329-4108.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

On August 24, 2000, the Department received a request for variance/waiver pursuant to Section 376.3071(12)(k)(5), F.S. (2000), from Lutz Petroleum and Equipment Installation, Inc., requesting a permanent variance/waiver from certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition was assigned OGC case #00-1181. A Notice of Receipt of Petition for Variance/Waiver was published in the September 29, 2000, F.A.W. On April 19, 2001, the petition was granted for certain documentation that was required from Lutz Petroleum, Panhandle Industries, Delta Petroleum, Nutting Environmental and Envirodyne Laboratories.

Copies may be received from: Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn: Rebecca Grace.

On July 10, 2000, the Department received a request for variance/waiver pursuant to Section 376.3071(12)(k)(5), F.S. (2000), from Brown and Root Services, Inc., requesting a permanent variance/waiver from certain record keeping requirements under subsection 376.3071(12)(e), F.S. The

petition was assigned OGC case #00-1405. A Notice of Receipt of Petition for Variance/Waiver was published in the July 28, 2000, F.A.W. On April 4, 2001, the petition was granted for certain documentation that was required from HNUS, disposal manifests, and subcontractor payment. Confirmation of payment resolved the request for Jacobs & Associates, Inc. and QED Environmental Systems, Inc.

Copies may be received from: Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn: Rebecca Grace.

On August 28, 2000, the Department received a request for variance/waiver pursuant to Section 376.3071(12)(k)(5), F.S. (2000), from PDG Environmental, Inc., requesting a permanent variance/waiver from certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition was assigned OGC case #00-1688. A Notice of Receipt of Petition for Variance/Waiver was published in the September 22, 2000, F.A.W. On April 19, 2001, the petition was granted for certain documentation that was required from Environmental Technologies & Assessments, Inc. Repayment for other issues has been requested by the Department.

Copies may be received from: 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 for variance/waiver pursuant to Section 376.3071(12)(k)(5), F.S. (2000), from Rust Environmental and Infrastructure, Inc., requesting a permanent variance/waiver from certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition was assigned OGC case #00-1729. A Notice of Receipt of Petition for Variance/Waiver was published in the September 22, 2000, F.A.W. On April 19, 2001, the petition was granted for certain documentation that was required from Lil Champ Food Store, IT Corporation, and Rust. Confirmation of timesheets resolves request for other Rust Personnel.

Copies may be received from: Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn: Rebecca Grace.

On November 7, 2000, the Department received a request for variance/waiver pursuant to Section 376.3071(12)(k)(5), F.S. (2000), from The Environmental Trust, requesting a permanent variance/waiver from certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition was assigned OGC case #00-2092. A Notice of Receipt of Petition for Variance/Waiver was published in the November 22, 2000,

F.A.W. On March 9, 2001, the petition was granted for certain documentation that was required from Tower Environmental and Environmental Equipment Construction.

Copies may be received from: Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn: Rebecca Grace.

On December 12, 2000, the Department received a request for variance/waiver pursuant to Section 376.3071(12)(k)(5), F.S. (2000), from Mr. Robert C. Kratz, requesting a permanent variance/waiver from certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition was assigned OGC case #00-2221. A Notice of Receipt of Petition for Variance/Waiver was published in the January 19, 2001, F.A.W. On April 18, 2001, the petition was granted for certain documentation that was required from VOC Analytical Laboratories, Inc., and Professional Services Industries. Repayment for unauthorized and funder markup has been requested by the Department. Confirmation of payment resolved the request for Professional Service Industries.

Copies may be received from: Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn: Rebecca Grace.

DEPARTMENT OF HEALTH

The Board of Medicine hereby gives notice that it has received an emergency petition, filed on August 1, 2001 from Tyrone L. Adams, MD, JD seeking a waiver or variance of Section 458.319(1), Florida Statutes, and an unidentified rule requiring a licensee to successfully complete a board-approved clinical competency examination prior to renewal of the license of any physician who has not actively practiced medicine for at least two of the immediately preceding four years, Florida Administrative Code, with respect to renewal of his license to practice medicine. The Board will discuss this matter by telephone conference call on a date to be announced. Comments on this petition should be filed with Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, within 14 days of publication of this notice.

For a copy of the petition, contact: Tanya Williams, Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

Any person requiring a special accommodation at this telephone conference because of a disability or physical impairment should contact the Board's Executive Director at least 5 calendar days prior to the telephone conference. If you

are hearing or speech impaired, please contact the Board using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

NOTICE IS HEREBY GIVEN that the Department of Health, by order dated on November 8, 2000, has granted with conditions the petition for Waiver of Rule 64E-6.013(2)(f), Florida Administrative Code, filed by Mr. George E. Nelson, President, Stonel Associates, Inc., on behalf of Polylok, Inc.. The petition was filed with the Department on June 29, 2000; and, noticed of receipt of the Petition was published in Vol. 26, No. 32, page 3720 of the Florida Administrative Weekly.

No comments from interested persons were received.

The Order provides the Petition for Waiver of Rule 64E-6.013(2)(f), Florida Administrative Code, is granted, with the conditions that Petitioner seals shall be molded from ethylene-vinyl acetate (EVA) co-polymers and subjected to 30 M rads of irradiation treatment to effect cross-linking of the polymer molecules and the seal material shall exhibit no more than a 75% set, which is equivalent to at least a 25% rebound.

A copy of the Order may be obtained from: Mr. Theodore M. Henderson, Agency Clerk, Department of Health, BIN A02, 4052 Bald Cypress Way, Tallahassee, FL 32399-1703, (850)245-4005.

NOTICE IS HEREBY GIVEN that the Department of Health, by order dated on March 19, 2001 has granted with provision the petition for variance from Rules 64E-5.217(1)(b), Florida Administrative Code, filed by Mr. David L. Nicholds, on behalf of MDS Nordion, Inc., and Food Technology Service, Inc. The petition was filed with the Department on October 20, 2000; and, noticed of receipt of the Petition was published in Vol. 26, No. 47, pages 5536-5537 of the Florida Administrative Weekly.

No comments from interested persons were received.

The Order provides the Petition for Variance from Rule 64E-5.217(1)(b), Florida Administrative Code, is granted, with the proviso that Petitioners shall provide 120 days notice to the Department in the event of termination of the Standby Letter of Credit.

A copy of the Order may be obtained from: Mr. Theodore M. Henderson, Agency Clerk, Department of Health, BIN A02, 4052 Bald Cypress Way, Tallahassee, FL 32399-1703, (850)245-4005.

FISH AND WILDLIFE CONSERVATION COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Fish and Wildlife Conservation Commission has received a petition from Captain Ed Roberts, Marine Management Services DBA Sea Tow Cape Canaveral ("Sea Tow Cape Canaveral") for a waiver from the Brevard County manatee protection rule

(68C-22.006, Florida Administrative Code). The petition was received by the Office of General Council on July 19, 2001, and seeks authorization to operate at speeds greater than those allowed by the rule while conducting commercial marine assistance activities through the Barge Canal and Sykes Creek. Copies of the petition may be received from and written comments submitted to: Florida Fish and Wildlife Conservation Commission, Office of General Council, 620 South Meridian Street, Tallahassee, Florida 32399-1600; Attention Ross Burnaman. To be considered, comments must be received no later than 14 days from the date of publication of this notice.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Department of State, Division of Cultural Affairs** announces the following public meeting to which all persons are invited:

COMMITTEE: Art Selection Committee

DATE AND TIME: Monday, August 27, 2001, 2:00 p.m.

PLACE: Martin County Health Department, Administrative Conference Room, 620 South Dixie Highway, Stuart, FL 34994, (561)221-4037

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold an Orientation Meeting to determine potential artwork sites for Art in State Buildings Project No. DOH 9843/7400, Martin County Health Department, Stuart.

COMMITTEE: Art Selection Committee

DATE AND TIME: Tuesday, August 28, 2001, 9:00 a.m.

PLACE: Palm Beach County Health Department, Conference Room, 901 Evernia Street, West Palm Beach, FL 33401, (561)355-3109

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Proposal meeting to review and discuss final proposals for Art in State Buildings Project No. DOH 9620/9200 Palm Beach County Health Department, West Palm Beach.

COMMITTEE: Art Selection Committee

DATE AND TIME: Wednesday, August 29, 2001, 10:30 a.m.

PLACE: Escambia County Health Department, Room 302, 1295 West Fairfield Drive, Pensacola, FL 32501, (850)595-6555

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold an Orientation Meeting to determine potential artwork sites for Art in State Buildings Project No. DOH 9817/7600, Escambia County Health Department, Northside, Pensacola.

COMMITTEE: Art Selection Committee

DATE AND TIME: Wednesday, August 29, 2001, 1:00 p.m.

PLACE: National Guard Armory, 3311 Copter Road, Pensacola, FL 32514, (850)484-5095

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold an Orientation Meeting to determine potential artwork sites for Art in State Buildings Project No. MA 8907-000, National Guard Readiness Center, Pensacola.

COMMITTEE: Art Selection Committee

DATE AND TIME: Thursday, August 30, 2001, 10:00 a.m.

PLACE: Pensacola City Hall, Vince Whibbs Conference Room, 180 Governmental Center, Pensacola, FL 32521, (850)435-1609

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold an Orientation Meeting to determine potential artwork sites for Art in State Buildings Project No. DOT 222-972, Milton Operations Center, Santa Rosa County.

For more information or to obtain a copy of the agenda, please contact: Lee Modica, Arts Administrator, Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250, (850)487-2980, Ext 116.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Division of Cultural Affairs.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Don Blancett, (850)487-2980, Ext 131. If you are hearing or speech impaired, please contact the agency by calling TT: (850)488-5779.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Department of Agriculture and Consumer Services** announces a meeting of the Animal Industry Technical Council.

DATE AND TIME: September 7, 2001, 2:00 p.m. – 5:00 p.m.

PLACE: Wyndham Orlando Resort, 8001 International Drive, Orlando, Florida 32819, (407)351-2420

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss animal health issues of concern to the agricultural industry both intrastate and interstate and to provide a forum for the Department to keep agricultural industry groups abreast of state and national activities as they relate to animal health issues in Florida, and activities of other states and USDA, affecting Florida’s agriculture animal industries.

A copy of the agenda can be obtained by contacting: Dr. Leroy Coffman, Florida Department of Agriculture and Consumer Services, Room 335, Mayo Building, Tallahassee, FL 32399-0800, (850)410-0900.

If special accommodations are needed to attend this meeting because of a disability, please contact the above mentioned as soon as possible.

The Florida **Department of Agriculture and Consumer Services** announces a public meeting of the Pesticide Review Council to which all persons are invited.

DATE AND TIME: Wednesday, August 29, 2001, 9:00 a.m.

PLACE: Florida Department of Agriculture and Consumer Services, Eyster Auditorium, Doyle Conner Building, 3125 Conner Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the council during which there will be a review of pertinent pesticide issues impacting on human health and environment.

A copy of agenda may be obtained by contacting: Bureau of Pesticides, 3125 Conner Boulevard, Mail L-29, Tallahassee, Florida 32399-1650.

The Florida **Department of Agriculture and Consumer Services** announces a meeting to which all persons are invited:

DATE AND TIME: Thursday, September 6, 2001, 1:30 p.m.

PLACE: 227 North Bronough Street, City Centre Building, 7th Floor, Conference Room, Tallahassee, Florida 33201

GENERAL SUBJECT MATTER TO BE CONSIDERED: To advise and assist the Department in carrying out its administrative duties under the Florida Motor Vehicle Repair Act.

A copy of the agenda may be obtained by contacting: Ms. Renee Edwards, Division of Consumer Services, 227 N. Bronough Street, Tallahassee, Florida 32301-1329, (850)410-3678.

DEPARTMENT OF EDUCATION

The **State Apprenticeship Council** announces the following meetings to which all interested parties are invited.

APPRENTICESHIP ADVISORY COUNCIL COMMITTEE MEETINGS

DATE AND TIMES: September 10, 2001, 1:00 p.m., Rules/Planning Committee meeting; 2:00 p.m., Marketing Committee meeting; 3:00 p.m., Expansion Committee meeting

PLACE: The Sheraton Suites Tampa, 4400 W. Cypress Street, Tampa, Florida 33607

STATE APPRENTICESHIP ADVISORY COUNCIL IN FULL SESSION

DATE AND TIME: September 11, 2001, 8:30 a.m.

PLACE: The Sheraton Suites Tampa, 4400 W. Cypress Street, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE DISCUSSED: Issues and concerns that affect Florida’s registered apprenticeship program sponsors and the apprenticeship community.

Advisory Council Committees that meet on September 10, 2001, will report to the full Council on September 11, 2001. The Council, comprised of representatives from both management and employee organizations, considers apprenticeship issues and makes recommendations to the Division of Workforce Development, Florida Department of Education, regarding apprenticeship matters. Issues to be considered as agenda items must be submitted by August 20, 2001, to Mr. Joseph Stephens, Executive Secretary, State Apprenticeship Advisory Council, c/o Apprenticeship Section, 325 West Gaines Street, Room 714A, Tallahassee, Florida 32399-0400. A list of Advisory Council members can be obtained from the Division's Apprenticeship Section. Issues being submitted and requested for information can also be faxed to the Apprenticeship Section, Bureau of Innovation and Implementation, Division of Workforce Development, (850)487-1735. An agenda will be available August 27, 2001.

The **Department of Education** announces a meeting of the Occupational Access and Opportunity Commission to which all persons are invited and to which all interested individuals are encouraged to attend.

DATE AND TIME: September 14, 2001, 9:00 a.m. – 4:00 p.m.

PLACE: Sheraton Gainesville Hotel, 2900 S. W. 13th Street, Gainesville, Florida 32608, 1(800)325-3535

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the regular business of the Occupational Access and Opportunity Commission.

The Department of Education announces the following Committee Meetings of the Occupational Access and Opportunity Commission to which all persons are invited and to which all interested individuals are encouraged to attend.

All of the following meetings will be held:

PLACE: Sheraton Gainesville Hotel, 2900 S. W. 13th Street, Gainesville, Florida 32608, 1(800)325-3535

BYLAWS, POLICIES AND PROCEDURES COMMITTEE

DATE AND TIME: September 12, 2001, 3:00 p.m. – 5:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Bylaws, Policies and Procedures Committee.

FIVE-YEAR PLAN COMMITTEE

DATE AND TIME: September 12, 2001, 5:00 p.m. – 7:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Five-Year Plan Committee.

BUDGET, POLICY, AND PLANNING COMMITTEE

DATE AND TIME: September 13, 2001, 1:00 p.m. – 5:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Budget, Policy and Planning Committee.

FIELD SERVICES COMMITTEE

DATE AND TIME: September 13, 2001, 9:00 a.m. – 12:00 Noon

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Field Services Committee.

COMPLIANCE AND OVERSIGHT COMMITTEE

DATE AND TIME: September 13, 2001, 9:00 a.m. – 11:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Compliance and Oversight Committee.

GOVERNMENT AND CUSTOMER RELATIONS COMMITTEE

DATE AND TIME: September 13, 2001, 1:00 p.m. – 3:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Government and Customer Relations Committee.

EXECUTIVE COMMITTEE

DATE AND TIME: September 13, 2001, 5:00 p.m. – 7:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee.

In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in the meeting should contact V. Virginia Rhoden, (850)488-0059, Ext. 207, seven days before the meeting.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Building Construction Permitting and Inspection Task Force** announces the following meeting to which all persons are invited.

MEETING OF THE BUILDING CONSTRUCTION PERMITTING AND INSPECTION TASK FORCE

DATE AND TIME: August 21, 2001, 9:00 a.m. – 4:00 p.m.

PLACE: City Commission Chambers, Winter Park City Hall, 401 South Park Avenue, Winter Park, Florida, (407)599-3237

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the organizational meeting of the Building Construction Permitting and Inspection Task Force.

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Betty Stevens, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Building Commission** announces the following meetings to which all persons are invited.

PLACE: Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida, 1(800)366-9700

DATE AND TIMES: August 27, 2001, Rehab Code Ad Hoc Committee, 8:00 a.m.; Manufactured/Prototype Buildings Ad Hoc Committee and Rule Development Workshop, 10:00 a.m.;

Rules of Procedure Ad Hoc Committee, 10:00 a.m.; Education Ad Hoc Committee, 1:00 p.m.; Building Code Training Program Quality Management Task Force, 2:00 p.m.; Plumbing Technical Advisory Committee/Swimming Pool Subcommittee, 2:00 p.m.; Elevator Emergency Access Ad Hoc Committee, 3:00 p.m.; Accessibility Technical Advisory Committee, 3:00 p.m.

MEETING OF THE ACCESSIBILITY ADVISORY COUNCIL

DATE AND TIME: August 27, 2001, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider applications for waiver from accessibility requirements: Cost of Wisconsin, Orlando, Florida; The Day School at Weston; Tiki Island Adventura Golf, Orlando, Florida; 101 N. Clematis Street Investors Ltd., West Palm Beach, Florida; The Watson Realty Center at Mandarin North, Jacksonville, Florida; Clark Traincar, Port Orange, Florida; Masters Tile Services Inc., Bradenton, Florida; The Dance Workshop and Gymnastic Center, Perry, Florida; The Performing Arts Center of Miami, Miami, Florida.

MEETING OF THE FLORIDA BUILDING COMMISSION

DATE AND TIME: August 28, 2001, 8:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and take necessary actions on the July 2001 Commission meeting minutes, the August 2001 Commission agenda and the Commission's work plan; to hold the Rule Adoption Hearing on Building Code Training Program; to hold the Rule Adoption Hearing on Code Refinements; to hold the Rule Adoption Hearing on Rules of Procedure; to hold the Rule Adoption Hearing on the Product Approval System; to receive public comment; to consider declaratory statement DCA01-DEC-101 on swimming pool barriers; to consider accessibility waiver applications received: Tiki Island Adventura Golf, Orlando, Florida; 101 N. Clematis Street Investors Ltd., West Palm Beach, Florida; The Watson Realty Center at Mandarin North, Jacksonville, Florida; Clark Traincar, Port Orange, Florida; Masters Tile Services Inc., Bradenton, Florida; The Dance Workshop and Gymnastic Center, Perry, Florida; The Performing Arts Center of Miami, Miami, Florida; to consider reports and recommendations from Rules of Procedure Ad Hoc Committee; Education Ad Hoc Committee; Manufactured/Prototype Buildings Ad Hoc Committee; Plumbing Technical Advisory Committee; Rehab Code Ad Hoc Committee; Elevator Emergency Ad Hoc Committee; Accessibility Technical Advisory Committee; Rule Development Workshop on Amendments of the Florida Accessibility Code for Building Construction; and to consider legal staff recommendations.

ACCESSIBILITY RULE DEVELOPMENT WORKSHOP

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

A copy of the Committee and Commission meeting agendas may be obtained by sending a request in writing: Betty Stevens, Building Codes and Standards Office, Division of

Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436 or viewing the Commission's website at www.dca.state.fl.us/fhcd/fbc.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Betty Stevens, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF LAW ENFORCEMENT

The **Division of Criminal Justice Standards and Training** announces a public meeting for a Probable Cause Determination to which all persons are invited to attend.

DATE AND TIME: Wednesday, September 5, 2001, 1:00 p.m. – Open

PLACE: Video Tele-conference at the following locations: Florida Department of Law Enforcement Headquarters, 2331 Phillips Road, Tallahassee, Florida; Tampa Bay Regional Operations Center, 4211 North Lois Avenue, Tampa, Florida; Orlando Regional Operations Center, 500 West Robinson Street, Orlando, Florida; Miami Regional Operations Center, 7265 Northwest 25th Street, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To determine if probable cause exists to proceed with possible disciplinary action.

A copy of the Probable Cause Case agenda can be obtained by calling: Brenda S. Presnell, (850)410-8648, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Bureau of Standards, Post Office Box 1489, Tallahassee, Florida 32302-1489.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Donna Hunt, (850)410-8615, at least 2 weeks prior to the meeting.

DEPARTMENT OF REVENUE

The **Department of Revenue** announces a public meeting of the Property Tax Administration Task Force to which all interested persons are invited.

DATE AND TIME: Wednesday, August 29, 2001, 10:00 a.m.

PLACE: 5050 W. Tennessee St., Building C-2, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the seventh meeting of the Property Tax Administration Task Force.

This is the second meeting of the Task Force as authorized by Chapter 2001-137, L.O.F. The Task Force will consider proposed enhancements to the tax roll evaluation process, value adjustment board process, tangible personal property evaluation, and other administrative and legislative issues. During this meeting the Task Force will form temporarily into work groups to work further on issue identification, clarification and consolidation. Work groups will address the tangible personal property evaluation process and the value adjustment board process. In both the work groups and the full Task Force sessions, recommendations will be made on legislative and administrative proposals before the Task Force.

A copy of the agenda may be obtained by writing: Director, Property Tax Administration Program, P. O. Box 3000, Tallahassee, Florida 32315-3000 or by calling Theda Eaton or Kathy Henley, (850)488-3338 or accessing the Department's website at <http://sun6.dms.state.fl.us/dor/property/ptaac>.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by calling (850)488-8026. If you are hearing or speech impaired, please contact the Department by calling 1(800)367-8331 (TDD).

DEPARTMENT OF TRANSPORTATION

The Florida **High Speed Rail Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, August 27, 2001, 10:00 a.m. – conclusion

PLACE: Orange County Board of County Commissioners Chambers, 201 South Rosalind Avenue (Corner of Church Street and Rosalind Avenue), Orlando, Florida

GENERAL SUBJECT MATTER TO BE DISCUSSED: To conduct Florida High Speed Rail Authority business.

Information may be obtained by contacting: Nazih Haddad, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4500.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings are asked to advise the Authority at least 48 hours before the meetings by contacting Betty Sizemore, (850)414-5244.

The Florida **Department of Transportation** announces three public meetings of the Transportation Outreach Program Advisory Council to which all interested persons are invited.

DATE AND TIME: September 28, 2001, 9:00 a.m.

PLACE: FDOT, District Six Auditorium, 1000 N. W. 111th Avenue, Miami, Florida 33172

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

PLACE: Orange County Board of County Commission Chambers, County Administration Center, 1st Floor, 201 S. Rosalind Ave., Orlando, FL 32801

DATE AND TIME: October 26, 2001, 10:00 a.m.

PLACE: Florida Department of Transportation, Auditorium, 605 Suwannee Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: These meetings are being held to allow applicants and interested parties for the 2002 Transportation Outreach Program to brief the Council on their proposed project and/or answer questions from the Council on their application. Due to the expected high level of interest, applicants will be limited to no more than a five-minute presentation on their project and five minutes to answer questions. Also, applicants will only have an opportunity to present and answer questions at the meeting closest to them – applicants from areas within FDOT Districts 4 and 6 at the meeting in Miami; applicants from areas within FDOT Districts 1, 5 and 7 at the meeting in Orlando, and applicants from areas within FDOT Districts 2 and 3, as well as for statewide applications, at the meeting in Tallahassee. Those who want to be on the agenda to present their application and/or answer questions must contact Meredith Dahlrose at meredith.dahlrose@dot.state.fl.us, at least ten days prior to the scheduled meeting to request inclusion on the agenda.

A copy of the agenda for each meeting may be obtained one week in advance by writing: Lorenzo Alexander, Manager, Seaport Office, Florida Department of Transportation, M.S. #68, 605 Suwannee Street, Tallahassee, Florida 32399-0450.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in the meetings should advise Lorenzo Alexander, (850)414-4500.

DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public meeting of the Citrus Abscission Registration Committee to which all persons are invited.

DATE AND TIME: Thursday, September 6, 2001, 8:30 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will have its monthly meeting to update abscission chemical registration planning, update on new abscission chemicals being used, identify objectives for the first year of operation, continue estimating funding needs for the abscission objects, and other business that might come before the council for consideration.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone, (863)499-2510.

The **Department of Citrus** announces a public meeting of the Citrus Harvesting Research Advisory Council to which all persons are invited.

DATE AND TIME: Thursday, September 6, 2001, 10:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will have its monthly meeting to update on scorecard issues, update on abscission registration chemicals, update on harvesting labor and other business that might come before the council for consideration.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone, (863)499-2510.

The **Department of Citrus** announces a public meeting of the Gift Fruit Advisory Council to which all persons are invited.

DATE AND TIME: Friday, September 7, 2001, 3:00 p.m.

PLACE: Marco Island Marriott, 400 South Collier Boulevard, Marco Island, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of proposed Marketing Plans for Florida Gift Fruit Marketing year 2001-2002.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone, (863)499-2510.

PUBLIC SERVICE COMMISSION

NOTICE OF CANCELLATION – The Florida **Public Service Commission** announces the cancellation of a hearing noticed in 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 7 Conference Center, 1308 N. 14th Street, Leesburg, Florida

NOTICE OF CANCELLATION – The Florida **Public Service Commission** announces the cancellation of a hearing noticed 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.

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

The Florida **Public Service Commission** will consider at its Agenda Conference, Docket No. 011000-GU, Application by Atlantic Utilities, a Florida Division of Southern Union Company d/b/a/ South Florida Natural Gas for authority to issue and sell Securities pursuant to Section 366.04, F.S., and Chapter 25-8, F.A.C.; and request for approval to borrow funds for short-term financing purposes during the 12-month period ending July 31, 2002. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, to issue and sell and/or exchange any combination of the long-term debt and equity securities and/or to assume liabilities or obligations directly or as guarantor, endorser or surety in an aggregate amount not to exceed \$1 billion during the twelve month period ending July 31, 2002. In addition, Southern Union seeks authority to borrow up to \$500,000,000 for short-term financing purposes.

DATE AND TIME: Tuesday, September 4, 2001, 9:30 a.m. (although the time at which this item will be heard cannot be determined at this time.)

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take final action in Docket No. 011000-GU.

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 Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: September 4, 2001, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Rule 25-22.002, FAC.), by contacting the Division of the Commission Clerk and Administrative Services, (850)413-6770 or writing to the Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: September 4, 2001, Immediately following the Commission Conference which commences at 9:30 a.m. in Commission Hearing Room 148

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

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

THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.

The Florida **Public Service Commission** announces a hearing 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: September 5, 2001, 9:30 a.m.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take final action in Docket No. 010827-EI. A bench decision may be made.

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 prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a Customer Meeting to be held in the following docket, to which all interested persons and parties are invited to attend.

DOCKET NO.: 992015-WU – Application for limited proceeding to recover costs of water system improvements in Marion County by Sunshine Utilities of Central Florida, Inc.

DATE AND TIME: Thursday, September 13, 2001, 6:00 p.m. (EST)

PLACE: Marion County Commission, Auditorium, 601 S. E. 25th Avenue, Ocala, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To give customers and other interested persons an opportunity to offer comments on the quality of service the utility provides, the proposed rate increase, and to ask questions and comment on other issues.

A copy of the agenda for any meeting may be obtained by writing: Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

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

One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the meeting.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Office of Executive Clemency** announces a public meeting to which all persons are invited.

DATE AND TIME: September 13, 2001, 9:00 a.m.
 PLACE: Florida Supreme Court Bldg., 500 South Duval Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Meeting of the Executive Clemency Board.

A copy of the agenda may be obtained by writing: Office of Executive Clemency, 2601 Blairstone Road, Bldg. C, Room 229, Tallahassee, Florida 32399-2450.

REGIONAL PLANNING COUNCILS

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, September 6, 2001, 9:00 a.m.
 PLACE: Putnam County Agricultural Center, 20 Yelvington Road, East, Palatka, FL

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: 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, September 6, 2001, 9:00 a.m.
 PLACE: Putnam County Agricultural Center, 20 Yelvington Road, East, Palatka, 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, September 6, 2001, 10:00 a.m.
 PLACE: Putnam County Agricultural Center, 20 Yelvington Road, East, Palatka, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly 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 Janie Tillman, (904)363-6350, Extension 145, 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 **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 10, 2001, 10:30 a.m.
 PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Sawgrass Mills Development of Regional Impact Assessment – City of Sunrise; East Miramar Areawide Development of Regional Impact Assessment – City of Miramar; Any Development Order received prior to the meeting; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Proposed Local Government Comprehensive Plan Amendments for Dania Beach, Pembroke Pines, South Miami and Deerfield Beach. Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Adopted Local Government Comprehensive Plan Amendments for Plantation and Pompano Beach. Any adopted Local Government Comprehensive Plan received prior to the meeting; Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m., at the above location.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the board with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices, (954)985-4416 (Broward).

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD) if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

WATER MANAGEMENT DISTRICTS

The **Southwest Florida Water Management District** (SWFMWD) announces the following public meeting to which all interested persons are invited:

GOVERNING BOARD MEETING, PUBLIC HEARING AND COMMITTEE MEETINGS

DATE AND TIME: Tuesday, August 28, 2001, 9:00 a.m.

PLACE: SWFMWD Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of meeting, public hearing and committee meetings.

GOVERNING BOARD MEETING AND PUBLIC HEARING (Items not completed at Tuesday’s meeting may be carried over to Wednesday’s meeting. If all business is concluded at Tuesday’s meeting, there will be no meeting on Wednesday.)

DATE AND TIME: Wednesday, August 29, 2001, 9:00 a.m.

PLACE: SWFMWD Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of meeting and public hearing.

This is a public meeting and agendas are available by writing: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

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 to which all interested parties are invited:

DATE AND TIME: September 26, 2001, 9:00 a.m.

PLACE: Fort Myers Service Center, 2301 McGregor Boulevard, Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Southwest Florida Study Team for the Southwest Florida Feasibility Study.

A copy of the agenda may be obtained by writing: South Florida Water Management District, 2301 McGregor Boulevard, Fort Myers, Florida 33919.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

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

Those who desire more information may contact: Janet Starnes, Fort Myers Service Center, 2301 McGregor Boulevard, Fort Myers, Florida, (941)338-2929.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: September 27, 2001, 9:00 a.m.

PLACE: Fort Myers Service Center, 2301 McGregor Boulevard, Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Southwest Florida Resource Team for the Southwest Florida Feasibility Study.

A copy of the agenda may be obtained by writing: South Florida Water Management District, 2301 McGregor Boulevard, Fort Myers, Florida 33919.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

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

Those who desire more information may contact: Janet Starnes, Fort Myers Service Center, 2301 McGregor Boulevard, Fort Myers, Florida, (941)338-2929.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the Medicaid Pharmaceutical and Therapeutics Committee to which all interested parties are invited.

DATE AND TIME: Saturday, August 25, 2001, 10:00 a.m. – 4:00 p.m.

PLACE: Hyatt Regency, Orlando International Airport, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review Medicaid Preferred Drug List.

Any attendee requiring special accommodation because of a disability or physical impairment should contact the Hyatt Regency, (407)821-1234.

The **Agency for Health Care Administration** announces a public workshop to which all persons are invited.

DATE AND TIME: Thursday, August 30, 2001, 9:00 a.m. – 12:00 Noon

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room “D”, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: As continuation of a previous meeting held August 1, 2001 to comply with Chapter 2001-67, Florida Law, the Agency for Health Care Administration, Background Screening Unit, Interagency Workgroup will discuss ways to establish uniformity among background screening requirements of applicants for licensure, certification or registration of health care professionals and for owners, operators and employees of health care providers, services and programs that are regulated by the agency and subject to background screening requirements. The workgroup shall also review Chapter 435, Florida Statutes, and propose revisions to the disqualifying criminal offenses, specify appropriate statutes of limitations and identify additional civil actions that should be considered as disqualifying.

A copy of the agenda may be obtained by writing: Agency for Health Care Administration, Background Screening Unit, 2727 Mahan Drive, Tallahassee, Florida 32327, Mail Stop 40 or by calling CaraLee Starnes, (850)410-3400.

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 CaraLee Starnes, (850)410-3400. If you are hearing or speech impaired, please contact the agency by calling the Florida Relay Service at 1(800)955-8770.

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN that the **Digital Divide Council** will hold a one-day meeting to which all persons are invited.

DATE AND TIME: Monday, September 10, 2001, 9:00 a.m. – 5:00 p.m.

PLACE: Room 110, Senate Office Building, 404 South Monroe Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the first meeting of the Digital Divide Council and the primary purpose of the meeting will be organizational in nature. The Digital Divide Council will also be electing a member to serve as chair and as vice chair.

For additional information, please contact: Stacey McMillian, State Technology Office, 501 S. Calhoun Street, Suite 335, Carlton Building, Tallahassee, Florida 32399, (850)410-0857.

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 Council at least 48 hours before the meeting by contacting Stacey McMillian at the above stated number.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIME: August 29, 2001, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 725 South Bronough Street, Tallahassee, FL 32301, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Robert A. Crabill, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe St., Ste. 60, Tallahassee, FL 32399-2202, (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The Florida **Board of Veterinary Medicine** announces the following meeting to be held by telephone conference call to which all persons are invited to attend.

DATE AND TIME: August 31, 2001, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel meeting, agenda available on request.

PLACE: Access Phone #: (850)921-2583, Suncom 291-2583

To obtain a copy of the agenda, further information or submit written or other physical evidence, contact in writing: Board of Veterinary Medicine, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)922-2404, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Appraisal Board** announces a rule workshop to which everyone is invited at the time, date and place shown below:

DATE AND TIME: Monday, September 10, 2001, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Public Meeting Room, 400 W. Robinson St., Room 301, North Tower, Orlando, Florida, (407)245-0800

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop session to discuss Florida Administrative Code, Chapter 61J1 for possible changes.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Real Estate Appraisal Board, (407)245-0800, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Appraisal Board using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Appraisal Board, P. O. Box 1900, Orlando, Florida 32802-1900.

The **Florida Real Estate Appraisal Board** announces a meeting of its Probable Cause Panel.

DATE AND TIME: Monday, September 10, 2001, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 301, Third Floor, 400 W. Robinson Street, North Tower, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Real Estate Appraisal Board Probable Cause Panel. Portions of the probable cause panel meeting are not open to the public.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Real Estate Appraisal Board, (407)245-0800, at least five calendar days prior to the meeting. If you are hearing or speech

impaired, please call the Real Estate Appraisal Board using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel of the **Florida Real Estate Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: September 18, 2001, 1:30 p.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public.)

PLACE: Suite 301, North Tower, 400 West Robinson Street, Orlando, Florida

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0800 (between the hours of 9:00 a.m. – 4:00 p.m.), at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Commission** (FREC) announces a meeting to which all persons are invited.

DATE AND TIME: September 19, 2001, 8:30 a.m.

PLACE: Division of Real Estate, Commission Meeting Room 301, North Tower, 400 West Robinson Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, Recovery Fund Claims, education issues, petitions for declaratory statement, and disciplinary actions.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required. Probable Cause Panel(s) may also meet during this session. Portions of the Probable Cause are not open to the public.

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Commission, Administration Office, P. O. Box 1900, Orlando, Florida 32802-1900.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection, Division of Land and Recreation**, Office of Coastal and Aquatic Managed Areas announces public meetings of the Florida Keys National Marine Sanctuary (FKNMS) Sanctuary Advisory Council (SAC) to which all persons are invited:

DATE AND TIME: Monday, August 20, 2001, 9:00 am.
 PLACE: Marathon Public Library, 3251 Overseas Highway, Mile Marker 48.5, Marathon, FL 33050
 GENERAL SUBJECT MATTER TO BE CONSIDERED: SAC Enforcement Working Group five year evaluation and revision of the FKNMS Enforcement Action Plan. Contact Lt. Bob Currul, (305)289-2320, Ext. 120, for a copy of the agenda.
 DATE AND TIME: Tuesday, August 21, 2001, 9:00 a.m. – 4:00 p.m.

PLACE: Marathon Garden Club, 5270 Overseas Highway, Mile Marker 49.7, Marathon, FL 33050
 GENERAL SUBJECT MATTER TO BE CONSIDERED: FKNMS Sanctuary Advisory Council Bi-monthly Meeting. Contact June Cradick, (305)743-2437, Ext. 24, for a copy of the agenda.

DATE AND TIME: Wednesday, August 22, 2001, 9:00 a.m.
 PLACE: Marathon Public Library, 3251 Overseas Highway, Mile Marker 48.5, Marathon, FL 33050
 GENERAL SUBJECT MATTER TO BE CONSIDERED: SAC Zoning Working Group five year Evaluation and Revision of the FKNMS Zoning Action Plan. Contact Joanne Delaney, (305)743-2437, Ext. 32, for an agenda.

DATE AND TIME: Thursday, August 23, 2001, 9:00 a.m.
 PLACE: Marathon Public Library, 3251 Overseas Highway, Mile Marker 48.5, Marathon, FL 33050
 GENERAL SUBJECT MATTER TO BE CONSIDERED: SAC Regulatory working Group Five Year Evaluation and revision of the FKNMS Regulatory Action Plan. Contact June Cradick, (305)743-2437, Ext. 24, for an agenda.

DATE AND TIME: Thursday, August 23, 2001, 6:00 p.m. – 9:00 p.m.
 PLACE: Marathon Garden Club, 5270 Overseas Highway, Mile Marker 49.7, Marathon, FL 33050
 GENERAL SUBJECT MATTER TO BE CONSIDERED: SAC Education and Outreach Working Group Five Year Evaluation and Revision of the Education and Outreach Action Plan. Contact Mary Tagliareni, (305)852-7717, Ext. 30, for an agenda.

DATE AND TIME: Tuesday, August 28, 2001, 11:00 a.m. – 1:00 p.m.
 PLACE: FKNMS Marathon Office, 5550 Overseas Highway, Bay Side of Crone Hammock Park, Marathon, FL 33050
 GENERAL SUBJECT MATTER TO BE CONSIDERED: SAC Channel/Reef Marking Working Group Five Year Evaluation and Revision of the Channel /Reef Marking Action Plan. Contact Fritz Wettstein, (305)292-0311, for an agenda.

DATE AND TIME: Wednesday, August 29, 2001, 10:00 a.m. – 4:00 p.m.

PLACE: FKNMS Marathon Office, 5550 Overseas Highway, Bay Side of Crone Hammock Park, Marathon, FL 33050

GENERAL SUBJECT MATTER TO BE CONSIDERED: SAC Volunteer Working Group Five Year Evaluation and Revision of the Volunteer Action Plan. Contact Mary Enstrom, (305)745-8402, for an agenda.

Meetings for the Five Year Management Plan Review will be posted on the website address: <http://www.fknms.nos.noaa.gov/>.

If accommodation is needed for an attendee with a disability to participate in any one of these activities, please notify Karla Mendez, DEP, Florida Keys National Marine Sanctuary, (305)292-0311 or e-mail: karla.mendez@noaa.gov.

The **Department of Environmental Protection** announces a public meeting of the Environmental Crimes Strike Force Advisory Team to which all persons are invited:

DATE AND TIME: Tuesday, August 28, 2001, 2:00 p.m. – 5:00 p.m.

PLACE: Pinellas County Sheriff's Office, Third Floor, Sherrif's Conference Room, 10750 Ulmerton Road, Largo, FL 33778

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Environmental Crimes Strike Force Advisory Team to discuss organization and activities.

A copy of the agenda may be obtained by writing: Michelle Sproul, Department of Environmental Protection, Division of Law Enforcement, MS #605, Tallahassee, Florida 32399, by calling her (850)488-5757, Extension 176 or by email at michelle.sproul@dep.state.fl.us

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 the Personnel Services Specialist, Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The Florida **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: August 30, 2001, 8:00 a.m.

PLACE: Florida State Turnbull Conference Center, Room 123, 555 West Pensacola Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of state agencies in Florida to discuss the most effective way to develop a comprehensive plan that coordinates the responsibilities of the agencies to manage and prevent biological invasions.

A copy of the agenda may be obtained by writing: William Torres, Department of Environmental Protection, Division of State Lands, Bureau of Invasive Plant Management, 3900 Commonwealth Boulevard, M.S. #705, Tallahassee, FL 32399. 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 the Personnel Services Specialist, Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The **Department of Environmental Protection** announces a public meeting of the Environmental Regulation Commission (ERC) to which all interested persons are invited.

DATE AND TIME: August 30, 2001, 10:00 a.m.

PLACE: Conference Room A, Douglas Building, 3900 Commonwealth Blvd., Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regularly scheduled meeting of the ERC will include briefings and approvals. Briefings include: Announcement of and orientation for new ERC members; Rules Under Development, and Rules Under Appeal. The ERC will be requested to approve the Fiscal Year 2002 Drinking Water State Revolving Fund Priority List as authorized under Chapter 62-552, Florida Administrative Code (FAC.). The list allocates grant funding for 10 eligible drinking water projects totalling \$2,849,269. ERC members may be participating in the meeting through a teleconference. Time will be allotted at the end of the meeting for public comment.

A copy of the agenda may be obtained by contacting: Jacqueline McGorty, Department of Environmental Protection, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000, (850)921-9660.

If an accommodation is needed for a disability in order to participate in this activity, please notify Linda Harvey, (850)488-2996, 1(800)955-8771 (TDD), at least seven days prior to the event.

DEPARTMENT OF HEALTH

The **Board of Chiropractic Medicine**, Probable Cause Panel will hold a duly noticed conference call meeting to which all persons are invited to attend.

DATE AND TIME: Friday, August 24, 2001, 12:00 Noon

PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee, FL, at Meet Me Number (850)921-6433

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Chiropractic Medicine, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing

or speech impaired, please call the Board using the Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Sherra W. Causey, Board of Chiropractic Medicine, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The Florida **Board of Medicine** announces a telephone conference call to be held via meet me number.

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

PLACE: Meet me Number: (850)488-5776, Suncom 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board and to consider the Emergency Petition for Wavier or Variance of Tyrone Adams, M.D.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The Florida **Board of Medicine**, Quality Assurance Committee announces a meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 29, 2001, 10:00 a.m.

PLACE: Embassy Suites Hotel, 1100 S. E. 17th Street, Ft. Lauderdale, FL 33316, (954)527-2700

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Oxycotin Crisis in Florida.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5)

calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Nursing** announces a public meeting to which all interested persons are invited.
CNA Council Meeting

DATE AND TIME: Wednesday, September 12, 2001, 9:30 a.m. – 4:00 p.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider rules on practice and discipline for Certified Nursing Assistants.

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 Florida **Board of Osteopathic Medicine** will hold the following rules workshop to which all persons are invited:

DATE AND TIME: Friday, September 21, 2001, 1:00 p.m.

PLACE: The Tampa Airport Hilton, 2225 Lois Avenue, Tampa, FL, (813)877-6688.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rules Workshop.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Karen Eaton, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256 or you may call (850)488-0595. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christy Robinson, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Christy Robinson using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Osteopathic Medicine** will hold the following Board meeting to which all persons are invited:

DATES AND TIMES: Friday, September 21, 2001, 6:00 p.m.; Saturday, September 22, 2001, 9:00 a.m.

PLACE: The Tampa Airport Hilton, 2225 Lois Avenue, Tampa, FL 33607, (813)877-6688

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Karen Eaton, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256 or you may call (850)488-0595. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christy Robinson, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Christy Robinson using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Speech-Language Pathology and Audiology** announces a Probable Cause Panel Meeting via telephone conference call. Reconsiderations will be heard at this meeting. All interested parties are invited to participate, the conference call is open to the public.

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

PLACE: (850)245-4474, to inquire about call-in number

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Probable Cause Panel and Reconsiderations.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Speech-Language Pathology and Audiology, 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 22, 2001.

The **Council on Physician Assistants** announces a meeting to which all persons are invited.

PLACE: Hilton Tampa Airport Westshore, 2225 North Lois Avenue, Tampa, Florida 33607, (813)877-6688

DATE AND TIME: Friday, September 7, 2001, 12:30 p.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Council.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Council on Physician Assistants, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Council on Physician Assistants the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Margaret Anglin, Regulation Administrator, Council on Physician Assistants, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record or the proceeding is made, which record includes the testimony and evidence upon which is to be based.

The Florida **Department of Health, Division of Disease Control**, on behalf of the Biomedical Research Advisory Council, announces a public meeting.

DATE AND TIME: Monday, August 20, 2001, 1:00 p.m. – 3:00 p.m.

PLACE: Florida Department of Health, Bureau of Epidemiology, Conference Room 320-P, Prather Building, 3rd Floor, 2585 Merchant's Row Boulevard, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
This meeting is to develop final funding recommendations based on the criteria outlined in Section 215.5602, Florida Statutes, and to review program activities.

CONTACT: To ensure adequate space, observers are asked to contact Cathy Hughes, (850)245-4444, Ext. 2438, by 5:00 p.m., Friday, August 17, 2001, to confirm attendance, or to request accommodations such as assistive listening device, large print, sign language interpretation or other accommodations for persons with disabilities.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services**, District 4 announces public meetings to which all person are invited:

WHAT: Negotiation Meetings for Lead Agency Services for Community-Based Care in Duval County, ITN #FS04-00-002.

DATES AND TIMES: Every Thursday, September 13, 2001 through December 27, 2001, 9:00 a.m. – 12:00 Noon (Meeting dates, times, and locations should be confirmed by calling (904)723-2032)

PLACE: 5920 Arlington Expressway, Jacksonville, FL 32211

GENERAL SUBJECT MATTER TO BE CONSIDERED: Terms for a contract award for start-up costs and implementation of a Transition Plan to provide Community-Based Care in Duval County.

A copy of the agenda may be obtained by contacting: Department of Children and Family Services, P. O. Box 2417, Jacksonville, FL 32231-0083, Attention: Debbi Thomas.

If you need special accommodations (i.e., assistive listening devices, sign language interpreter, etc.) please notify Debbi Thomas, (904)723-2032, at least 48 hours in advance of the meeting, TDD (904)723-8606.

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** announces a Management Advisory Group Meeting for the Everglades Complex (Francis Taylor, Holeyland and Rotenberger Wildlife Management Areas), located in Palm Beach, Broward and Miami-Dade Counties, Florida.

DATE AND TIME: Wednesday, August 22, 2001, 9:00 a.m. – 12:30 p.m.

PLACE: Florida Fish and Wildlife Conservation Commission, Everglades Regional Office, 8535 Northlake Boulevard, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To convene a meeting of stakeholders to provide priority considerations to the FWC regarding future management of the lands comprising the three Wildlife Management Areas within

the Everglades Complex. The input received will be used to develop goals, objectives and strategies for the 5-year Conceptual Management Plan for these lands.

The Florida **Fish and Wildlife Conservation Commission** announces Public Hearings for the Everglades-Francis Taylor, Holey Land and Rotenberger Wildlife Management Areas, located in Palm Beach, Broward and Miami-Dade Counties, Florida.

DATE AND TIME: Wednesday, September 5, 2001, 7:00 p.m.
PLACE: Palm Beach County Commission Chambers, 301 North Olive Avenue, 6th Floor, West Palm Beach, Florida 33401

DATE AND TIME: Thursday, September 6, 2001, 7:00 p.m.
PLACE: Broward County Governmental Center, 115 South Andrews Avenue, Room 422, Fort Lauderdale, Florida 33301
GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comments regarding considerations for the FWC's five-year Conceptual Management Plan for the Everglades-Francis Taylor, Holey Land and Rotenberger Wildlife Management Areas.

These hearings are designed exclusively for discussion of the draft Conceptual Management Plan. Participants in this hearing should understand that the purpose for this hearing does not include the opportunity to discuss public use and/or hunting regulations for the Everglades-Francis Taylor WMA, Holey Land WMA or the Rotenberger WMA. There is a separate public process for this purpose.

A Management Prospectus for the Everglades-Francis Taylor WMA, Holey Land WMA and Rotenberger WMA is available upon request from the Florida Fish and Wildlife Conservation Commission, Land Management Planning Section, 620 South Meridian Street, Tallahassee, Florida 32399-1600, telephone: (850)922-8777.

The **Fish and Wildlife Conservation Commission** announces a series of public workshops concerning spiny lobster, to which all interested persons are invited:

DATE AND TIME: August 28, 2001, 1:00 p.m. – 3:00 p.m.
PLACE: Key Largo Library, 101485 Overseas Highway (Trade Wind Shop'n Center), Key Largo, Florida

DATE AND TIME: August 28, 2001, 6:00 p.m. – 8:00 p.m.
PLACE: Marathon Government Center, 2798 Overseas Highway, Marathon, Florida

DATE AND TIME: August 29, 2001, 2:00 p.m. – 4:00 p.m.
PLACE: Old City Hall, 512 Greene Street, Key West, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission is holding a series of workshops to gather public testimony regarding the two-day spiny lobster sport season, whether it should be retained, eliminated or changed.

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, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

For further information, contact: Roy Crabtree, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

CHARLOTTE HARBOR NATIONAL ESTUARY PROGRAM

The **Charlotte Harbor National Estuary Program** announces a scheduled Policy Committee meeting to which all persons are invited:

DATE AND TIME: Friday, August 24, 2001, 9:30 a.m.
PLACE: KD Revell Building, Hardee County Health Department, US 17, Wauchula, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the CHNEP Policy Committee.

Please note that if a person decides to appeal any decision made by the Charlotte Harbor National Estuary Program Policy Committee with respect to any matter considered at the above cited workshop, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

A copy of the agenda may be obtained by writing: CHNEP, 4980 Bayline Dr., North Ft. Myers, FL 33917 or by calling Ms. Patti Armbruster, (941)995-1777.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations due to disability or physical impairment should contact Ms. Patti Armbruster, (941)955-1777, 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).

FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION

NOTICE OF CHANGE – The **Florida Automobile Joint Underwriting Association** announces a meeting to which all persons are invited:

Operating Committee Meeting
DATE AND TIME: August 29, 2001, 9:00 a.m.
PLACE: Holiday Inn, 5750 T. G. Lee Boulevard, Orlando, FL 32822

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review proposed changes in the Plan of Operation and to consider any other matters that may come before the Committee.

Additional information may be obtained from: Bernice D. Ingram, AAI, AIS, API, CPIW, Underwriting Manager, FAJUA, 1113 East Tennessee Street, Suite 401, Tallahassee, FL 32308.

FLORIDA HEALTHY KIDS CORPORATION

The **Florida Healthy Kids Corporation** announces it's Board of Directors meeting to which all persons are invited to attend.

DATE AND TIME: August 29, 2001, 10:00 a.m.

PLACE: Marriott Key Largo, 103800 Overseas Highway, Key Largo, FL 33037

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Board of Directors.

Further details and an agenda for the meeting may be obtained by contacting: Florida Healthy Kids Corporation, P. O. Box 980, Tallahassee, Florida 32302, (850)224-5437.

FLORIDA PORTS CONFERENCE

The **Florida Ports Conference** announces a public meeting to which all interested persons are invited.

DATE AND TIME: August 29, 2001, 2:00 p.m. – 4:00 p.m.

PLACE: Doubletree Hotel, 101 South Adams Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: James C. Massie, General Counsel, (850)222-8021.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In Accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise James C. Massie, (850)222-8021.

FLORIDA CENTER FOR SOLID AND HAZARDOUS WASTE MANAGEMENT

The **Florida Center for Solid and Hazardous Waste Management** Advisory Board meeting:

DATE AND TIME: September 7, 2001, 9:00 a.m. – 1:00 p.m.

PLACE: Hyatt Regency, Orlando International Airport, Orlando, FL

For Further Information: Please call (352)392-6264 or visit our website at www.floridacenter.org.

FLORIDA MUNICIPAL INSURANCE TRUST

The **Florida Municipal Insurance Trust**, an interlocal entity created pursuant to Florida Statutes 768.28 and 163.01, announces a public meeting to which all persons are invited.

DATES AND TIMES: Friday, September 21, 2001, 9:30 a.m. – 4:00 p.m.; Saturday, September 22, 2001, 9:00 a.m. – 12:00 Noon

PLACE: Key West Hilton, 245 Front Street, Key West, Florida 33040, (305)294-4000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business meeting of the Board of Trustees.

A copy of the proposed agenda may be obtained by contacting: Linda Struense, Florida League of Cities, Inc., Tallahassee, FL, (850)222-9684.

If any person desires 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 based.

FLORIDA SURPLUS LINES SERVICE OFFICE

The **Florida Surplus Lines Service Office** announces a meeting of its Board of Governors to which all interested parties are invited:

DATE AND TIME: Tuesday, September 25, 2001, 9:00 a.m.

PLACE: Florida Surplus Lines Service Office, 114 S. Duval Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Election of Officers.

A copy of the agenda may be obtained by sending a faxed request to Georgie Barrett, (850)513-9624.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact Georgie a week prior to the meeting, (850)224-7676, Ext. 19.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN THAT the Florida Public Service Commission has received the petition for declaratory statement of BellSouth Telecommunications, Inc. The petition inquires as to whether (1) Section 364.24, Florida Statutes, prohibits BellSouth from providing to Florida counties the identity of each resale alternative local exchange provider

(ALEC) that BellSouth remits 911 fees on behalf of and the amount of each resale ALEC's payment; and (2) Order No. PSC-99-1992-PAA-TP and its ruling that certain 911 information is not confidential is applicable to the identity of each resale ALEC that BellSouth remits 911 fees on behalf of and the amount of each resale ALEC's payment. DOCKET NO. 010988-TL

NOTICE IS HEREBY GIVEN THAT the Florida Public Service Commission has issued an order disposing of the petition for declaratory statement filed by St. Johns County on May 8, 2001. The following is a summary of the agency's disposition of the petition: The Commission denied the petition because the facts set forth in the petition constituted a mere hypothetical situation. DOCKET NO. 010704-SU

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN THAT the State of Florida, Department of Corrections, received Petitions to Initiate Rulemaking on July 30, 2001 from Sherrie Gandy. Petitioner is a prisoner seeking amendment of Rule 33-203.201, Florida Administrative Code, to require issuance of monthly inmate bank statements by the 10th of each month.

A copy of the Petition may be obtained by writing: Perri K. Dale, 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 30, 2001 from Alma Turbyville. Petitioner is a prisoner seeking amendment of Rule 33-602.101, Florida Administrative Code, to specify procedures relating to the issuance of health and comfort items to inmates.

A copy of the Petition may be obtained by writing: Perri K. Dale, 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 Petitions to Initiate Rulemaking on July 30, 2001 from Alma Turbyville. Petitioner is a prisoner seeking amendment of Rule 33-203.201, Florida Administrative Code, to require issuance of monthly inmate bank statements by the 10th of each month.

A copy of the Petition may be obtained by writing: Perri K. Dale, 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 31, 2001 from Sherrie Gandy. Petitioner is

a prisoner seeking amendment of Rule 33-602.101, Florida Administrative Code, to specify procedures relating to the issuance of health and comfort items to inmates.

A copy of the Petition may be obtained by writing: Perri K. Dale, 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 August 1, 2001 from Nancy Hutchinson. Petitioner is a prisoner seeking amendment of Rule 33-203.201, Florida Administrative Code, to require issuance of monthly inmate bank statements by the 10th of each month.

A copy of the Petition may be obtained by writing: Perri K. Dale, 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 August 1, 2001 from Nancy Hutchinson. Petitioner is a prisoner seeking amendment of Rule 33-602.101, Florida Administrative Code, to specify procedures relating to the issuance of health and comfort items to inmates.

A copy of the Petition may be obtained by writing: Perri K. Dale, 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 August 3, 2001 from Hineefah Speight. Petitioner is a prisoner seeking amendment of Rule 33-602.101, Florida Administrative Code, to specify procedures relating to the issuance of health and comfort items to inmates.

A copy of the Petition may be obtained by writing: Perri K. Dale, 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 August 3, 2001 from Hineefah Speight. Petitioner is a prisoner seeking amendment of Rule 33-203.201, Florida Administrative Code, to require issuance of monthly inmate bank statements by the 10th of each month.

A copy of the Petition may be obtained by writing: Perri K. Dale, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

Broward County, City of Pompano Beach, City of Plantation Miami-Dade County, City of Coral Springs, Town of Davie, Laz Schneider and Ellen Schneider vs. Department of Agriculture and Consumer Services; Case No.: 01-3036RP; Rule No.: 5B-58.001

Philip Stoddard vs. Department of Banking and Finance; Case No.: 01-3026RU

D. Paul Sondel vs. Department of Corrections; Case No.: 01-3048RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

NOTICE TO PROFESSIONAL CONSULTANTS

The University of Florida, for and on behalf of the Board of Regents, a public corporation of the State of Florida, announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project No.: BR-134/136, Project and Location: Genetics and Cancer Research Center and ICBR Biotechnology Laboratory Pavilion, at the University of Florida, Gainesville, FL. The project consists of two separate programs that will be designed and constructed concurrently. For the Genetic and Cancer Research Center, the project consists of approximately 325,000 GSF state-of-the-art research, training and administrative operations spaces. The construction budget for this new facility is estimated to be \$63,807,000.00. For the ICBR Biotechnology Laboratory Pavilion, the project consists of approximately 29,500 GSF of research, training and administrative operations spaces. The construction budget for this new facility is estimated to be \$5,648,600.00. The selected firm will provide design, construction documents and construction administration services for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$2,000,000, and will be provided as a part of Basic Services.

INSTRUCTIONS

Firms desiring to apply for consideration shall submit a letter of application. The letter of application should have attached:

1. A completed project-specific "Professional Qualifications Supplement". Applications on any other form will not be considered. Submittals of more than 50 pages (which includes the letter of interest) will be disqualified.
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.
3. Joint Venture Agreement, if applicable. See instructions in the project-specific PQS form. Submit ten (10) 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 University of Florida 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 their being placed on the convicted vendor list. Professional Qualifications Supplement for this project, descriptive project information, and selection criteria may be obtained by contacting:

Marsha Brewton, Office Manager
Facilities Planning and Construction Division
232 Stadium, P. O. Box 115050
Gainesville, FL 32611-5050

Telephone: (352)392-1256

Fax: (352)392-6378

Or visit our website for project-specific forms and instructions and other relevant project information listed under "active projects advertisement" at: Internet: www.facilities.ufl.edu

Submittals must be received in the Facilities Planning and Construction Division office, by 3:00 p.m. (Local Time), Wednesday, September 26, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO PROFESSIONAL CONSULTANTS

Florida A & M University, on behalf of the Florida Board of Education, announces that Professional Services in the discipline of Engineering will be required for the following: Project No. FAMU-322, Campus Wide Electrical Upgrades, Florida A & M University, Tallahassee, Florida.

This project proposes to make improvements to the primary electric utility/infrastructure systems serving the University. These improvements include the upgrade of oil switches, replacement of oil transformers, primary feeders and replacement or addition of SF6 gas switches. Additionally, this project will complete a short circuit analysis/coordination study of the primary circuits that serve the Main Campus. It is anticipated that this project will be implemented in multiple, sequential phases.

The estimated construction budget is \$11,164,500.

A copy of the Facility Program can be obtained at the requester's expense by calling: Target Copy, (850)224-3007, ask for the Manager or a Key Operator.

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 shall submit a letter of application.

The letter of application should have attached:

1. The last version of the Board of Regents "Professional Qualifications Supplement," (PQS) form SUSPQS: 9/99, completed by the applicant. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit six (6) ring, comb or spiral (no hard, solid or tack) bound copies of the requested data in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$25,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Charles Willis, Administrative Assistant, (850)599-8006 or Samuel J. Houston, Director, Office of Facilities Planning and Construction, Florida A & M University, Plant Operations Facility, Building A, Suite 100, 2400 Wahnish Way, Tallahassee, FL 32307, (850)599-3197 Fax (850)561-2289. Submittals must be received in the Office of Facilities Planning and Construction, by 3:00 p.m. (Local Time), October 3, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO CONSTRUCTION MANAGERS

The University of Central Florida, announces that construction management services will be required for the project listed below:

Project No. BR-000

Project and Location: The Rosen School of Hospitality Management, University of Central Florida, Orlando, Florida 32816-3020.

Project Description: The pre-construction 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 gsf; office/computer – 18,276 gsf; support services – 21,084 gsf; 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.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Documents. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single

point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, ensuring the inclusion of Minority Business Enterprises (MBE's). Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract. Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard State University System's construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned. All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting: Gina Seabrook, Office of Facilities Planning, University of Central Florida, 4000 Central Florida Boulevard, Post Office Box 163020, Orlando, FL 32816-3020, (407)823-2166, Fax (407)823-5141, email: gseabroo@mail.ucf.edu.

The project fact sheet for the Rosen School may be found on the Facilities Planning home page. Our Internet address is: <http://www.fp.ucf.edu>.

Five (5) bound copies of the required proposal data shall be submitted to: Mr. Peter Newman, Office of Facilities Planning, 4000 Central Florida Blvd., Physical Plant Building, Orlando, FL 32816-3020. Submittals must be received by 5:00 p.m. (Local Time), September 27, 2001. Submittals received after 5:00 p.m. will not be accepted. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE OF CORRECTION

University of Central Florida

Project No. BR-423

Project and Location: Education Building Remodel, University of Central Florida, Orlando, Florida 32816-3020.

Notice is hereby given that the submittal due date was inadvertently published incorrectly in Vol. 27, No. 31, August 3, 2001, issue of the F.A.C., the paragraph should have read:

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), Tuesday, September 4, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

BID REQUEST FOR

FOOD PRODUCTS FOR LEE COUNTY SCHOOLS

Pre Bid Meeting: August 16, 2001, 2:00 p.m.

Bid No: 5949 Opening Date: October 2, 2001, 10:00 a.m.

Request a bid package by:

Phone: (941)479-4250, Fax: (941)337-8200, In Person or Mail: 3308 Canal Street, Fort Myers, Florida 33916-6594.

Requests must be received by September 24, 2001, 2:00 p.m.

Complete Bid Package available only upon request.

By: Linda Owen, Senior Buyer

WATER MANAGEMENT DISTRICTS

REQUEST FOR PROPOSAL (RFP#01-005)

BASELINE DOCUMENTATION INVENTORIES

The Northwest Florida Water Management District (District) is creating a selected list of consulting firms for possible future assignments to accomplish baseline documentation inventories during fiscal year 2001-2002 and 2002-2003 (ending September 30, 2003). A notice is concurrently being published in selected newspapers, the District's Website and the Florida Administrative Weekly. Proposals will be accepted up to the 2:00 p.m. (EST), opening time on Friday, September 7, 2001.

All proposals must conform to the instructions in the RFP. Interested parties may obtain a copy of the complete RFP package at the above address, via the Internet at <http://www.state.fl.us/nwfwmd/admin/rfps.htm> or by calling (850)539-5999. The proposal 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

INVITATION TO BID

The Agency for Health Care Administration, Medicaid Program Development is requesting responses from Federally Designated Utilization and Quality Control Peer Review Organizations under contract with Centers for Medicare and Medicaid Services (CMS), formerly Health Care Finance Administration and PRO-like Entities certified by CMS. The potential contractor will be responsible for performing prior authorization and concurrent review of inpatient hospital Medicaid medical and surgical services in Florida. This contract will be for up to 42 months, commencing on January 2, 2002 and running through June 30, 2005. The Invitation to Bid, AHCA – 0202, Prior Authorization of Inpatient Hospital Medical Services Program, will be issued on August 17, 2001. Copies may be obtained by writing the contract manager at the address noted below:

Robert E. Maryanski, Program Administrator
 Agency for Health Care Administration
 2727 Mahan Drive, Mail Stop #20
 Tallahassee, Florida 32308-5403
 (850)487-2617, Fax: (850)414-1721

Bids must be received by and will be opened on September 28, 2001. The agency reserves the right to reject any or all bids.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

REQUEST FOR STATEMENT OF QUALIFICATIONS

RFSOQBDRS 01-01/02

Sealed responses will be received by the Department of Environmental Protection (DEP), Bureau of Design and Recreation Services, Alfred B. Maclay Gardens State Park, 3540 Thomasville Road, Tallahassee, Florida 32309, until the time, day and date shown below:

3:00 p.m., Wednesday, September 19, 2001

Request for Statement Of Qualifications (RFSOQ) for the selection of Engineers and Architects, certified in the State of Florida, to provide professional services to assist the Division of Recreation and Parks, Office of Greenways and Trails and Office of Coastal and Aquatic Managed Areas in implementing a statewide disaster recovery program. Selected firms are

required to have knowledge and experience with disaster recovery programs administered by Federal Emergency Management Agency (FEMA), the Florida Department of Community Affairs (DCA), and the Florida Department of Insurance (DOI).

Work assigned by the DEP to selected firms may include, but is not limited to: initial damage assessments, estimating, preparing project work sheets, design, permitting, construction administration, monitoring construction contracts, requesting payment of approved assistance funding, tracking and documenting project expenses, field inspections, insurance reconciliation, project closure and other disaster related work as requested.

All responses to the RFSOQ are welcome.

Any person with a qualified disability shall not be denied equal access and effective communication regarding any solicitation documents or the attendance at any related meeting or solicitation response opening. If accommodations are needed because of a disability, please contact the Bureau of Design and Recreation Services Contracts Section, (850)488-5372.

Solicitation packages may be obtained at the above address by calling telephone number (850)488-5372. Please specify the solicitation package by the DEP Solicitation No. provided above. Minority businesses are encouraged to participate. The Department reserves the right to reject any or all proposals received.

NOTICE OF INVITATION TO BID

BID NO. BDRS 23-01/02

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: Restoration of the Art Hall and Planetary Court Buildings

SCOPE OF WORK: The contractor shall provide the necessary labor, supervision, equipment and materials to renovate the Art Hall and Planetary Court Buildings at Koreshan State Historic Site.

PARK

LOCATION: Koreshan State Historic Site
 On U. S. 41 at Estero
 (Lee 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.

PRE-

QUALIFICATION: 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 17, 2001 at:
Korshan State Historic Site
P. O. Box 7
Estero, Florida 33928
Attention: Jeanne Parks
Park Manager
Telephone Number: (941)992-0311

ADA

REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Bureau of Design and Recreation Services, (850)488-5372, at least five (5) workdays prior to openings.

BID SUBMITTAL

DUE DATE: No later than 3:30 p.m., Tuesday, September 18, 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 26-01/02

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: Parking, ADA Dune Crossover and Restrooms

SCOPE OF WORK: The contractor shall provide the necessary labor, supervision, equipment and materials to construct parking and sitework for 12 cars and ADA dune crossover, stabilized parking and driveway for 15 cars, 2 restrooms with 2 toilets, septic system with well and water system.

PARK LOCATION: North Peninsula State Park
South from Flagler Beach on A1A
(Volusia County) Florida

PROJECT

MANAGER: Dallas Marshall
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.

PRE-

QUALIFICATION: 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 17, 2001 at:
 Gamble Rogers Memorial SRA at Flagler Beach
 3100 South A1A
 Flagler Beach, Florida 32136
 Attention: Mike Evans
 Park Manager
 Telephone Number: (904)517-2086

ADA

REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Bureau of Design and Recreation Services, (850)488-5372, at least five (5) workdays prior to openings.

BID SUBMITTAL

DUE DATE: No later than 4:00 p.m., Tuesday, September 11, 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

PUBLIC ANNOUNCEMENT FOR CONSTRUCTION MANAGEMENT SERVICES

PROJECT NUMBER: DOH 10050200
PROJECT NAME: 4th Floor Renovation
 Medical Support Wing
 A. G. Holley Hospital
 Lantana, Florida

SAMAS NO.
 64-30-1-000319-64200800-00-081109-01
PROJECT LOCATION: 1199 West Lantana Road, Lantana
 Florida, West Palm Beach County
 Florida.

The State of Florida, Department of Health, Division of Administration, Bureau of General Services, Office of Design and Construction requests qualifications from construction management firms to provide construction management services for this project. The construction budget for this project is up to \$1 Million (One million dollars). First anticipated construction start date is February 1, 2002. Applicant must be a licensed general contractor in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application. The selection will be made in accordance with Section 255.29(3), F.S., and the procedures and criteria of Building Construction.

INSTRUCTIONS

Firms interested in being considered for this project must submit four (4) copies of their application with a table of contents and tabbed sections in the following order:

1. Letter of interest detailing the firm's qualification to meet the above referenced selection criteria.
2. A current Experience Questionnaire and Contractor's Financial Statement, Form DBC5085. A copy can be obtained by calling (850)245-4066.
3. Resumes of proposed staff and staff organizations.
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 (5) years.

Response Due Date: Friday, September 7, 2001, by 5:00 p.m. (local time)

Applications are to be sent to: John C. Hayes, R. A., Project Manager, Department of Health, 4052 Bald Cypress Way, BIN #B06, Tallahassee, FL 32399-1734, (850)245-4444, Ext. 3165.

All proposal information submitted becomes the property of the Department of Health, will be placed on file, and not returned. Applications, which do not comply with the instructions set forth above and/or do not include the qualification data required, will be considered improper and disqualified. Proposals submitted by qualified firms shall be evaluated in accordance with Chapter 60D-2, Florida Administrative Code and Section 287.055, Florida Statutes. The Department of Health shall shortlist a minimum of three (3) firms. Phases to be implemented are dependent on the availability of funding subject to actions of the Florida

Legislative process and at sole discretion of the Department of Health. Presently funded as \$1,000,000.00 for the renovation and construction of the Interior East Wing of the hospital 4th Floor, approximately 9,100 square feet.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE TO GENERAL CONTRACTORS INVITATION TO BID

Proposals are requested from qualified general contractors by the Department of Children and Family Services, hereinafter referred to as Owner, for the construction of:

PROJECT NUMBER: DCF-02240320

PROJECT: PHARMACY RENOVATIONS
North Florida Evaluation And
Treatment Center
1200 N. E. 55th Boulevard
Gainesville, Florida

PREQUALIFICATION: The Owner accepts bids from those contractors who demonstrate current licensed status with the Department of Business and Professional Regulations. The Instructions to Bidders "Bidder Qualification Requirements and Procedures" are included in the specifications under Article B-2.

PERFORMANCE BOND AND LABOR AND MATERIAL BOND: A Performance Bond and Labor and Material Payment Bond are required.

DATE AND TIME: Sealed bids will be received at the Center's Conference Room, August 30, 2001, until 2:00 p.m., (Local Time), at which time they will be publicly opened and read aloud.

MANDATORY PRE-BID INSPECTION: We will conduct a mandatory prebid inspection with the architect at the project site on Tuesday, August 21, 2001, 10:30 a.m., for all interested contractors.

PROPOSAL: Bids must be submitted in full accordance with the requirements of the drawings, specifications, bidding conditions and contractual conditions, and with a copy of the contractor's license. The contract documents may be examined and obtained from the Architect/Engineer:

Mr. Robert Fleet
Fleet and Associates, Architects/Planners, Inc.
4041 Sunbeam Road
Jacksonville, Florida 32257
Telephone: (904)730-8103

CONTRACT AWARD: The bid tabulation and Notice of Award Recommendation will be posted at 2:00 p.m. (Local Time), August 31, 2001, at the architect's office. In the event that the bid tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by Certified United States mail, Return Receipt requested. Any protests of the bid must be made within 72

hours of posting of the results. "Failure to file a protest within the time prescribed in s. 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes." If no protest is filed per Section B-21 of the Instructions to Bidders, "Notice and Protest Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5, FAC., by the Owner.

INVITATION TO BID

Proposals are requested from qualified Utility Contractors by The Department of Children and Family Services, hereinafter referred to as owner, for the construction of:

PROJECT NO: DCF-99230200

SAMAS CODE: 60-10-1-000302-60400200-80-080751-99
and 60-10-2-021015-60400200-80-0800500-00.

PROJECT NAME: Florida State Hospital Potable Water System Improvements and New East Elevated Water Tank
LOCATION: Florida State Hospital, Chattahoochee, Florida 32324

FOR: Construction of a New 250,000 Gallon Pedestal Style Elevated Water Storage Tank; Construction of approximately 2,700 Linear Feet of 10-inch Water Main; Relocation Of Approximately 130 Linear Feet of 6-inch Water Main; six (6) bid alternates including demolition of a 500,000 gal ground storage tank, 500,000 gal backwash tank, and 250,000 gal existing elevated storage tank.

PREQUALIFICATION: Each prime bidder shall be state certified in accordance with Chapter 489, Florida Statutes, as a utility general contractor. Bids from contractors not able to furnish proof of the required certification will be disqualified.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000 or less, a Performance Bond and a Labor and Material Payment Bond are not required.

A mandatory pre-bid conference will be held on September 5, 2001, 11:00 a.m. (Eastern Standard Time), at Florida State Hospital (Operations and Facility Conference Room, Bldg. 1123), Chattahoochee, Florida. Directions to the pre-bid conference are available from the engineer or owner.

Sealed bids will be received on:

DATE AND TIME: September 20, 2001, until 2:00 p.m. (Eastern Standard Time), at which time they will be publicly opened and read aloud.

PLACE: Boyle Engineering Corporation Office, 5971 Cattleridge Boulevard, Suite 200, Sarasota, Florida 34232

Bids shall be submitted in triplicate in a sealed envelope plainly marked in the lower right hand corner, indicating the name of the bidding contractor, the project name and number, and the closing time and date of the bid, and clearly marked on the face of the envelope the words "SEALED BID". Bids shall be addressed to:

Boyle Engineering Corporation
5971 Cattleridge Boulevard, Suite 200
Sarasota, Florida 34232

for the Florida Department of Children and Family Services

PROPOSAL: Bids must be submitted in full accompanied by a bid guarantee in the amount of 5% of the bid amount, in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the Engineer.

ENGINEER: Boyle Engineering Corporation, 5971 Cattleridge Boulevard, Suite 200, Sarasota, Florida 34232, (941)377-8858
Plans and specifications may be purchased from the office of Boyle Engineering Corporation, 5971 Cattleridge Boulevard, Suite 200, Sarasota, Florida 34232, on non-refundable payment of \$125.00 per set.

Checks shall be payable to Boyle Engineering Corporation. Contractors, subcontractors, and suppliers requesting plans and specifications should provide a complete mailing and street address, telephone and telefax numbers, and name of person to contact.

CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted at 4:00 p.m. (Eastern Standard Time), September 26, 2001, at the location where the bids were opened. In the event that the Bid Tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by certified United States Mail, return receipt requested. Any protests of the bid must be made within 72 hours of posting of the results. "Failure to file a protest within the time prescribed in s. 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes." If no protest is filed per Section B-21 of the Instructions To Bidders, "Notice and Protest Procedures", the Owner will award a contract to the qualified, responsive low bidder in accordance with established Owner contracting procedures (CFOP 70-7).

All questions regarding the project should be addressed to Bryan T. Veith, P. E., Boyle Engineering Corporation, 5971 Cattleridge Boulevard, Suite 200, Sarasota, Florida 34232, (941)377-8858, Fax (941)371-2569. Approved resolution of discrepancies, questions, and modifications to the Contract Documents will be made in writing by Addendum only. Addenda will be issued to all registered plan holders. The bid proposal must acknowledge all addenda. No addenda will be issued after 72 hours prior to bid opening.

NAVIGATION DISTRICTS

SIGN FABRICATION CONTRACT

The Florida Inland Navigation District is seeking bids from qualified and licensed sign fabrication contractors to manufacture five-hundred (500) Manatee Regulatory Signs for the District. The specifications for this project may be obtained

by contacting: Mr. Mark Tamblyn, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, FL 33477, (561)627-3386. Bids will be due by 2:00 p.m., September 17, 2001.

DAYTONA BEACH COMMUNITY COLLEGE

Legal Advertisement

Pursuant to the provisions of Section 287.055, Florida Statutes, the "Consultants' Competitive Negotiations Act", Daytona Beach Community College hereby publicly announces it will consider qualified professional firms, registered to do work in the State of Florida, for a project requiring construction management at risk services. The project is the Student Services, Administration, and Child Care Services Center, Building 7, West Campus. The scope of work is the construction of a new student services, administration and child care facility. This facility will provide needed space for student services and child care for students. The facility will be approximately 38000 gross square feet. The estimated construction budget is \$3.9 million.

Firms or individuals with experience in construction of higher education facilities and desiring to qualify for consideration must submit seven copies of a proposal to Mr. Steven D. Eckman, Director, Facilities Planning Department, Daytona Beach Community College, Post Office Box 2811, Daytona Beach, Florida 32120-2811 or deliver to 1200 West International Speedway Boulevard, Building 540, Room 112, Daytona Beach, FL 32114, to arrive no later than 12:00 Noon, August 28, 2001. Each proposal must include:

1. A letter of interest.
2. United States Government Architect-Engineer Questionnaire Standard Form 254.
3. United States Government Architect-Engineer Questionnaire Standard Form 255, including in Section 10 of the questionnaire the firm's practice concerning affirmative action.
4. A letter from an insurance company certifying insurability in accordance with Board of Trustee's policy as summarized below:
 - a. Professional Liability Insurance in limits not less than One Million Dollars (\$1,000,000) per occurrence, covering errors, omissions or negligent acts, with a per occurrence deductible not to exceed Five Thousand Dollars (\$5,000).
 - b. Commercial Comprehensive Liability Insurance in limits of not less than One Million Dollars (\$1,000,000) per occurrence, with no deductible.
 - c. Comprehensive Automobile Liability Insurance (including owned and non-owned vehicles) in limits of not less than Five Hundred Thousand Dollars (\$500,000) per occurrence.

- d. Workers' Compensation Insurance in compliance with Chapter 440, Florida Statutes, with unlimited employer's liability coverage.
- e. Valuable papers and records insurance in an amount of not less than One Hundred Thousand Dollars (\$100,000) per occurrence, with no deductible.
- f. All insurance will be with insurers authorized to do business in Florida and all non-self insured companies will be rated at least a VI by Best's Key Rating Guide.
- g. The construction management at risk firm will provide the insurance listed above, in addition to the insurance coverages and limits, and bonds listed below:
 - 1. Commercial Comprehensive Liability Insurance (including blanket contractual liability and completed operations, explosion, collapse, and underground hazards) in limits of not less than Five Million Dollars (\$5,000,000), with no deductible, covering personal injury, death, sickness or disease, bodily injury, and property damage, including loss of use. The coverage may be provided in a primary policy or primary policy and umbrella policy. The umbrella, however, will stipulate that the Excess coverage is no less broad than the primary coverage. The Owner will be added as an additional insured.
 - 2. Comprehensive Automobile Liability Insurance (including hired and non-owned vehicles, if any) in limits of an additional Five Hundred Thousand Dollars (\$500,000), for a total of One Million Dollars (\$1,000,000) covering personal injury, death, bodily injury, and property damage.
 - 3. Builder's Risk Insurance with a deductible not to exceed One Thousand Dollars (\$1,000) per incident, for the total amount of the contract as established by the Insurance Services Office (ISO).
 - 4. Owner's and Contractor's Protective Liability Insurance in an amount not less than Five Million Dollars (\$5,000,000), with no deductible, covering personal injury, death, sickness or disease, bodily injury and property damage, including loss of use. The Owner will be named insured under this policy.
 - 5. Public Construction Bond, in compliance with Section 255.05, Florida Statutes, (or a performance bond and a labor and material payment bond, in compliance with Section 255.05, Florida Statutes) guaranteeing that the construction management firm will perform its obligations under the contract, and will pay for all labor and materials furnished for the work. Such bond will be:
 - a. Issued in a form and by a surety reasonably acceptable to Owner with a minimum rating by the most recent Best's Rating Classification of Class IV for contract sums less than \$1,000,000; Class VI for contract sums more than \$1,000,000 and less than \$2,000,000; and, Class VII for contract sums in excess of \$2,000,000.
 - b. Submitted to Owner for approval as to form.
 - c. Name the Owner as obligee.
 - d. Will be in an amount equal to at least 100% of the contract sum (as the same may be adjusted from time to time pursuant to the contract).
 - e. Contain a specific provision holding the surety liable for any consequential delay damages, liquidated or unliquidated, caused by the construction management firm's breach under the contract. The construction management firm will deliver the executed, approved bonds to the Owner contemporaneous with the execution of the Agreement. Notwithstanding any provision of Florida Statutes or language of the bond, the Statute Of Limitations for actions against the surety due to the alleged nonperformance (other than the delivery of labor or materials) of the construction management firm will be the same length of period as the Statute Of Limitations for actions against the construction management firm.
- 5. Copies of State of Florida licensing board certificates for the firm, members of the firm, and consultants of the proposed project.
- 6. A notarized statement of financial status. (The form of the statement is optional and could be in a form such as Dun & Bradstreet, by a certified public accountant, or other.)
- 7. A list of construction management at risk projects of similar size and complexity.
- 8. If guaranteed maximum price is required, the firm's bonding capacity.
- 9. Description of the program management techniques, scheduling techniques, and cost control techniques used on similar projects.
- 10. Description of firm's Value Engineering services.
- 11. Identification of litigation, major disputes, contract defaults, and liens over the past five (5) years in which the firm has been involved.
- 12. A history of project completion dates for similarly sized projects, in relation to the contract award schedule, over the past five (5) years.
- 13. Complete an Application for Certification as a Prequalified Construction Contractor. Applications may be obtained from the Facilities Planning Department, Daytona Beach Community College, 1200 West International Speedway Boulevard, Daytona Beach, Florida 32114, (904)947-3180. Submit one (1) signed and sealed original and five (5) signed and sealed copies of the application no later than 12:00 Noon, August 28, 2001, with the RFP.

TALLAHASSEE COMMUNITY COLLEGE

LEGAL NOTICE

The District Board of Trustees for Tallahassee Community College is calling for proposals for Manufactured/Mobile Homes Windstorm Safety Enhancements

REQUEST FOR PROPOSAL 2002-01

Sealed proposals will be received until 2:00 p.m. (EDST), Thursday, September 6, 2001, at the office of the Purchasing Manager, Tallahassee Community College, 444 Appleyard Drive, Administration Building, Room 113, Tallahassee, Florida 32304-2895. Proposals received after this time will not be accepted.

Under the provisions of Section 120.57(3)(b), Florida Statutes, failure to file protest within the time prescribed in Section 120.57(3)(b), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

Tallahassee Community College reserves the right to waive irregularities and to reject any and all proposals.

Charles Riley
 Purchasing Manager
 (850)201-8520
 RFP No. 02-1

HILLSBOROUGH COUNTY WORKFORCE BOARD

Notice of Proposal – Audit Services

Procurement Submittal Deadline: September 10, 2001

This RFP describes the requirements of the Hillsborough County Workforce Board, Inc., to obtain the services of an accounting firm whose principal officers are independent Certified Public Accountants for auditing of the Hillsborough County Workforce Board, Inc. which receives funds under the Workforce Investment Act (WIA), Agency for Workforce Innovations (AWI), the Welfare Transition program, Welfare to Work (WtW), and Wagner Peyser.

AREA AGENCY ON AGING OF PALM BEACH

2002 OLDER AMERICANS ACT TITLE III-E
 NATIONAL FAMILY CAREGIVER
 SUPPORT PROGRAM (NFCSP)
 REQUEST FOR PROPOSAL (RFP)

The Area Agency on Aging of Palm Beach, Treasure Coast, Inc., is requesting proposals for the provision of services authorized under Title III-E of the Older Americans Act, as amended, for the National Family Caregiver Support Program for Indian River, Martin, Okeechobee, St. Lucie and Palm Beach counties for the 2002 calendar year.

Proposal format and instructions will be available on September 17, 2001, from the Area Agency on Aging, 1764 North Congress Avenue, Suite 201, West Palm Beach, FL 33409, (561)684-5885, Attention: Kasha Owers, Director of Contract Administration.

A Bidder's Conference to review the RFP instructions and contract award process will be held on September 24, 2001, 10:00 a.m. (EDT), at the offices of the Area Agency on Aging,

1764 North Congress Avenue, Suite 201, West Palm Beach, FL 33409. Certified Minority Business Enterprises are encouraged to participate in the Bidder's Conference.

Notice of Intent to Submit a Proposal must be received by 4:00 p.m. (EDT), October 1, 2001, at the Area Agency on Aging, 1764 North Congress Avenue, Suite 201, West Palm Beach, FL 33409.

All written inquiries must be received by 4:00 p.m. (EDT), October 9, 2001, at the Area Agency on Aging, 1764 North Congress Avenue, Suite 201, West Palm Beach, FL 33409.

All proposals are due by 4:00 p.m. (EDT), October 22, 2001, at the Area Agency on Aging, 1764 North Congress Avenue, Suite 201, West Palm Beach, FL 33409.

All bids will be opened at 4:01 p.m. (EDT), October 22, 2001, at the Area Agency on Aging, 1764 North Congress Avenue, Suite 201, West Palm Beach, FL 33409.

The Area Agency on Aging reserves the right to reject any or all proposals or accept minor irregularities in the best interest of the Area Agency on Aging.

FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL

REQUEST FOR PROPOSALS (FDDC #2001-HC-02)

The Florida Developmental Disabilities Council (FDDC) announces the availability of a Request for Proposals. This RFP is being issued to enhance the information base necessary for the FDDC continued efforts to improve the delivery of health services to the state's children and adults with developmental disabilities. The Council's Health Care and Prevention Task Force recognizes that continued efforts to enhance Medicaid's approach to medical necessity will be strengthened by access to relevant information on patterns of service use and costs for children and adults with disabilities. The primary objective of this contract is to analyze administrative data that will 1) yield descriptive information on patterns of expenditures and service use for persons with disabilities in Florida who are enrolled in Medicaid and, 2) illustrate the effect of enrollment into the Developmental Services waiver on Medicaid expenditures and use of services. Data tapes containing raw data will be provided for analysis.

Specifically, the contractor should plan to address the following questions: Within the group of Floridians ages 3 to 60 years that have developmental disabilities and who are receiving Medicaid services, what are rates of utilization of selected medical and health services and what are their total expenditures? Do services use and expenditure rates vary by age, gender, region, diagnostic categories, residential setting and eligibility category?

How does access to an enlarged service package (i.e., the Florida Developmental Disabilities waiver program) shape state Medicaid expenditures for hospitalizations and emergency services for individuals with severe developmental disabilities?

The primary sample will be drawn from the population of about 15,000 individuals who are enrolled in the Developmental Disabilities Program Waiver and Medicaid program. For each person in the DS Waiver sample, data will be drawn from the ABC system in the Developmental Disabilities Program and from the general Medicaid encounter and expenditure files. Key variables will include demographic indices, a measure of functional status based on a level of need diagnosis, service use across a broad array of services and expenditures. Individuals who are enrolled in Managed Care Organizations (MCOs) will be excluded for the purposes of this study.

Analyses will yield descriptive data on service use and expenditures for this sample. Data will be presented also for selected subgroups. Utilization rate differences between subgroups will be examined for statistical significance. In addition, associations between utilization rates across different services will be examined within selected subgroups Medicaid expenditures will be compared for persons who were and were not enrolled in the DS waiver, controlling for health status. This comparison will shed light on how access to an enhanced set of services following enrollment into the DS waiver can influence Medicaid expenditures for specific medical services. The enhanced set of services under the DS waiver mimics the services made available under a broadened approach to medical necessity definitions. Consequently, these analyses will illustrate the financial impact of broadening medical necessity criteria in a state Medicaid program.

Individuals, not-for-profit and for-profit agencies may submit proposal in response to this RFP. The approximate amount of funds available for project awarded based on this RFP will be \$40,000.00. The exact amount of this contract will be developed during contract negotiations.

Copies of this RFP will be available from the Florida Developmental Disabilities Council, 124 Marriott Drive, Suite 203, Tallahassee, FL 32301, (850)488-4180 or Toll Free 1(800)580-7801 or TDD Toll Free 1(888)488-8633. The deadline for submitting letters of intent and written questions is August 29, 2001. The deadline for submitting proposals is 4:00 p.m. (EST), September 24, 2001.

Section XII Miscellaneous

DEPARTMENT OF STATE

The Division of Historical Resources announces that it is soliciting applications for State Grants-in-Aid assistance for historical museums projects.

An anticipated \$1,425,000 could be available to assist General Operating Support and Public Educational Exhibit activities.

Solicitation begins Monday, October 1, 2001.

The deadline for filing applications is December 15, 2001. Application must be delivered to the Grants Office, Room 120, The Old Capitol, 400 South Monroe Street, Tallahassee, FL, by 5:00 p.m., on that date or be clearly postmarked or show evidence of submission to an express mail service on or before that date.

Application forms and more information may be obtained from: Grants Manager, Bureau of Historical Museums, The Old Capitol, 400 South Monroe Street, Tallahassee, Florida 32399-0250, (850)487-1902.

DEPARTMENT OF BANKING AND FINANCE

NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following application and/or other notice. Comments may be submitted to the Director, Division of Banking, 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., September 7, 2001):

APPLICATION WITHDRAWN

Application to Acquire Control

Financial Institution to be Acquired: Republic Security Bank, Palm Beach, Florida

Proposed Purchaser: SunTrust Banks, Inc., Atlanta, Georgia

Received: August 6, 2001

APPLICATION TO MERGE

Constituent Institutions: Bank of Pensacola, Pensacola, Florida and First American Bank of Pensacola, N.A., Pensacola, Florida

Resulting Institution: Bank of Pensacola

Received: August 1, 2001

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF AVAILABILITY OF FUNDS FOR COASTAL PARTNERSHIPS INITIATIVE

The Florida Coastal Management Program announces an application period under its Coastal Partnerships Initiative for funding of innovative coastal projects. Eligible applicants include local governments of the 35 coastal counties and all municipalities within their boundaries designated as 'coastal'

by the state land planning agency or required to include a coastal element in the local comprehensive plan; national estuarine research reserves; and national estuary programs. Eligible applicants also include public and private colleges and universities, regional planning councils, and nonprofit groups, as long as an eligible local government, national estuarine research reserve, or national estuary program agrees to participate as a partner in the application and project.

The Coastal Partnerships Initiative is intended to inspire community action and promote the protection and effective management of Florida's coastal resources by seeking applications in four specific initiative categories: Working Waterfronts, Access to Coastal Resources, Remarkable Coastal Places, and Community Stewardship. The Coastal Partnerships Initiative may provide technical assistance, training, and/or financial assistance as reimbursement grants of no more than \$25,000, except for small capital improvement or construction projects, which may not exceed \$50,000. Those applications selected will be included in the Florida Coastal Management Program application to the National Oceanic and Atmospheric Administration for Fiscal Year 2002-03 federal coastal management funds. The funding cycle will begin July 1, 2002 and end June 30, 2003. All projects must be initiated and completed within the funding cycle. The total amount of funding available for the Coastal Partnerships Initiative is not known at this point, but may be approximately \$600,000 to \$1 million, based on past awards from the National Oceanic and Atmospheric Administration.

Rule Chapter 9M-1, Florida Administrative Code, governs all aspects of the Florida Coastal Management Program's Coastal Partnerships Initiative. The rule describes the four initiative categories; the required project proposal and application information; the format in which it is to be submitted; the submittal procedures to be followed as part of the application process; and the criteria and procedures by which applications will be evaluated and ranked. There is no specific application form. Applications must be received no later than 4:00 p.m. (Eastern Daylight Savings Time), Monday, October 1, 2001.

An Adobe Acrobat Reader (.pdf) copy of Rule 9M-1, F.A.C., may be printed from the Florida Coastal Management Program website at: <http://www.dca.state.fl.us/ffcm/FCMP/9M-1.pdf>. If any person does not have Internet access, a copy of the rule will be mailed upon request. For questions or to request a copy of Rule 9M-1, F.A.C., please contact: Jim Farr, Department of Community Affairs, Florida Coastal Management Program, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)414-6572, by Facsimile (850)487-2899 or by e-mail at: jim.farr@dca.state.fl.us.

If an accommodation is needed in order to participate in this solicitation, please notify Christine McCay, (850)414-6562, no later than September 10, 2001. If you are hearing or speech impaired, please contact the Department of Community Affairs

using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-9771 (TDD).

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that American Suzuki Motor Corporation, intends to allow the establishment of Polaris Powersports of the Nature Coast, Inc., as a dealership for the sale of Suzuki motorcycles at 7763 W. Gulf to Lake Highway, Crystal River (Citrus County), Florida 34429, on or after August 15, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Polaris Powersports of the Nature Coast, Inc., are: dealer operator(s) and principal investor(s): Marion L. Langlo, 11649 W. Clubview Dr., Homosassa, FL 34448, Lars H. Langlo, 11649 W. Clubview Dr., Homosassa, FL 34448 and Lars E. Langlo, 1190 W. Stafford St., Hernando, FL 34442.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Tom Decker, Southern Regional Sales Manager, American Suzuki Motor Corporation, 3075 Chastain Meadows Pkwy., N.W., Marietta, GA 30066.

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.

Facility/Project: West Florida Regional Medical Center
 Applicant: West Florida Regional Medical Center, Inc.
 Project Description: Convert 40 hospital-based skilled nursing beds to use as 40 acute care beds
 Proposed Project Cost: \$0 Equipment Cost:
 AHCA Purchase Order Number S5900I00310.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

**NOTICE OF INTENT TO ISSUE PROPOSED
 MODIFICATION OF POWER PLANT CERTIFICATION**

The Florida Department of Environmental Protection (Department) hereby provides notice of an intent to modify Power Plant Certification Conditions issued pursuant to the Florida Electrical Power Plant Siting Act, Section 403.501, et. seq., Florida Statutes. A Proposed Final Order has been prepared in accordance with Rule 62-17.211(4) concerning:

Tampa Electric Company
 Polk Power Station
 Modification of Conditions of Certification
 Power Plant Siting Application: PA92-32
 OGC Case No. 01-1294
 Polk County, Florida

November 17, 2000, PSD permit PSD-FL-194E was issued, amending a previous version of the PSD permit. This amendment allows TECO to fire syngas from the gasification of fuel blends and bituminous coal in Unit 1. These actions result in the requirement that the Department make certain modifications to conform the Conditions of Certification for the above referenced facility to the revised PSD permit. Additionally, the Department proposes that the conditions should be updated to reflect current agency names and current rule citations.

A copy of the proposed modification order is available from Hamilton S. Oven, P. E., Administrator, Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, M.S. #48, Tallahassee, Florida 32399-2400, (850)487-0472.

POINT OF ENTRY

Pursuant to Section 403.516, F.S., and Rule 62-17.211(5), F.A.C., all parties to the certification proceeding have 45 days from the issuance of notice by mail to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification.

Any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of this public notice to object in writing. The written objection must be filed (received) in the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, MS #35, Tallahassee, Florida 32399-3000.

If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and agreement cannot be subsequently reached, then pursuant to Section 403.516(1)(c), F.S., the applicant or the Department may file a petition for modification seeking approval for those portions of the request for modification to which written objections were timely filed.

Mediation is not available in this proceeding.

NOTICE OF AVAILABILITY

FLORIDA CATEGORICAL EXCLUSION NOTIFICATION

The Florida Department of Environmental Protection has determined that the proposed Martin County, Stormwater Quality Improvement Projects will not have a significant adverse affect on the environment. The potential amount of the loan is estimated at \$7,034,900. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds.

A full copy of the Florida Categorical Exclusion Notification can be obtained by writing: Troy M. Mullis, P. E., Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

DEPARTMENT OF HEALTH

On July 30, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Denis Deonarine, M.D., license number ME 0069543. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 455.225(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 1, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Stacey R. Rolan Gale, R.Ph., license number PS 26781. Gale's last known address is Post Office Box 4506, Donalsonville, Georgia 31745. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN July 30, 2001
 and August 3, 2001

Rule No.	File Date Date	Effective Vol./No.	Proposed Vol./No.	Amended
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DEPARTMENT OF EDUCATION
Florida A and M University

6C3-3.004	7/31/01	8/20/01		Newspaper
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DEPARTMENT OF TRANSPORTATION

14-10.0011	7/30/01	8/19/01	27/16	27/27
14-10.003	7/30/01	8/19/01	27/16	
14-10.004	7/30/01	8/19/01	27/16	27/27
14-10.0041	7/30/01	8/19/01	27/16	
14-10.0051	7/30/01	8/19/01	27/16	
14-10.006	7/30/01	8/19/01	27/16	27/27
14-10.007	7/30/01	8/19/01	27/16	27/27

DEPARTMENT OF CORRECTIONS

33-210.201	7/30/01	8/19/01	27/19	27/24
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AGENCY FOR HEALTH CARE ADMINISTRATION
Office of Licensure and Certification

59A-4.200	8/1/01	8/21/01	27/13	27/27
59A-4.201	8/1/01	8/21/01	27/13	27/27

Rule No.	File Date Date	Effective Vol./No.	Proposed Vol./No.	Amended
59A-4.202	8/1/01	8/21/01	27/13	27/27
59A-4.203	8/1/01	8/21/01	27/13	27/27
59A-4.204	8/1/01	8/21/01	27/13	27/27
59A-4.205	8/1/01	8/21/01	27/13	27/27
59A-4.206	8/1/01	8/21/01	27/13	27/27

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

Construction Industry Licensing Board

61G4-15.002	8/3/01	8/23/01	27/23	
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Florida Building Code Administrators and Inspector

61G19-7.002	7/31/01	8/20/01	26/41	27/27
61G19-7.010	7/31/01	8/20/01	26/41	27/24

Board of Accountancy

61H1-33.003	8/1/01	8/21/01	27/19	
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DEPARTMENT OF HEALTH

Board of Medicine

64B8-45.003	8/3/01	8/23/01	27/25	
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Division of Family Health Services

64F-16.001	8/1/01	8/21/01	27/22	
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