

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE CHAPTER TITLE: Permitting and Inspection

RULE CHAPTER NO.: 5F-8

Requirements for Amusement

Devices and Attractions

5F-8

RULE TITLE: Fees

RULE NO.: 5F-8.012

PURPOSE AND EFFECT: Applicable law, Section 616.242,(8), Florida Statutes, requires that the fees charged for inspection and permitting of amusement rides must cover the program costs that are not covered by general revenue appropriations and that those fees shall be established by rule. The purpose of this rule revision is to implement an increase in the fee charged for permitting of amusement rides and to create a new ride category for super rides and an associated fee for that new category.

SUBJECT AREA TO BE ADDRESSED: Rule 5F-8.012, Florida Administrative Code, the department rule establishing fees for inspecting and permitting amusement rides.

SPECIFIC AUTHORITY: 616.165, 616.242 FS.

LAW IMPLEMENTED: 616.242(8) FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, September 25, 2001

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-8.012 Fees.

- (1) The following fees are adopted:
(a) Annual permit for any amusement ride: \$300.00
(b) Annual permit for any Bungy jump: \$500.00
(c) Inspection fee for each inspection of a kiddie amusement ride: \$25.00
(d) Inspection fee for each inspection of a non-kiddie amusement ride: \$50.00

- (e) Inspection fee for each inspection of a super amusement ride: \$100.00
(f)(e) Inspection fee per go cart, in addition to the track inspection fee: \$5.00
(g)(f) Reinspection fee: \$300.00
(h)(g) Fee to replace a lost U.S. Amusement Identification (USAID) plate: \$100.00
(i)(h) Fee per amusement ride for late inspection request: \$100.00
(j)(i) Fee per amusement ride for failure to cancel inspection request: \$100.00
(k)(j) Fee per amusement ride for inspection on weekend or state holiday: \$25.00

Specific Authority 616.165, 616.242(7),(8),(13) FS. Law Implemented 616.242(8) FS. History--New 9-15-92, Amended 2-23-94, 5-27-96, 9-23-97, 2-14-99, 3-21-00, 12-4-00, _____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Industrial Machinery and Equipment for Use

RULE NO.: 12A-1.096

in a New or Expanding Business

PURPOSE AND EFFECT: The purpose of the proposed deletion of paragraph (8)(f) of Rule 12A-1.096, F.A.C., is to remove obsolete language rendered unnecessary by the enactment of section 3 of chapter 2000-310, Laws of Florida (see s. 212.08(7)(eee), F.S.). The rule language being proposed for deletion dealt with a limited exemption granted to new and expanding businesses for such railroad roadway materials. The enactment of the general exemption in s. 212.08(7)(eee), F.S., renders the limited exemption in the rule unnecessary. The effect of the removal of this obsolete language is to ensure that taxpayers will be guided by the provisions of s. 212.08(7)(eee), F.S.

SUBJECT AREA TO BE ADDRESSED: This rule deals with the statutory exemption from sales and use tax granted on the purchase of industrial machinery and equipment used in certain new or expanding businesses.

SPECIFIC AUTHORITY: 212.08(5)(b)4., 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.02(4),(14),(21),(22), 212.05, 212.06, 212.08(5)(b), 212.0805, 212.13(2), 215.26(2) FS.

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

TIME AND DATE: 10:00 a.m., September 26, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jeffery Soff, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4719

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.096 Industrial Machinery and Equipment for Use in a New or Expanding Business.

(1) through (7) No change.

(8) Exclusions.

(a) through (e) No change.

~~(f) The materials used in the construction of a railroad spur that is on the property of a new or expanding business and belongs to such business for the purpose of transporting raw materials shall be exempt. If a railroad spur is used solely for the purpose of transporting the finished product, tax will apply to the total cost of the materials used in the construction of that railroad spur.~~

(g) through (u) renumbered (f) through (t) No change.

(10) through (11) No change.

Specific Authority 212.08(5)(b)4., 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(4),(14),(21),(22), 212.05, 212.06, 212.08(5)(b), 212.0805, 212.13(2), 215.26(2) FS. History—New 5-11-92, Amended 7-1-99, 6-28-00, 6-19-01,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

RULE TITLES:	RULE NOS.:
Purpose of Ambulatory Patient Data Reporting	59B-9.010
Submission of Ambulatory Patient Data	59B-9.011
Definitions	59B-9.013
Reporting Instructions	59B-9.015
Ambulatory Patient Data Format – Data Elements and Codes	59B-9.018
Ambulatory Patient Data Format – Record Layout	59B-9.019
Data Standards	59B-9.020

PURPOSE AND EFFECT: The proposed rule amendments eliminate report requirements for radiation therapy. The proposed rule amendments require that cardiac catheterization laboratories report separately for each separate location. The proposed rule clarifies that reporting the data element, patient status, is required.

SUBJECT AREA TO BE ADDRESSED: The agency is proposing amendments to Rules 59B-9.010, 59B-9.011(1), 59B-9.013, 59B-9.015, 59B-9.018, 59B-9.019, 59B-9.020 that will eliminate the reporting of patient visits for which the services provided are limited to radiation therapy. The agency is proposing an amendment to Rule 59B-9.011(3) that will

require cardiac catheterization laboratories to submit a separate report for each separate location. The agency is proposing an amendment to Rule 59B-9.019(2)(aaa) that deletes a reference to optional reporting of the data element, patient status.

SPECIFIC AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 408.061, 408.062, 408.063, 408.07 FS.

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

TIME AND DATE: 10:00 a.m., September 25, 2001

PLACE: Agency for Health Care Administration, First Floor Conference Room, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Elizabeth Dye, State Center for Health Statistics Administrator, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59B-9.010 Purpose of Ambulatory Patient Data Reporting. The reporting of ambulatory patient data will provide a statewide integrated database of ambulatory surgical procedures ~~and certain radiological procedures~~ and permit assessment of variations in utilization, practice parameters, access to ambulatory care and estimates of cost trends for ambulatory procedures. ~~The amendments appearing herein are effective with the reporting period starting January 1, 1999.~~

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History—New 9-6-93, Formerly 59B-7.010, Amended 6-29-95, 12-28-98,_____.

59B-9.011 Submission of Ambulatory Patient Data.

(1) The following entities shall submit ambulatory patient data and reports to the Agency for Health Care Administration (AHCA or agency):

(a) All licensed short-term acute care hospitals;

(b) All licensed ambulatory surgical centers as defined in s. 395.002(3)(4), F.S.;

~~(c) All freestanding radiation therapy centers defined in s. 408.07, F.S.;~~

~~(c)(d) All lithotripsy centers defined in s. 408.07, F.S.;~~

~~(e) All physicians licensed pursuant to Chapter 458, F.S., or Chapter 459, F.S., who practice within the specialty of diagnostic or therapeutic radiology and who wholly own and operate as a freestanding center providing treatment through the use of radiation therapy machines registered under s. 404.22, F.S. "Wholly own" includes ownership of the physician and their immediate family members to include spouse, children, parents, brothers and sisters;~~

~~(d)(f) All cardiac catheterization laboratories defined in s. 408.07, F.S.~~

(2) No change.

(3) Each facility in (1)(a) above shall submit a separate report for each location per 59A-3.203, F.A.C. Each facility in (1)(b) above shall submit a separate report for each location per 59A-5.003, F.A.C. Each facility or provider in (1)(c) or (1)(d) ~~(1)(e), (1)(d) or (1)(e)~~ above shall submit a separate report for each separate location.

(4) through (7) No change.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063, 408.07, 408.08 FS. History–New 9-6-93, Formerly 59B-7.011, Amended 6-29-95, 12-28-98, 7-11-01,_____.

59B-9.013 Definitions.

(1) through (5) No change.

(6) Each “Ambulatory Center” is required to report ambulatory patient data. For purposes of this rule, ambulatory center includes freestanding ambulatory surgery centers, short-term acute care hospitals, ~~radiation therapy centers,~~ lithotripsy centers, and cardiac catheterization laboratories ~~and providers of radiation therapy.~~

(7) through (9) No change.

Specific Authority 408.15(8) FS. Law Implemented 395.002, 408.061, 408.062, 408.063 FS. History–New 9-6-93, Formerly 59B-7.013, Amended 6-29-95, 12-28-98, 7-11-01,_____.

59B-9.015 Reporting Instructions.

(1) No change.

(2) Ambulatory centers shall report data for all non-emergency room ambulatory or outpatient visits in which surgery the following services are provided:

~~(a) Surgery services were performed by a licensed physician and to which the services provided correspond to following Current Procedural Terminology (CPT) codes are assigned: CPT codes 10000 through 69999 and 93500 through 93599. Codes must be valid in the current or the immediately preceding year’s code book to be accepted.~~

~~(b) Radiological services listed in the Current Procedural Terminology (CPT) codes 77000 through 77999.~~

(3) No change.

(4) For each patient visit, ambulatory ~~Ambulatory~~ centers shall report all services provided ~~to an ambulatory surgical, cardiac catheterization or radiation therapy patient~~ using CPT or the Health Care Financing Administration Common Procedure Coding System (HCPCS) codes.

(5) through (6) No change.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History–New 9-6-93, Formerly 59B-7.015, Amended 6-29-95, 12-28-98, 1-4-00, 7-11-01,_____.

59B-9.018 Ambulatory Patient Data Format – Data Elements and Codes.

(1) No change.

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

~~(yyy) Blank Field Radiation Therapy Visits A two character alpha-numeric field to be left blank. If the primary procedure code is between 77000-77999, inclusive, enter the total number visits included in this record. For Radiation Oncology visits only. If the primary procedure is not between 77000-77999, inclusive, report 01.~~

(zzz) through (cccc) No change.

(3) No change.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History–New 9-6-93, Formerly 59B-7.018, Amended 6-29-95, 12-28-98, 7-11-01,_____.

59B-9.019 Ambulatory Patient Data Format – Record Layout.

“Type” means (A)lpha or (N)umeric or combination field. “Justification” is either (R)ight or (L)eft. The data elements for each ambulatory patient data record must have a logical record length of 400 characters with the following record layout:

(1) No change.

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

~~(yyy) BLANK FIELD RADIATION THERAPY VISITS~~
A/N N L R 2 323-324

(zzz) No change.

~~(aaaa) PATIENT STATUS (OPTIONAL) A/N L 2~~
329-330

(bbbb) through (cccc) No change.

(3) No change.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History–New 9-6-93, Formerly 59B-7.019, Amended 6-29-95, 12-28-98, 7-11-01,_____.

59B-9.020 Data Standards.

(1) through (11) No change.

(12) Primary Procedure Code is required. Must be CPT codes between 10000 and 69999, inclusive, or between 93500 and 93599, inclusive, ~~or between 77000 and 77999, inclusive.~~ Space filled fields between two successive codes procedure fields will create an error. Use CPT codes that are current. Codes must be valid in the current or immediately preceding year’s code book to be accepted. Use of HCPCS codes (other than CPT codes in the ranges cited above) in this field are an error.

(13) through (32) No change.

~~(33) Blank Field is a blank fill entry. Radiation therapy visits field must equal 01 unless the primary procedure code is between 77000-77999, inclusive. If the primary procedure code is between 77000-77999, inclusive, enter the total number of visits included in this record.~~

(34) through (37) No change.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History–New 9-6-93, Formerly 59B-7.020, Amended 6-29-95, 12-28-98, 7-11-01,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLES:	RULE NOS.:
Definitions and Scope	61B-60.001
General Provisions; Forms and Fees	61B-60.002
Application for and Renewal of Broker or Salesman License	61B-60.003
Bond and Irrevocable Letter of Credit	61B-60.004
Principal Place of Business; Broker's Branch Office License Application and Branch Office License Renewal	61B-60.005

PURPOSE AND EFFECT: The purpose of this rule amendment is to reflect the change of address for the Division of Florida Land Sales, Condominiums and Mobile Homes, renumber forms, delete the form used for licenses, replace references to salesman with salesperson, repeal procedures superseded by the Uniform Rules, correct statutory and rule references; clarify application of escrow trust accounts, repeal repetition of statutory requirements for financial institutions holding escrow trust funds; repeal reference to letter of credit on surety bond form, and increase fees paid for fingerprint processing in accordance with Section 215.405, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The rule amendment addresses the increase in cost for fingerprint processing for licensing, corrects the mailing address for the Division of Florida Land Sales, Condominiums and Mobile Homes, renumbers forms and deletes the form used for licenses, replaces references to salesman with salesperson, repeals procedures superseded by the Uniform Rules, corrects statutory and rule references, clarifies the application of escrow trust funds; repeals repetition of statutory requirements for financial institutions holding escrow trust funds, and repeals the reference to the letter of credit on the surety bond form.

SPECIFIC AUTHORITY: 215.405, 326.003, 326.004 FS.

LAW IMPLEMENTED: 326.004, 326.006 FS.

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

TIME AND DATE: 9:30 a.m., October 1, 2001

PLACE: Room 402, Fuller Warren Building, 202 Blount Street, Tallahassee, Florida

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: Sharon A. Elzie, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Education and Experience Requirements	61G1-13

PURPOSE AND EFFECT: The Board proposes to discuss the rules in this chapter to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Education and Experience Requirements.

SPECIFIC AUTHORITY: 481.2055, 481.209(1)(b), 481.211 FS.

LAW IMPLEMENTED: 481.203(6), 481.209(2)(b), 481.211, 481.213(3)(c) FS.

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

TIME AND DATE: 9:00 a.m. or thereafter, October 25, 2001

PLACE: Sheraton Suites, 4400 West Cypress Avenue, Tampa, Florida 33607

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE:	RULE NO.:
Continuing Education Program of Learning Approval	61G1-21.004

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

SUBJECT AREA TO BE ADDRESSED: Continuing education program of learning approval.

SPECIFIC AUTHORITY: 481.215(5), 481.2055 FS.

LAW IMPLEMENTED: 481.215(5) FS.

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

TIME AND DATE: 9:00 a.m. or thereafter, October 25, 2001
 PLACE: Sheraton Suites, 4400 West Cypress Avenue, Tampa, Florida 33607

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: CONTINUING EDUCATION APPROVAL OF SUBJECTS AND PROVIDERS

RULE NO.: 61G1-24.002

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

SUBJECT AREA TO BE ADDRESSED: Continuing education approval of subjects and providers.

SPECIFIC AUTHORITY: 481.215 FS.

LAW IMPLEMENTED: 481.215 FS.

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

TIME AND DATE: 9:00 a.m. or thereafter, October 25, 2001
 PLACE: Sheraton Suites, 4400 West Cypress Avenue, Tampa, Florida 33607

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE TITLE: SAFETY GUIDELINES

RULE NO.: 61G14-15.003

PURPOSE AND EFFECT: The Board will discuss this rule to determine if a substantial rewording is necessary in order to clarify certain obligations of licensed harbor pilots and certified deputy pilots as they relate to matters of safety.

SUBJECT AREA TO BE ADDRESSED: Safety guidelines.

SPECIFIC AUTHORITY: 310.185 FS.

LAW IMPLEMENTED: 310.0015(3)(a), 310.075(4), 310.101(1)(d) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACE SHOWN BELOW:

TIMES AND DATES: 1:00 p.m., Central Standard Time, October 11, 2001 and 9:00 a.m., Central Standard Time October 12, 2001

PLACE: New World Landing, 600 South Palofox Street, Pensacola, Florida

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 61G14-15.003 follows. See Florida Administrative Code for present text.)

61G14-15.003 Safety Guidelines.

As used in this rule, "pilot" shall mean both a state licensed pilot and a state certified deputy pilot.

(1) If a pilot determines that circumstances render transit by a vessel unsafe, the pilot shall not be required to board or direct the movement of the vessel until conditions permit safe transit. He/she shall advise the vessel's master of his/her action, request that it be noted in the vessel's log, and document it in his/her records. If the pilot becomes aware that master insists on moving the vessel without a pilot, the pilot shall attempt, by any appropriate means, to give notice of such movement, to other vessels in the area, tugs assigned to assist, the Coast Guard and a law enforcement officer of the Fish and Wildlife Conservation Commission.

(2) If, after any pilot has boarded a vessel, circumstances change so as to render the proposed transit unsafe, he/she shall advise the master to postpone or halt the transit until it can be safely undertaken. If the master insists that the vessel continue as originally intended, the master shall thereby have assumed complete responsibility for the direction of the movement of the vessel. Thereupon, the pilot shall advise the master that the master has taken the conn and that the pilot is standing by and will, unless ordered otherwise, render advice to assist in attaining such level of safety as may be practicable under prevailing circumstances. He/she shall request that his/her action be noted in the vessel's log and shall document it in his/her records. The pilot shall attempt, by any appropriate means, to give notice of his/her action, to other vessels in the area, tugs assigned to assist, the Coast Guard and a law enforcement officer of the Fish and Wildlife Conservation Commission.

(3) If a pilot has boarded a vessel and circumstances change rendering docking or undocking of the vessel unsafe, he/she shall so advise the master. If the master insists that the vessel dock or undock in spite of advice to the contrary, the

master shall thereby have assumed complete responsibility for the direction of the movement of the vessel. Thereupon, the pilot shall advise the master that the master has taken the conn and that the pilot is standing by and will, unless ordered otherwise, render advice to assist in attaining such level of safety as may be practicable under the prevailing circumstances. The pilot shall request that his/her action be noted in the vessel's log and shall document it in his/her records. The pilot shall attempt, by any appropriate means, to give notice of his/her action to other vessels in the area, tugs assigned to assist, the Coast Guard and a law enforcement officer of the Fish and Wildlife Conservation Commission.

(4) Each association of pilots in each port where such association(s) exists, and the licensed state pilots in each port who are not members of such association shall submit to the Board for its review and approval, the current maximum allowable draft of vessels calling at the port and restrictions on bottom clearance for each berth and channel, as required by Sections 310.075(4) and 310.101(1)(d), Florida Statutes. The Board of Pilot Commissioners shall provide this information on each port to the publishers of the U.S. Coast Pilot.

(5) In order to assist the board in serving the public interest in maintaining efficient and safe piloting services as required by s. 310.061, Florida Statutes, each association of pilots, in each port where such association(s) exists, and the licensed state pilots in each port who are not members of such association shall annually submit for the board's review and approval or rejection, pilot work schedules for the port which are best suited to meet local conditions and demands and which:

- (a) Insure that an adequate number of pilots is always available to handle any vessel requiring the services of a pilot;
- (b) Provide sufficient off-duty time for rest, and;
- (c) Outline procedures which provide for backup support which may become necessary due to disability or loss of available pilots.

Specific Authority 310.185 FS. Law Implemented 310.0015(3)(a), 310.075(4), 310.101(1)(d) FS. History—New 11-6-89, Amended 6-26-90, 12-30-91, 10-25-92, Formerly 21SS-9.001, 21SS-15.003, Amended 11-15-93, 1-26-99, 10-4-99,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Applications by Individuals
PURPOSE AND EFFECT: The Board is considering amending the above referenced rule provision relating to applications. The purpose is to amend this rule provision by deleting language relating to disclosure of information relating to mental competency. Rule 61J1-3.001(6)(c), F.A.C., requires the applicant to disclose information on mental competency

RULE NO.: 61J1-3.001

and is included on the current application. Since the Board does not have authority to capture that information, the rule must be amended.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects the rule provision relating to the request for information regarding mental competency of real estate appraiser applicants.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617, 475.624 FS.

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

TIME AND DATE: 9:00 a.m. or as soon thereafter as possible, October 2, 2001

PLACE: Office of the Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Charlotte Hattaway, Regulatory Program Administrator, Division of Real Estate, Office of the Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J1-3.001 Application by Individuals.

(1) through (5) No change.

(6) The applicant must make it possible for the board to begin the inquiry as to whether the applicant is competent and qualified to make real estate appraisals with safety to those with whom the applicant may undertake a relationship of trust and confidence and the general public:

(a) through (b) No change.

~~(c) by disclosing if the applicant is now a patient of a mental health facility or similar institution for the treatment of mental disabilities; and~~

~~(c)(d) No change.~~

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617, 475.624 FS. History—New 10-15-91, Formerly 21VV-3.001, Amended 10-29-98, 1-7-99,_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-44R

RULE CHAPTER TITLE: Stationary Sources – General
RULE CHAPTER NO.: 62-210

Requirements
RULE TITLE: Forms and Instructions
RULE NO.: 62-210.900

PURPOSE AND EFFECT: The Department is proposing to update the application for air permit for Title V sources (DEP Form 62-210.900(1)) and consider other form changes needed for Title V air permit revisions and renewals.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments would affect Title V air permitting applications.

SPECIFIC AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.061, 403.087 FS.

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

DATE AND TIME: 9:00 a.m., Wednesday, September 26, 2001

PLACE: Douglas Building, First Floor, Conference Room A, 3900 Commonwealth Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ms. Wendy Alexander, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400, (850)921-9559

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)487-1855 or (800)955-8771 (TDD), at least seven days before the meeting.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-45R

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Operation Permits for Major Sources of Air Pollution	62-213

RULE TITLES:	RULE NOS.:
Responsible Official	62-213.202
Annual Emissions Fee	62-213.205
Title V Air General Permits	62-213.300
Permits and Permit Revisions Required	62-213.400
Changes Without Permit Revision	62-213.410
Immediate Implementation Pending	
Revision Process	62-213.412
Fast-Track Revisions of Acid Rain Parts	62-213.413
Trading of Emissions Within a Source	62-213.415
Permit Applications	62-213.420
Permit Issuance, Renewal, and Revision	62-213.430
Permit Content	62-213.440
Forms and Instructions	62-213.900

PURPOSE AND EFFECT: The Department is proposing to create Rule 62-213.202, F.A.C., Responsible Official, and a Responsible Official Notification Form (DEP Form 213.900(8)) to allow more than one responsible official to be designated for each Title V source. The Department is also proposing rule amendments to Florida Administrative Code Chapter 62-213 to require submission of any required monitoring reports with the annual Statement of Compliance and at least every 6 months after that submission, update permit renewal rule language, require submission of a statement of compliance within 60 days after the effective date

of a permit revision or renewal, remove all language related to an industrial-utility unit exemption in accordance with EPA's recent removal of federal regulation 40 CFR 72.14, clarify that the duration of both the Acid Rain Part and the Title V permit part shall not exceed five years, amend the Title V air general permit notification forms in accordance with recent amendments to Rule 62-210.300(4), F.A.C., Air General Permits, and Rule 62-213.300, F.A.C., Title V Air General Permits, and consider other updates to the Department's Title V air permitting rules.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments would affect Acid Rain and Title V air permitting procedures.

SPECIFIC AUTHORITY: 403.061, 403.0872 FS.

LAW IMPLEMENTED: 403.061, 403.0872 FS.

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

TIME AND DATE: 9:00 a.m., Wednesday, September 26, 2001

PLACE: Douglas Building, First Floor, Conference Room A, 3900 Commonwealth Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms. Wendy Alexander, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400, (850)921-9559

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)487-1855 or (800)955-8771 (TDD), at least seven days before the meeting.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-46R

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Requirements for Sources Subject to the Federal Acid Rain Program	62-214

RULE TITLES:	RULE NOS.:
Applications	62-214.320
Exemptions	62-214.340
Department Action on Applications	62-214.360

PURPOSE AND EFFECT: The Department is proposing to amend Florida Administrative Code Chapter 62-214 to remove the industrial-utility unit exemption in accordance with EPA's recent removal of the federal industrial-utility exemption language, 40 CFR 72.14, in 66 FR 12973-12978.

SUBJECT AREA TO BE ADDRESSED: The proposed amendment would affect permitting of sources subject to the federal acid rain program.

SPECIFIC AUTHORITY: 403.061 FS.
 LAW IMPLEMENTED: 403.031, 403.061, 403.0872 FS.
 A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOW BELOW:
 TIME AND DATE: 9:00 a.m., Wednesday, September 26, 2001
 PLACE: Douglas Building, First Floor, Conference Room A, 3900 Commonwealth Boulevard, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms. Wendy Alexander, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400, (850)921-9559
 If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)487-1855 or (800)955-8771 (TDD), at least seven days before the meeting.
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Substance Exposed Children, Children Adversely Affected by Alcohol, and the Families of These Children	64F-4
RULE TITLES:	RULE NOS.:
Definitions	64F-4.001
Reducing the Impact of Prenatal Substance Abuse	64F-4.002
Reporting Requirements for Physically Drug Dependent Newborns, Substance Exposed Children, and Children Adversely Affected by Parental Alcohol Abuse	64F-4.003
Acceptance of Reports for Investigation and Abuse Registry Responsibility for Initiating Investigations	64F-4.004
Requirements for Notification of the State Attorney and Law Enforcement Officials	64F-4.005
Responsibilities for Interprogram Coordination of the Investigation and Other Services Provided to Substance Exposed Children and Their Families	64F-4.006
Abuse Registry Staff Responsibilities	64F-4.007
C&F Responsibilities	64F-4.008
CHD Responsibilities	64F-4.009
Responsibilities of the Licensed Substance Abuse Treatment Providers and the Women’s Intervention Specialists	64F-4.010

PURPOSE AND EFFECT: Repeal rules over which the Department of Health no longer has specific statutory rule making authority and amend rules to comply with current statutory language and other rules.
 SUBJECT AREA TO BE ADDRESSED: Responsibilities for services for families including substance exposed children.
 SPECIFIC AUTHORITY: 120.535, 383.011, 383.011(2), 383.14, 39.201, 383.216(10) FS.
 LAW IMPLEMENTED: 39.408, 381.001, 393.068, Chapter 39, 381.0011, 383.011, 397.406, 893.03, 383.14, 39.395, 39.401(2)(a), 39.201 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNECESSARY 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. – 12:00 Noon, EDT, September 27, 2001
 PLACE: Department of Health, 4025 Esplanade Way, Room 125-N, Tallahassee, FL
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Trish Mann, Division of Family Health Services, Maternal and Child Health Unit, Bin #A-13, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1723

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

~~HEALTHY START AND PHYSICALLY DRUG DEPENDENT NEWBORNS;~~ SUBSTANCE EXPOSED CHILDREN, CHILDREN ADVERSELY AFFECTED BY ALCOHOL, AND THE FAMILIES OF THESE CHILDREN

64F-4.001 Definitions.

For the purpose of this rule chapter, the following definitions will apply:

(1) “Coalition” means a Healthy Start community based prenatal and infant health care coalition as authorized in s. 383.216, F.S. ~~“Abuse registry” means Florida’s central abuse hotline and tracking system established and maintained by the department to receive all reports of child abuse and neglect made pursuant to Chapter 39 ss. 415.502-415.514, F.S.~~

(2) ~~“Care coordination” means the linking of county health department (CHD) and other health, social, and economic services to improve access to and continued participation in comprehensive prenatal and infant health care.~~

(3) ~~“Client Information System” means the automated, department wide information system which supports the planning, budgeting, management, administration, and delivery of services.~~

(2)(4) ~~“Department” means State of Florida Department of Health.~~

~~(3)(5)~~ “Health care provider” means any physicians and physician’s assistants listed in Ch. 458, F.S. or 459, F.S., certified nurse midwife midwives, and licensed midwife midwives listed in Ch. 467, F.S., advanced registered nurse practitioners listed in Ch. 464, F.S., and any other health care professionals who is are licensed in the state of Florida pursuant to Chapters 458 or 459, F.S., or Chapters 464 or 467, F.S., and is are actively providing women’s health, prenatal, intrapartum intrapartal, or pediatric care.

~~(6)~~ “Physically drug dependent newborn” means an infant age birth to 28 days who has been exposed prenatally to a Schedule I or II drug as defined in s. 893.03, F.S., has the presence of a Schedule I or II drug in his or her system, and exhibits symptoms of withdrawal from the drug.

~~(7)~~ “Reasonable cause to suspect” means there are sufficient grounds to make a rational person think that harm is likely to happen to a child because of abuse or neglect, or that an existing injury was the result of abuse or neglect.

~~(4)(9)~~ “Schedule I and II and Schedule I-IV drugs” mean any of the sScheduled I or II drugs as listed in s. 893.03, F.S. This rule does not apply to those controlled substances administered in conjunction with medically approved treatment procedures or administered in conjunction with a detoxification program as defined in s. 397.021, F.S.

~~(5)(8)~~ “Service provider” means the healthcare primary service provider or other provider delivering in a program providing social, or medical, substance abuse, or mental health treatment services to the client and family.

~~(6)(10)~~ “Substance exposed child (children)” means a child from birth to 18 five years who has been exposed prenatally to a Schedule I or II drug as defined in 64F-4.001(9), F.A.C., a child prenatally exposed to alcohol abuse, or a child exhibiting abnormal growth, abnormal neurological patterns, abnormal behavior, or abnormal cognitive development, whose parents, adult household members, or other persons responsible for the child’s welfare exhibit continued chronic and severe use of alcohol or a Schedule I or II drug.

~~(11)~~ “Women’s Intervention Specialists (WIS)” are employees hired by drug treatment providers licensed by the Alcohol, Drug Abuse, and Mental Health program (ADM) who provide community education, outreach, and assessment to assist women’s enrollment into alcohol and other drug treatment, aftercare services, and any other needed support services.

Specific Authority 383.011(2)(a), 383.216(10), 397.406, 415.514 FS. Law Implemented Chapter 39, Part III, 381.0011, 383.011, 383.216, 397.406, 415.502-415.514, 893.03 FS. History—New 11-30-93, Amended 5-8-96, Formerly 10D-115.002, Amended _____.

64F-4.002 Reducing the Impact of Prenatal Substance Abuse.

(1) Health care providers ~~employed by the department or with whom the department contracts for services and their subcontractors, including Healthy Start direct service~~

providers, will ensure that all women of childbearing age who receive their services are given information about the adverse effects of prenatal exposure to alcohol and drug use, will review with the women their history of alcohol and other drug use, and will refer for treatment as the professional determines.

~~(2) Prenatal Any health care providers employed by the department or with whom the department contracts for services and their subcontractors, including Healthy Start direct service providers, or any departmental staff who identifies that a pregnant woman is abusing alcohol or other drugs will assess and document the clients’ current alcohol and Schedule I-IV drug use patterns. notify:~~

~~(a) The WIS or other substance abuse treatment provider, as designated by the district ADM program, for outreach and referral to a substance abuse treatment program with the releases of information signed; and~~

~~(b) The local county health department for outreach and care coordination.~~

~~(3) All prenatal care providers employed by the department or with whom the department contracts for services and their subcontractors will consider pregnant substance abusing women as high risk for poor birth outcomes. These providers will:~~

~~(a) Give these women priority appointments for prenatal care;~~

~~(b) Offer referral for Healthy Start care coordination regardless of the risk score on Florida’s Healthy Start Risk Screening Instrument;~~

~~(c) Conduct HIV counseling and offer HIV testing at the initial visit and again at 28 to 30 weeks gestation; and~~

~~(d) Educate these women on the dangers of substance abuse and offer referral to a substance abuse treatment provider when further assessment or treatment are indicated. Treatment providers may be identified by contacting the local office of the Department of Children and Families.~~

~~(4)(3) During every prenatal visit with a woman identified as using alcohol or other drugs, all health care providers who are employed by the department or with whom the department contracts for services and their subcontractors shall:~~

~~(a) Assess and document the woman’s current alcohol and other Schedule I-IV drug use pattern;~~

~~(b) Document whether the woman is receiving substance abuse treatment; and~~

~~(c) Reinforce any the information previously given about the adverse affects of alcohol and other drugs, and support positive steps toward abstinence.~~

~~(4) Substance abuse treatment providers receiving state or federal funds will give assessment and treatment priority to alcohol and other drug abusing pregnant women and to other women up to one year postpartum.~~

~~(5) All departmental prenatal care providers will consider pregnant substance abusing women as high risk for poor birth outcomes and give them priority appointments for prenatal care and referral for Healthy Start care coordination.~~

~~Specific Authority 383.011(2)(a), FS. Law Implemented 154.011, 383.011, 383.14 FS. History–New 11-30-93, Formerly 10D-115.003, Amended _____.~~

64F-4.003 Reporting Requirements for Physically Drug Dependent Newborns, Substance Exposed Children, and Children Adversely Affected by Parental Alcohol Abuse.

Specific Authority 120.535, 383.011(2)(a), 415.514 FS. Law Implemented 39.401(2)(a), 383.011, 383.14(2), 415.502-415.514 FS. History–New 11-30-93, Formerly 10D-115.004, Repealed _____.

64F-4.004 Acceptance of Reports for Investigation and Abuse Registry Responsibility for Initiating Investigations.

Specific Authority 383.011, 415.514 FS. Law Implemented 383.011, 415.502-415.514 FS. History–New 11-30-93, Amended 5-8-96, Formerly 10D-115.005, Repealed _____.

64F-4.005 Requirements for Notification of the State Attorney and Law Enforcement Officials.

Specific Authority 415.514 FS. Law Implemented 415.503(9)(a)2., 415.505(1)(a) FS. History–New 11-30-93, Amended 5-8-96, Formerly 10D-115.006, Repealed _____.

(Substantial rewording of Rule 64F-4.006 follows. See Florida Administrative Code for present text.)

64F-4.006 ~~District~~ Responsibilities for Interprogram Coordination of the Investigation and Other Services Provided to Substance Exposed Children and Their Families.

(1) The Healthy Start prenatal and infant care coalitions will take the lead in organizing collaboration with the county health departments, the local child protection team, providers of Healthy Start services and prenatal care, the local Children’s Medical Services providers, Healthy Families Florida, substance abuse treatment providers, and the local Department of Children and Families and their contracted providers forming interagency agreements to ensure coordinated, multi-agency assessment of and intervention for the health, safety, and service needs of women who abuse alcohol or other drugs during pregnancy, and of substance exposed children up to age 3. The agreements will include private organizations receiving funding from the above organizations.

(2) The interagency agreements will address each of the following:

(a) Early identification and referral of substance abusing pregnant women to prenatal care, Healthy Start and substance abuse treatment;

(b) Granting priority appointments for prenatal services offered through county health departments or any health care provider with whom the department or the coalition contracts for prenatal services;

(c) Assisting uninsured participants in completing the process for Medicaid eligibility determination;

(d) Informing health care providers of their responsibilities relating to women who abuse alcohol and drugs during pregnancy;

(e) Counseling on the availability of voluntary testing for HIV, the benefits of antiretroviral therapy for reducing perinatal transmission of HIV, and treatment options for HIV-infected women;

(f) Informing hospitals, birthing centers, and health care providers about s. 383.14, F.S. and other Healthy Start screening and referral responsibilities related to substance exposed children, and their families;

(g) Getting the person’s signed permission to share of information among service providers working with the family;

(h) Developing a process for the prompt sharing of information among service providers working with the family once a signed consent for release of information has been obtained including sharing information relating to family strengths and behaviors, conditions that would place a child or adult at risk or in danger, missed appointments, substance abuse, failure to follow through with planned services or agency or court ordered requirements, progress on goals set with family, change of address and plans for case closure. In cases where child safety is a concern, information may be shared with the Department of Children and Families or contracted Department of Children and Families provider agency as specified in s. 39.202 and s. 381.0022, F.S.;

(i) Each agency’s role in multidisciplinary assessment of the impact of substance abuse on the child, family, and home environment, and plan to support efforts towards abstinence, health and positive parenting, and link the family with needed services;

(j) Notifying the Healthy Start care coordination provider in the infant’s county of residence by the birthing facility of the birth of a substance exposed child in cases where the family has consented to participate in Healthy Start;

(k) Notifying county health department in the infant’s county of residence by the birthing facility of the birth of a substance exposed child;

(l) Informing the Department of Health staff, hospitals, birthing centers, and other health care providers of ways to refer people for substance abuse treatment;

(m) Providing a home assessment prior to the discharge of the infant from the hospital or documenting previous home assessments or the inability to do the pre-discharge home assessment;

(n) Developing an ongoing, coordinated assessment and care planning process for substance involved families that includes:

1. One family support or case plan, developed in collaboration with the family, which delineates client and service provider responsibilities. A copy of the plan will be given to the family and each participating service provider;

2. An initial staffing within 31 days of notification of first contact with the family by a participating agency or documenting the inability to conduct a staffing for the purposes of coordinating service delivery and improving service provision;

3. Ongoing staffings that occur for the purposes of coordinating service delivery, improving service provision, notifying about address changes, and updating the family support or case plan;

4. Designating a lead care coordinator when there are several case managers working with the family and specifying the roles of this lead care coordinator;

5. Coordinating service provision among all service providers including Healthy Start, Healthy Families, Children’s Medical Services, Department of Children and Families Family Safety staff and their contractees, and substance abuse treatment providers;

(o) Providing an integrated care coordination process that minimizes duplication of services;

(p) Complying with the reporting requirements of Chapter 39, F.S., when there are concerns about child abuse;

(q) Providing information to the court when decisions are being made about child placement;

(r) A mechanism for county health departments to offer services to substance abusing pregnant women and substance exposed children when there is no consent for Healthy Start services;

(s) Notifying service providers about plans for case closure and providing for effective transition to other service providers; and

(t) Following-up on recommended steps to alleviate identified risks.

(3) Healthy Start coalitions will coordinate the process of training prenatal health care providers and hospital and birth center staff to screen and refer substance abusing pregnant women and substance exposed children for Healthy Start care coordination for reasons other than score.

Specific Authority 383.011(2)(a), 383.14(2), 383.216(10), 420.535, 415.514 FS. Law Implemented 39.408, 381.001, 381.0022, 383.011, 383.14, 383.216, 393.068, 415.502-415.514 FS. History–New 11-30-93, Formerly 10D-115.007, Amended _____.

64F-4.007 Abuse Registry Staff Responsibilities.

Specific Authority 383.011, 415.514 FS. Law Implemented 383.011, 393.068, 415.502-.514 FS. History–New 11-30-93, Amended 5-8-96, Formerly 10D-115.008, Repealed _____.

64F-4.008 C&F Responsibilities.

Specific Authority 383.011, 415.514 FS. Law Implemented 39.408(3)(a), 383.011, 393.068, 415.502-.514 FS. History–New 11-30-93, Amended 5-8-96, Formerly 10D-115.009, Repealed _____.

64F-4.009 CHD Responsibilities.

Specific Authority 383.001, 397.406 FS. Law Implemented 383.001, 393.068, 397.406 FS. History–New 11-30-93, Amended 5-8-96, Formerly 10D-115.010, Repealed _____.

64F-4.010 Responsibilities of the Licensed Substance Abuse Treatment Providers and the Women’s Intervention Specialists.

Specific Authority 396.062, 397.031(6) FS. Law Implemented 393.068, 396.052, 397.215(1) FS. History–New 11-30-93, Formerly 10D-115.011, Repealed _____.

**Section II
Proposed Rules**

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLES:	RULE NOS.:
Scope	3C-560.101
Application Forms, Procedures and Requirements	3C-560.102
Definitions	3C-560.103
Application Fees	3C-560.104
Regulatory Standards for Evaluating Applications	3C-560.105
Exemptions from the Requirement to Register	3C-560.106
Registration of Locations and Authorized Vendors	3C-560.107
Declaration of Intent to Engage in Deferred Presentment Transactions	3C-560.108
Requirements	3C-560.201
Regulatory Standards for Evaluating Notices of Change of Control	3C-560.202
Scope	3C-560.301
Renewal Deadlines, Late Fees and Requirements	3C-560.302
Renewal Application Forms, Procedures and Requirements	3C-560.303
Renewal Fees	3C-560.304
Bond	3C-560.402
Definitions	3C-560.502
Examination Fee	3C-560.503
Definitions	3C-560.601
Quarterly Reports to be Filed by Check Cashers	3C-560.602
Quarterly Reports to be Filed by Foreign Currency Exchangers	3C-560.603
Quarterly Reports to be Filed by Funds Transmitters	3C-560.604
Quarterly Reports to be Filed by Payment Instrument Sellers	3C-560.605
Annual Filing of Financial Statements by Part II Registrants	3C-560.606
Quarterly Reports to be Filed by Deferred Presentment Providers	3C-560.607

Records to be Maintained by Check Cashers 3C-560.704
 Records to be Maintained by
 Authorized Vendors 3C-560.706
 Postdated Check 3C-560.803

PURPOSE AND EFFECT: The purpose of the proposed amendments and new rules is to implement some of the provisions of Chapter 2001-119, Laws of Florida, enacted during the recent legislative session, and to make other substantive and technical changes.

SUMMARY: Rules 3C-560.106, 3C-560.502, 3C-560.503 and 3C-560.803 are repealed. Rule 3C-560.103 is amended to define the terms "audited financial statements," "financial statements," "location," and "unaudited financial statements." Rules 3C-560.101, 3C-560.102, 3C-560.104, and 3C-560.105 update the application forms, procedures and requirements for registering as money transmitter. Rule 3C-560.107 sets forth the forms and procedures for registering locations and authorized vendors. Rule 3C-560.108 sets forth the forms and procedures for a money transmitter to declare its intent to engage in deferred presentment transactions pursuant to Part IV of Chapter 560, F.S. Rules 3C-560.201 and 3C-560.202 are updated to reflect the requirements for a change of control over a money transmitter. Rules 3C-560.301, 3C-560.302, 3C-560.303, and 3C-560.304 are amended to update the forms, renewal and late fees, and other requirements to renew registration as a money transmitter and deferred presentment provider. Rules 3C-560.601, 3C-560.602, 3C-560.603, 3C-560.604, and 3C-560.605 are amended to provide a standardized form for the quarterly reports to be filed by money transmitters. 3C-560.607 will require deferred presentment providers to file quarterly reports. Rule 3C-560.607 will require Part II registrants to annually file financial statements with the Department. Rule 3C-560.704 is amended to set forth the records to be maintained by check cashers. Rule 3C-560.705 sets forth the records to be maintained by authorized vendors.

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: 215.405, 560.105(3), 560.118(2), 560.205, 560.208, 560.209, 560.403 FS.

LAW IMPLEMENTED: 215.405, 560.118, 560.123, 560.203, 560.204, 560.205, 560.206, 560.207, 560.208, 560.209, 560.210, 560.303, 560.304, 560.305, 560.306, 560.307, 560.308, 560.310, 560.403 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., October 2, 2001
 PLACE: Senate Room 301, The Capitol, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Rick White, Financial Administrator, Division of Securities and Finance, Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULES IS:

PART I
 APPLICATION AND REGISTRATION OF NEW FUNDS
 TRANSMITTERS, PAYMENT INSTRUMENT SELLERS,
 CHECK CASHERS, ~~AND/OR~~ FOREIGN CURRENCY
 EXCHANGERS, DEFERRED PRESENTMENT
PROVIDERS, LOCATIONS AND AUTHORIZED
VENDORS

3C-560.101 Scope.

These rules contain the specific procedures and policies for filing and evaluating applications to become registered as a payment instrument seller, funds transmitter, check casher, deferred presentment provider, or foreign currency exchanger. This chapter shall govern in any case where there is a conflict or inconsistency with other rules of the Department.

Specific Authority 560.105(3) FS. Law Implemented 560.204, 560.303(1), 560.403 FS. History--New 9-24-97, Amended _____.

3C-560.102 Applications Forms, Procedures and Requirements.

(1) Forms. Application forms for all registrations licenses actions covered by these rules may be obtained ~~from the department~~ at no cost from the Department's website (www.dbf.state.fl.us), by telephone, or in writing. All applications must be in the format required by the Department. Requests for forms should be sent to:

~~Director,~~ Division of Securities and Finance Banking
 Department of Banking and Finance
 101 East Gaines Street, ~~Sixth Floor~~
 Tallahassee, Florida 32399-0350

(2)(a) Applications in the format required by the Department, accompanied by the prescribed fee for the requested registration license action, shall be filed with the Department at the address ~~indicated in subsection paragraph~~ (1) above. No application will be deemed filed or received unless accompanied by the proper filing fee; ~~or:~~

(b) In lieu of filing the required application forms, an applicant may file the application information electronically by following the applicable instructions on the Department's website (www.dbf.state.fl.us) on the Internet.

(3)(a) All applicants for registration must file a completed application Form DBF-MT-5-01, DBF-C-94 Application for Authority to Register as a Money Transmitter Pursuant to Chapter 560, F.S., revised 10/01 effective August 18, 1996, which is hereby incorporated by reference.

(b) All applicants for registration who propose to engage in deferred presentment transactions as defined in Section 560.402, F.S., shall file a completed Form DBF-MT-3-01, Declaration of Intent to Engage in Deferred Presentment Transactions, effective 10/01, which is hereby incorporated by reference, together with the required nonrefundable fee for deferred presentment providers. Applicants must be registered pursuant to Part II or Part III of Chapter 560, F.S., in order to engage in deferred presentment transactions. Applicants may file unaudited financial statements provided that such statements are verified by the applicant or an officer of the applicant under penalty of perjury, by completing Form DBF-C-971, effective September 24, 1997, which is hereby incorporated by reference.

(c) All applicants for registration shall submit a completed Form DBF-MT-2-01, Location Notification Form, effective 10/01, which is hereby incorporated by reference, for each proposed "location" as defined in Rule 3C-560.103, F.A.C., not including the applicant's primary business location, together with the required nonrefundable fee.

(d) All applicants for registration as a payment instrument seller or funds transmitter shall file audited financial statements prepared in accordance with generally accepted accounting principles that are dated within 90 days prior to the date the application is received by the Department, and if available, audited financial statements for the immediately preceding 2-year period. In cases where the applicant is a wholly owned subsidiary of another corporation, the parent's consolidated audited financial statements may be submitted to satisfy this requirement. If the date of the application is more than 90 days after the applicant's fiscal year-end audited financial statements, the applicant shall file unaudited financial statements reviewed by an independent certified public accountant for the period subsequent to the audit report, together with the audited financial statements for the most recent fiscal year. If the applicant has been in business less than 12 months, and has not prepared an audited financial statement, the applicant may file unaudited financial statements reviewed by an independent certified public accountant.

(4) The responsible person who will be in charge of the applicant's business activities in this state, and each existing or proposed director, executive officer, principal, member, and controlling shareholders shall complete Addendum (1) to Form DBF-MT-7-01, Biographical Form, effective 10/01, which is hereby incorporated by reference DBF-C-94. If any of these

foregoing individuals are non-U.S. Citizens, in addition to Addendum (1), Addendum (1)(2) to the Biographical Form DBF-C-94 shall also be completed and filed submitted.

(a) ~~If the applicant is applying to become a funds transmitter or payment instrument seller, and is not a corporation, the Financial Report and Statement of Income contained in the Confidential Section of DBF-C-94 shall be completed for each controlling shareholder of the applicant, and each responsible person who will be in charge of the applicant's registered activities. The Financial Report and Income Statement shall be dated no earlier than one (1) year prior to the date of the application.~~

(a)(b) ~~An Each~~ existing or proposed director, executive officer, controlling shareholder, and responsible person shall review and attest to the accuracy of the forms submitted on his or her behalf.

(5) The responsible person who will be in charge of the applicant's business activities in this state, and each existing or proposed director, executive officer, principal, member and all controlling shareholders, unless exempt under Sections 560.205(1) or 560.306(1), F.S., shall file a completed Florida Fingerprint Card (FL921050Z) accompanied by a nonrefundable \$39 processing fee. If the Federal Bureau of Investigation cannot process the fingerprint card because of illegible fingerprints, a second card must be submitted. If that card cannot be processed, it will be necessary to submit a third card along with a nonrefundable fee of \$24 to cover the cost of processing the card. The Department reserves the right to require as many submissions of fingerprint cards and fees as may be necessary until such time as the card can be properly processed by the appropriate law enforcement agency. Any applicant claiming the statutory exemption from the fingerprint requirement shall submit evidence to support its claim to the exemption.

(6)(5) Confidential Information. All information contained in applications filed with the ~~D~~Department shall be open for public inspection, with the exception of information specifically made confidential by statute.

(7)(6) Request for Additional Information. All information the applicant wants to present to support the application should be submitted with the original filing. Any request for additional information will be made by the ~~D~~Department within thirty (30) days after receipt of the application. The additional information must be received by the ~~D~~Department within forty-five (45) days from the date of the request. Failure to respond within forty-five (45) days from the date of the request shall be grounds for the ~~D~~Department to deny the application for failure to complete the application. ~~When the department determines that failure to complete the application is grounds for denial, the application shall be denied pursuant to Section 420.60 (1), F.S.~~

~~(8)(7)~~(a) Amendment of Application. A request to amend an application must be in writing and shall be submitted to the Department at the following address in subsection (1):

~~Licensing and Chartering
Department of Banking and Finance
101 East Gaines Street, Sixth Floor
Tallahassee, Florida 32399-0350~~

(b) Provided the Department has not already docketed a Notice of Intent to Deny the Application, an applicant may amend the application after receiving written permission from the Department following the Department's review of and determination that the applicant's written request to amend:

1. Promotes the safe and sound conduct of the applicant;
2. Maintains public confidence in the applicant and the money transmitter industry;
3. Protects the interests of the public in the money transmitter system;
4. Deters the use of the applicant and the money transmitter system as a vehicle for money laundering; and
5. Shall not be denied pursuant to subsection (c), if the request to amend makes a material change to the application.

(c) A request to amend which makes a material change to the application or to the Department's evaluation of the application is a violation of ~~subsection paragraph~~ (7) and the Department shall deny the application in accordance with Section 560.114(1)(a), F.S., unless the applicant has made a good faith effort to comply with the statutory requirements of Chapter 560, F.S., and the rules of this chapter. Material changes include:

1. Changes in net worth;
2. The substitution or addition of a director, responsible person, or controlling shareholder;
3. Change in registration;
4. Any change requiring additional information or documentation than that which is or will be furnished by the applicant in the request to amend; and
5. Any change relating to the bond or collateral security item.

(d) When the Department grants a request to amend which makes a material change to the application, the amended application shall be treated as a new application with respect to the applicable rules of this chapter, except that no additional filing fee shall be required, unless the material change upgrades the filing from a Part III applicant to a Part II applicant or there is a change in the applicant or the applicant's corporate structure.

~~(9)(8)~~ When an application is denied on the grounds set forth above, the applicant shall be duly notified.

Specific Authority ~~215.405, 560.105(3), 560.118(2), 560.205(1), 560.205(2), 560.403(1)~~ FS. Law Implemented ~~215.405, 560.102, 560.118, 560.129, 560.204, 560.205, 560.303(1), 560.305, 560.306, 560.307, 560.403~~ FS. History—New 9-24-97, Amended _____.

3C-560.103 Definitions.

For the purposes of this chapter, the following definitions shall apply:

(1) "Agent" means an authorized vendor, as that term is defined in ~~S~~ection 560.103(2), F.S.

(2) "Applicant," with respect to the initial application for registration, means the corporation, partnership, association, individual, trust, or other group however organized, on behalf of which the application is being filed. For purposes of renewal, the "Applicant" is the ~~r~~Registrant authorized by the Department to operate pursuant to Chapter 560, F.S.

(3) "Audited Financial Statements" shall be defined as those financial statements prepared by an independent certified public accountant, and shall include at least the following information:

(a) Date of report, manual signature, city and state where issued, and identification with detailed enumeration the financial statements and schedules covered by the report;

(b) Representations as to whether the audit was made in accordance with generally accepted auditing standards and designation of any auditing procedures deemed necessary by the accountant under the circumstances of the particular case which may have been omitted, and the reason for their omission; nothing in this rule however shall be construed to imply authority for the omission of any procedure which independent accountants would ordinarily employ in the course of an audit for the purpose of expressing the opinions required under this rule;

(c) Statements of the opinion of the accountant in respect to the financial statements and schedules covered by the report and the accounting principles and practices reflected therein, and as to the consistency of the application of the accounting principles and practices reflected therein, and as to the consistency of the application of the accounting principles, or as to any changes in such principles which would have a material effect on the financial statements;

(d) Any matters to which the accountant takes exception shall be clearly identified, the exception thereto specifically and clearly stated, and, to the extent practicable, the effect of each such exception on the related financial statements given.

~~(4)(3)~~ "Controlling shareholder" means any individual who exercises control as defined by Section 560.127, F.S.

~~(5)(4)~~ "Correspondent" means the individual designated by the existing or proposed Board of Directors, or other authorized party, to act on its behalf in all matters required to process the application.

(6) "Financial Statements" shall be defined as those reports, schedules and statements, prepared in accordance with generally accepted accounting principles, which contain at least the following information:

- (a) Statement of Financial Condition (Balance Sheet); and
- (b) Statement of Income

~~(7)(5)~~ “Individual” means a natural person.

~~(8)~~ “Location” means a branch of the registrant or an authorized vendor where business activity regulated by Chapter 560, F.S., occurs.

~~(9)(6)~~ “Money transmitter” means any person located in or doing business in this state that acts as or performs the activities of a payment instrument seller, foreign currency exchanger, check casher, ~~or~~ funds transmitter, or deferred presentment provider.

~~(10)(7)~~ “Person” means any individual, corporation, partnership, association, trust, or other group, however organized.

~~(11)(8)~~ “Registrant” means a person registered by the Department pursuant to Part II or Part III of the Money Transmitters’ Code.

~~(12)(9)~~ “Responsible person” means any individual who has principal active management authority over the business as defined by Section 560.103(18), F.S.

~~(13)~~ “Unaudited Financial Statements” shall be defined as those financial statements prepared in accordance with generally accepted accounting principles and reviewed by a certified public accountant, but not accompanied by the statements and representations as set forth in paragraphs ~~(3)(b),(c), and (d)~~ of this rule.

~~(14)~~ “Holiday” means such days as are designated by Section 110.117, F.S.

Specific Authority 560.105(3) FS. Law Implemented 560.103~~(10),(18)~~ 560.118(2), 560.205(3),(4), 560.208 FS. History–New 9-24-97, Amended _____.

3C-560.104 Application Fees.

(1) An initial application for registration as a funds transmitter or payment instrument seller shall be accompanied by ~~an nonrefundable application investigation~~ fee of \$500.00.

(2) An initial application for registration as a check casher or foreign currency exchanger shall be accompanied by ~~an nonrefundable application investigation~~ fee of \$250.00.

(3) Each initial application shall also be accompanied by a \$50.00 nonrefundable fee for each proposed location or authorized vendor, excluding applicant’s primary business location, from which the applicant proposes to conduct business.

(4) Each initial application shall include a \$1,000.00 nonrefundable “Declaration of Intent to Engage in Deferred Presentment Transactions” fee from any applicant who is proposing to engage in the business of a deferred presentment provider.

(5) Applicable fees for all initial applications may be paid by the applicant electronically by following the applicable instructions on the Department’s website (www.dbf.state.fl.us) on the Internet.

Specific Authority 560.105(3) FS. Law Implemented 560.205(2), 560.306, 560.307, 560.403 FS. History–New 9-24-97, Amended _____.

3C-560.105 Regulatory Standards for Evaluating Applications.

(1) When an application to register as ~~for authority to organize and operate a new~~ money transmitter is filed ~~with the Department~~, it is the applicant’s responsibility to prove that the statutory criteria warranting the grant of ~~registration authority~~ are met. The ~~D~~department shall conduct an investigation pursuant to Sections 560.205, 560.206, ~~and/or~~ 560.306, F.S., ~~as applicable~~. The ~~D~~department shall deny applications in accordance with Section 560.114, F.S.

(2) The ~~D~~department shall conduct background investigations on the responsible person who will be in charge of all the applicant’s business activities in this state ~~and each existing or proposed director, executive officer, principal, member and all controlling shareholders to determine whether the qualifications and requirements for registration have been met the executive officers, and directors. The investigations shall, as required, include contacts with DEA, federal, state and local law enforcement agencies, and other federal, state and local government agencies.~~

Specific Authority 560.105(3) FS. Law Implemented 560.109, 560.114, 560.205, 560.206, 560.306 FS. History–New 9-24-97, Amended _____.

3C-560.106 Exemptions from the Requirement to Register.

Specific Authority 560.105(3) FS. Law Implemented 560.104, 560.203, 560.303(3), 560.304 FS. History–New 9-24-97, Repealed _____.

3C-560.107 Registration of Locations and Authorized Vendors.

(1) Every registrant shall designate all locations and authorized vendors operating prior to October 1, 2001 by:

(a) Filing all of the information required by Form DBF-MT-2-01 (Location Notification Form) with the Department on or before December 1, 2001 for all locations and authorized vendors. After December 1, 2001, the registrant shall file all location information in accordance with subsection (2) of this rule; and

(b) No fee shall be required for the registration of locations and authorized vendor locations in operation prior to October 1, 2001 that have been designated by the registrant in accordance with the provisions of paragraph (a).

(2) Every registrant that commences operations at locations in this state on or after October 1, 2001 shall:

(a) File a completed Form DBF-MT-2-01 (Location Notification Form) which must be received by the Department within sixty (60) calendar days from the date that a location opens or an authorized vendor commences operations on behalf of the registrant on or after October 1, 2001;

(b) Demonstrate the required net worth for Part II registrants in accordance with the provisions of Rule 3C-560.606(4), F.A.C.; and

(c) Submit the required \$50 fee.

(3) Every registrant shall be responsible for filing a completed Form DBF-MT-2-01 within sixty (60) calendar days from the date that a location closes or authorized vendor either ceases operation or has its authority to act on the registrant's behalf terminated by such registrant.

(4) In lieu of filing Form DBF-MT-2-01, a registrant may notify the Department of the opening or closing of locations and authorized vendors electronically by following the applicable instructions on the Department's website (www.dbf.state.fl.us) on the Internet.

Note: The sixty (60) day period referenced in subsections (2) and (3) above is solely for the filing of the required form and payment of the required nonrefundable fee. A registrant must notify the Department and pay the required fee for all locations of the registrant and authorized vendors that commence operations on behalf of the registrant. If the registrant for any reason closes a location or terminates the relationship with such authorized vendor within the first sixty (60) days, it will not relieve the registrant of the obligation to notify the Department in accordance with the provisions of this subsection.

Specific Authority 560.105(3), 560.208(3) FS. Law Implemented 560.205, 560.208, 560.307 FS. History—New _____.

3C-560.108 Declaration of Intent to Engage in Deferred Presentment Transactions.

(1) All registrants actively registered pursuant to Part II or Part III of Chapter 560, F.S., before October 1, 2001 and who are acting as a deferred presentment provider as defined by Section 560.402, F.S., shall file a completed Form DBF-MT-3-01 (Declaration of Intent to Engage in Deferred Presentment Transactions). This form and the required nonrefundable fee must be received by the Department by November 30, 2001.

(2) After October 1, 2001, any person who seeks to act as a deferred presentment provider as defined in Section 560.402, F.S., shall:

(a) Be registered pursuant to Part II or Part III of Chapter 560, F.S., and must at all times thereafter remain registered pursuant to Part II or Part III; and

(b) Submit a completed Form DBF-MT-3-01 (Declaration of Intent to Engage in Deferred Presentment Transactions) together with the required nonrefundable fee for deferred presentment providers.

(3) A registrant may not convey authority to an authorized vendor to engage in deferred presentment transactions on behalf of the registrant.

(4) In lieu of filing Form DBF-MT-3-01 (Declaration of Intent to Engage in Deferred Presentment Transactions), such declaration of intent may be made electronically by following the applicable instructions on the Department's website (www.dbf.state.fl.us) on the Internet.

Specific Authority 560.105(3), 560.403 FS. Law Implemented 560.403 FS. History—New _____.

3C-560.201 Requirements.

Notices of change of control will be processed pursuant to Section 560.127, F.S.

(1) Regardless of whether the change of control involves a registered money transmitter, an Application for Authority to Register as a Money Transmitter (Form ~~DBF-MT-5-01~~ ~~DBF-C-94~~) shall be filed. All information requested by that form shall be submitted to the Department, along with the required nonrefundable application investigation fee as set forth in Rule 3C-560.104, F.A.C. The written notification should provide the Department with information concerning the change of control, including ~~to include~~ the proposed effective date and any significant changes to be made to the registrant's present business.

(2) The responsible person who will be in charge of the applicant's business activities in this state, each existing or proposed director, executive officer, principal, member and all controlling shareholders, unless exempt under Sections 560.205(1) or 560.306(1), F.S., shall file a completed Florida Fingerprint Card (FL921050Z) accompanied by a \$39 nonrefundable processing fee. No fingerprint card will be required from any person described above who has been reported to the Department by the registrant and for whom the Department has received the required Biographical Form (Form DBF-MT-7-01) prior to October 1, 2001. If the Federal Bureau of Investigation cannot process the fingerprint card because of illegible fingerprints, a second card must be submitted. If that card cannot be processed, it will be necessary to submit a third card along with a nonrefundable fee of \$24 to cover the cost of processing the card. The Department reserves the right to require as many submissions of such fingerprint cards and fees as may be necessary until such time as the card can be properly processed by the appropriate law enforcement agency. Any applicant claiming the statutory exemption from the fingerprint requirement shall submit evidence to support its claim to the exemption.

(3)(2) An original of all parts of the application shall be filed, together with the appropriate filing fee at the following address:

Director, Division of Securities and Finance ~~Banking~~
Department of Banking and Finance
101 East Gaines Street, ~~Sixth Floor~~
Tallahassee, Florida 32399-0350.

(4)(3) For purposes of this chapter "control" shall have the meaning defined in Section 560.127, F.S.

Specific Authority 215.405, 560.105(3) FS. Law Implemented 215.405, 560.127, 560.204, 560.205, 560.303(1), 560.305, ~~560.306~~, 560.307 FS. History—New 9-24-97, Amended _____.

3C-560.202 Regulatory Standards for Evaluating Notices of Change of Control.

(4) When a notice of change of control of a registered money transmitter is filed, it is the applicant's responsibility to prove that the statutory criteria warranting the grant of

authority are met. The Department shall conduct an investigation pursuant to Section 560.127(3), F.S. If the Department determines that any one of the criteria set forth in Section 560.127(3)(a) or (b), F.S., is not met, or any act in Section 560.114, F.S., is or has been committed, the Department may deny the change in control. Additionally, should the change of control involve an unregistered money transmitter and/or unregistered person(s), the Department will conduct an investigation pursuant to Section 560.206 and/or 560.306, F.S. The Department shall deny the application in accordance with Section 560.114, F.S.

~~(2) The department shall conduct background investigations on the acquiring person(s), and any new executive officers, responsible person who will be in charge of all the resulting registrant's business activities in this state, or directors. The investigations shall, as required, include contacts with DEA, federal, state and local law enforcement agencies, and other federal, state, and local government agencies.~~

Specific Authority 560.105(3) FS. Law Implemented 560.109, 560.114, 560.127, 560.205, 560.206, 560.306 FS. History—New 9-24-97, Amended _____.

3C-560.301 Scope.

These rules contain the specific procedures for filing and evaluating renewal applications for registered payment instrument sellers, funds transmitters, check cashers, and foreign currency exchangers, deferred presentment providers, locations and authorized vendors.

Specific Authority 560.105(3) FS. Law Implemented 560.207, 560.308, 560.403 FS. History—New 9-24-97, Amended _____.

3C-560.302 Renewal Deadlines, Late Fees and Requirements.

~~(1)(a) For a Payment Instrument Seller or a Funds Transmitter (Part II Registrant): Registrations issued to Part II registrants licensees shall remain effective through April 30 of the second year following the date of issuance of the registration, not to exceed 24 months, unless during such period the registration is surrendered, suspended, or revoked in effect through April 30 next following its date of issuance. Thereafter, renewals are issued for a 24 month period or remainder of such period.~~

(b) All renewal applications for Part II registrants must be filed on or after January 1 of the year in which the existing registration expires, but before the expiration date of April 30 March 31. If a renewal application is filed within 60 calendar days after the expiration date of an existing registration, the renewal application and renewal fees shall be accompanied by a nonrefundable late fee of \$500.00. If the registrant has not filed a renewal application within 60 calendar days after the expiration date of an existing registration, a new application shall be filed pursuant to Section 560.205, F.S.

(2)(a) For a Check Casher or Foreign Currency Exchanger (Part III Registrant): Registrations issued to Part III registrants shall licensees remain in effect through the remainder of the second calendar year (December 31) following the date the registration was issued. Thereafter, renewals are issued for a 24-month period from December 31 of the year the registration or renewal expires, unless during such period the registration is surrendered, suspended, or revoked.

(b) All renewal applications for Part III registrants must be filed on or after June 1 of the year in which the existing registration expires, but not later than December 31 of that year. A renewal application, renewal fees, and a late fee of \$250.00 must be filed within 60 calendar days after the expiration date of an existing registration in order for the registration to be reinstated. If the registrant has not filed a renewal application within 60 days after the expiration date of an existing registration, a new application must be filed pursuant to Section 560.307, F.S.

(3)(a) Deferred Presentment Providers (Part IV): The "Declaration of Intent to Engage in Deferred Presentment Transactions" shall expire concurrently with the registrant's Part II or Part III registration. A registrant who intends to continue to engage in deferred presentment transactions must concurrently renew their registration pursuant to Part II or Part III in order to remain qualified to act as a deferred presentment provider. The renewal of a deferred presentment provider's "Declaration of Intent to Engage in Deferred Presentment Transactions" shall be indicated on Form DBF-MT-6-01 (Application to Renew Registration as a Money Transmitter Pursuant to Chapter 560, F.S.), and submitted together with the required nonrefundable renewal fee for a deferred presentment provider.

(b) A renewal declaration of intent and fee, and a late fee of \$500.00, must be filed within 60 calendar days after the expiration of an existing registration in order for the declaration of intent to be reinstated. If the registrant has not filed a renewal declaration of intent within 60 days after the expiration date of an existing registration, a new declaration must be filed.

(4) If any date in this rule falls on a weekend or holiday, the renewal application together with the required renewal fees and any applicable late fees must be received by the Department by the close of business on the next business day.

Specific Authority 560.105(3) FS. Law Implemented 560.206, 560.207, 560.308, 560.403 FS. History—New 9-24-97, Amended 12-30-98, _____.

3C-560.303 Renewal Application Forms, Procedures and Requirements.

(1) Applicants for renewal of registration must complete Form DBF-MT-6-01, Application to Renew Registration as a Money Transmitter, effective 10/01, Form DBF-C-94R, dated September 24, 1997 which is hereby incorporated by reference; Renewal of Authority to Operate as a Money Transmitter

Pursuant to Chapter 560, F.S. Copies of such forms can be obtained by request from the Department at the address specified in subsection (5) paragraph (4) below.

(2)(1) The renewal application shall include any substantial changes that have occurred to registrant since its last application to the Department. These substantial changes include, but shall not be limited to, a change or an addition to an executive officer, director, principal, member, controlling shareholders, or responsible person/manager. A completed Biographical Form, Form DBF-MT-7-01, shall be submitted biographical form completed for each new individual, Addendum (1) to Form DBF-C 94R and, in the case of a non-U.S. citizen, Addendum (1)(2) to Form DBF-MT-7-01 DBF-C 94R, shall be required and must be attached to the renewal application. The fingerprint cards required by Rule 3C-560.102(5), F.A.C., and the Biographical Form (Form DBF-MT-7-01) shall be submitted only for those person(s) who have not previously submitted such documents in connection with the registrant. Other changes, such as any new businesses acquired, change in address, change in name, new branches, authorized vendors, or agents, material litigation, criminal convictions, etc. shall be reported, as required on the renewal form.

(3)(2) Part II aApplicants shall may file unaudited financial statements with their renewal application, provided that such statements are verified by the applicant or an officer of the applicant under penalty of perjury, by completing Form DBF-C-971. A registrant may file its required annual audited financial statements together with the registrant's renewal application in lieu of the unaudited statements so long as the date of the audited financial statements is not more than 90 days prior to the submission date of the renewal application.

(4)(3) If, as a result of subsection paragraph (1) above, a Biographical Form report is required on any individual, the individual shall review and attest to the accuracy of the form report.

(5)(a)(4) An original of all parts of the application shall be filed, together with the appropriate filing fee as specified in Rule 3C-560.303, F.A.C., at the following address:

Director, Division of Securities and Finance Banking
 Department of Banking and Finance
 101 E. Gaines Street, Sixth Floor
 Tallahassee, Florida 32399-0350

(b) In lieu of filing the required forms, a registrant may renew its registration, locations, authorized vendors, and "Declaration of Intent to Engage in Deferred Presentment Transactions" electronically at the time of renewal by following the applicable instructions on the Department's website (www.dbf.state.fl.us) on the Internet.

(6)(5) Processing. Applications to renew registration for the Renewal of Authority to Operate as a mMoney tTransmitter shall be processed, where applicable, pursuant to the provisions of Rules 3C-560.101 through 3C-560.1087, F.A.C.

Specific Authority 560.105(3) FS. Law Implemented 560.114(1)(2), 560.205(2),(3), 560.207, 560.305, 560.308 FS. History-New 9-24-97, Amended _____.

3C-560.304 Renewal Fees.

(1) A renewal application for funds transmitter or payment instrument seller registration (Part II registrant) shall be accompanied by a nonrefundable renewal registration fee of \$1,000.00, plus \$50.00 for each location being renewed, including branch offices and offices of authorized vendors, operating within this state, or a total 2-year nonrefundable fee of \$20,000.00 \$5,000.00 to register all such locations operating within this state. The \$50.00 location fee shall not apply to the registrant's primary business address.

(2) A renewal application for check casher or foreign currency exchanger registration (Part III registrant) shall be accompanied by a renewal registration fee of \$500.00, plus \$50.00 for each location being renewed, including branch offices and offices of authorized vendors, operating within this state, or a total of 2-year nonrefundable fee of \$20,000.00 \$5,000.00 to register all such locations operating within this state. The \$50.00 location fee shall not apply to the registrant's primary business address.

(3) Every deferred presentment provider shall renew its Declaration of Intent to Engage in Deferred Presentment Transactions to remain a deferred presentment provider at the same time as they renew their Part II or Part III registration accompanied by the required nonrefundable fee of \$1,000.00.

(4) All fees required to renew the registration of a money transmitter may be paid electronically by following the applicable instructions on the Department's website (www.dbf.state.fl.us) on the Internet.

Specific Authority 560.105(3) FS. Law Implemented 560.207, 560.308, 560.403 FS. History-New 9-24-97, Amended _____.

3C-560.402 Bond.

(1) No registration shall be issued until an acceptable corporate surety bond, collateral deposit or combination thereof has been deposited with the Department and/or insured financial institution as specified in Section 560.209, F.S.

(2) The corporate surety bond must be issued by a bonding company or insurance company authorized to do business in this state.

(3) All items pledged in lieu of a corporate surety bond must be held or deposited at a federally insured financial institution as defined by Section 655.005(1)(h), F.S. The bond

form included in Form ~~DBF-MT-5-01~~ ~~DBF-C-94~~, must be executed by the federally insured financial institution and the applicant.

(4)(a) Items eligible to be pledged to the ~~D~~department in lieu of a corporate surety bond are limited to those items specified in Section 560.209(3)(a), F.S., and letters of credit issued by financial institutions with deposit insurance from the Federal Deposit Insurance Corporation.

(b) For purposes of Section 560.209(3), F.S., the term "interest-bearing stock" means preferred stock.

(5)(a) The required bond, collateral deposit or combination thereof for initial registration shall be calculated in accordance with Form ~~DBF-MT-5-01~~ ~~DBF-C-94~~.

(b) The required bond, collateral deposit or combination thereof for renewal registration shall be calculated in accordance with Form ~~DBF-MT-6-01~~ ~~DBF-C-94R~~.

(c) The required bond, collateral deposit or combination thereof shall not exceed \$250,000.00, unless the ~~D~~department determines that an extraordinary circumstance, such as those of Section 560.209(2)(a), F.S., exists which requires an additional amount above \$250,000.00. However, the maximum bond, collateral deposit or combination thereof shall be \$500,000.00.

(6) The bond, collateral deposit or combination thereof shall remain in place for 5 years after the registrant ceases operations in this state. The security shall be reduced or eliminated prior to that time upon written approval, if the ~~D~~department determines that the registrant's outstanding payment instruments or funds transmitted in this state have been paid or reduced and that such lesser amount adequately protects the interests of the public.

(7) A registrant must at all times have and maintain the bond, collateral deposit or combination thereof in the amount prescribed by the ~~D~~department. If the ~~D~~department at any time reasonably determines that the bond or elements of the collateral deposit are insecure, deficient in amount, or exhausted in whole or in part, the ~~D~~department shall, by written order, require the filing of a new or supplemental bond or the deposit of new or additional collateral deposit items.

Specific Authority 560.105(3), 560.209(2)(a) FS. Law Implemented 560.207, 560.209 FS. History—New 9-24-97, Amended 12-30-98,_____.

3C-560.502 Definitions.

Specific Authority 560.105(3), 560.118(1)(c) FS. Law Implemented 560.118(1) FS. History—New 9-24-97, Repealed_____.

3C-560.503 Examination Fee.

Specific Authority 560.105(3) FS. Law Implemented 560.118(1) FS. History—New 9-24-97, Repealed_____.

3C-560.601 Definitions.

As used in this section, the following definitions shall apply:

(1) ~~"Annual" and "annually" the quarterly report filed on December 31 of each calendar year~~

~~(1)(2)~~ "Quarter" and "quarterly" mean March 31, June 30, September 30, and December 31 of each calendar year.

~~(2)(3)~~ "Forty-Five (45) days after the conclusion of each quarter" means the end of business on the forty-fifth day after the last calendar day of each calendar quarter. ~~However, when registrants are corporations subject to the reporting requirements of Section 13 or 15(d) of the Exchange Act of 1934 or whose securities are publicly traded on a national or a regional stock exchange, or subsidiaries of such corporations, "forty five (45) days after the conclusion of each quarter" means the earlier of either the forty fifth calendar day after receipt by the corporations of audited or interim financial statements from the corporations' certified public accountants or sixty days after the last calendar day of each calendar quarter.~~

(3) "Holiday" means such days as are designated by Section 110.117, F.S.

Specific Authority 560.105(3) FS. Law Implemented 560.118(2) FS. History—New 9-24-97, Amended 12-30-98,_____.

3C-560.602 Quarterly Reports to be Filed by Check Cashers.

(1) Every registered check casher shall submit a quarterly report to the Department on Form DBF-MT-1-01, Money Transmitter Quarterly Report Form, effective 10/01, which is hereby incorporated by reference to the department quarterly. Such report shall be received by the Department postmarked no later than forty-five (45) days after the conclusion of each quarter and shall be sent to ~~Director~~, Division of Securities and Finance Banking at the address listed in Rule 3C-560.102(1), F.A.C. Should the forty-fifth day fall on a weekend or holiday, the reports must be received by the Department postmarked no later than the next business day. ~~Every quarterly report shall contain the following information:~~

~~(a) The total number of payment instruments cashed each month in the quarter;~~

~~(b) The total face amount of all payment instruments cashed each month in the quarter;~~

~~(c) The total fees received for all payment instruments cashed each month in the quarter;~~

~~(d) The complete name and address of all branches which have opened and/or closed since the previous quarterly report;~~

~~(e) The complete name and address of all new agents and authorized vendors since the previous quarterly report;~~

~~(f) The complete name and address of all persons within this State which no longer act, or are no longer authorized by the registrant to act, as an agent or authorized vendor since the previous quarterly report;~~

~~(g) The signed declaration by an officer of the check casher that such report is true and correct to the best of his or her knowledge and belief.~~

(2) In lieu of filing Form DBF-MT-1-01, a registrant may submit the required quarterly report information electronically on or before the deadline by following the applicable instructions on the Department's website (www.dbf.state.fl.us) on the Internet. A computer generated report or spread sheet which contains the above information will be accepted by the department, if a signed declaration by an officer of the check casher of truth and correctness accompanies the electronic report.

~~(3) Annually, registered check cashers shall submit a complete listing of all branches, agents and authorized vendors, and report any change of or addition of an executive officer, director, or responsible person/manager.~~

~~(3)(4) The Department shall levy a late payment penalty of \$100.00 per day or part thereof that a report is past due, unless it is excused for good cause, such as incidental and isolated clerical errors or omissions. A report payment is "past due" if it is received by the Department postmarked one or more days beyond the period defined in subsection paragraph (1).~~

Specific Authority 560.105(3), 560.118(2)(b)(a) FS. Law Implemented 560.118(2)(a), (b) FS. History--New 9-24-97, Amended 12-30-98, _____.

3C-560.603 Quarterly Reports to be Filed by Foreign Currency Exchangers.

(1) Every registered foreign currency exchanger shall submit a quarterly report to the Department on Form DBF-MT-1-01, Money Transmitter Quarterly Report Form, effective 10/01, which is hereby incorporated by reference to the department quarterly. Such report shall be received by the Department postmarked no later than forty-five (45) days after the conclusion of each quarter and shall be sent to ~~Director,~~ Division of Securities and Finance Banking at the address listed in Rule 3C-560.102(1), F.A.C. Should the forty-fifth day fall on a weekend or holiday, the reports must be received by the Department postmarked no later than the next business day. Every quarterly report shall contain the following information:

- ~~(a) A summary of transactions for each month of the quarter;~~
- ~~(b) A summary of the service fees assessed for each month of the quarter;~~
- ~~(c) The complete name and address of all branches which have opened and/or closed since the previous quarterly report;~~
- ~~(d) The complete name and address of all new agents and authorized vendors since the previous quarterly report;~~
- ~~(e) The complete name and address of all persons within this State which no longer act, or are no longer authorized by the registrant to act, as an agent or authorized vendor since the previous quarterly report;~~
- ~~(f) The signed declaration by an officer of the foreign currency exchanger that such report is true and correct to the best of his or her knowledge and belief.~~

(2) In lieu of filing Form DBF-MT-1-01, a registrant may submit the required quarterly report information electronically on or before the deadline by following the applicable instructions on the Department's website (www.dbf.state.fl.us) on the Internet. A computer generated report or spread sheet which contains the above information will be accepted by the department, if a signed declaration by an officer of the check casher of truth and correctness accompanies the electronic report.

~~(3) Annually, registered foreign currency exchangers shall submit a complete listing of all branches, agents and authorized vendors, and report any change of or addition of an executive officer, director, or responsible person/manager.~~

~~(3)(4) The Department shall levy a late payment penalty of up to \$100.00 per day or part thereof that a report is past due, unless it is excused for good cause, such as incidental and isolated clerical errors or omissions. A report is "past due" if it is received by the Department postmarked one or more days beyond the period defined in subsection paragraph (1).~~

Specific Authority 560.105(3), 560.118(2)(b)(a) FS. Law Implemented 560.118(2)(a), 560.123 FS. History--New 9-24-97, Amended 12-30-98, _____.

3C-560.604 Quarterly Reports to be Filed by Funds Transmitters.

(1)(a) Every registered funds transmitter shall submit a quarterly report to the Department on Form DBF-MT-1-01, Money Transmitter Quarterly Report Form, effective 10/01, which is hereby incorporated by reference to the department quarterly. Such report shall be received by the Department postmarked no later than forty-five (45) days after the conclusion of each quarter and shall be sent to ~~Director,~~ Division of Securities and Finance Banking at the address listed in Rule 3C-560.102(1), F.A.C. Should the forty-fifth day fall on a weekend or holiday, the reports must be received by the Department postmarked no later than the next business day. Every quarterly report shall contain the following information:

- ~~(a) A summary of the transactions both inbound and outbound for each month of the quarter, including the number of transmissions by country, and the dollar amount of transmissions;~~
- ~~(b) The highest daily number and dollar amount of transmissions outstanding during the quarter unless the maximum bond, collateral deposit or combination thereof has been filed and/or pledged to the Department;~~
- ~~(c) Quarterly statement of financial condition and quarterly statements of income and expenses to be completed on Form DBF C 97;~~
- ~~(d) A description in the statement of financial condition of any collateral pledged to the department;~~
- ~~(e) A description in the statement of financial condition of the current market value, calculated in accordance with generally accepted accounting principles, of all permissible investments required by Section 560.210, F.S.;~~

~~(f) The complete name and address of all branches which have opened and/or closed since the previous quarterly report;~~

~~(g) The complete name and address of all new agents and authorized vendors since the previous quarterly report;~~

~~(h) The complete name and address of all persons within this State which no longer act, or are no longer authorized by the registrant to act, as an agent or authorized vendor since the previous quarterly report; and~~

~~(i) Form DBF-C-971, the declaration by an officer of the funds transmitter that such report is true and correct to the best of his or her knowledge and belief.~~

~~(2) In lieu of filing Form DBF-MT-1-01, a registrant may submit the required quarterly report information electronically on or before the deadline by following the applicable instructions on the Department's website (www.dbf.state.fl.us) on the Internet. A computer generated report or spread sheet which contains the above information will be accepted by the department, if a signed declaration by an officer of the check casher of truth and correctness accompanies the electronic report.~~

~~(3) Annually, registered funds transmitters shall submit a complete listing of all branches, agents and authorized vendors, and report any change of or addition of an executive officer, director, or responsible person/manager.~~

~~(3)(4) The Department shall levy a late payment penalty of \$100.00 per day or part thereof that a report is past due, unless it is excused for good cause, such as incidental and isolated clerical errors or omissions. A report is "past due" if it is received by the Department postmarked one or more days beyond the period defined in subsection paragraph (1).~~

Specific Authority 560.105(3), 560.118(2)(b)(a) FS. Law Implemented 560.118(2)(a),(b), 560.123, 560.210 FS. History—New 9-24-97, Amended _____.

3C-560.605 Quarterly Reports to be Filed by Payment Instrument Sellers.

~~(1)(a) Every registered payment instrument seller shall submit a quarterly report to the Department on Form DBF-MT-1-01, Money Transmitter Quarterly Report Form, effective 10/01, which is hereby incorporated by reference to the department quarterly. Such report shall be received by the Department postmarked no later than forty-five (45) days after the conclusion of each quarter and shall be sent to Director, Division of Securities and Finance Banking at the address listed in Rule 3C-560.102(1), F.A.C. Should the forty-fifth day fall on a weekend or holiday, the reports must be received by the Department postmarked no later than the next business day. Every quarterly report shall contain the following information~~

~~(a) Quarterly statement of financial condition and quarterly statements of income and expense to be completed on Form DBF-C-97;~~

~~(b) The highest daily number and dollar amount of payment instruments outstanding during the quarter, unless the maximum bond, collateral deposit or combination thereof has been filed and/or pledged to the Department;~~

~~(c) A description in the statement of financial condition of any collateral pledged to the Department of Banking and Finance;~~

~~(d) A description in the statement of financial condition of the current market value, calculated in accordance with generally accepted accounting principles of all permissible investments required by Section 560.210, F.S.;~~

~~(e) A summary of the transactions for each month of the quarter, including the number of instruments sold, and the dollar amount of payment instruments sold;~~

~~(f) The complete name and address of all branches which have opened and/or closed since the previous quarterly report;~~

~~(g) The complete name and address of all new agents and authorized vendors since the previous quarterly report;~~

~~(h) The complete name and address of all persons within this State which no longer act, or are no longer authorized by the registrant to act, as an agent or authorized vendor since the previous quarterly report; and~~

~~(i) Form DBF-C-971, the declaration by an officer of the payment instrument seller that such report is true and correct to the best of his or her knowledge and belief.~~

~~(2) In lieu of filing Form DBF-MT-1-01, a registrant may submit the required quarterly report information electronically on or before the deadline by following the applicable instructions on the Department's website (www.dbf.state.fl.us) on the Internet. A computer generated report or spread sheet which contains the above information will be accepted by the department, if a signed declaration by an officer of the check casher of truth and correctness accompanies the electronic report.~~

~~(3) Annually, registered payment instrument sellers shall submit a complete listing of all branches, agents and authorized vendors, and report any change of or addition of an executive officer, director, or responsible person/manager.~~

~~(3)(4) The Department shall levy a late payment penalty of \$100.00 per day or part thereof that a report is past due, unless it is excused for good cause, such as incidental and isolated clerical errors or omissions. A report is "past due" if it is received by the Department mailed and postmarked one or more days beyond the period defined in subsection paragraph (1).~~

Specific Authority 560.105(3), 560.118(2)(b)(a) FS. Law Implemented 560.118(2)(a),(b), 560.123, 560.210 FS. History—New 9-24-97, Amended _____.

3C-560.606 Annual Filing of Financial Statements by Part II Registrants.

~~(1)(a) Each registered funds transmitter shall annually submit audited financial statements to the Department for the registrant's most recent fiscal year.~~

(b) Each registered payment instrument seller shall annually submit audited financial statements to the Department for the registrant's most recent fiscal year unless it is exempt pursuant to Section 560.118(2)(a), F.S. Any registrant claiming such exemption shall submit such claim in writing on Form DBF-MT-4-01, Money Transmitter Audited Financial Statement Exemption Claim Form, effective 10/01, which is hereby incorporated by reference. The claim shall be executed by the registrant or an officer of the registrant under penalty of perjury. The exemption shall be valid for the current fiscal year only, and must be resubmitted each year by the registrant.

(c) Any payment instrument seller exempted from the requirement to submit audited financial statements shall file unaudited financial statements reviewed by a certified public accountant.

(2) Annual financial statements must be received by the Department within ninety (90) days of the registrant's fiscal year end.

(3) The Department shall levy a late payment penalty of \$100.00 per day or part thereof that a report is past due. A report is "past due" if it is received by the Department one or more days beyond the period defined in subsection (2).

(4) For purposes of adding new locations or authorized vendors, a Part II registrant may rely upon its annual financial statements that were received by the Department in a timely manner as required in subsections (1) and (2) of this rule or the net worth disclosure required by Form DBF-MT-2-01. The Department reserves the right to require additional documentation up to and including the submission of financial statements to substantiate the net worth disclosure on Form DBF-MT-2-01.

Specific Authority 560.105(3), 560.118(2)(a), 560.205(3)(f),(4)(d) FS. Law Implemented 560.118(2), 560.205, 560.208 FS. History—New _____.

3C-560.607 Quarterly Reports to be Filed by Deferred Presentment Providers.

(1) Every registered deferred presentment provider shall submit a quarterly report to the Department on Form DBF-MT-1-01, Money Transmitter Quarterly Report Form, effective 10/01, which is hereby incorporated by reference. Such report shall be received by the Department no later than forty-five (45) days after the conclusion of each quarter and shall be sent to Division of Securities and Finance at the address listed in Rule 3C-560.102(1), F.A.C. Should the forty-fifth day fall on a weekend or holiday, the reports must be received by the Department no later than the next business day.

(2) In lieu of filing Form DBF-MT-1-01, a registrant may submit the required quarterly report information electronically on or before the deadline by following the applicable instructions on the Department's website (www.dbf.state.fl.us) on the Internet.

(3) The Department shall levy a late payment penalty of \$100.00 per day or part thereof that a report is past due. A report is "past due" if it is received by the Department one or more days beyond the period defined in subsection (1).

Specific Authority 560.105(3), 560.118(2) FS. Law Implemented 560.118(2) FS. History—New _____.

3C-560.704 Records to be Maintained by Check Cashers.

(1) Every check casher shall maintain a records of all payment instruments cashed for each business day. The records shall include the following information with respect to each payment instrument accepted by the registrant:

- (a) The name of the maker;
- (b) The address of the maker;
- (c) The date appearing on the payment instrument;
- (d) The amount of the payment instrument;
- (e) The check number of the payment instrument accepted;
- (f) The fee charged to cash the payment instrument;
- (g) The verification fee, if any, imposed on the customer;

and

(h) A line item description of the steps taken to verify the customer's identity.

(2) The following additional information shall be maintained:

(a) Records relating to all returned payment instruments that shall include, if known, the following: ~~A daily business reconciliation; and~~

- 1. The date the payment instrument was returned to the registrant
- 2. The name and address of the maker;
- 3. The check number of the payment instrument accepted;
- 4. The amount of the returned payment instrument;
- 5. The date of deposit by the registrant;
- 6. The NSF fees, if any, imposed on the customer;
- 7. The date on which collection is made from the customer or charged-off by the registrant; and
- 8. A brief description of the method by which collection was ultimately achieved.

(b) ~~A daily summary of the business activities including the following documents: Records of all returned items~~

- 1. Bank deposit receipts;
- 2. Copies of checks or withdrawal receipts evidencing withdrawal of funds from accounts maintained by the registrant; and
- 3. A daily cash reconciliation summarizing each day's activities and reconciling cash on hand at the close of business.

(c) Bank statements of the registrant received and maintained no less often than monthly for all accounts from which the registrant operates.

(d) A copy of the customer's written authorization to electronically debit the customer's account if the registrant intends to make use of such practice.

(e) A copy of all payment instruments accepted by the registrant. The copy of the customer's payment instrument shall suffice as compliance with the requirements of paragraphs (1)(a) through (e) and subparagraphs (2)(a)1. through 4. of this rule. The registrant may include the reasonable cost of such photocopy as part of the verification fee allowed pursuant to Rule 3C-560.801, F.A.C., if such fee is charged to that customer.

(f) A photocopy of the customer's verifiable means of identification, and any other documentation the money transmitter collects from the customer in order to verify the customer's identity. The registrant shall only be required to make photocopies where a verification fee has been imposed.

Specific Authority 560.105(3) FS. Law Implemented 560.310 FS. History--New 9-24-97, Amended _____.

3C-560.706 Records to be Maintained by Authorized Vendors.

(1) Every authorized vendor of a money transmitter shall maintain at the location registered with the Department all records required by Sections 560.211(1) and 560.310(1), F.S., and Rules 3C-560.702 through 3C-560.705, F.A.C., for at least 3 years, unless a longer period of time is required by federal or state law or regulations. Any readily accessible and retrievable form is acceptable, in lieu of maintaining original documents.

(2) Every authorized vendor of a money transmitter shall maintain at all times a copy of the written agreement between the money transmitter and the authorized vendor. It will only be necessary for the agreement to be maintained at the authorized vendor's primary business address. Such agreements shall be made available to Department personnel upon request.

Specific Authority 560.105(3) FS. Law Implemented 560.205, 560.211, 560.307, 560.310 FS. History--New _____.

PART VIII

CHECK CASHER VERIFICATION FEE, MINIMUM DISCLOSURE, ~~POSTDATED CHECK~~, AND PAYMENT METHOD

3C-560.803 Postdated Check.

Specific Authority 560.105(3) FS. Law Implemented 560.103(3),(14), 560.302(1), 655.86 FS. History--New 9-24-97, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Ramsden, Financial Examiner/Analyst II, Division of Securities and Finance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don Saxon, Director, Division of Securities and Finance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 27, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2001

DEPARTMENT OF INSURANCE

RULE TITLE: Mandatory Coverage of Diabetes Treatment
 RULE NO.: 4-191.037

PURPOSE AND EFFECT: A question has arisen as to whether limitations on durable medical equipment in HMO contracts can be used to limit coverage for equipment used in diabetes treatment as mandated by § 641.31(26)(a), F.S. This rule answers that question.

SUMMARY: The proposed rule requires coverage for diabetes treatment regardless of contractual limits on durable medical equipment.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308, 641.36 FS.

LAW IMPLEMENTED: 624.307(1), 641.31(26)(a) FS.

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

TIME AND DATE: 9:30 a.m., October 2, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brinkley, Bureau of Managed Care, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0347, (850)413-5338

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

4-191.037 Mandatory Coverage of Diabetes Treatment.

(1) Paragraph 641.31(26)(a), Florida Statutes, prohibits the application of monetary limitations to limit coverage of equipment, supplies, and services used to treat diabetes, if the patient's primary care physician or physician specializing in diabetes to whom the patient has been referred certifies that the equipment, supplies, or services are necessary.

(2) Coverage for equipment meeting the standard in paragraph 641.31(26)(a), Florida Statutes, shall not be limited by durable medical equipment limitations or other limitations in a health maintenance contract.

(3) Paragraph 641.31(26)(a), Florida Statutes, does not prohibit the application of deductibles or co-payments to equipment, supplies, and services meeting the criteria in that paragraph.

(4) Payments for equipment meeting the standard in paragraph 641.31(26)(a), Florida Statutes, can be used by an HMO to apply toward limits for durable medical equipment which does not meet that standard.

Specific Authority 624.308, 641.36 FS. Law Implemented 624.307(1), 641.31(26)(a) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Brinkley, Bureau of Managed Care, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Beth Vecchioli, Deputy Division Director, Division of Insurer Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2001

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

DEPARTMENT OF INSURANCE

RULE TITLE: Curriculum Standards for Special Designation
RULE NO.: 4-211.320
PURPOSE AND EFFECT: The 2001 Legislature in CS/SB 806 amended §626.221, F.S., to allow applicants for licensure as customer representatives or claims adjusters to be exempt from the precensure examinations if they achieved specified designations. The new law requires the Department to adopt rules to establish standards for the curriculum for programs leading to the specified designations.

SUMMARY: The proposed rule establishes standards for approval of curriculum for courses under §626.221(1), F.S.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No SERC 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: 626.9611 FS.
LAW IMPLEMENTED: 626.9611 FS.

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

TIME AND DATE: 9:30 a.m., October 9, 2001
PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

4-211.320 Curriculum Standards for Special Designation. Pursuant to Section 626.221(1), Florida Statutes, the Department of Insurance establishes the following curriculum standards:

(1) For designation as a Certified Customer Service Representative (CCSR) or Registered Customer Service Representative (RCSR), the requirement is at least 40 course hours:

- (a) At least 26 hours in:
 - 1. Automobile Insurance:
 - a. Personal Auto;
 - b. Business Auto Policy;
 - c. Garage Insurance;
 - d. Florida Laws, Including Financial Responsibility;
 - e. Automobile No-Fault;
 - 2. General Liability;
 - 3. Property Insurance:
 - a. Personal Insurance Coverage;
 - b. Commercial Property Insurance;
 - c. Flood Insurance;
 - 4. Package Policies:
 - a. Homeowners Insurance;
 - b. Commercial Package Policies;
 - 5. Worker’s Compensation;
 - 6. Crime:
 - a. Crime General Provisions;
 - b. Crime Plans Coverage Forms (A-G);
 - 7. Surety Bonds;
 - 8. Marine:
 - a. Inland Marine (Personal);
 - b. Inland Marine (Commercial);
 - 9. Health:
 - a. Health Insurance;
 - b. Disability Income;
 - c. Medicare Supplement;
 - 10. Residual Markets:
 - a. FAJUA;
 - b. WCJUA;

- c. FWUA;
- d. FRPCJUA;
- 11. Agent Licensing Requirements:
 - a. Agent Responsibilities;
 - b. Change of Address;
 - c. Continuing Education;
 - d. License Renewal;
- 12. Basic Florida Insurance Principles, Concepts, and Laws.
 - (b) At least 8 hours in:
 - 1. Ethics;
 - 2. Office Management;
 - 3. Customer Relations;
 - (2) For designation as an Accredited Claims Adjuster (ACA), the requirement is at least 40 course hours:
 - (a) At least 26 hours in:
 - 1. Property and Liability Insurance Concepts, Insurance Contracts and Law, and Adjusting Practices;
 - 2. Casualty/Liability Insurance:
 - a. Automobile Liability;
 - b. Automobile No-Fault;
 - c. Uninsured Motorists;
 - d. Automobile Miscellaneous;
 - f. General Liability;
 - g. Crime and Surety;
 - h. Workers Compensation;
 - i. Umbrella/Excess Liability;
 - j. Commercial Property Insurance;
 - 3. Fire and Allied Lines, Including Marine Insurance:
 - a. Dwelling Policies;
 - b. Homeowners Insurance;
 - c. Commercial Property Policy;
 - d. Business Owners Policy;
 - e. Boiler and Machinery;
 - f. Inland Marine Insurance;
 - g. Ocean Marine Insurance;
 - h. Flood Insurance;
 - i. Aviation Insurance;
 - 4. Motor Vehicle Physical Damage and Mechanical Breakdown Insurance:
 - a. Personal Auto Insurance;
 - b. Business Auto Insurance;
 - c. Mechanical Breakdown;
 - 5. Health Insurance;
 - 6. Residual Markets;
 - 7. Florida Statutes;
 - (b) At least 8 hours in:
 - 1. Ethics;
 - 2. Negotiation Skills;
 - 3. Communication Skills.

Specific Authority 626.221 FS. Law Implemented 626.221 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Jeff Odom, Division of Agent and Agency Services,
 Department of Insurance
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: John Hale, Director, Division of
 Agent and Agency Services, Department of Insurance
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: August 27, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: August 3, 2001

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER TITLE: Florida Building Commission –
 Handicapped Accessibility Standards

RULE CHAPTER NO.: 9B-7

RULE TITLE: Procedures

RULE NO.: 9B-7.003

PURPOSE AND EFFECT: To update Request for Waiver, Forms No. 1997-03 and 1997-04, adopted by reference in this rule. Section 8 of Form No. 1997-03, “Reason(s) for Waiver Request,” lists the criteria for waiver of accessibility requirements; part of the proposed revision will replace outdated criteria with those criteria currently prescribed in Rule 9B-7.003(6), F.A.C. The remainder of the revision will add a space for applicants and owner contact persons to supply an e-mail address, will add a request that applicants submit the application in electronic format, and will correct various typographic errors.

SUMMARY: Updates Request for Waiver, Forms No. 1997-03 and 1997-04, adopted by reference in this rule.

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: 553.512(1) FS.

LAW IMPLEMENTED: 553.512(1) FS.

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

TIME AND DATE: 8:20 a.m., October 2, 2001

PLACE: Rosen Centre Hotel, 9840 International Drive, Orlando, Florida

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, SUNCOM

277-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

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

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-7.003 Procedures.

(1) All applications for a waiver or modification of the requirements of the Act or the Code shall be filed on the Request for Waiver, Forms No. ~~2001-1 1997-03~~ and ~~2001-2 1997-04~~, which the Commission hereby incorporates by reference, effective ~~October 1, 1997~~. Copies of Forms No. ~~2001-1 1997-03~~ and ~~2001-2 1997-04~~ are available by writing to the Codes and Standards Section, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. Upon certification from an applicant that all information requested by these rules has been furnished the request will be scheduled for consideration at the Commission's next scheduled meeting provided that at least 14 days notice can be given to the members of the Advisory Council.

(2) through (7) No change.

Specific Authority 553.512(1) FS. Law Implemented 553.512(1) FS. History--New 1-31-79, Formerly 9B-7.03, Amended 10-1-96, 9-14-97, 9-7-00,_____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2001

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

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER TITLE:

RULE CHAPTER NO.:

Florida Building Commission – Handicapped Accessibility Standards

9B-7

RULE TITLE: Florida Accessibility Code for Building Construction

RULE NO.: 9B-7.0042

PURPOSE AND EFFECT: The purpose and effect of this rule revision is to adopt by reference the 2001 revisions to the 1997 Florida Accessibility Code for Building Construction (Code). The proposed 2001 revisions consist of minor amendments to Figure 30(e), which depicts three illustrations of an accessible toilet stall with a lavatory, and was first adopted by the Florida Building Commission (Commission) in 1999. In 1998, the U.S. Department of Justice (DOJ) certified the Code as equivalent to the new construction and alterations requirements of Title III of the Americans with Disabilities Act (ADA), and Section 553.502, F.S., requires that the Code be maintained to assure its certification by the DOJ. Upon final adoption of the 2001 revisions, the Commission will submit documentation of the revisions to the DOJ in order to obtain the DOJ's official review to ensure that this revision is equivalent to the new construction and alterations requirement of Title III of the ADA.

SUMMARY: Adopts by reference the 2001 revisions to the 1997 Florida Accessibility Code for Building Construction.

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: 553.503 FS.

LAW IMPLEMENTED: 553.503 FS.

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

TIME AND DATE: 8:20 a.m., October 2, 2001

PLACE: Rosen Centre Hotel, 9840 International Drive, Orlando, Florida

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, SUNCOM 277-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

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

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-7.0042 Florida Accessibility Code for Building Construction.

The 1997 Florida Accessibility Code for Building Construction (the Code) is adopted by reference as the rule of this Commission, effective October 1, 1997. The 2001 ~~1999~~ revisions to the Code are hereby incorporated into this rule by reference and shall take effect on the effective date of this rule. Copies of the Code and the 2001 ~~1999~~ revisions are available by writing to the Codes and Standards Section, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

Specific Authority 553.503 FS. Law Implemented 553.503 FS. History--New 9-14-97, Amended 10-31-99,_____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2001

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

STATE BOARD OF ADMINISTRATION

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

PURPOSE AND EFFECT: These proposed rules effect compliance with the Internal Revenue Code for the defined contribution pension plan of the Florida Retirement System, called the Public Employee Optional Retirement Program.

SUMMARY: Proposed new Rule 19-12.001, F.A.C., provides definitions. Proposed new Rule 19-12.002, F.A.C., states the purpose of the rules. Proposed new Rule 19-12.003, F.A.C., provides requirements on limitations on contributions to participant accounts. Proposed new Rule 19-12.004, F.A.C., provides for the attribution of annual additions in excess of IRS limitations. Proposed new Rule 19-12.005, F.A.C., provides for the exclusive benefit rule and the application of forfeitures. Proposed new Rule 19-12.006, F.A.C., provides requirements for the distributions of benefits.

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

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

SPECIFIC AUTHORITY 121.4501(13) FS.

LAW IMPLEMENTED 121.4501(1),(7),(13) 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: 9:00 a.m. – 11:30 a.m., Monday, October 1, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Cindy Gokel, Assistant General Counsel, State Board of Administration, P. O. Drawer 13300, Tallahassee, FL 32317-3300, (850)413-1199

THE FULL TEXT OF THE PROPOSED RULES IS:

19-12.001 Definitions.

The following words and terms shall have the following meanings for purposes of this Chapter:

(1) "Annual addition" means the sum for any limitation year of (a) all employer and employee contributions which are treated as annual additions to a defined contribution plan for purposes of s. 415(c) of the Code and (b) forfeitures. Examples of such contributions to a defined contribution plan include the following: contributions to the Public Employee Optional Retirement Program; contributions to the Senior Management Service Optional Annuity Program described in s. 121.055(6), F.S.; contributions to a Code s. 401(k) plan; employer contributions to an individual retirement account; voluntary employee contributions to accounts in a defined benefit plan [but not including contributions to a qualified cost-of-living arrangement in accordance with Code s. 415(k)]; amounts allocated to the separate account of a key employee for post-retirement medical benefits described in Code s. 419A(d)(2); and contributions to an individual medical benefit account, as described in Code s. 415(l). Examples of contributions which are not annual additions for purposes of s. 415(c) of the Code as applied to the Public Employee Optional Retirement Program include the following: rollover contributions or transfers from another eligible retirement plan to the Public Employee Optional Retirement Program; contributions to a Code s. 403(b) annuity plan; contributions to a Code s. 457 deferred compensation plan; and contributions which are additional elective deferrals under Code s. 414(v). With respect to the Public Employee Optional Retirement

Program, contributions are those specifically provided for in, or specifically permitted pursuant to, ss. 121.4501 and 121.571, F.S.

(2) "Benefits" is used in the same sense, and has the same meaning, as used in s. 121.4501(7), F.S.

(3) "Code" means the U.S. Internal Revenue Code, as amended.

(4) "Compensation" means all items of compensation specified in Treas Reg. s. 1.415-2 (d)(2), increased by any elective deferral as defined in Code s. 402(g)(3) or any amount which is contributed by the Employer at the election of the employee and which is not includible in the gross income of the employee by reason of Code ss. 125 or 457.

(5) "Defined contribution plan" means a plan which provides for an individual account for each participant and for benefits based solely on the amount contributed to the participant's account, and any income, expenses, gains and losses, and any forfeitures of accounts of other participants which may be allocated to such participant's account.

(6) "Direct rollover" means a payment by the Public Employee Optional Retirement Program to the eligible retirement plan specified by the distributee.

(7) "Distributee" means a Participant or former Participant. In addition, the Participant's or former Participant's surviving spouse and the Participant's or former Participant's spouse or former spouse who is the alternative payee under a qualified domestic relations order, as defined in Code s. 414(p), are distributees with regard to the interest of the spouse or former spouse.

(8) "Eligible retirement plan" means an individual retirement account described in Code s. 408(a), an individual retirement annuity described in Code s. 408(b), an annuity plan described in Code s. 403(a), an annuity contract described in Code s. 403(b), an eligible deferred compensation plan described in Code s. 457(b) which is maintained by an eligible employer described in Code s. 457(e)(1)(A) or a qualified trust described in Code s. 401(a), that accepts the distributee's eligible rollover distribution.

(9) "Eligible rollover distribution" means any distribution of all or any portion of the balance of the Participant's account(s) in the Public Employee Optional Retirement Program to the credit of the distributee. An eligible rollover distribution does not include any distribution which is made upon hardship of the employee; any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under Code s. 401(a)(9); the portion of any distribution that is not includible in gross income, unless transferred in accordance with the provisions of Code s. 402(c)(2) to a qualified trust

which is part of a plan which is a defined contribution plan, or to an individual retirement account described in Code s. 408(a) or an individual retirement annuity described in Code s. 408(b); or a deemed distribution of a loan under Code s. 72(p).

(10) "Employer" means an employer as defined in s. 121.4501(2)(e), F.S.

(11) "Limitation year" is the consecutive 12 month period of time to which Code limitations with respect to contributions and forfeitures are applied. For the Public Employee Optional Retirement Program, the limitation year is the calendar year.

(12) "Participant" means a participant of the Public Employee Optional Retirement Program as defined in s. 121.4501(2)(f), F.S.

(13) "Plan" means the Public Employee Optional Retirement Program of the Florida Retirement System created by ch. 2000-169, Laws of Florida, as set forth in Part II of ch. 121, F.S.

Specific Authority 121.4501(13)(a) FS. Law Implemented 121.4501(1), 121.4501(7)(a), 121.4501(13) FS. History—New _____.

19-12.002 Purpose.

The primary purpose of this Rule Chapter is to ensure compliance of the Plan with certain requirements of the Code in order for the Plan to remain a qualified pension plan exempt from federal taxation. This Rule Chapter shall be interpreted in a manner consistent with the Code and regulations promulgated thereunder, including any applicable proposed regulations. This Rule Chapter also implements and interprets provisions of Part II of ch. 121, F.S., pertaining to Code requirements.

Specific Authority 121.4501(13)(a) FS. Law Implemented 121.4501(1), 121.4501(7)(a), 121.4501(13) FS. History—New _____.

19-12.003 Limitation on Contributions.

In no event shall the aggregate of the allocation of contributions and forfeitures to a Participant's account(s) in the Plan and the annual addition to a Participant's account(s) in any other defined contribution plan maintained by the Employer exceed the limitation for defined contribution plans [the Code section "415(c) limitation"] set forth in the next sentence. The 415(c) limitation is exceeded if the sum of the annual addition to a Participant's account(s) in the Plan and the annual addition to a Participant's account(s) in any other defined contribution plan maintained by the Employer during a limitation year exceeds the lesser of 100% of such Participant's compensation or \$40,000 [adjusted as provided in Code s. 415(d) for increases in the cost of living]. Employers shall cooperate with the Plan's administrator or its agent in order for the administrator or its agent to be able to monitor the 415(c) limitation on contributions. Employers shall provide all financial and payroll data which the Plan's administrator or its agent must use to determine whether or not the 415(c) limitation has been exceeded. [Note: Pursuant to s. 121.4501(5)(b), F.S., Employers are responsible for

notifying Participants regarding maximum contribution levels permitted under the Code and if a Participant contributes to any other tax-deferred plan, he or she is responsible for ensuring that total contributions made to the Plan and to any other such plan do not exceed federally permitted maximums.]

Specific Authority 121.4501(13)(a) FS. Law Implemented 121.4501(13) FS. History—New _____.

19-12.004 Annual Additions in Excess of Limitation.

In the event the aggregate annual additions to a Participant's account(s) in the Plan and in any other defined contribution plan maintained by the Employer exceed the 415(c) limitation during any limitation year, the excess shall be attributed first to such other plans. If any excess remains after attribution to such other plans, the amount of any such excess attributable to the allocation of forfeitures, to a reasonable error in estimating a participant's annual compensation or to any other circumstances that the Commissioner of Internal Revenue finds is justified, in accordance with Treasury Regulation 1.415-6(b)(6), shall be used to reduce the Employer's contributions for such Participant under the Plan in the next and succeeding limitation years; provided, however, that if the Participant is not covered by the Plan at the end of the limitation year, such excess amount will be used to reduce the Employer's contributions to remaining Participants under the Plan in the next, and succeeding, limitation years. If the correction method, above, is not available, other methods of correcting excess annual additions are permitted if in accordance with Treasury Regulation 1.415-6(b)(6).

Specific Authority 121.4501(13)(a) FS. Law Implemented 121.4501(13) FS. History—New _____.

19-12.005 The Exclusive Benefit Rule of the Code and Forfeitures.

In accordance with Code s. 401, the assets of the Plan shall only be used for the exclusive benefit of Participants or their beneficiaries, or to pay administrative expenses of the Plan. Consequently, any forfeited nonvested accumulations in the suspense account of the Public Employee Optional Retirement Program Trust Fund shall be applied in the following order in a manner consistent with Code requirements: first, to pay administrative expenses of the Plan; then to the extent any forfeited amounts remain, to reduce future Employer contributions to the Plan; and, finally, to be reallocated to the Plan accounts of other Participants.

Specific Authority 121.4501(13)(a) FS. Law Implemented 121.4501(13) FS. History—New _____.

19-12.006 Distribution of Benefits.

(1) All distribution of benefits from a Participant's account(s) in the Plan shall begin and be made no later than as prescribed by Code s. 401(a)(9) and the regulations issued thereunder, including any proposed regulations, and shall be subject to the incidental death benefit rules of Code s. 401(a)(9)(G).

(a) Distribution of benefits to a Participant shall be made or commence not later than April 1 following the close of the later of the calendar year during which the Participant attains age 70 1/2 or retires.

(b) If distribution of benefits has commenced before a Participant's death, any remaining benefits must be distributed at least as rapidly as under the method of distribution being used as of the date of the Participant's death.

(c) If a Participant dies before the commencement of distributions from the Participant's account(s) in the Plan, the method of distribution shall be as follows:

1. Any benefits not payable to a beneficiary designated by the Participant shall be distributed within five years after the Participant's death.

2. Any benefits payable to a beneficiary designated by the Participant shall be distributed over the life of such beneficiary (or over a period certain not extending beyond the life expectancy of such beneficiary), commencing not later than the end of the calendar year immediately following the calendar year in which the Participant died. If the designated beneficiary is the surviving spouse of the Participant, distributions shall commence on or before the later of the end of the calendar year immediately following the calendar year in which the Participant died and the end of the calendar year in which the Participant would have attained age 70 1/2.

3. If the designated beneficiary is the surviving spouse of the Participant and the surviving spouse dies before distributions to such spouse begin, this paragraph (c) shall be applied as if the surviving spouse were the Participant.

(2) Benefits shall be distributed to a Participant as a periodic distribution, a partial lump-sum payment whereby a portion of the accrued benefit is paid to the Participant less withholding taxes remitted to the Internal Revenue Service and the remaining amount is transferred directly to the custodian of an eligible retirement plan on behalf of the Participant, or as otherwise provided by s. 121.4501(7)(d), F.S. Benefits shall be distributed to a survivor as provided in s. 121.4501(7)(e), F.S. A distributee shall have the option to have all or any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(3) All distributions of benefits must be made in accordance with Code provisions, which shall override any distribution options inconsistent with such provisions.

Specific Authority 121.4501(13)(a) FS. Law Implemented 121.4501(1), 121.4501(7)(a), 121.4501(13) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tom Herndon, Executive Director, State Board of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 28, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2001

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Containers, Packs, Stamping and Labeling of Fresh Fruit
RULE CHAPTER NO.: 20-39
RULE TITLES: Approved Boxes 20-39.003
Approved Bags 20-39.004

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

SUMMARY: Approved containers for use in shipping fresh Florida Citrus.

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

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

SPECIFIC AUTHORITY: 601.11 FS.

LAW IMPLEMENTED: 601.11 FS.

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

TIME AND DATE: 10:30 a.m., October 31, 2001

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

20-39.003 Approved Boxes.

(1) Unless otherwise noted, all approved boxes are 4/5 bushel capacity.

(2) The name of the manufacturer, and the official container number as designated in subsection (3) below, shall be printed on the bottom outside flap of each approved box body in plainly legible characters.

(3) The following containers are hereby designated as approved boxes and, unless otherwise noted, may be used for shipment of all varieties of citrus fruit:

Chart 1

Approved Container Number	Construction Styles	Inside Body Dimension in inches (LxWxD)	Minimum Board Weights (actual weight may be heavier)***	
			Body	Cover
DOC-01-P	Singlewall	17 x 10 5/8 x 9 5/8**	42-33-69	42-33-42
DOC-02-V	Singlewall	17 x 11 1/2 x 9 3/4	42-33-69	42-33-42
DOC-03-V	Singlewall	Oversized 17 x 12 x 9 3/4	42-33-69	42-33-42
DOC-04-PT	Tray Style	17 x 10 5/8 x 9 5/8**	42-33-42	42-33-42
DOC-05-PB	Bliss Style	17 x 10 5/8 x 9 5/8**	42-33-42	33-33-33
DOC-06-VT	Tray Style	17 x 11 1/2 x 9 3/4	42-33-42	42-33-42
DOC-07-VT	Tray Style	Oversized 17 x 12 x 9 3/4	42-33-42	42-33-42
DOC-08-VB	Bliss Style	Oversized 17 x 11 1/2 x 9 3/4	42-33-42	33-33-33
DOC-09-VB	Bliss Style	Oversized 17 x 12 x 9 3/4	42-33-42	33-33-33
DOC-10-P	Doublewall	17 x 10 5/8 x 9 5/8 Partial telescope self-locking lid Tangerines & citrus hybrids only. **	42-33-42-33-42	42-26-42
DOC-11-XP	Singlewall	17 x 10 5/8 x 10 1/8**	90-33-90	42-33-42
DOC-12-XPT	Tray Style	17 x 10 5/8 x 10 1/8**	69-33-69	42-33-42
DOC-13-XPS	Super X Style	17 x 10 5/8 x 10 1/8**	42-40-69	42-33-42
DOC-14-P ††	Singlewall	15 7/8 x 10 5/8 x 6 Full Telescope **	42-33-42	42-33-42
DOC-15-PT ††	Tray Style	17 5/8 x 10 5/8 x 6 Full Telescope **	42-33-42	42-33-42
DOC-16-WP	Wood Slat	16 1/8 x 10 5/8 x 10 5/8 End panels may be of material other than wood.**	Wood Slat	Wirebound
DOC-17-WP	Wood Slat	19 7/8 x 7 1/2 x 11 1/2 End panels may be of material other than wood. Tangerines and citrus hybrids only.**	Wood Slat	Wirebound
DOC-18-P	Singlewall	17 x 10 5/8 x 9 5/8**	42-40-42	42-33-42
DOC-19-P	Singlewall	17 x 10 5/8 x 9 5/8**	45-33-45	42-33-42
DOC-20-XP††	Singlewall	17 x 10 5/8 x 10 1/8**	69-40-69	42-33-42

Approved Container Number	Construction Styles	Inside Body Dimension in inches (LxWxD)	Minimum Board Weights (actual weight may be heavier)*** Body	Minimum Board Weights (actual weight may be heavier)*** Cover
DOC-21-PT	Tray Style	17 x 10 9/16 x 9 5/8 4" partial telescope tray cover. Tangerines and citrus hybrids only.**	42-40-69	42-33-42
DOC-22-P ‡‡	Singlewall	13 1/4 x 10 5/8 x 7 Full telescope**	42-33-42	42-33-42
DOC-23-VT	Tray Style	17 x 12 x 9 5/8 End slotted with short end flaps. Oversized	69-33-42	42-33-42
DOC-24-P	Singlewall	17 x 10 5/8 x 9 5/8 4" partial telescoping tray cover. Tangerines and citrus hybrids only.**	69-40-90	42-33-42
DOC-25-PT ‡‡	Tray Style	16 1/8 x 10 5/8 x 6 Full Telescope**	42-33-42	42-33-42
DOC-26-P	Singlewall	18 1/4 x 12 1/2 x 11 3/4 Having three plastic trays per carton*	90-40-90	42-33-42
DOC-27-WV ‡‡	Collapsible wooden bin	46 x 38 x 21 Holds appx 20 4/5 bu. equiv. units	Wooden bin	None
DOC-28-P ‡‡	Singlewall	17 x 10 5/8 x 6*** Full Telescope	42-33-42	42-33-42
DOC-29-P	Singlewall	16 3/4 x 11 1/2 x 11 3/8 Having fiberboard honeycomb cells**	42-40-69	42-33-42
DOC-30-P ‡‡	Singlewall	17 x 10 x 6 15/16 Corrugated, full telescope**	90-40-90	42-33-42
DOC-31-P	Singlewall	16 11/16 x 11 8/16 x 11 14/16 Corrugated with honeycomb dividers**	69-40-42	42-33-42
DOC-32-OV ‡‡	Triplewall-Bulk bin	46 1/2 x 38 x 36 Octagonal watermelon bin with self-locking lid. Holds appx. 28 4/5 bu. equiv.	69-33-69-33-69-33-90	69-26-69

Approved Container Number	Construction Styles	Inside Body Dimension in inches (LxWxD)	Minimum Board Weights (actual weight may be heavier)***	
			Body	Cover
DOC-33-P	Singlewall	20 15/16 x 11 13/16 x 7 Telescoping with two trays per carton **	42-33-69	42-33-42
DOC-34-OV ††	Triplewall-Bulk bin	46 x 37 1/2 x 36 Octagonal with interlocking flaps. Holds appx. 28 4/5 bu. equiv.	42-40-90-42-40-90-40-90	42-26-69
DOC-35-OV ††	Triplewall-Bulk bin	46 x 38 x 26 1/2 Tuff octagonal tube, holding appx. 24 4/5 bu. equiv.	90-33-42-33-42-33-90	69-26-69
DOC-36-P	Doublewall	23 5/8 x 15 5/8 x 7 Die cut platform tray, open top	42-36-33-26-42	
DOC-37-RV ††	Triplewall-Bulk bin	46 1/2 x 38 1/2 x 26 1/2 Corrugated rectagon with diagonal corners and interlocking bottom (holds appx. 20 to 24 4/5 bu. equiv.)	64-33-35-64-33-96	35-26-35
DOC-38-P	Singlewall	16 3/4 x 11 1/2 x 10 3/8 Telescoping, half-slotted, optional molded fiber spring cushion trays**	99-33-90	42-33-69
DOC-39-P	Doublewall	17 x 10 5/8 x 9 5/8 Corrugated, half-slotted	42-33-33-33-42	42-33-42
DOC-40-P	Doublewall	18 15/16 x 14 3/16 x 11 13/16 One-piece, die cut	42-33-42-33-42	n/a
DOC-41-P	Plastic	22 1/2 x 14 9/16 x 7 1/8 One-piece, reusable/recyclable high-density polyethylene	n/a	n/a
DOC-42-P††	Singlewall	17 1/2 x 11 1/8 x 8 3/4 Holding 2/3 of a standard 4/5 bu. container, two-layer, full telescoping	90-40-90	42-33-42

Approved Container Number	Construction Styles	Inside Body Dimension in inches (LxWxD)	Minimum Board Weights (actual weight may be heavier)***	Minimum Board Weights (actual weight may be heavier)***
			Body	Cover
DOC-43-OV‡‡	Triplewall ½ bulk bin	38 1/4 x 23 3/4 x 25 1/4 Space-saver, octagon 1/2 bin holding appx. 10 1/2 4/5 bu. equiv. loose or 7-8 4/5 bu. equiv. bagged	69-26-38-26-38-26-65	38-26-38
DOC-44-PT	Doublewall	22 1/8 x 14 11/16 x 6 3/8 B/c flute tray body, C flute cover	42-40-41-40-56	42-33-42
DOC-45-P	Singlewall	17 1/8 x 10 5/8 x 10 3/8 4/5 c-flute, two piece, partial telescoping cover	42-33-57	42-26-35
DOC-46-PT	Doublewall	23 5/8 x 15 5/8 x 7 4/5 40 x 60 Euro Wave Tray	42-40-42-40-42	n/a
<u>DOC-47-PT</u>	<u>Doublewall</u>	<u>14 1/2 x 11 3/8 x 6 5/16</u> <u>2/5 bu. die-cut, open top,</u> <u>platform</u> <u>tray</u>	<u>33-69-33-69</u>	<u>n/a</u>

** Container may be volume filled provided the sizes designated for each variety of fruit meet the requirements of subsections 20-39.007(1), 20-39.008(1) and 20-39.009(1), F.A.C.

‡‡ Container does not conform to 4/5 bushel requirement of subsection 20-39.003(1), F.A.C.

*** Minimum board weight requirements shall be waived when a compression strength test by an independent testing laboratory shows that the container made with a new material is equal to, or better than, compression strength of the container with minimum approved board weight. It shall be the responsibility of the packinghouse to acquire and provide records of such compression strength testing upon request.

(4) Each container must be ventilated.

Specific Authority 601.11 FS. Law Implemented 601.11 FS. History—Formerly 105-1.03(1)(a), Revised 1-1-75, Amended 8-16-75, 8-11-77, 8-1-78, 8-21-79, 1-15-80, 10-20-80, 5-1-81, 9-1-82, 11-6-83, 10-21-84, 1-1-85, Formerly 20-39.03, Amended 9-11-86, 12-20-87, 10-14-90, 8-23-92, 10-18-92, 1-19-93, 5-23-93, 10-10-93, 1-9-94, 10-16-94, 8-29-95, 10-13-96, 10-26-97, 12-6-98,

20-39.004 Approved Bags.

(1) Approved bags for all types of citrus shall be 1/3 standard shipping box size, 14 lb. net weight; 1/4 standard shipping box size, 10 lb. net weight; 1/5 standard shipping box size, 8 lb. net weight; 1/8 standard shipping box size, 5 lb. net weight; 1/10 standard shipping box size, 4 lb. net weight; 1/12 standard shipping box size, 3 lb. net weight; and two-count grapefruit bags.

(2)(a) Specifications:

Chart 2

	For Grapefruit	For all other varieties
** 2 count mesh	8 x 17"	n/a
3 lb. vexar	4 1/2" x 18 1/2"	4 1/2" x 18 1/2"
3 lb. mesh	n/a	9 x 17
4 lb. mesh	9 x 18"	9 x 18"
4 lb. open mouth poly	10 x 18 1/2"	10 x 18 1/2 1/2"
5 lb. mesh	11 x 20"	9 x 20"
5 lb. drawcord poly	10 1/2 x 15"	9 1/2 x 15"
5 lb. open mouth poly	10 1/2 x 19"	9 1/2 x 18 1/8"
8 lb. mesh	11 x 23"	11 x 23"
8 lb. drawcord poly	11 1/2 x 17"	10 1/2 x 17"
8 lb. open mouth poly	11 1/2 x 21"	10 1/12 x 20 1/2"
<u>8 lb. drawcord mesh</u>	<u>11 1/2 x 17"</u>	<u>11 1/2 x 17"</u>
10 lb. drawcord mesh	12 x 18 1/2"	12 x 18 1/2"
14 lb. mesh	11 1/2 x 24"	11 x 24"

** Limited to sizes 14, 18, 23, and 27.

(b) Width of mesh bags shall be determined by measuring at the top with material stretched to form 90° angles in all corners of the diamonds. Length of mesh bags shall be determined by measuring from the inside of the bottom seam to the top of the bag.

(c) All polyethylene bags shall be ventilated. All 5 lb. polyethylene bag material shall be minimum of 1.5 mils and all 8 lb. polyethylene bag material shall be minimum of 2 mils. The length of open mouth polyethylene bags shall be measured, when flat, from the inside of the bottom seam to the top of the bag, and drawcord polyethylene bags measured from the bottom of the bag to the top of the bag. The width of polyethylene bags shall be measured, when flat, from side to side including any gusset.

(d) A tolerance of 15%, plus or minus, shall be allowed on inside dimensions for all bags.

Specific Authority 601.11 FS. Law Implemented 601.11 FS. History—Formerly 105-1.03(1)(c), Revised 1-1-75, Formerly 20-39.04, Amended 9-11-86, 9-6-87, 7-21-91, 10-18-92, 1-19-93, 10-13-96, 10-26-97, _____.

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

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2001

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Federally Qualified Health Center Services

RULE NO.: 59G-6.080

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Federally Qualified Health Center Services Reimbursement Plan (the Plan) payment methodology, effective January 1, 2001, the proposed rates for Medicaid FQHCs' and RHCs' reimbursement will be rates resulting from the current methodology used to calculate per diem rates except for the following: In the first phase of the new Medicaid Prospective Payment System (PPS), January 1, 2001 – September 30, 2001, Florida will pay current FQHCs/RHCs the average of their Medicaid per diem rates in effect for the state fiscal years 1999 and 2000 (calculating the payment amount on a per visit basis). Beginning October 1, 2001, each FQHCs'/RHCs' Medicaid per diem rate will be increased by the percentage increase in the Medicare Economic Index (MEI) for primary care services. This increase shall be made annually on October 1. A FQHC/RHC may apply for an adjustment to its current Medicaid per diem rate if the FQHC/RHC experiences a change in their scope of service(s), which on a per visit basis is greater than 3% of the current per diem rate. Newly qualified FQHCs/RHCs after fiscal year 2000 will have initial payments established either by reference to payments to other clinics in the same or adjacent areas, or in the absence of such other clinics, through cost reporting methods. After the initial year, payment shall be set using the MEI methods used for other clinics.

The effect of the proposed amendment is the proposed rates for Medicaid FQHCs' and RHCs' reimbursement will be rates resulting from the current methodology used to calculate per diem rates except for the following: In the first phase of the new Medicaid Prospective Payment System (PPS), January 1, 2001 – September 30, 2001, Florida will pay current FQHCs/RHCs the average of their Medicaid per diem rates in effect for the state fiscal years 1999 and 2000 (calculating the payment amount on a per visit basis). Beginning October 1, 2001, each FQHCs'/RHCs' Medicaid per diem rate will be increased by the percentage increase in the Medicare Economic Index (MEI) for primary care services. This increase shall be made annually on October 1. A FQHC/RHC may apply for an adjustment to its current Medicaid per diem rate if the FQHC/RHC experiences a change in their scope of service(s), which on a per visit basis is greater than 3% of the current per diem rate. Newly qualified FQHCs/RHCs after fiscal year 2000 will have initial payments established either by reference to payments to other clinics in the same or adjacent areas, or in the absence of such other clinics, through cost reporting methods. After the initial year, payment shall be set using the MEI methods used for other clinics.

SUMMARY: The proposed rates for Medicaid FQHCs' and RHCs' reimbursement will be rates resulting from the current methodology used to calculate per diem rates except for the following: In the first phase of the new Medicaid Prospective Payment System (PPS), January 1, 2001 – September 30, 2001, Florida will pay current FQHCs/RHCs the average of their Medicaid per diem rates in effect for the state fiscal years 1999 and 2000 (calculating the payment amount on a per visit basis). Beginning October 1, 2001, each FQHCs'/RHCs' Medicaid per diem rate will be increased by the percentage increase in the Medicare Economic Index (MEI) for primary care services. This increase shall be made annually on October 1. A FQHC/RHC may apply for an adjustment to its current Medicaid per diem rate if the FQHC/RHC experiences a change in their scope of service(s), which on a per visit basis is greater than 3% of the current per diem rate. Newly qualified FQHCs/RHCs after fiscal year 2000 will have initial payments established either by reference to payments to other clinics in the same or adjacent areas, or in the absence of such other clinics, through cost reporting methods. After the initial year, payment shall be set using the MEI methods used for other clinics.

SUMMARY OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has not been prepared.

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

SPECIFIC AUTHORITY: 409.905(11) FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 9:00 a.m., October 1, 2001

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee FL 32308

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

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.080 Payment Methodology for Federally Qualified Health Center Services.

Reimbursement to participating health centers for services provided shall be in accordance with the Florida Title XIX Federally Qualified Health Center Reimbursement Plan Version ~~III H~~ _____ ~~April 10, 1994~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid Director, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, FL 32308 ~~1317 Winewood Boulevard, Building 6, Room 223, Tallahassee, Florida 32399-0700.~~

Specific Authority 409.905(11) 409-15(8) FS. Law Implemented 409.908 FS. History–New 6-3-93, Formerly 10P-6.080, Amended 4-10-94, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: John Owens

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bob Sharpe

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 28, 2001

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE TITLE: Disciplinary Guidelines RULE NO.: 61-20.010

PURPOSE AND EFFECT: The new rule is being created to implement requirements imposed by Section 455.2273, Florida Statutes, relating to disciplinary guidelines. The effect will be to provide notice to the regulated public of potential penalties for violating regulatory provisions and to provide guidance to courts and agency head on the assessment of penalties.

SUMMARY: The rule implements requirements imposed by Section 455.2273, Florida Statutes, relating to disciplinary guidelines.

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: 455.2273(1) FS.

LAW IMPLEMENTED: 455.2273 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tom Thomas, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

THE FULL TEXT OF THE PROPOSED RULE IS:

61-20.010 Disciplinary Guidelines.

(1) PURPOSE. Pursuant to Section 455.2273, Florida Statutes, the department provides within this rule disciplinary guidelines which shall be imposed upon applicants, registrants, or licensees whom it regulates under Chapter 468, Part VIII, Florida Statutes. The purpose of this rule is to notify applicants, registrants, and licensees of the ranges of penalties which will routinely be imposed unless the department finds it necessary to deviate from the guidelines for the stated reasons given in subsection (2). The ranges of penalties provided in this rule are based upon a single count violation of each provision listed. Multiple counts of the violated provisions or a combination of the violation may result in a higher penalty than that for a single, isolated violation. Each range includes the lowest and highest penalty and all penalties falling between. The purposes of the imposition of discipline are to punish the applicants, registrants, or licensees for violations and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants, registrants, or licensees from violations.

(2) AGGRAVATING AND MITIGATING CIRCUMSTANCES. The department shall be entitled to deviate from the disciplinary guidelines provided by this rule upon a showing of aggravating or mitigating circumstances by

clear and convincing evidence presented to the department prior to the imposition of a final penalty. The department must make a specific finding of mitigating or aggravating circumstances in order to deviate from the disciplinary guidelines. Based upon consideration of the facts present in an individual case, the department shall consider the following factors in aggravation and mitigation when deviating from the disciplinary guidelines set forth in this rule:

(a) Severity of the offense;

(b) Danger to the public;

(c) Physical or financial harm resulting from the violation;

(d) Number of violations;

(e) Prior violations committed by the subject;

(f) Length of time the registrant or licensee has practiced;

(g) Deterrent effect of the penalty;

(h) Correction or attempted correction of the violation;

(i) Effect on the registrant's or licensee's livelihood;

(j) Any efforts toward rehabilitation;

(k) Any other aggravating or mitigating factor which is directly relevant under the circumstances.

(3) PENALTIES CUMULATIVE AND CONSECUTIVE. Where several violations occur in one or several cases being considered together, the penalties shall normally be cumulative and consecutive.

(4) STIPULATION OR SETTLEMENT. The provisions of this part are not intended and shall not be construed to limit the ability of the department to dispose disciplinary actions by stipulation, agreed settlement, or consent order pursuant to Section 120.57(4), Florida Statutes.

(5) VIOLATIONS AND RANGE OF PENALTIES. In imposing discipline upon applicants, registrants, and licensees in proceedings pursuant to Section 120.569 and 120.57(1) and (2), Florida Statutes, the department shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations as set forth in this subsection. The verbal identification of offenses is descriptive only. The full language of each statutory provision cited must be consulted in order to determine the conduct included.

PENALTY RANGE

<u>VIOLATION:</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>(a) Section 468.436(1)(b)1., F.S. – Violating any provision of this part, if not otherwise delineated in this rule.</u>		
<u>First Offense</u>	<u>Reprimand</u>	<u>\$1000 fine; costs</u>
<u>Second Offense</u>	<u>\$500 fine</u>	<u>Probation; \$2500 fine; costs</u>
<u>Third Offense</u>	<u>Probation; \$2500 fine</u>	<u>One year suspension; \$5000 fine; costs</u>
<u>(b) Section 468.436(1)(b)2., F.S. – Violating any lawful order or rule, if not otherwise delineated in this rule.</u>		
<u>First Offense</u>	<u>Reprimand</u>	<u>\$1000 fine; costs</u>
<u>Second Offense</u>	<u>\$500 fine</u>	<u>Probation; \$2500 fine; costs</u>
<u>Third Offense</u>	<u>Probation; \$2500 fine</u>	<u>One year suspension; \$5000 fine; costs</u>
<u>(c) Section 468.436(1)(b)3., F.S. – Being convicted of or pleading nolo contendere to a felony.</u>		
<u>First Offense</u>	<u>Reprimand; \$500 fine</u>	<u>Revocation; \$5000 fine; costs</u>
<u>Second Offense</u>	<u>One year suspension; \$1000 fine; costs</u>	<u>Revocation; \$5000 fine; costs</u>
<u>Third Offense</u>	<u>Two years suspension; \$1000 fine</u>	<u>Revocation; \$5000 fine; costs</u>
<u>(d) Section 468.436(1)(b)4., F.S. – Obtaining a license or certification or any other order, ruling, or authorization by means of fraud, misrepresentation, or concealment of material facts.</u>		
<u>First Offense</u>	<u>\$1000 fine; costs</u>	<u>Revocation; \$5000 fine; costs</u>
<u>Second Offense</u>	<u>One year suspension; \$1000 fine; costs</u>	<u>Revocation; \$5000 fine; costs</u>
<u>Third Offense</u>	<u>Revocation</u>	<u>Revocation; \$5000 fine; costs</u>
<u>(e) Section 468.436(1)(b)5., F.S. – Committing acts of gross misconduct or gross negligence in connection with the profession.</u>		
<u>First Offense</u>		
<u>Second Offense</u>	<u>\$500 fine</u>	<u>Revocation; \$5000 fine; costs</u>
<u>Third Offense</u>	<u>\$2500 fine; costs</u> <u>One year suspension; one year probation; \$2500 fine</u>	<u>Revocation; \$5000 fine; costs</u> <u>Revocation; \$5000 fine; costs</u> <u>Revocation; \$5000 fine; costs</u>
<u>(f) Rule 61-20.002(1), F.A.C. – Change of address, notification, license renewal.</u>		
<u>First Offense</u>	<u>Reprimand</u>	<u>\$500 fine; costs</u>
<u>Second Offense</u>	<u>Reprimand</u>	<u>\$1000 fine; costs</u>
<u>Third Offense</u>	<u>Reprimand</u>	<u>\$2000 fine; costs</u>

(g) Rule 61-20.002(3)(c), F.A.C. – Legal name change, notification.

<u>First Offense</u>	<u>Reprimand</u>	<u>\$500 fine; costs</u>
<u>Second Offense</u>	<u>Reprimand</u>	<u>\$1000 fine; costs</u>
<u>Third Offense</u>	<u>Reprimand</u>	<u>\$2000 fine; costs</u>

(h) Rule 61-20.503(2), F.A.C. – A licensee or registrant shall not make an untrue statement of a material fact or fail to state a material fact.

<u>First Offense</u>		
<u>Second Offense</u>	<u>Reprimand</u>	<u>One year suspension; \$1000 fine; costs</u>
	<u>One year probation; \$500 fine; costs</u>	<u>One year suspension; two years probation; \$5000 fine; costs</u>
<u>Third Offense</u>	<u>Two years suspension; \$2500 fine; costs</u>	<u>Revocation; \$5000 fine; costs</u>

(i) Rule 61-20.503(3), F.A.C. – A licensee or registrant shall perform only those services which he or she can reasonably expect to complete with professional competence.

<u>First Offense</u>		
<u>Second Offense</u>	<u>Reprimand</u>	<u>\$1000 fine; costs</u>
<u>Third Offense</u>	<u>One year probation; \$500 fine; costs</u>	<u>One year suspension; two years probation; \$5000 fine; costs</u>
	<u>Two years suspension; \$2500; costs</u>	<u>Revocation; \$5000 fine; costs</u>

(j) Rule 61-20.503(4)(a), F.A.C. – A licensee or registrant shall exercise due professional care.

<u>First Offense</u>		
<u>Second Offense</u>	<u>Reprimand</u>	<u>\$1000 fine; costs</u>
<u>Third Offense</u>	<u>One year probation; \$500 fine</u>	<u>One year suspension; two years probation; \$5000 fine; costs</u>
	<u>Two years suspension; \$2500 fine; costs</u>	<u>Revocation; \$5000 fine; costs</u>

(k) Rule 61-20.503(4)(b), F.A.C. – A licensee or registrant shall not knowingly fail to comply with the requirements of the documents by which the association is created or operated.

<u>First Offense</u>		
<u>Second Offense</u>	<u>Reprimand</u>	<u>One year suspension; \$2500 fine; costs</u>
<u>Third Offense</u>	<u>One year probation; \$1000 fine; costs</u>	<u>One year suspension; two years probation; \$5000 fine; costs</u>
	<u>\$2500 fine; costs</u>	<u>Revocation; \$5000 fine; costs</u>

(l) Rule 61-20.503(5), F.A.C. – A licensee or registrant shall not permit others to commit certain acts or omissions.

<u>First Offense</u>	<u>Reprimand</u>	<u>One year suspension; \$1000 fine; costs</u>
<u>Second Offense</u>	<u>One year probation; \$500 fine; costs</u>	<u>Two years suspension; two year probation; \$5000 fine; costs</u>
<u>Third Offense</u>	<u>Two years suspension. \$2500 fine; costs</u>	<u>Revocation; \$5000 fine; costs</u>

(m) Rule 61-20.503(6)(a), F.A.C. – A licensee or registrant shall not withhold possession of records.

<u>First Offense</u>	<u>Reprimand</u>	<u>\$2500 fine; one year suspension; costs</u>
<u>Second Offense</u>		
<u>Third Offense</u>	<u>\$500 fine</u>	<u>\$2500 fine; Revocation; costs</u>
	<u>\$1000 fine</u>	<u>Revocation; \$5000 fine; costs</u>

(n) Rule 61-20.503(6)(b), F.A.C. – A licensee or registrant shall not deny access to association records.

<u>First Offense</u>	<u>Reprimand</u>	<u>\$1000 fine; costs</u>
<u>Second Offense</u>	<u>\$500 fine; costs</u>	<u>\$2500 fine; one year suspension; one year probation; costs</u>
<u>Third Offense</u>	<u>One year probation; \$3000 fine; costs</u>	<u>One year suspension; two years probation; \$5000 fine; costs</u>

(o) Rule 61-20.503(6)(c), F.A.C. – A licensee or registrant shall not create false records.

<u>First Offense</u>		
<u>Second Offense</u>	<u>Reprimand; \$1000 fine; costs</u>	<u>One year suspension; two years probation; \$1000 fine; costs</u>
<u>Third Offense</u>	<u>One year suspension; two years probation; \$2500 fine; costs</u>	<u>Revocation; \$5000 fine; costs</u>
	<u>Two years suspension; two years probation; \$5000 fine; costs</u>	<u>Revocation; \$5000 fine; costs</u>

(p) Rule 61-20.503(6)(d), F.A.C. – A licensee or registrant shall not fail to maintain records.

<u>First Offense</u>		
<u>Second Offense</u>	<u>Reprimand</u>	<u>One year suspension; \$1000 fine; costs</u>
<u>Third Offense</u>	<u>\$500 fine; costs</u>	<u>Two years suspension; \$2500 fine; two years probation; costs</u>
	<u>One year suspension; two years probation</u>	<u>Revocation, \$5000 fine; costs</u>

(q) Rule 61-20.503(7), F.A.C. – Use funds for intended purpose.

<u>First Offense</u>	<u>\$1000 fine; costs</u>	<u>Revocation; \$5000 fine; costs</u>
<u>Second Offense</u>	<u>\$2500; two years probation; costs</u>	<u>Revocation; \$5000 fine; costs</u>
<u>Third Offense</u>	<u>One year suspension; two years probation; \$5000 fine; costs</u>	<u>Revocation; \$5000 fine; costs</u>

(r) Rule 61-20.503(8)(a), F.A.C. – Other license suspended, revoked, misconduct.

<u>First Offense</u>	<u>Two years probation</u>	<u>Revocation; \$5000 fine; costs</u>
<u>Second Offense</u>	<u>\$1000 fine; costs</u>	<u>Revocation; \$5000 fine; costs</u>
<u>Third Offense</u>	<u>\$2500 fine costs</u>	<u>Revocation; \$5000 fine; costs</u>

(s) Rule 61-20.503(8)(b), F.A.C. – Perform services requiring licensure without requisite licensure.

<u>First Offense</u>	<u>Reprimand</u>	<u>\$2500 fine; costs</u>
<u>Second Offense</u>	<u>\$1000 fine; costs</u>	<u>\$5000 fine; one year suspension; two years probation; costs</u>
<u>Third Offense</u>	<u>\$2500 fine; costs</u>	<u>Revocation; \$5000 fine; costs</u>

(t) Rule 61-20.503(8)(c), F.A.C. – Other licenses, reveal.

<u>First Offense</u>	<u>Reprimand</u>	<u>Reprimand; \$1000 fine; costs</u>
<u>Second Offense</u>	<u>\$500 fine; costs</u>	<u>One year suspension; two years probation; \$3000 fine; costs</u>
<u>Third Offense</u>	<u>\$1000 fine; costs</u>	<u>Revocation; \$5000 fine; costs</u>

(u) Rule 61-20.508(1), F.A.C. – Continuing Education.

<u>First Offense</u>	<u>Reprimand</u>	<u>One year probation; \$1000 fine; compliance; costs</u>
<u>Second Offense</u>	<u>\$250 fine; compliance within 60 days</u> <u>\$1000 fine; compliance within 60 days</u>	<u>Suspension until compliance; \$2500 fine; costs</u>
<u>Third Offense</u>		<u>One year suspension or until compliance, whichever is greater; \$5000 fine; compliance; costs</u>

(v) Rule 61-20.5083(5), F.A.C. – Continuing education audit, failure to respond.

<u>First Offense</u>		
<u>Second Offense</u>	<u>Reprimand</u>	<u>\$500 fine; costs</u>
<u>Third Offense</u>	<u>\$500 fine</u> <u>One year probation; \$2500 fine; costs</u>	<u>\$2500 fine; costs</u> <u>One year suspension; \$2500 fine; costs</u>

(w) Rule 61-20.003(2), F.A.C. – Practice through unregistered entity 3 months or less.

<u>First Offense</u>	<u>Reprimand</u>	<u>\$500 fine; costs</u>
<u>Second Offense</u>	<u>\$500 fine; costs</u>	<u>\$2500 fine; costs</u>
<u>Third Offense</u>	<u>One year probation; \$1000 fine; costs</u>	<u>One year suspension; \$5000 fine; costs</u>

(x) Section 455.271(1), F.S. – Practice on delinquent, inactive license.

<u>First Offense</u>	<u>Reprimand</u>	<u>\$100 per month fine</u>
<u>Second Offense</u>	<u>\$100 per month fine</u>	<u>\$2500 fine; costs</u>
<u>Third Offense</u>	<u>\$1000 fine; costs</u>	<u>Revocation; \$5000 fine; costs</u>

(y) Section 455.227(1)(c), F.S. – Being convicted or found guilty of a crime related to the practice of a licensee’s or registrant’s profession.

<u>First Offense</u>	<u>Reprimand</u>	<u>Revocation; \$5000 fine; costs</u>
<u>Second Offense</u>	<u>One year suspension; \$1500 fine; costs</u>	<u>Revocation; \$5000 fine; costs</u>
	<u>Two years suspension;</u>	<u>Revocation; \$5000 fine; costs</u>
<u>Third Offense</u>	<u>\$3000 fine; costs</u>	

(z) Section 455.227(1)(g), F.S. – Filing a false report or complaint with the department.

<u>First Offense</u>	<u>\$500 fine</u>	<u>One year suspension; \$3000 fine; costs</u>
<u>Second Offense</u>	<u>Two years probation; \$1000 fine; costs</u>	<u>Revocation; \$5000 fine; costs</u>
	<u>One year suspension; \$2500 fine; costs</u>	<u>Revocation; \$5000 fine; costs</u>

Third Offense

(aa) Section 455.227(1)(h), F.S. – Attempting, obtaining, or renewing a license by bribery or fraud.

<u>First Offense</u>	<u>\$1000 fine; costs</u>	<u>Revocation; \$5000 fine; costs</u>
<u>Second Offense</u>	<u>One year suspension; \$3000 fine; costs</u>	<u>Revocation; \$5000 fine; costs</u>
	<u>Two years suspension;</u>	<u>Revocation; \$5000 fine; costs</u>
<u>Third Offense</u>	<u>\$5000 fine; costs</u>	

(bb) Section 455.227(1)(i), F.S. – Failing to report any person in violation of this part or the chapter regulating the alleged violator.

<u>First Offense</u>	<u>Reprimand</u>	<u>One year suspension; \$3000 fine; costs</u>
<u>Second Offense</u>	<u>Reprimand; one year probation</u>	<u>Two years suspension; \$5000 fine; costs</u>
		<u>Revocation; \$5000 fine; costs</u>
<u>Third Offense</u>	<u>Reprimand; two years probation; costs</u>	

(cc) Section 455.227(1)(j), F.S. – Aiding, assisting, unlicensed persons or entity.

<u>First Offense</u>	<u>Reprimand</u>	<u>One year suspension; \$3000 fine; costs</u>
<u>Second Offense</u>	<u>\$1000 fine; costs</u>	<u>Two years suspension; two years probation; \$5000 fine; costs</u>
<u>Third Offense</u>	<u>One year suspension; one year probation; costs</u>	<u>Revocation; \$5000 fine; costs</u>

(dd) Section 455.227(1)(k), F.S. – Failing to perform any statutory or legal obligation placed on a licensee or registrant, if the obligation is not otherwise covered by this rule.

<u>First Offense</u>	<u>Reprimand</u>	<u>One year suspension; two years probation; \$3000 fine; costs</u>
<u>Second Offense</u>	<u>Reprimand</u>	<u>Two year suspension; two years probation; \$5000 fine; costs</u>
<u>Third Offense</u>	<u>Reprimand; \$500 fine; costs</u>	<u>Revocation; \$5000 fine; costs</u>

(ee) Section 455.227(1)(l), F.S. – Making a report that the licensee or registrant knows to be false, failing to file a required report.

<u>First Offense</u>	<u>\$500 fine; costs</u>	<u>Revocation; \$5000 fine; costs</u>
<u>Second Offense</u>	<u>\$1000 fine; costs</u>	<u>Revocation; \$5000 fine; costs</u>
<u>Third Offense</u>	<u>\$2500 fine; costs</u>	<u>Revocation; \$5000 fine; costs</u>

(ff) Section 455.227(1)(m), F.S. – Making deceptive, untrue, or fraudulent misrepresentations, trick or scheme, related to the practice or profession.

<u>First Offense</u>	<u>Reprimand; \$500 fine</u>	<u>Revocation; \$5000 fine; costs</u>
<u>Second Offense</u>	<u>One year probation; \$1000 fine; costs</u>	<u>Revocation; \$5000 fine; costs</u>
<u>Third Offense</u>	<u>One year suspension; two years probation; \$2500 fine; costs</u>	<u>Revocation; \$5000 fine; costs</u>

(gg) Section 455.227(1)(p), F.S. – Knowingly delegating or contracting for the performance of professional responsibilities.

<u>First Offense</u>	<u>Reprimand; costs</u>	<u>One year suspension; \$3000 fine; costs</u>
<u>Second Offense</u>	<u>Two years probation; \$500 fine; costs</u>	<u>Two years suspension; two years probation; \$5000; costs</u>
<u>Third Offense</u>	<u>One year suspension; two years probation; \$2500 fine; costs</u>	<u>Revocation; \$5000 fine; costs</u>

(hh) Section 455.227(1)(r), F.S. – Improperly interfering with an investigation or inspection authorized by statute, or within any disciplinary proceedings.

<u>First Offense</u>	<u>\$1000 fine</u>	<u>Revocation; \$5000 fine; costs</u>
<u>Second Offense</u>	<u>One year suspension; \$2500 fine; costs</u>	<u>Revocation; \$5000 fine; costs</u>
<u>Third Offense</u>	<u>Two years suspension; \$5000 fine; costs</u>	<u>Revocation; \$5000 fine; costs</u>

Specific Authority 455.2273(1) FS. Law Implemented 455.2273 FS. History—
New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tom Thomas, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

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: January 11, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 7, 2000 (the published Notice of Rule Development used 61-20.005 as the proposed rule number for this proposed rule)

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION	
Division of Florida Land Sales, Condominiums and Mobile Homes	
RULE TITLES:	RULE NOS.:
Accounting Records	61B-22.002
Budgets	61B-22.003
Guarantees of Common Expenses Under Section 718.116(9)(a)2., Florida Statutes	61B-22.004
Reserves	61B-22.005
Financial Reporting Requirements	61B-22.006
Transition Financial Statements;	
Turnover Audit	61B-22.0062

PURPOSE AND EFFECT: To implement the statutory changes in Chapter 2000-302, Laws of Florida, relating to multi-condominiums and financial reporting; conform the rules to new statutory references to reflect renumbering; and delete obsolete rules.

SUMMARY: This rule amendment conforms the rules to the statutory changes made in Chapter 2000-302, Laws of Florida, relating to multi-condominiums and financial reporting requirements. It also deletes obsolete rules.

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

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

SPECIFIC AUTHORITY: 718.111(13), 718.501(1)(f) FS.

LAW IMPLEMENTED: 718.111(6), (12)(a)11.,(13),(14), 718.112(2)(b)2.,(e),(f), 718.113, 718.115, 718.116(9), 718.301(4), 718.501(1)(f), 718.618 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., October 1, 2001

PLACE: Warren Building, Meeting Room #402, 202 Blount Street, Tallahassee, Florida 32399-1030

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. Written comments received after the hearing may not be considered.

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 workshop/hearing/meeting by contacting Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE FULL TEXT OF THE PROPOSED RULES IS:

61B-22.002 Accounting Records.

All associations shall maintain accounting records in sufficient detail to permit determination of the revenues and expenses or receipts and disbursements attributable to separate condominiums and operating and reserve funds. Multi-condominium associations shall maintain separate accounting records for the association and for each condominium operated by the association. Multicondominium associations created prior to July 1, 2000, that do not create

separate ownership interests of the common surplus of the association for each unit, as provided in Sections 718.104(4)(h) and 718.110(12), Florida Statutes, shall not maintain separate fund balances for the association, and shall allocate all association revenues and expenses to each condominium operated by the association pursuant to the provisions of each condominium's declaration.

Specific Authority 718.501(1)(f) FS. Law Implemented 718.111(12)(a)11., (14)(+5) FS. History—New 7-11-93, Formerly 7D-22.002, Amended 12-20-95,

61B-22.003 Budgets.

(1) through (3) No change.

(4) Multicondominium ~~Multi-condominium~~ associations. Multicondominium ~~Multi-condominium~~ associations shall comply with the following requirements:

(a) Provide a separate budget for each condominium operated by the association as well as for the association. Each such budget shall disclose:

1. Estimated expenses specific to a condominium such as the maintenance, deferred maintenance or replacement of the common elements of the condominium which shall be provided for in the budget of the specific condominium;

2. Estimated expenses of the association that are not specific to a condominium such as the maintenance, deferred maintenance or replacement of the property serving more than one condominium which shall be provided for in the association budget; and,

3. Multicondominium associations created after June 30, 2000, or that have created separate ownership interests of the common surplus of the association for each unit as provided in Sections 718.104(4)(h) and 718.110(12), Florida Statutes, shall include each unit's share of the estimated expenses of the association, referred to in subsection (2) of this rule, which shall be shown on the individual condominium budgets. Multicondominium associations created prior to July 1, 2000, that have not created separate ownership interests of the common surplus of the association for each unit as provided in Sections 718.104(4)(h) and 718.110(12), Florida Statutes, shall include eEach condominium's share of the estimated expenses of the association, referred to in subsection (2) of this rule, which shall be shown on the individual condominium budgets.

4. The budgets of multicondominium associations created after June 30, 2000 or of multicondominium associations that have created separate ownership interests of the common surplus of the association for each unit as provided in Sections 718.104(4)(h) and 718.110(12), Florida Statutes, shall show the estimated revenues of each condominium and of the association.

(b) Associations that operate separate condominiums in a consolidated fashion pursuant to Section 718.111(6), Florida Statutes, may utilize a single consolidated budget.

(5) No change.

Specific Authority 718.501(1)(f) FS. Law Implemented 718.111(6), 718.112(2)(e),(f), 718.113, 718.618 FS. History—New 7-11-93, Formerly 7D-22.003, Amended 12-20-95, _____.

61B-22.004 Guarantees of Common Expenses Under Section 718.116(9)(a)2., Florida Statutes.

(1) through (4) No change.

(5) Calculation of guarantor’s final obligation. The guarantor’s total financial obligation to the association at the end of the guarantee period shall be determined on the accrual basis using the following formula:

(a) The guarantor shall fund the total common expenses incurred during the guarantee period; less,

(b) The total regular periodic assessments earned by the association from the unit owners other than the guarantor during the guarantee period regardless of whether the actual level charged was less than the maximum guaranteed amount.

(c) If a guarantee pursuant to Section 718.116(9), Florida Statutes, existed within a multicondominium association created prior to July 1, 2000, the guarantor’s financial obligation to the association shall be calculated as provided in subsections (a) and (b) for each condominium in which the guarantee existed. If a guarantee pursuant to Section 718.116(9), Florida Statutes, existed within a multicondominium association created after June 30, 2000, or within a multicondominium association created prior to July 1, 2000, that has created separate ownership interests of the common surplus of the association for each unit as provided in Sections 718.104(4)(h) and 718.110(12), Florida Statutes, the guarantor’s financial obligation to the association shall include the amount calculated pursuant to Section 718.116(9)(c), Florida Statutes.

Specific Authority 718.501(1)(f) FS. Law Implemented 718.112(2)(b)2., 718.116(9) FS. History—New 7-11-93, Formerly 7D-22.004, Amended _____.

61B-22.005 Reserves.

(1) through (6) No change.

(7) Restrictions on use. In a multicondominium ~~multi-condominium~~ association, no vote to allow an association to use reserve funds for purposes other than that for which the funds were originally reserved shall be effective as to a particular condominium unless conducted at a meeting at which the same percentage of voting interests in that condominium that would otherwise be required for a quorum of the association is present in person or by proxy, and a majority of the total voting interests in that condominium, those present in person or by limited proxy, vote to use reserve funds for another purpose. Expenditure of unallocated interest income earned on reserve funds is restricted to any of the capital expenditures, deferred maintenance or other items for which reserve accounts have been established.

(8) Annual vote required to waive reserves. Any vote to waive or reduce reserves for capital expenditures and deferred maintenance required by Section 718.112(2)(f)2., Florida

Statutes, shall be effective for only one annual budget. Additionally, in a multicondominium ~~multi-condominium~~ association, no waiver or reduction is effective as to a particular condominium unless conducted at a meeting at which the same percentage of voting interests in that condominium that would otherwise be required for a quorum of the association is a majority of the voting interests in that condominium ~~are~~ present, in person or by proxy, and a majority of those present in person or by limited proxy vote to waive or reduce reserves.

~~(9) Developer voting restrictions. Prior to turnover the developer may cast votes to waive or reduce reserves during the association’s first two fiscal years only, beginning with the date of the recording of the declaration. In the case of a multi-condominium association this restriction applies to the association’s first two fiscal years beginning with the recording of the initial declaration. During any period that the developer is precluded from casting its votes to waive or reduce the funding of reserves, the approval of a majority of the non-developer voting interests present at a duly called meeting of the association shall be required in order to waive or reduce the funding of reserves. For multicondominium multi-condominium associations in which the developer is precluded from casting its votes to waive or reduce the funding of reserves, no waiver or reduction is effective as to a particular condominium unless conducted at a meeting at which the same percentage of non-developer voting interests in that condominium that would otherwise be required for a quorum of the association is a majority of the non-developer voting interests in that condominium are present, in person or by proxy, and a majority of those present in person or by limited proxy vote to waive or reduce reserves. After turnover, the developer may cast its votes to waive or reduce the funding of reserves.~~

Specific Authority 718.501(1)(f) FS. Law Implemented 718.112(2)(f), 718.618 FS. History—New 7-11-93, Formerly 7D-22.005, Amended 12-20-95, 1-19-97, _____.

61B-22.006 Financial Reporting Requirements.

(1) Basis of accounting. The financial statements required by ~~Rule 61B-22.006(10), Florida Administrative Code, and Sections 718.111(13) and 718.301(4), Florida Statutes, as well as financial statements voluntarily prepared in lieu of a financial report as provided in Section 718.111(13), Florida Statutes,~~ shall be prepared on the accrual basis using fund accounting in accordance with generally accepted accounting principles. Reviewed financial statements shall be reviewed in accordance with standards for accounting and review services and audited financial statements shall be audited in accordance with generally accepted auditing standards. Reviews and audits of an association’s financial statements shall be performed by an independent certified public accountant licensed by the Florida Board of Accountancy. As used in this rule the terms “generally accepted accounting principles,” “standards for

accounting and review services,” and “generally accepted auditing standards” shall have the same meaning as set forth in Chapter 61H1-20, Florida Administrative Code.

(2) Components. The financial statements required by Sections 718.111(13)(14) and 718.301(4), Florida Statutes, shall at a minimum include the following components:

- (a) Accountant’s or Auditor’s Report;
- (b) Balance Sheet;
- (c) Statement of Revenues and Expenses;
- (d) Statement of Changes in Fund Balances;
- (e) Statement of Cash Flows, ~~direct method~~; and
- (f) Notes to financial statements.

(3) Disclosure requirements. The financial statements required by Sections 718.111(13)(14) and 718.301(4), Florida Statutes, shall contain the following disclosures within the financial statements, notes, or supplementary information:

(a) The following reserve disclosures shall be made regardless of whether reserves have been waived for the fiscal period covered by the financial statements:

- 1. The beginning balance in each reserve account as of the beginning of the fiscal period covered by the financial statements;
- 2. The amount of assessments and other additions to each reserve account including authorized transfers from other reserve accounts;
- 3. The amount expended or removed from each reserve account, including authorized transfers to other reserve accounts;
- 4. The ending balance in each reserve account as of the end of the fiscal period covered by the financial statements;
- 5. The manner by which reserve items were estimated, the date the estimates were last made, the association’s policies for allocating reserve fund interest, and whether reserves have been waived during the period covered by the financial statements; and
- 6. If the developer has established converter reserves pursuant to Section 718.618(1), Florida Statutes, each converter reserve account shall be identified and include the disclosures required by this rule.

(b) The method by which income and expenses were allocated to the unit owners;

(c) The specific purpose or purposes of any special assessments to unit owners pursuant to Section 718.116(10), Florida Statutes, and the amount of each special assessment and the disposition of the funds collected;

(d) The amount of revenues and expenses related to limited common elements shall be disclosed when the association maintains the limited common elements and the expense is apportioned to those unit owners entitled to the exclusive use of the limited common elements; and,

(e) If a guarantee pursuant to Section 718.116(9), Florida Statutes, existed at any time during the fiscal year, the financial statements shall disclose the following:

- 1. The period of time covered by the guarantee;
- 2. The amount of common expenses incurred during the guarantee period;
- 3. The amount of assessments charged to the non-developer unit owners during the guarantee period;
- 4. The amount of the developer’s payments pursuant to the guarantee; and
- 5. Any financial obligation due to or from the developer resulting from the guarantee.

(4) Multicondominium ~~Multi-condominium~~ associations. Multicondominium ~~Multi-condominium~~ associations may present the financial statements required by Sections 718.111(13)(14) and 718.301(4), Florida Statutes, on a combined basis as long as the financial statements, notes, or supplementary information disclose the revenues, expenses, and changes in fund balance for each condominium, and the association, as applicable. The financial statements, notes, or supplementary information shall also disclose the revenues and expenses of the association ~~that~~ which are not directly associated with specified condominiums and the method used to allocate such expenses to the condominiums or units, as applicable. Additionally, the reserve disclosures required by this rule shall be presented separately for each condominium and for any association reserves not specifically identified with individual condominiums. The provisions of this rule shall apply to multicondominium financial reporting for fiscal periods ending on or after December 31, 2002. Earlier application of the provisions of this rule is permitted.

(5) Developer assessments. All financial reporting reports ~~and financial statements~~ required by Chapter 718, Florida Statutes shall disclose the assessment revenues from the developer separately from that of the non-developer unit owners.

(6) Financial reports required by Section 718.111(13)(b), Florida Statutes. The financial report required by Section 718.111(13)(b), Florida Statutes, shall meet the following requirements:

- ~~(a) The report shall be prepared on a cash basis;~~
- ~~(b) The report shall include the receipts and expenditures listed in Section 718.111(13);~~
- ~~(c) The report shall contain the reserve disclosures required by Rule 61B-22.006(3)(a), Florida Administrative Code; and,~~

~~(d)~~ If the association maintains limited common elements and the expense is apportioned to those units ~~owners~~ entitled to the exclusive use of the limited common elements the report shall contain the limited common element disclosures required by Rule 61B-22.006(3)(d), Florida Administrative Code.

~~(b)(e)~~ The financial reports of multicondominium ~~multi-condominium~~ associations shall separately disclose the following items:

1. The receipts and expenditures directly associated with specific condominiums; and
2. The receipts and expenditures of the association that are not directly associated with specific condominiums.

~~(7) Timing.~~

~~(a) Financial reports prepared pursuant to Section 718.111(13), Florida Statutes, as well as financial statements voluntarily prepared in lieu of a financial report as provided in Section 718.111(13), Florida Statutes, shall be mailed or delivered by the association to the unit owners within 60 days following the end of the fiscal or calendar year to which the statements relate or annually on such date as is otherwise provided in the association bylaws.~~

~~(b) Financial statements required by Rule 61B-22.006(10), Florida Administrative Code, shall be mailed or delivered by the association to the unit owners within 90 days following the end of the fiscal or calendar year to which the statements relate or annually on such date as is otherwise provided in the association bylaws.~~

~~(c) Financial statements required by Section 718.301(4)(c), Florida Statutes, shall be delivered by the developer to the association not more than 90 days after the date of the meeting at which the non-developer unit owners first elected a majority of the board of administration.~~

~~(8) Financial statements voluntarily prepared by the association in lieu of a financial report as provided in Section 718.111(13), Florida Statutes, may either be compiled, reviewed or audited. Financial statements required by Rule 61B-22.006(10), Florida Administrative Code, shall be compiled, reviewed or audited as provided by that rule.~~

~~(9) Effective date for financial reporting requirements. The provisions of this rule shall apply to the financial statements and financial reports of actual receipts and expenditures required by Chapter 718, Florida Statutes, for fiscal periods ending on or after December 31, 1993. Earlier application of the provisions of this rule is permitted.~~

~~(10) Financial Statements prepared in lieu of financial reports. Rather than providing the financial report specified in Section 718.111(13), Florida Statutes, associations operating more than 50 condominium units and having annual revenues of more than \$100,000 shall prepare and distribute to the unit owners a complete set of association financial statements meeting the requirements of this rule, unless this requirement is waived according to Section 718.111(14), Florida Statutes. The financial statements are not required to be filed annually with the division. The financial statements shall be compiled, reviewed, or audited depending on the total amount of annual revenues earned by the association as follows:~~

~~(a) Associations having annual revenues in excess of \$100,000 but less than \$200,000 shall, at a minimum, prepare compiled financial statements;~~

~~(b) Associations having annual revenues of at least \$200,000 but less than \$400,000 shall, at a minimum prepare reviewed financial statements; and~~

~~(c) Associations having annual revenues of \$400,000 or more shall prepare audited financial statements.~~

~~(11) Waiver of reporting requirements. The waiver of the requirement to provide compiled, reviewed, or audited financial statements is valid for one year only, and includes any vote to modify the association's obligations under this rule by allowing it to provide reviewed or compiled financial statements rather than audited financial statements or to provide compiled financial statements rather than reviewed financial statements.~~

~~(a) If the requirement for audited, reviewed, or compiled financial statements is waived the minimum report required shall be a financial report complying with Section 718.111(13), Florida Statutes, and Rule 61B-22.006(6), Florida Administrative Code.~~

~~(b) Prior to turnover the developer may cast votes to waive the audit requirement of paragraph (10)(c) of this rule during the association's first 2 fiscal years only, beginning with the date of the recording of the declaration. In a multi-condominium association this restriction applies to the period beginning with the recording of the initial declaration.~~

~~(7)(e) The minutes of the association shall reflect the number of votes cast by the membership to waive the requirement for audited, reviewed, or compiled financial statements and the type of financial reporting that the association will be preparing and disseminating to the membership.~~

~~(12) Association not precluded from exceeding standards. Nothing herein precludes an association from exceeding the requirements of this rule by requiring that financial statements be prepared rather than a financial report of actual receipts and expenditures, or that financial statements be reviewed or audited rather than compiled, or be audited rather than reviewed. Where the association's articles of incorporation, declaration of condominium, or bylaws impose such a requirement, however, the requirement may not be waived except as provided in those documents.~~

Specific Authority ~~718.111(13), 718.501(1)(f) FS. Law Implemented 718.111(12)(a)11.,(13),(14), 718.301(4), 718.501(1)(f) FS. History-New 7-11-93, Formerly 7D-22.006, Amended 12-20-95, 2-13-97,~~

61B-22.0062 Transition Financial Statements; Turnover Audit.

(1) through (2) No change.

Specific Authority ~~718.111(13), 718.501(1)(f) FS. Law Implemented 718.111(13),(14), 718.301(4)(c), 718.501(1)(f) FS. History-New 7-11-93, Formerly 7D-22.0062, Amended 12-20-95.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Jon Peet, Financial Examiner/Analyst Supervisor, Division of
 Florida Land Sales, Condominiums and Mobile Homes, 1940
 North Monroe Street, Tallahassee, Florida 32399-1030
 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: August 17, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: December 29, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

**Division of Florida Land Sales, Condominiums and Mobile
 Homes**

RULE TITLES: Definitions
 Advertising Material

RULE NOS.: 61B-37.001
 61B-37.002

PURPOSE AND EFFECT: To implement the statutory
 changes in Chapter 2000-302, Laws of Florida. Specifically,
 the rule changes will conform the rules to new statutory
 terminology and to the new partial deregulation of prior-review
 of timeshare advertising material.

SUMMARY: The proposed changes will conform the rules to
 statutory changes in Chapter 2000-302 as follows: replace the
 term "period" with "interest," throughout; change the DBPR
 form number of the Filing Statement for Advertising Material;
 remove the requirement that advertising material be filed "at
 least 10 days" prior to use; and add language indicating that
 advertising will be reviewed by the Division at the request of
 the developer.

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

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

SPECIFIC AUTHORITY: 721.26(6) FS.

LAW IMPLEMENTED: 721.11, 721.111, 721.075 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., October 1, 2001

PLACE: Warren Building, Meeting Room #402, 202 Blount
 Street, Tallahassee, Florida 32399-1030

Those persons who cannot attend in person may submit their
 comments in writing: Sharon Elzie, Division of Florida Land
 Sales, Condominiums and Mobile Homes, 1940 North Monroe

Street, Tallahassee, Florida 32399-1030, within 21 days of this
 notice. Written comments received after the hearing may not
 be considered.

Pursuant to the provisions of the Americans with Disabilities
 Act, any person requiring special accommodations to
 participate in this workshop/hearing/meeting is asked to advise
 the agency at least 48 hours before the
 workshop/hearing/meeting by contacting Sharon A. Elzie,
 Senior Management Analyst II, (850)488-1631. If you are
 hearing or speech impaired, please contact the agency by
 calling 1(800)955-8771.

THE FULL TEXT OF THE PROPOSED RULES IS:

61B-37.001 Definitions.

For purposes of Sections 721.075, 721.11, and 721.111,
 Florida Statutes, and these rules, the following definitions
 apply:

(1) through (4) No change.

(5) "Item" means a timeshare interest ~~time share period~~, a
 gift or prize premium, a product or service, or all of the above,
 as the context requires.

(6) "Lodging Certificates" means any promotion,
 arrangement, plan, scheme or other device, whether evidenced
 by contract, certificate, license, membership agreement,
 security, use agreement or otherwise, whereby a prospective
timeshare ~~time share~~ purchaser is offered complimentary or
 discounted accommodations or facilities at any hotel, motel,
 campground, timeshare ~~time share~~ resort or other similar
 establishment regardless of where located, except that lodging
 certificates shall not mean the offering of the complimentary or
 discounted use of accommodations or facilities at a timeshare
~~time share~~ project by a developer, seller or promotional entity
 in connection with the offer for sale of a timeshare interest
~~time share period~~ at such resort.

(7) through (10) No change.

Specific Authority 721.26(6) FS. Law Implemented 721.075, 721.11, 721.111
 FS. History--New 1-1-85, Formerly 7D-37.01, 7D-37.001, Amended 8-24-94,
 2-15-00,_____.

61B-37.002 Advertising Material.

(1) No change.

(2) The developer of the timeshare plan must ~~shall~~ file
~~with the division~~ all advertising material with the division,
 including prize and gift promotional offers, ~~at least 10 days~~
 prior to use, and shall accompany such filing with DBPR Form
 TS 6000-12, Filing Statement for Advertising Material,
 incorporated herein and effective _____ ~~2-15-00~~, a copy of
 which may be obtained at the address referenced in Rule
 61B-39.002(4). ~~Following receipt of advertising material the~~
~~division shall issue a notice informing the developer of the date~~
~~that the advertising material was filed with the division. At the~~
request of the developer, the division shall review the
advertising material and notify the developer of any

deficiencies within 10 days after the filing of advising the developer of specific deficiencies in the advertising material that must be corrected. Where additional or corrected material is submitted to modify previously filed advertising material, including advertising submitted in response to a deficiency notice from the division, such material must be filed with the division ~~at least 10 days~~ prior to use of the modified advertising material, ~~unless otherwise indicated by the division pursuant to paragraphs (b) and (c) of subsection (1) of Section 721.11, Florida Statutes.~~

(3) No change.

Specific Authority 721.11, 721.111, 721.26(6) FS. Law Implemented 721.11(4) FS. History--New 1-1-85, Formerly 7D-37.02, 7D-37.002, Amended 8-24-94, 2-13-97, 2-15-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Laura Glen, Chief, Bureau of Standards and Registration, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

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: August 17, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 29, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLE: Time-Share Solicitor Licensing and Fees
 PURPOSE AND EFFECT: To implement the statutory changes in Chapter 2000-302, Laws of Florida, all rules pertaining to the licensure of timeshare solicitors will be repealed.

RULE NO.: 61B-38.001

SUMMARY: The proposed changes delete all language in conformance with statutory changes in Chapter 2000-302, Laws of Florida.

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

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

SPECIFIC AUTHORITY: 721.26(6) FS.

LAW IMPLEMENTED: 721.20 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., October 1, 2001

PLACE: Warren Building, Meeting Room #402, 202 Blount Street, Tallahassee, Florida 32399-1030

Those persons who cannot attend in person may submit their comments in writing: Sharon Elzie, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. Written comments received after the hearing may not be considered.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-38.001 Time-Share Solicitor Licensing and Fees.

Specific Authority 721.20(2), 721.26 FS. Law Implemented 721.20, 721.26(2) FS. History--New 1-1-85, Formerly 7D-38.01, 7D-38.001, Amended 8-12-93, 2-16-94, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Laura Glenn, Chief, Bureau of Standards and Registration, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

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: August 17, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 29, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLES:	RULE NOS.:
Definitions	61B-39.001
Public Offering Statement and Purchase Agreement Requirements	61B-39.002
Filing of Single-Site Timeshare Plans	61B-39.003
Delivery of Single-Site Purchaser Public Offering Statements	61B-39.004
Filing of Multisite Timeshare Plans	61B-39.005

Delivery of Multisite Purchaser Public Offering Statements	61B-39.006
Public Offering Statement Amendments	61B-39.007
Filing and Delivery of Purchaser Public Offering Statements Through Alternative Media	61B-39.008

PURPOSE AND EFFECT: To implement the statutory changes in Chapter 2000-302, Laws of Florida: specifically, the proposed changes would: conform the rules to new statutory terminology; remove obsolete language pertaining to certain 1995 legislation; conform statutory references to reflect renumbering and deletion of unnecessary statutory disclosures; reflect a new effective date for changes to BPR form 513, Receipt of Timeshare Documents; renumber various Division forms; reflect deletion of surety bond previously required by statute relating to escrow agents; address consumer protection concerns regarding dissemination of CD-ROM public offering statements; and conform the rules to the new statutory provisions relating to purchaser cancellation periods.

SUMMARY: The proposed changes will conform the rules to statutory changes in Chapter 2000-302 as follows: delete the term "filed POS" and add the term "registered POS" to definitions; delete certain rules related to 1995 statutory changes that are no longer applicable; change DBPR form numbers; delete the surety bond requirement for escrow agents; add the requirement of a separate alternative media disclosure form that provides certain information related to alternative media; add a requirement that a copy of the executed alternative media disclosure statement be delivered to purchasers; and delete the rule related to developer's opinion as to whether an amendment is material and adverse.

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

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

SPECIFIC AUTHORITY: 721.07(6), 721.26(6) FS.

LAW IMPLEMENTED: 721.07, 721.55, 721.551 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., October 1, 2001

PLACE: Warren Building, Meeting Room 402, 202 Blount Street, Tallahassee, Florida 32399-1030

Those persons who cannot attend in person may submit their comments in writing: Sharon Elzie, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. Written comments received after the hearing may not be considered.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting: Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE FULL TEXT OF THE PROPOSED RULES IS:

61B-39.001 Definitions.

For purposes of Sections 721.07, 721.55, and 721.551, Florida Statutes, and these rules, the following definitions apply:

(1) "Alternative media" means any visually or audibly perceptible and legible display format which may require the use of a device or a machine to be viewed, including CD-ROM, microfilm, electronically transferred data, computer disk, computer or electronic memory, cassette tape, compact disk or video tape.

(2) "Any change to an approved filing" for purposes of Section 721.07(3)(a)1., Florida Statutes, means any actual or physical fact or circumstance which would render any part of the approved ~~registered~~ ~~filed~~ POS false or misleading, whether or not such fact or circumstance was within the developer's control.

(3) "Approved Amendment" for purposes of 721.07(3)(a)2., Florida Statutes, is an amendment, approved by the division, to that portion of the ~~registered~~ ~~filed~~ POS that constitutes the purchaser POS required to be delivered to an individual purchaser pursuant to Section 721.07(6), Florida Statutes, or Section 721.551, Florida Statutes, and these rules.

(4) "Approved by the division" for purposes of Chapter 61B-39 means that the division has approved the filing or amendment pursuant to Section 721.07, Florida Statutes.

(5) "Business days" for purposes of these rules means every day that is not a Saturday, Sunday, or holiday for employees of the State of Florida.

(6) "Days" shall be calculated in the following manner: The day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or legal holiday.

~~(7) "Filed POS" means a public offering statement which must be filed with the division pursuant to Section 721.07(5), Florida Statutes, or Section 721.55, Florida Statutes, and these rules.~~

~~(7)(8)~~ "Filed with the division" means that written materials have been received by the division in the Tallahassee, Florida, office and the date of receipt shall constitute the date of filing.

~~(8)~~⁽⁹⁾ “Initial purchase price” means the price of the timeshare period not including title insurance, maintenance fees, exchange company management fees, costs of recordation, documentary stamp fees, or other similar costs.

~~(9)~~⁽¹⁰⁾ “Notify,” for purposes of Sections 721.06(1)(f) and 721.065(2)(c), Florida Statutes, shall mean that a written notice of cancellation is delivered, by any means which may include certified mail return receipt requested, to the entity designated to receive the notice of cancellation in the statement required by Sections 721.06(1)(f) or 721.065(2)(c), Florida Statutes.

~~(10)~~⁽¹¹⁾ “Other required parties” means the timeshare purchasers, managing entity, the board of directors of the owners’ association, or similar person or entity.

~~(11)~~⁽¹²⁾ “Public Offering Statement” or “POS” means the public offering statement, as defined in Chapter 721 ~~written materials describing a single site timeshare plan or a multisite timeshare plan, including a text and any exhibits attached thereto as required by Sections 721.07, 721.55, and 721.551, Florida Statutes.~~ The terms “public offering statement” and “POS” shall refer to both a registered filed POS and a purchaser POS, unless these rules or the context requires otherwise.

~~(13)~~ “Purchaser POS” means that portion of the ~~filed POS which must be delivered to purchasers pursuant to Section 721.07(6), Florida Statutes, or Section 721.551, Florida Statutes, and these rules.~~

~~(12)~~⁽¹⁴⁾ “Receipt” or “received” for purposes of Sections 721.07(2), 721.07(3), and 721.55, Florida Statutes, means that an original hard copy has been physically received by the division in the format required by these rules. No other form of submission shall be considered received for purposes of these rules. A date-stamp shall be evidence of receipt.

~~(13)~~⁽¹⁵⁾ “Single-site” or “single-site timeshare plan” means a timeshare plan, as defined in Section 721.05, Florida Statutes, that is not subject to the requirements of Sections 721.55 or 721.551, Florida Statutes.

~~(14)~~⁽¹⁶⁾ “Specified deficiencies” means deficiencies which have been specified by reference to the statutory section or subsection violated, but the term does not require a reference to the paragraph or language of the statute violated or the means or language by which the statutory deficiency may be corrected.

~~(15)~~⁽¹⁷⁾ “Substantially complied” as used in Sections 721.07(5)(ii) and 721.55(5), Florida Statutes, means that:

(a) The information required in Section 721.07 or Section 721.55(5), Florida Statutes, or these rules if applicable, has been filed with the division;

(b) The information has been filed in the format required in these rules if applicable; and

(c) The purchasers have been furnished a purchaser POS pursuant to Section 721.07(6) or Section 721.551, Florida Statutes, and these rules.

Specific Authority 721.26(6) FS. Law Implemented 721.07, 721.55, 721.551 FS. History—New 5-8-94, Amended 6-12-96, 3-23-97, _____.

61B-39.002 Public Offering Statement and Purchase Agreement Requirements.

(1) Each registered filed public offering statement shall:

(a) Be paginated numerically in consecutive order within each tabbed section;

(b) Wherever possible, be printed on both sides of each page in 10-point size and on 8 1/2 x 11 paper;

(c) Be securely bound along the left margin, fastened between firm removable covers, and submitted in an expandable file folder;

(d) Contain a divider with a labeled tab between each prescribed portion of the POS corresponding to BPR form 503, Table of Contents to Multisite Public Offering Statement, effective 6-12-96, or DBPR Form TS 6000-9 ~~BPR form 515~~, Table of Contents to Single-Site/Component Site Public Offering Statement, effective _____, both incorporated herein by reference and ~~effective 6-12-96, as applicable~~, a copy of which may be obtained at the address referenced in Rule 61B-39.002(4); and

(e) Not contain conspicuous type except where required by statute or rule, or as permitted by the division pursuant to Section 721.07(5)(ii), Florida Statutes.

(2) All POS disclosures required to be in conspicuous type pursuant to statute or rule shall be made in bold font.

(3) The registered filed POS shall be submitted to the division in the English language and any reference, in an approval letter of the division, to the documents comprising the registered filed POS shall be to such documents in the English language. A developer may use non-English versions of the filed documents if: (i) any such document is an accurate translation of the English version that has been approved by the division, and (ii) the developer has identified each translated document in a completed, executed statement using the form prescribed in BPR form 511, Statement of Translation, incorporated herein by reference and effective 3-23-97, a copy of which may be obtained at the address referenced in Rule 61B-39.002(4). Upon request by the division, a developer shall promptly deliver to the division a copy of any translated document that has been or is being used in an offering.

(4) Where brackets [] appear on the forms referenced in these rules, the words or symbols between the brackets are intended to solicit any applicable information relevant to the developer. Copies of the forms referenced in these rules may be obtained by writing:

Division of Florida Land Sales, Condominiums
and Mobile Homes
Department of Business and Professional Regulation
Northwood Centre
1940 North Monroe Street
Tallahassee, Florida 32399-1032

(5) Approval by the division of a POS shall not be promoted to the public as an endorsement by the division of the developer or the timeshare plan or be used to induce the purchase of an interest in a timeshare plan.

(6) Within 30 days after recording any timeshare instrument, the developer shall provide the division with a copy of the recorded instrument.

(7) The division shall notify a developer within the first ten business days of the statutory review period prescribed in Sections 721.07(2)(a) and 721.07(3)(a)1., Florida Statutes, if a ~~registered filed~~ POS submitted to the division for review is not in the format required by these rules and if, by reason thereof, the ~~registered filed~~ POS is not considered "received" as defined in these rules and for purposes of beginning the statutory review period. If the Division does not so notify the developer, the statutory review period is not tolled during the first ten business days of the statutory review period.

(8) The substance of the definition of the term "notify" as defined in Rule 61B-39.001, Florida Administrative Code, shall be disclosed in the purchase agreement executed by a purchaser immediately following the space in the contract reserved for the signature of the purchaser, disclosed as a footnote to the disclosure required by Section 721.06(1)(f), or Section 721.065(2)(c), Florida Statutes.

~~(9) A developer shall not be required to amend the POS and purchase contract to include the disclosures set forth in Rule 61B-39.002(8), Florida Administrative Code, Section 721.06(1)(m), Florida Statutes, or Section 721.06(1)(n), Florida Statutes, until January 1, 1996. However, a developer may voluntarily make such amendment prior to January 1, 1996. Notwithstanding the foregoing, the developer must include such disclosures with any other amendment to the POS or purchase contract filed with the division prior to January 1, 1996.~~

~~(9)(10)~~ A developer of a multisite timeshare plan may combine the Receipt for Multisite Timeshare Documents for which a form is provided in Rule 61B-39.005 and the Receipt for Single-Site/Component Site Timeshare Documents for which a form is provided in Rule 61B-39.003 into a single Receipt for Timeshare Documents with respect to any one component site, provided that such developer follows the general format provided in the aforementioned forms and the resulting single form is approved by the division.

~~(10)(11)~~ It shall be a violation of Chapter 721, Florida Statutes, for any person to interfere with the delivery of a notice of cancellation by a purchaser.

Specific Authority 721.26(6), 721.07, 721.55, 721.551 FS. Law Implemented 721.06, 721.065, ~~721.03(1)(c)3, 721.07(2)(e), 721.55, 721.551, 721.03 FS., s. 66, Chapter 95-274, Laws of Florida.~~ History—New 6-12-96, Amended 3-23-97, _____.

61B-39.003 Filing of Single-Site Timeshare Plans.

(1) Each developer of a single-site timeshare plan shall file a single-site ~~registered filed~~ POS with the division pursuant to Section 721.07(5), Florida Statutes, and these rules. The single-site ~~registered filed~~ POS shall:

(a) Include all of the information and disclosures required in Section 721.07(5), Florida Statutes;

(b) Follow the filing format and forms prescribed in this rule; and

(c) Disclose any additional information prescribed in this rule.

(2) Every single-site ~~registered filed~~ POS must organize the required information and disclosures in the following manner and format:

(a) The first page shall be the cover page and shall contain the disclosures required in Section 721.07(5)(a), Florida Statutes;

(b) The next consecutive page(s) shall be the table of contents and shall list the POS text and exhibits of the POS by "Exhibit #", pursuant to Section 721.07(5)(c), Florida Statutes, as prescribed in ~~DBPR Form TS 6000-9 BPR form 515~~, Table of Contents to Single-Site/Component Site Public Offering Statement, referenced in Rule 61B-39.002. If any required exhibit is not applicable to a particular POS, the table of contents shall contain a notation to that effect where such exhibit would otherwise be described in the table of contents. However, such notations shall not cause a POS to deviate from either the order or numbering of presentation as prescribed in this rule;

(c) The next consecutive page(s) shall be the index and shall list the sections of the POS text with corresponding subject matter and page number, pursuant to Section 721.07(5)(c), Florida Statutes, as prescribed in ~~DBPR Form TS 6000-10 BPR form 516~~, Index to Single-Site/Component Site Public Offering Statement Text, incorporated herein by reference and effective _____ ~~6-12-96~~, a copy of which may be obtained at the address referenced in Rule 61B-39.002(4). If any required information or disclosure is not applicable to a particular POS, the index shall contain a notation to that effect where such information or disclosure would otherwise be described in the index. However, such notations shall not cause a POS to deviate from either the order or numbering of presentation as prescribed in this rule;

(d) The next consecutive page(s) shall be labeled "I. Definitions and Abbreviations" and shall list and define alphabetically any terms of art or abbreviations to be used. The terms and abbreviations used in the POS text shall be consistent with statutorily defined terms and shall not create ambiguity as to statutorily defined terms;

(e) The next consecutive page(s) shall be labeled “II. Required Disclosures” and shall contain any conspicuous type disclosures required by Chapter 721 or Chapter 718, Florida Statutes, as applicable, and contained in exhibits that will be provided to purchasers in the purchaser POS;

(f) The next consecutive page(s), if applicable, shall be labeled “IIA. Developer Disclosures” and shall contain all of the disclosures that the developer wishes to appear in a font or type size or style different than the font or type that is used in the overall POS text. For developer disclosures, the developer shall not use a font or type that is larger than the font or type used for conspicuous type disclosures.

(g) The next consecutive pages shall be labeled “III. Public Offering Statement Text” and shall contain the subject matter indicated by, and be organized by section according to, the Index to Public Offering Statement Text, and contain the information and disclosures required in Sections 721.07(5)(e)(~~gg~~)(~~hh~~), 721.55, Florida Statutes, in the following order:

1. Section 1.a. shall contain the information required in Sections 721.07(5)(e)1. and (e)2., Florida Statutes. In addition, Section 1.a. shall contain an itemization of the timeshare periods being offered by a successor or concurrent developer, specified by reference to unit and week numbers.

2. Section 1.b. shall contain the information required in Section 721.07(5)(e)3., Florida Statutes;

3. Section 2. shall contain the applicable disclosures and information required in Sections 721.07(5)(~~h~~)(~~i~~)1., (~~h~~)(~~i~~)2.a.-d., (~~h~~)(~~i~~)3., and (~~h~~)(~~i~~)4., Florida Statutes;

4. Section 3. shall contain the information required in Section 721.07(5)(~~f~~)4.~~5~~., Florida Statutes;

5. Section 4.a. shall contain the information required in Sections 721.07(5)(~~o~~)(~~g~~), 721.07(5)(~~w~~)(~~z~~), and 721.07(5)(~~aa~~), Florida Statutes;

6. Section 4.b. shall contain the information required in Section 721.07(5)(~~k~~)(~~t~~), Florida Statutes;

7. Sections 5.a., 5.b., and 5.c. shall contain the information required in Sections 721.07(5)(~~f~~)1., (~~f~~)2., and (~~f~~)3., Florida Statutes, respectively;

a. Section 5.b. shall further contain the information required in Section 721.07(5)(~~r~~)(~~t~~), Florida Statutes, including whether the addition of undisclosed phases will change the purchaser’s pro rata interest in the common elements or pro rata share of common expenses, and whether the purchaser has the right of consent to such changes; and

b. Section 5.c. shall further contain the information required in Sections 721.07(5)(~~g~~)1.-(~~g~~)3.~~9~~., 721.07(5)(~~i~~)(~~h~~)1.-(~~h~~)6., and 721.07(5)(~~j~~), Florida Statutes, as applicable;

8. Section 5.a.(1) shall contain the information required in Section 721.07(5)(~~s~~)(~~u~~), Florida Statutes. If purchasers are not entitled to use specific timeshare periods the following additional information shall be disclosed:

i. Beginning and ending dates for the period during which a purchaser must make reservations; and

ii. In conspicuous type, any contingencies resulting in a purchaser’s loss of occupancy rights including whether a purchaser is required to pay estimated, further assessments prior to obtaining the right to make a reservation;

9. Section 5.d. shall contain the information required in Section 721.07(5)(~~n~~)(~~e~~), Florida Statutes;

10. Section 5.e. shall contain the information required in Section 721.07(5)(~~aa~~)(~~ww~~), Florida Statutes;

11. Section 5.f. shall contain the information required in Section 721.07(5)(~~l~~)(~~ee~~), and (5)(~~t~~), Florida Statutes;

12. Section 5.g. shall contain the information required in Sections 721.07(5)(~~m~~)(~~f~~)4. and (5)(~~p~~), Florida Statutes;

13. Section 5.h. shall contain the information required in Sections 721.07(5)(~~p~~)(~~m~~), and 5(~~v~~), Florida Statutes;

14. Section 5.i. shall contain the information required in Section 721.07(5)(~~n~~), Florida Statutes;

15. Section 5.j. shall contain the information and disclosure, if applicable, required in Section 721.07(5)(~~r~~), Florida Statutes;

16. Section 6. shall contain the information required in Section 721.07(5)(~~u~~)(~~x~~), Florida Statutes;

17. Section 7.a. shall contain the information required in Section 721.07(5)(~~z~~)(~~dd~~), Florida Statutes;

18. Section 7.b. shall contain the information required in Sections 721.07(5)(~~v~~), 721.07(5)(~~x~~), and 721.07(5)(~~y~~), (~~5~~)(~~bb~~), and (~~5~~)(~~ee~~), Florida Statutes;

19. Section 7.c. shall contain the information required in Section 721.07(5)(~~j~~)(~~k~~), Florida Statutes. If the developer does not own the real property underlying any particular accommodation or facility, the developer shall disclose the extent to which such accommodation or facility will be available to purchasers, including an explanation of any limitations, risk, or restrictions on availability. This disclosure shall not relieve the developer from complying with the financial assurance or non-disturbance requirements of Chapter 721, Florida Statutes, or these rules, where applicable;

20. Section 7.d. shall contain the information required in Sections 721.07(5)(~~q~~)(~~s~~)1. and (~~q~~)(~~s~~)2., Florida Statutes; and

21. Section 8. shall contain the information required in Section 721.07(5)(~~bb~~)(~~ff~~), Florida Statutes;

(h) The next consecutive page(s) shall contain the POS exhibits tabbed and labeled by “Exhibit #”, as previously listed pursuant to subsection (2)(b) of this rule or required pursuant to Section 721.07(5), Florida Statutes, including:

1. An exhibit containing the form receipt for timeshare documents to be furnished to purchasers as prescribed in DBPR Form TS 6000-7 BPR form 513, Receipt for Timeshare Documents, incorporated herein by reference and effective 6-12-96, a copy of which may be obtained at the address referenced in Rule 61B-39.002(4); and

2. A description of exhibits that will not be provided to purchasers.

(3) The indexes and POS text may contain additional subsections which subdivide the required information in a more individualized fashion and may reference additional exhibits, numbered consecutively after the exhibits mandated in this rule.

(4) The single-site registered filed POS shall be accompanied by the following completed and executed forms and documents, where applicable:

(a) DBPR Form TS 6000-6 BPR form 512, Single-Site/Component Site Timeshare Filing Statement, incorporated herein by reference and effective _____ ~~6-12-96~~;

(b) DBPR Form TS 6000-8 BPR form 514, Certificate of Identical Documents, incorporated herein by reference and effective _____ ~~6-12-96~~, a copy of which may be obtained at the address referenced in Rule 61B-39.002(4);

(c) A fully executed escrow agreement ~~and the original of a faithful performance surety bond, pursuant to Section 721.05(13), Florida Statutes~~, demonstrating that the developer has established an escrow account with an independent escrow agent pursuant to Section 721.08, Florida Statutes;

(d) Pursuant to Section 721.07(5)(~~ee~~)(~~gg~~), Florida Statutes, other documents or information that the seller wishes to include in the POS; and

(e) The correct filing fee.

(5) A copy of the single-site purchaser POS, prescribed in Rule 61B-39.004, Florida Administrative Code, shall not be required to be filed with the division as a separate document or exhibit, unless requested by the division pursuant to Section 721.07(5)(~~gg~~)(~~hh~~), Florida Statutes.

(6) The developer of a single-site timeshare plan, filed with the division prior to June 14, 1995 or amended after June 14, 1995, shall not be required to amend the single-site POS after the effective date of this rule in order to reorder, rearrange, re-subdivide or renumber information or exhibits or to modify or amend the font or style of required conspicuous type disclosures. Notwithstanding the foregoing, all disclosures required to be in conspicuous type shall remain in conspicuous type.

Specific Authority 721.26(6) FS. Law Implemented 721.05, 721.06(1)(g)(f), 721.07(5), 721.07(6), 721.52(4),(5), 721.53 FS. History—New 5-8-94, Amended 12-11-94, 6-12-96, _____.

61B-39.004 Delivery of Single-Site Purchaser Public Offering Statements.

(1) Pursuant to Section 721.07(6), Florida Statutes, a developer of a single-site timeshare plan shall deliver to every purchaser of the single-site timeshare plan a single-site purchaser POS, which shall contain all of the following:

(a) A copy of the single-site registered filed public offering statement text as prescribed in Section 721.07(5), Florida Statutes, and Rule 61B-39.003, Florida Administrative Code;

(b) A copy of the exhibits prescribed in Sections 721.07(5)(~~ff~~)(~~hh~~)1., 2., 4., 5., 8., and ~~16, 19~~, Florida Statutes, as applicable. Pursuant to Section 721.07(6)(b) and Section 721.07(5)(~~ff~~)(~~hh~~)19., Florida Statutes, if the single-site is one created as a tenancy-in-common, the purchaser shall receive the document or documents creating the tenancy-in-common, including at a minimum a Declaration of Covenants, Conditions and Restrictions; and

(c) Any other exhibit that the developer has filed with the division pursuant to Section 721.07(5), Florida Statutes, and Rule 61B-39.003, Florida Administrative Code, which the developer is not required but elects to include in the purchaser POS pursuant to Section 721.07(6)(d), Florida Statutes.

(2) In addition to the single-site purchaser POS, the developer shall deliver to the purchaser a copy of any document that the purchaser signs, including a copy of the executed purchase agreement, a copy of the executed alternative media disclosure statement prescribed in Rule 61B-39.008(1), Florida Administrative Code, and a copy of the executed receipt for timeshare documents prepared in accordance with DBPR Form TS 6000-7 BPR form 513, Receipt for Timeshare Documents, incorporated by reference in Rule 61B-39.003, Florida Administrative Code.

(3) Any document required to be an exhibit to the single-site purchaser POS pursuant to Section 721.07(6), Florida Statutes, and this rule is not required to include any underlying or supporting exhibits to such document.

(4) A developer shall deliver the single-site purchaser POS as prescribed in this rule in the same order as prescribed in Rule 61B-39.003, Florida Administrative Code, but may renumber the exhibits indicated on BPR Form 503, Table of Contents to Single-Site/Component Site Public Offering Statement, incorporated by reference in Rule 61B-39.002, Florida Administrative Code, to reflect only those exhibits that are being delivered to purchasers pursuant to Section 721.07(6), Florida Statutes. Accordingly, a developer may remove cross-reference in the purchaser POS text that refers to an exhibit that is not being delivered to the purchaser.

Specific Authority 721.26(6), 721.07(6) FS. Law Implemented 721.07(6) FS. History—New 6-12-96, Amended _____.

61B-39.005 Filing of Multisite Timeshare Plans.

(1) Each developer of a multisite timeshare plan pursuant to Section 721.07, Florida Statutes, shall file a multisite registered filed POS pursuant to Section 721.55, Florida Statutes, and these rules. The multisite registered filed POS shall:

(a) Include all of the information and disclosures required in Section 721.55, Florida Statutes;

(b) Follow the filing format and forms prescribed in this rule; and

(c) Disclose any additional information prescribed in this rule.

(2) Every multisite ~~registered~~ ~~filed~~ POS must organize the required information and disclosures in the following manner and format:

(a) The first page shall be the cover page and shall contain the disclosures required in Section 721.55(1), Florida Statutes;

(b) The next consecutive page(s) shall be the table of contents and shall list the sections of the POS by Exhibit #, pursuant to Section 721.55(3), Florida Statutes, as prescribed in BPR form 503, Table of Contents to Multisite Public Offering Statement, incorporated by reference in Rule 61B-39.002, Florida Administrative Code. If any required exhibit is not applicable to a particular filing, the table of contents shall contain a notation to that effect where such exhibit would otherwise be described in the table of contents. However, such notations shall not cause a filing to deviate from either the numbering or order of presentation as prescribed in this rule;

(c) The next consecutive page(s) shall be the index and shall list the sections of the POS text with corresponding subject matter and page number, pursuant to Section 721.55(3), Florida Statutes, as prescribed in DBPR Form TS 6000-4 BPR form 504, Index to Multisite Public Offering Statement Text, incorporated herein by reference and effective _____ ~~6-12-96~~, a copy of which may be obtained at the address referenced in Rule 61B-39.002(4). If any required information or disclosure is not applicable to a particular filing, the index shall contain a notation to that effect where such information or disclosure would normally be described in the index. However, such notations shall not cause a filing to deviate from either the order or numbering of presentation as prescribed in this rule;

(d) The next consecutive page(s) shall be labeled "I. Definitions and Abbreviations" and shall list and define alphabetically any terms of art or abbreviations to be used in the multisite POS text or exhibits. The terms and abbreviations used in the multisite POS text shall be consistent with statutorily defined terms and shall not create ambiguity as to statutorily defined terms;

(e) The next consecutive page(s) shall be labeled "II. Required Disclosures" and shall contain any conspicuous type disclosures required by Chapter 721, Florida Statutes, or Chapter 718, Florida Statutes, as applicable, and contained in exhibits that will be provided to purchasers in the purchaser POS;

(f) The next consecutive page(s), if applicable, shall be labeled "IIA. Developer Disclosures" and shall contain the disclosures, as approved by the division, that the developer wishes to appear in a font or type size or style different than the font or type that is used in the overall multisite POS text. For

developer disclosures, the developer shall not use a font or type that is larger than the font or type used for conspicuous type disclosures.

(g) The next consecutive pages shall be labeled "III. Public Offering Statement Text" and shall contain the subject matter indicated by, and be organized by section according to, the Index to Public Offering Statement Text, and contain the information and disclosures required in Section 721.55(4), Florida Statutes, in the following order:

1. Sections 1., 1.a., 1.b., 1.c., and 1.d. shall contain the information required in Section 721.55(4)(a), Florida Statutes;

2. Sections 2., 2.a., 2.b., and 2.c. shall contain the information required in Section 721.55(4)(b), Florida Statutes;

3. Sections 3., 3.a., 3.b., and 3.c. shall contain the information required in Sections 721.55(4)(c)1., (c)2., and (c)3., Florida Statutes;

4. Section 4. shall contain the information and conspicuous type disclosure required in Section 721.07(4)(d), Florida Statutes;

5. Section 5. shall contain the information required in Section 721.55(4)(e), Florida Statutes;

6. Sections 6., 6.a., 6.b., 6.c., 6.d. and 6.e. shall contain the information and conspicuous type disclosure required in Sections 721.55(4)(f)1.a., (f)1.b., and (f)1.c., Florida Statutes;

7. Sections 7., 7.a., 7.b., 7.c., 7.d. and 7.e. shall contain the information and conspicuous type disclosure required in Sections 721.55(4)(f)2.a. and (f)2.b., Florida Statutes;

8. Sections 8., 8.a., 8.b., 8.c., and 8.d. shall contain the information and conspicuous type disclosure required in Sections 721.55(4)(f)3., Florida Statutes;

9. Sections 9.a.(1)-a.(2) shall contain the information required in Section 721.55(4)(g)1., Florida Statutes;

10. Sections 9.b.(1)-b.(3) shall contain the information required in Section 721.55(4)(g)2., Florida Statutes;

11. Sections 10. and 10.a.-10.i. shall contain the information required in Section 721.55(4)(h)1.-7., Florida Statutes;

12. Section 11. shall contain the information and conspicuous type disclosure required in Section 721.55(4)(i), Florida Statutes;

13. Section 12. shall contain the conspicuous type disclosure required in Section 721.55(4)(j), Florida Statutes;

14. Section 13. shall contain the information required in Section 721.55(4)(k), Florida Statutes;

15. Sections 14.a.-14.d. shall contain the information required in Section 721.55(4)(l)1.-5., Florida Statutes. In describing each component site, the developer shall be permitted to include pictures, photographs, illustrations, sketches or other pictorial representations of each component site; provided, however, that such representations comply with the requirements of Section 721.553, Florida Statutes, and Section 721.26(5)(a)2., Florida Statutes;

16. Section 15. shall contain the conspicuous type disclosure required in Section 721.55(8)(b), Florida Statutes, if applicable; and

17. Section 16. shall contain, if applicable, the information permitted pursuant to Section 721.55(5), Florida Statutes, unless the division requests that such information be placed in another section of the multisite POS to ensure fair, effective, and meaningful disclosure.

(h) The next consecutive page(s) shall contain the multisite POS exhibits tabbed and labeled by "Exhibit #", as previously listed pursuant to subsection (2)(b) of this rule or required pursuant to Sections 721.55(7)(a)-(7)(k) and 721.55(5), Florida Statutes, including:

1. An exhibit containing the form receipt for timeshare documents to be furnished to purchasers as prescribed in DBPR Form TS 6000-7 BPR form 513, Receipt for Timeshare Documents, incorporated by reference in Rule 61B-39.003, Florida Administrative Code;

2. A description of exhibits that will not be provided to purchasers; and 3. An exhibit (consecutively numbered if more than one) for each component site whose accommodations or facilities are either located in this state or with respect to which a timeshare estate or specific timeshare license is offered in this state, pursuant to Section 721.55(7)(l), Florida Statutes. Each such exhibit shall consist of the registered filed POS for each such component site with contents and format as required for a single-site filed POS pursuant to Section 721.07(5), Florida Statutes, and Rule 61B-39.003, Florida Administrative Code;

(3) The indexes and POS text may contain additional subsections which arrange or subdivide the required information in a more individualized fashion and may reference additional exhibits, numbered consecutively after the exhibits mandated in this rule.

(4) Except for the information required by Section 721.55(4)(l), Florida Statutes, the multisite POS text may contain cross-references to information contained in a single-site POS text, attached as an exhibit to the multisite POS text, in lieu of repeating such information in the multisite POS text.

(5) The multisite registered filed POS shall be accompanied by the following completed and executed forms and documents, where applicable:

(a) BPR form 517, Multisite Timeshare Filing Statement, incorporated herein by reference and effective 6-12-96, a copy of which may be obtained at the address referenced in Rule 61B-39.002(4);

(b) DBPR Form TS 6000-8 BPR form 514, Certificate of Identical Documents, incorporated by reference in Rule 61B-39.003, Florida Administrative Code;

(c) A fully executed escrow agreement ~~and the original of a faithful performance surety bond, pursuant to Section 721.05(13), Florida Statutes,~~ demonstrating that the developer has established an escrow account with an independent escrow agent pursuant to Section 721.08;

(d) Pursuant to Section 721.55(6), Florida Statutes, other documents or information that the seller wishes to include in the POS as approved by the division;

(e) An affidavit or other evidence pursuant to Section 721.56(1), Florida Statutes, from each component site managing entity; and

(f) The correct filing fee.

(6) A copy of the multisite purchaser POS, prescribed in Rule 61B-39.004, Florida Administrative Code, shall not be required to be filed with the division as a separate document or exhibit, unless requested by the division pursuant to Section 721.55(5), Florida Statutes.

(7) In accordance with Sections 721.53 and 721.56, Florida Statutes, the reservation system facility of a multisite timeshare plan that must be the subject of a subordination and notice to creditors instrument includes any part of the reservation system without which the reservation system could not operate absent the acquisition of any necessary substitute part. Likewise, a terminated managing entity, that owns any part of the reservation system of a multisite timeshare plan must comply with the trust provisions of Section 721.56, Florida Statutes, when any part of the reservation system owned by the managing entity is a part without which the reservation system could not operate absent the acquisition of any necessary substitute part.

Specific Authority 721.26(6), 721.55 FS. Law Implemented 721.55 FS. History—New 5-8-94, Amended 12-11-94, 6-12-96, _____.

61B-39.006 Delivery of Multisite Purchaser Public Offering Statements.

(1) Pursuant to Section 721.551(2), Florida Statutes, a developer of a multisite timeshare plan shall deliver to every purchaser of the multisite timeshare plan a multisite purchaser POS, which shall contain all of the following:

(a) A copy of the multisite registered filed public offering statement text as prescribed in Section 721.55(1)-(6), Florida Statutes, and Rule 61B-39.005, Florida Administrative Code;

(b) If the purchaser will receive a timeshare estate or specific timeshare license in a component site located or sold in this state, the single-site purchaser POS with content and format as required by Section 721.07(6)(a) and (6)(b), Florida Statutes, and Rule 61B-39.004, Florida Administrative Code; and

(c) Any other exhibit that the developer has filed with the division pursuant to Section 721.55, Florida Statutes, and Rule 61B-39.005, Florida Administrative Code, which the developer elects to include pursuant to Section 721.551(2)(d), Florida Statutes.

(2) In addition to the purchaser POS, the developer shall deliver to the purchaser a copy of any document which the purchaser signs including a copy of the executed purchase agreement, a copy of the executed alternative media disclosure statement prescribed in Rule 61B-39.008(1), Florida Administrative Code, and a copy of the executed receipt for multisite timeshare documents prepared in accordance with DBPR Form TS 6000-7 BPR form 513, Receipt for Multisite Timeshare Documents, incorporated by reference in Rule 61B-39.003, Florida Administrative Code.

(3) Any document required to be an exhibit to the multisite purchaser POS pursuant to Section 721.551, Florida Statutes, and this rule is not required to include any underlying or supporting exhibits to that document.

(4) A developer shall deliver the multisite purchaser POS as prescribed in this rule in the same order as prescribed in Rule 61B-39.005, Florida Administrative Code, but may renumber the exhibit numbers indicated on BPR Form 503, Table of Contents to Multisite Public Offering Statement, incorporated by reference in Rule 61B-39.002, Florida Administrative Code, to reflect only those exhibits that are being delivered to purchasers pursuant to Section 721.551, Florida Statutes.

Specific Authority 721.26(6), 721.551(1) FS. Law Implemented 721.551 FS. History—New 6-12-96, Amended _____.

61B-39.007 Public Offering Statement Amendments.

(1) through (5) No change.

~~(6) The developer may indicate in the written statement required to be provided to the purchaser who has not closed, pursuant to Section 721.07(3)(b), Florida Statutes, the developer's opinion regarding the materiality of an amendment to the purchaser. The developer may indicate that the amendment does not materially alter or modify the offering in a manner which is adverse to the purchaser if the amendment consists only of one or more of the following:~~

~~(a) Any grammatical or typographical correction, or change in presentation or format, which does not affect the meaning of any provision of the approved POS, provided that the amended POS remains in compliance with the format requirements of these rules;~~

~~(b) Any substitution of an executed, filed or recorded copy of a document for the otherwise identical unexecuted, unfiled or unrecorded copy of the document contained in the approved POS;~~

~~(c) Any addendum or rider to the purchase agreement or other document in the approved POS required by a jurisdiction other than Florida if such addendum or rider does not conflict with the language or intent of Chapter 721, Florida Statutes;~~

~~(d) Any inclusion of updated information such as identification or description of:~~

~~1. The current officers and directors of the owners' association;~~

~~2. Phases added to the timeshare plan pursuant to the developer's reserved right as previously disclosed and the inclusion of the documents of the phase amendments;~~

~~3. The total number of units and timeshare periods currently in the timeshare plan;~~

~~4. Any action taken pursuant to any previously disclosed reserved right not arising under Section 718.110(4), Florida Statutes;~~

~~5. Improvements for which construction has been completed; or~~

~~6. Any transfer of control of the owners' association.~~

~~(e) Any inclusion of information which will have application only to prospective purchasers, including:~~

~~1. Increased closing costs for prospective purchasers;~~

~~2. Change of escrow agent; or~~

~~3. Change in the description of incidental benefits offered by the developer, if any.~~

~~(f) Any increase in the insurance coverage for the protection of the accommodations and facilities of the timeshare plan.~~

~~(g) Any inclusion of supplemental disclosure required by a jurisdiction other than Florida if such supplemental disclosure does not conflict with the language or intent of Chapter 721, Florida Statutes.~~

~~(h) Any biennial disclosure of average levels of occupancy as prescribed in Section 721.55(4)(c)3., Florida Statutes.~~

~~(i) Any change to a POS required by these rules or Chapter 721, Florida Statutes, for the purchase of reordering, rearranging, resubdividing or renumbering information or exhibits; modifying or amending font or style of required conspicuous type disclosures; or adding conspicuous type disclosures.~~

~~(6)(7) Notwithstanding the provisions of these rules, the written statement required by Section 721.07(3)(b), Florida Statutes, shall contain a disclosure in substantially the following language: "Under Florida law, you are entitled to void your purchase contract, within 10 days from receipt of this amendment, if the amendment materially alters or modifies the offering in a manner which is adverse to you."~~

~~(7)(8) Amendments which materially alter or modify the offering in a manner which is adverse to some, but not all, purchasers shall not be construed to confer a right to the 10-day voidability period on the purchasers who are not adversely affected. This rule shall not be construed to relieve any duty of the developer pursuant to Section 721.07(3)(a), Florida Statutes.~~

~~(8)(9) An approved amendment to any of the documents required by Rule 61B-39.004, Florida Administrative Code, to constitute the portion of the purchaser POS for one component site of a multisite timeshare plan shall be delivered to purchasers of only that particular component site pursuant to Section 721.07(3)(a)2., Florida Statutes, and these rules.~~

However, such amendment shall not be considered an approved amendment to the purchaser POS given to a purchaser at any other component site of the multisite timeshare plan.

~~(10) A developer of a single site or multisite timeshare plan who files an amendment to the POS with the division prior to January 1, 1996, for the purpose of complying with the requirements of Section 721.07(5) or Section 721.55, Florida Statutes, and these rules, may conduct closings based upon the delivery of a POS approved under Florida law as it existed prior to June 14, 1995, until such time as the division approves such amendment.~~

Specific Authority 721.26(6) FS. Law Implemented 721.07(3)(a), 721.06 FS. History—New 5-8-94, Amended 6-12-96,_____.

61B-39.008 Filing and Delivery of Purchaser Public Offering Statements Through Alternative Media.

(1) Developers may provide purchasers with the option of receiving all or any portion of a single-site or multi-site purchaser POS through alternative media in lieu of receiving the written materials in the format prescribed in Rule 61B-39.004 or 61B-39.006, Florida Administrative Code, as applicable. The purchaser’s choice of the delivery method shall be set forth in writing on a separate form which shall also disclose the system requirements necessary to view the alternative media, which form shall be signed by the purchaser. The form shall state that the purchaser should not select alternative media unless the alternative media can be viewed prior to the 10 day cancellation period. The alternative media disclosure statement shall be listed on the form receipt for timeshare documents in the manner prescribed in DBPR Form TS 6000-7 BPR form 513, Receipt for Timeshare Documents, or DBPR Form TS 6000-7 BPR form 513, Receipt for Multisite Timeshare Documents, as both of which are referenced in Rule 61B-39.003, Florida Administrative Code. If a portion, but not all, of the purchaser POS is delivered through the use of alternative media, then the developer shall identify in the purchaser POS table of contents and in the receipt for timeshare documents that information which appears in the alternative media and that information which appears in the written materials.

(2) The order and content of a single-site purchaser POS delivered through alternative media shall comply with Rule 61B-39.004, Florida Administrative Code, and the order and content of a multisite purchaser POS delivered through alternative media shall comply with Rule 61B-39.006, Florida Administrative Code.

(3) Prior to delivery of the purchaser POS through alternative media, the developer must submit to the division a copy of the purchaser POS through the alternative media proposed to be used by the developer together with an executed certificate, using the form prescribed in DBPR Form TS 6000-8 BPR form 514, the Certificate of Identical Documents, referenced in Rule 61B-39.003, Florida Administrative Code,

certifying that the portion of the purchaser POS delivered through the proposed alternative media is an accurate representation of and, where practical, identical to the corresponding portion of the written purchaser POS.

(4) The alternative media format used to display the purchaser POS may also contain materials in addition to the purchaser POS, such as advertising. In the event that alternative media contains material other than the purchaser POS, the location of the purchaser POS in the alternative media must be specifically and prominently identified in the alternative media.

(5) In the event that the developer amends the POS, the alternative media purchaser POS must also be amended to conform to such amendment, and the developer shall be required to file with the division an executed certificate, using the form prescribed in DBPR Form TS 6000-8 BPR form 514, Certificate of Identical Documents, referenced in Rule 61B-39.003, Florida Administrative Code, certifying that the portions of the purchaser POS set forth in alternative media are identical to the corresponding portions of the written purchaser POS, as amended.

Specific Authority 721.26(6) FS. Law Implemented 721.07(5),(6), 721.55, 721.551 FS. History—New 6-12-96, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Laura Glenn, Chief, Bureau of Standards and Registration, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

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: August 17, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 29, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLES:	RULE NOS.:
Definitions	61B-40.001
Scope	61B-40.002
Books and Financial Records; Fiscal Year	61B-40.003
Budgets	61B-40.004
Guarantee of Common Expenses Under Sections 718.116(9) and 721.15(2), Florida Statutes	61B-40.005
Reserves	61B-40.006
Funding Requirements and Restrictions on Use	61B-40.0061
Waiver of Reserves	61B-40.0062
Financial Reporting Requirements	61B-40.007

PURPOSE AND EFFECT: To implement the statutory changes in Chapter 2000-302, Laws of Florida, relating to multi-condominiums; conversion of existing improvements to a timeshare condominium form of ownership; conform the rules to new statutory references to reflect renumbering; and delete obsolete rules.

SUMMARY: This rule amendment conforms the rules to the statutory changes made in Chapter 2000-302, Laws of Florida, relating to multi-condominiums and the conversion of existing improvements to a timeshare condominium form of ownership. It also deletes obsolete rules.

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

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

SPECIFIC AUTHORITY: 718.111(13), 718.501(1)(f), 721.03(2), 721.13(3)(d)3., 721.26(6) FS.

LAW IMPLEMENTED: 718.104, 718.110(12), 718.111(6), (12)(a)11., 718.112(2)(f), 718.113(1), 718.115(2), 718.116(9), 718.403(6)(e), 721.03(3), 721.07(5)(u)3., 721.13(2)(a), (3)(c)1.,2.,(d)3., 721.15(2),(5) 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., October 1, 2001

PLACE: Warren Building, Meeting Room #402, 202 Blount Street, Tallahassee, Florida 32399-1030

Those persons who cannot attend in person may submit their comments in writing: Sharon Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. written comments received after the hearing may not be considered.

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 Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE FULL TEXT OF THE PROPOSED RULES IS:

61B-40.001 Definitions.

For purposes of Chapter 721, Florida Statutes, and Chapter 61B-40, Florida Administrative Code, the following definitions shall apply:

- (1) through (7) No change.

~~(8) “Multi-condominium association” means a single condominium association that is responsible for the operation of more than one condominium.~~

~~(9)(9) “Reserve fund balance” means the cumulative excess or deficit of reserve revenues over reserve expenses for a reserve category at a particular point in time.~~

~~(9)(10) “Reserves” means categories of funds, other than operating funds, that are restricted for deferred maintenance and capital expenditures, including the categories roof replacement, building painting, pavement resurfacing, replacement of unit furnishings and equipment and any other component of the facilities whose useful life is less than that of the overall structure, as required by Section 721.07(5)(u)(*)3., Florida Statutes. Funds that are not restricted as to use shall not be considered reserves within the meaning of this rule regardless of the label attached to such items.~~

~~(10)(11) “Timeshare condominium” means a condominium in which any unit is a “timeshare unit” as defined in Section 721.05, Florida Statutes.~~

Specific Authority 721.03(2)(*)3., 721.26(6), 718.501(1)(f) FS. Law Implemented 718.104, 721.03(3), 721.07(5)(u)(*)3., 721.13(3)(d)3.,4. FS. History–New 2-5-96, Amended _____.

61B-40.002 Scope.

These rules apply to all condominium and non condominium timeshare plans and to all units in any timeshare condominium. Chapter 61B-22, Florida Administrative Code, shall not apply to timeshare condominiums.

Specific Authority 718.501(1)(f), 721.03(2)(*)3., 721.26(6) FS. Law Implemented 721.03(2)(*)3. FS. History–New 2-5-96, Amended _____.

61B-40.003 Books and Financial Records; Fiscal Year.

(1) Maintenance of books and financial records. The books and financial records of every timeshare plan shall be maintained in sufficient detail to permit determination of the revenues and expenses attributable to separate component sites, condominiums, associations, categories of funds such as operating, reserve or property tax, and other revenue generating activities within a timeshare plan.

(2) Separate books and financial records required. Every managing entity shall maintain separate books and financial records as follows:

(a) If the common expenses of a component site are not common expenses of the multisite timeshare plan, the managing entity shall maintain books and financial records for such component site separately from the books and financial records of the multisite timeshare plan;

(b) The managing entity of a multicondominium ~~multi-condominium~~ timeshare plan shall maintain separate accounting books and financial records for the multi-condominium association and for each condominium operated by the association. Multicondominium associations created prior to July 1, 2000, that do not create separate ownership interests of the common surplus of the association

for each unit, as provided in Sections 718.104(4)(h) and 718.110(12), Florida Statutes, shall not maintain separate fund balances for the association, and shall allocate all association revenues and expenses to each condominium operated by the association pursuant to the provisions of each condominium's respective declaration;

(c) For timeshare plans engaged in activities that generate ~~nonassessment non-assessment~~ revenues, the managing entity shall maintain books and financial records in sufficient detail to permit the determination of the revenues and expenses of each such revenue generating activity.

(3) Fiscal year. Every timeshare plan shall establish a fiscal year and shall document the fiscal year in the books and records of the timeshare plan. Such fiscal year shall be the same as the budget year.

Specific Authority 718.501(1)(f), 721.03(2)(~~3~~), 721.13(3)(d)3., 721.26(6) FS. Law Implemented 718.111(12)(a)11., 721.13(3)(c)1., 721.13(3)(d) FS. History--New 2-5-96, Amended _____.

61B-40.004 Budgets.

(1) Required elements for estimated operating budgets. The proposed and adopted budget for each timeshare plan shall:

- (a) Be stated on an annual basis;
- (b) Disclose the fiscal year for which the budget will be in effect;
- (c) Show the total assessment for each use availability period or ownership interest according to its proportionate share of ownership or as allocated by the timeshare instrument, as applicable;
- (d) Include a good faith estimate of all revenues of the timeshare plan. Revenue classifications, such as interest, assessments, and other categories shall be shown separately. If applicable, the following items shall be included in the estimated revenues section of the budget:

- 1. Estimated non assessment revenues; and
- 2. Estimated common surplus as of the beginning of the period for which the budget will be in effect.

(e) Include a good faith estimate of all common expenses or expenditures of the timeshare plan including the categories set forth in Section 721.07(5)(u)(~~3~~), Florida Statutes. The following minimum reserve disclosures for proposed budgets are required:

- 1. Reserves for capital expenditures and deferred maintenance as required by Section 721.07(5)(u)(~~3~~), Florida Statutes, shall be included in the proposed annual budget, or as a separate reserve budget, stating each such reserve category for capital expenditures and deferred maintenance as a separate line item and with the following minimum disclosures:
 - a. The total estimated useful life of the asset;
 - b. The estimated remaining useful life of the asset;
 - c. The estimated replacement cost or deferred maintenance expense of the asset;

d. The estimated fund balance of the asset as of the beginning of the period for which the budget will be in effect; and

e. The developer's total funding obligation, as if all timeshare periods are sold, for each converter reserve account established pursuant to Section ~~721.03(3)(e) 718.618~~, Florida Statutes, if applicable.

2. Categories of expense that are restricted as to use shall be stated in the reserve portion of the budget. Categories of expense that are not restricted as to use shall be stated in the operating portion of the budget.

(f) Include estimated common deficits as of the beginning of the period for which the budget will be in effect as a separate line item of the budget.

(2) through (5) No change.

(6) Multicondominium ~~Multi-condominium~~ timeshare plans. The managing entity of a multicondominium ~~multi-condominium~~ timeshare plan shall:

(a) Provide a separate schedule of estimated expenses specific to each condominium such as the maintenance, deferred maintenance, repair or replacement of the common elements of that condominium;

(b) Provide a separate schedule of estimated expenses of the association that are not specific to a condominium such as the maintenance, deferred maintenance, repair or replacement of the property serving more than one condominium;

(c) Multicondominium associations, created after June 30, 2000, or multicondominium associations that have created separate ownership interests of the common surplus of the association for each purchaser as provided in Sections 718.104(4)(h) and 718.110(12), Florida Statutes, shall include the estimated common surplus of the association and the condominium as a line item in the revenue section of the respective budgets; and

(d)(~~e~~) Multicondominium associations created after June 30, 2000, or multicondominium associations that have created separate ownership interests of the common surplus of the association for each purchaser as provided in Sections 718.104(4)(h) and 718.110(12), Florida Statutes, shall include each purchaser's share of the estimated expenses of the association, referred to in subsection (b) of this rule, which shall be shown on the individual condominium budgets. Multicondominium associations created prior to July 1, 2000, that have not created separate ownership interests of the common surplus of the association for each purchaser as provided in Sections 718.104(4)(h) and 718.110(12), Florida Statutes, shall disclose each condominium's share of the estimated expenses of the association, as referenced in subsection (b) of this rule.

(7) through (10) No change.

Specific Authority 718.501(1)(f), 721.03(2)(~~3~~), 721.13(3)(d)3., 721.26(6) FS. Law Implemented 718.111(6), ~~718.112(2)(e)~~, 718.112(2)(f), 718.113(1), 718.115(2), 718.403(6)(e), 721.03(3), 721.07(5)(u)(~~3~~), 721.13(2)(a), 721.15(2), 721.15(5) FS. History--New 2-5-96, Amended _____.

61B-40.005 Guarantee of Common Expenses Under Sections 718.116(9) and 721.15(2), Florida Statutes.

(1) through (4) No change.

(5) Calculation of guarantor's final obligation. The guarantor's total financial obligation at the end of the guarantee period shall be determined on the accrual basis. Such financial obligation shall not be reduced by contributions of real or personal property. The guarantor shall fund the total common expenses incurred during the guarantee period including the full funding of reserves as included on the adopted budget, less the following items:

(a) Depreciation expense on real property;

(b) Depreciation expense on personal property contributed by the guarantor; and

(c) For guarantee agreements established on or subsequent to June 14, 1995, and for guarantee agreements established prior to June 14, 1995 in which no method for calculating the guarantee was specified, the total revenues of the timeshare plan regardless of whether the actual level of assessments was less than the maximum guaranteed amount. For guarantee agreements established prior to June 14, 1995, in which a method for calculating the guarantee was specified, the maintenance assessment revenues of the timeshare plan regardless of whether the actual level of assessments was less than the maximum guaranteed amount.

(d) If a guarantee pursuant to Section 718.116(9) or Section 721.15(2), Florida Statutes, existed within a multicondominium association created prior to July 1, 2000, the guarantor's financial obligation to the association shall be calculated as provided in subsections (a) through (c) for each condominium in which the guarantee existed. If a guarantee pursuant to Section 718.116(9) or Section 721.15(2), Florida Statutes, existed within a multicondominium association created after June 30, 2000, or a multicondominium association that created separate ownership interests of the common surplus of the association for each purchaser as provided in Sections 718.104(4)(h) and 718.110(12), Florida Statutes, the guarantor's financial obligation to the association shall include the amount calculated pursuant to Section 718.116(9)(c), Florida Statutes.

Specific Authority 718.501(1)(f), 721.03(2)(~~3~~), 721.13(3)(d)3., 721.26(6) FS. Law Implemented 718.116(9), 721.15(2) FS. History—New 2-5-96, Amended _____.

61B-40.006 Reserves.

(1) Reserves required by statute. The proposed annual budget shall include the reserves required by Section 721.07(5)(u)(~~xx~~), Florida Statutes, for capital expenditures and deferred maintenance, including roofing, painting, paving, unit furnishings, and any other building components having a useful life that is less than that of the overall structure.

(2) Calculating reserves required by statute. Reserves for deferred maintenance and capital expenditures required by Section 721.07(5)(u)(~~xx~~), Florida Statutes, shall be calculated

using a formula that will provide funds equal to the total estimated deferred maintenance expense or total estimated replacement cost for an asset, over the remaining useful life of the asset. The amount of the current year funding for each reserve category shall be the sum of the following two calculations:

(a) If the fund balance of the reserve category is less than zero, the total estimated amount necessary to bring such negative reserve category balance to zero; and

(b) The total estimated deferred maintenance expense or total estimated replacement cost of the asset less the estimated balance of the reserve category as of the beginning of the period for which the budget will be in effect, the remainder of which shall be divided by the estimated remaining useful life of the asset. The formula may consider factors such as inflation and earnings on invested funds and may be adjusted each year for changes in estimates and deferred maintenance performed during the year.

(3) Estimating reserves when the developer is funding converter reserves. For the purpose of estimating non converter reserves for condominium timeshare plans, the estimated fund balance of the non converter reserve account related to any asset for which the developer has established a converter reserve, pursuant to Section 721.03(3)(e) ~~718.618~~, Florida Statutes, shall be the sum of:

(a) The developer's total funding obligation for the converter reserve account, calculated as if all timeshare periods are sold; and

(b) The estimated fund balance of the non converter reserve account, excluding the developer's converter reserve obligation, as of the beginning of the period for which the budget will be in effect.

Specific Authority 718.501(1)(f), 721.03(2)(~~3~~), 721.26(6) FS. Law Implemented 721.03(3)(e) ~~718.618~~, 721.07(5)(u)(~~xx~~) FS. History—New 2-5-96, Amended _____.

61B-40.0061 Funding Requirements and Restrictions on Use.

(1) through (2) No change.

Specific Authority 721.03(2)(~~3~~), 721.26(6) FS. Law Implemented 721.03(3), 721.07(5)(u)(~~xx~~), 721.13(3)(c)2. FS. History—New 2-5-96.

61B-40.0062 Waiver of Reserves.

(1) Annual vote required to waive funding requirements. For condominium timeshare plans any vote to waive or reduce the funding of reserves required by Section 718.112(2)(f)2., or 721.07(5)(u)(~~xx~~), Florida Statutes, shall be effective for only one annual budget. In a multi-condominium association no waiver or reduction of the funding of reserves shall be effective as to a particular condominium unless:

(a) Conducted at a duly called meeting of the association;

(b) The same percentage of voting interests of the condominium as is otherwise required for a quorum of the association is ~~A majority of the voting interests in that condominium~~ are present, or represented by proxy; and

(c) A majority of those voting interests in that condominium that are present, or represented by proxy, vote to waive or reduce the funding of reserves.

~~(2) Developer voting restrictions for condominium associations. Prior to condominium association turnover, the developer may cast votes to waive or reduce the funding of reserves during the first two fiscal years only, beginning with the date of the recording of the condominium declaration. After the first two fiscal years, the approval of a majority of the non-developer voting interests present or represented by proxy at a duly called meeting of the association is required in order to waive or reduce the funding of reserves. For multi-condominium associations, a majority of the non-developer voting interests of a particular condominium must be present or represented by proxy and the approval of a majority of such voting interests is required in order to waive or reduce the funding of reserves related to that condominium. After turnover, the developer may again cast its votes to waive or reduce the funding of reserves.~~

~~(2)(3)~~ Waivers prohibited for non condominium timeshare plans. For noncondominium timeshare plans, reserves required by Section 721.07(5)(u)(~~xx~~), Florida Statutes, shall be included on the proposed annual budget and shall not be waived or reduced.

Specific Authority 718.501(1)(f), 721.03(2)(~~3~~), 721.26(6) FS. Law Implemented 718.112(2)(f), 721.03(3), 721.07(5)(u)(~~xx~~) FS. History—New 2-5-96, Amended _____.

61B-40.007 Financial Reporting Requirements.

(1) through (2) No change.

(3) Multicondominium ~~Multi-condominium~~ associations. For multicondominium ~~multi-condominium~~ associations, the audited financial statements required by Sections 718.301(4)(c) and 721.13(3)(e), Florida Statutes, may present the financial statement components on a combined basis as long as the financial statements, notes, or supplementary information disclose the revenues, expenses, and changes in fund balance for each condominium and the association, as applicable. Additionally, the financial statements, notes, or supplementary information shall disclose the following:

(a) The revenues and expenses of the association not directly related to any specific condominium and the method used to allocate such expenses to the purchasers, or such condominiums, as applicable; and

(b) The reserve disclosures required by subsection (3)(a) of this rule, presented separately for each condominium and for any association reserves not directly related to any specific condominium.

(c) The provisions of this rule shall apply to multicondominium financial reporting for fiscal periods ending on or after December 31, 2002. Earlier application of the provisions of this rule is permitted.

(4) through (6) No change.

Specific Authority 718.501(1)(f), 721.03(2)(~~3~~), 721.26(6) FS. Law Implemented 718.111(13), ~~501(1)(j)~~, 718.301(4)(c), 721.03(3), 721.13(3)(e) FS. History—New 2-5-96, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Laura Glenn, Chief, Bureau of Standards and Registration, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

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: August 17, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 29, 2000

DEPARTMENT OF HEALTH

RULE TITLE: Registration Requirements, Fee
 RULE NO.: 64-2.001

PURPOSE AND EFFECT: Senate Bill 1558, effective July 1, 2001, established new Section 456.0375, F.S., requiring the Department of Health (DOH) to provide for the registration of all clinics, as defined by that section of Florida Statutes. To carry out its new statutory duty, DOH was granted rulemaking authority to implement the clinic registration program. Accordingly, DOH is proposing new Rule 64-2.001, F.A.C., to establish clinic registration procedures, along with the necessary form for filing, and a fee, estimated not to exceed the cost of administering and enforcing compliance with the new statute.

SUMMARY: Paragraph (a) of subsection (1) of proposed new Rule 64-2.001, F.A.C., requires every clinic as defined in Section 456.0375(1), F.S., (2001), to, within 60 days of October 1, 2001, or prior to the inception of the clinic's operation, register and maintain a valid registration with the Department of Health. Form DH-4130, necessary to accomplish such registration, is incorporated by reference. Paragraph (b) of the same subsection, requires that each clinic location be registered separately even though operated under the same business name or management; paragraph (1)(c), establishes that a clinic's registration expires automatically two (2) years after the date of its issuance; and paragraph (1)(d) requires that each clinic conspicuously display its registration certificate within the clinic so as to be readily visible to all patients. Finally, subsection (2) of the proposed new rule, establishes a \$150.00 fee to cover the cost of clinic registration.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES. None.

Any person who wishes to provide information regarding the 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: 456.0375 FS. (2001)

LAW IMPLEMENTED: 456.0375 FS. (2001)

THE DEPARTMENT OF HEALTH WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m. – 11:30 a.m., September 24, 2001

PLACE: Betty Easley Center, Capital Circle Office Center, 4075 Esplanade Way, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Gloria Wooden, (850)245-4124, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call Gloria Wooden using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

All written material received by the Department within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE DEPARTMENT WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, THEY WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, THEY MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane Orcutt, Bureau Chief, Health Care Practitioner Regulation, 4052 Bald Cypress Way, Bin C11, Tallahassee, FL 32399-3261

THE FULL TEXT OF THE PROPOSED RULE IS:

CLINIC REGISTRATION

64-2.001 Registration Requirements, Fee.

(1) Registration Requirements.

(a) Effective October 1, 2001, every clinic as defined in s. 456.0375(1), F.S., must, within 60 days, or prior to the inception of the clinic's operation, register and maintain a valid registration with the Department of Health. Such registration shall be accomplished by filing Form DH-4130, with the

department. Form DH-4130, effective 8/01, is hereby adopted and incorporated by reference, and can be obtained from the Department of Health, Bureau of Facility Programs, at: 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1710.

(b) Each clinic location shall be registered separately even though operated under the same business name or management.

(c) A clinic's registration expires automatically two (2) years after the date of its issuance.

(d) A clinic's registration certificate must be displayed in a conspicuous location within the clinic so as to be readily visible to all patients.

(2) Fee. The cost of registration shall be \$150.00.

Specific Authority 456.0375 FS. Law Implemented 456.0375 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane Orcutt, Bureau Chief, Health Care Practitioner Regulation, 4052 Bald Cypress Way, Bin C11, Tallahassee, FL 32399-3261

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Orcutt, Bureau Chief, Health Care Practitioner Regulation, 4052 Bald Cypress Way, Bin C11, Tallahassee, FL, 32399-3261

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 28, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE FAW: The Notice of Rule Development was originally published as a rule development for Rule 64B-5, in the August 17, 2001 issue of the Florida Administrative Weekly, Vol. 27, No. 33

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE TITLE: RULE NO.:

Physician Assistant Examination for 64B-1.015
 Graduates of Foreign Medical Schools

PURPOSE AND EFFECT: The Department of Health is repealing Rule 64B-1.015, F.A.C., because the format for the exam as indicated by this rule no longer exists.

SUMMARY: Rule 64B-1.015, F.A.C., is repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Has not been prepared regarding this proposed rule repeal.

Any person who wishes to provide information regarding 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: 458.347(7)(b)3. FS.

LAW IMPLEMENTED: 458.347(7)(b)3. FS.

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

All written material received by the Department within 21 days of the date of publication of this notice shall be made a part of the official record.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lucy Gee, Chief, Bureau of Operations, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-3260

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-1.015 Physician Assistant Examination for Graduates of Foreign Medical Schools.

Specific Authority 458.347(7)(b)3. FS. Law Implemented 458.347(7)(b)3. FS. History--New 7-5-99, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lucy Gee, Chief, Bureau of Operations, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-3260

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee, Chief, Bureau of Operations, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-3260

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 28, 2001

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Renewal Fees RULE NO.: 64B8-3.003

PURPOSE AND EFFECT: The proposed rule amendment is intended to increase renewal fees from \$350 to \$385.

SUMMARY: The proposed rule amendment increases renewal fees to \$385.

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

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

SPECIFIC AUTHORITY: 456.025, 458.309(1), 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.319, 458.345 FS.

LAW IMPLEMENTED: 456.025(1), 456.036(3), 458.319(1), 458.345(4) 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., October 3, 2001

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-3.003 Renewal Fees.

(1) No change.

(2) The following renewal fees are prescribed by the Board:

(a) Biennial renewal fee for physicians licensed pursuant to Sections 458.311, 458.3115, 458.3124, and 458.313, F.S., for physicians holding a limited license; and for physicians holding a medical faculty certificate as a distinguished medical scholar, a temporary certificate for practice in areas of critical need, a public psychiatry certificate, or a public health certificate shall be ~~\$350.00~~ \$385.00. However the following exceptions shall apply:

1. through 4. No change.

(b) No change.

Specific Authority 456.025, 458.309(1), 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.319, 458.345 FS. Law Implemented 456.025(1), 456.036(3), 458.319(1), 458.345(4) FS. History--New 12-5-79, Amended 10-24-85, Formerly 21M-19.03, Amended 12-4-86, 11-3-87, 5-24-88, 11-15-88, 11-12-89, 1-9-92, Formerly 21M-19.003, Amended 9-21-93, 4-14-94, Formerly 61F6-19.003, Amended 10-10-95, 6-24-96, 1-26-97, Formerly 59R-3.003, Amended 6-7-98, 8-11-98, 12-14-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 8, 2001

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

**Section III
Notices of Changes, Corrections and
Withdrawals**

DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-128.002	Definitions
4-128.011	Limits on Disclosure of Nonpublic Personal Financial Information to Nonaffiliated Third Parties
4-128.014	Exception to Opt-Out Requirements for Disclosure of Nonpublic Personal Financial Information for Service Providers and Joint Marketing

- 4-128.015 Exceptions to Notice and Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information for Processing and Servicing Transactions
- 4-128.017 When Authorization Required for Disclosure of Nonpublic Personal Health Information
- 4-128.020 Relationship to Federal Rules
- 4-128.024 Effective Date

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. 30, July 27, 2001, of the Florida Administrative Weekly. These changes are being made to address concerns expressed at the public hearing.

4-128.002

Sub-subparagraph (9)(b)2.b. is changed to read:

b. The licensee sells the consumer airline travel insurance or similar limited duration types of travel related insurance in an isolated transaction not involving a continuing policyholder relationship;

Paragraph (16)(a) is changed to read:

(16)(a)1. "Licensee" means all licensed insurers, producers and other persons licensed or required to be licensed, or authorized or required to be authorized, or registered or required to be registered pursuant to the Florida Insurance Code.

2. "Licensee" does not include persons or entities regulated pursuant to Chapter 634, Florida Statutes.

Subparagraph (16)(b)2. is changed to read:

(b)2. The licensee does not disclose any nonpublic personal information to any person, including the principal or its affiliates, unless in a manner permitted by this rule.

4-128.011

In Subparagraph (1)(c)1., the words, "most current" are changed to read, "last known."

4-128.014

In Subsection (2), reference to "subsection A" is changed to "subsection (1)".

4-128.015

Subsection (1) is changed to read:

(1) Exceptions for processing transactions at consumer's request. The requirements for initial notice in paragraph 4-128.005(1)(b), F.A.C., the opt out in Rules 4-128.008 and .011, F.A.C., and service providers and joint marketing in Rule 4-128.014, F.A.C., do not apply if the licensee discloses nonpublic personal financial information as necessary to effect, administer or enforce a transaction that a consumer requests or authorizes, or in connection with:

(a) Servicing or processing an insurance product or service that a consumer requests or authorizes;

(b) Maintaining or servicing the consumer's account with a licensee, or with another entity as part of a private label credit card program or other extension of credit on behalf of such entity;

(c) A proposed or actual securitization, secondary market sale (including sales of servicing rights) or similar transaction related to a transaction of the consumer; or

(d) Reinsurance or stop loss or excess loss insurance.

In order for an agent to shop coverage initially and at renewal, the attempted placement of coverage must be authorized by the consumer. In connection with the initial application for coverage, a consumer's request that the agent obtain insurance coverage satisfies this requirement; however, in order to provide customer information to appointing insurers in connection with policy renewals, an agent must have obtained specific authorization from the customer, which may be obtained upon initial application for coverage.

4-128.017

Subsection (1) is changed to read:

(1) Except as provided in subsections (2) and (3) of this rule, a licensee shall not disclose nonpublic personal health information about a consumer or customer unless an authorization is obtained from the consumer or customer whose nonpublic personal health information is sought to be disclosed.

New paragraph (2)(ff) is added to read:

(ff) Disclosure of information obtained by a licensee to a hospital, physician, or other medical care provider in connection with the provision of health care services to a customer of the licensee.

Paragraph (ff) is renumbered as (gg).

4-128.020

Subsection (2) is changed to read:

(2) Effective April 14, 2003, with respect to health insurance coverage issued by a health insurer or contracts issued by a health maintenance organization, such licensees must be in actual compliance with the Health and Human Services rules in order to be considered in compliance with this Part. As of such date, any other licensee that would satisfy the requirements of the HHS rules if it were subject to such rules will be considered to be in compliance with this part.

4-128.024

Subsection (1) is changed to read:

(1)(a) Not later than 30 days following the effective date of Emergency Rules 4ER01-1 through 22, each licensee shall provide an initial notice, as required by Rule 4-128.005, F.A.C., to consumers who are the licensee's customers on July 1, 2001.

(b) Example. A licensee provides an initial notice to consumers who are its customers on July 1, 2001, if, by July 31, 2001, the licensee has established a system for providing an initial notice to all new customers and has mailed the initial notice to all the licensee's existing customers.

The remainder of the rule reads as previously published.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

Table with 2 columns: RULE NOS. and RULE TITLES. Rows include 9B-1.0211 (Change of Manufacturer's Status) and 9B-1.0221 (Manufacturer Obligations Upon Sale of Building).

NOTICE OF CORRECTION

The above-referenced rule was noticed March 23, 2001, in Vol. 27, No. 12 of the Florida Administrative Weekly. Two rule numbers were incorrect and are being changed as follows: The number for Rule 9B-1.021 has been changed to 9B-1.0211; The number for Rule 9B-1.022 has been changed to 9B-1.0221.

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

Table with 2 columns: RULE CHAPTER NO. and RULE CHAPTER TITLE; and RULE NO. and RULE TITLE. Rows include 9B-3 (Florida Building Commission: Operational Procedures) and 9B-3.047 (State Building Code Adopted).

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 31, August 3, 2001, issue of the Florida Administrative Weekly:

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

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

(2) The Florida Product Approval System as approved by the Florida Building Commission on August 29th, 2001, is hereby adopted and incorporated by reference. The Product Approval System shall establish procedures by which products, systems and methods of construction demonstrate compliance with the Florida Building Code. Copies of the Florida Product Approval System may be obtained by writing to the Codes and Standards Section, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

(2)(3) No change.

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

NOTE 1: The following sections of the Florida Building Code were changed as a result of public comments received at the rule making hearing on August 28, 2001:

Volume Building:

Chapter 1, Administration

The following sections are amended in the Code: 104.5.4 (Work starting before permit issuance) and 104.6.2 (Work commencing before permit issuance).

Chapter 4, Special Occupancy

The following sections are amended in the Code: 4.1 (General), 419 (Hospitals and Intermediate Residential Treatment Facilities), 420 (Nursing Homes), 421 (Ambulatory Surgical Centers), 422 (Birthing Centers), 423 (State Requirements for Educational Facilities), 424 (Swimming Pools and Bathing Places), 425 (Public Lodging Establishments), 426 (Public Food Service Establishments), 427 (Crisis Stabilization Units), 428 (Manufactured Buildings), 429 (Boot Camps for Children), 433 (Adult Day Care), 434 (Assisted Living Facilities), and 435 (Control of Radiation Hazards).

Chapter 10, Means of Egress

The following section and table are amended in the Code: 1003.2.7 (change in level) and Table 1004 (Travel Distance, Dead-end Length, Exit and Means of Egress Width).

Chapter 11, Florida Accessibility Code for Building Construction

The following figures are amended in the Code: Figure 28 (Clear Floor Space at Water closets - not in stall) and Figure 30(e) (Toilet Stall New Construction).

Chapter 12, Interior Environment

The following section is amended in the Code: 1203.2.6 (ceiling height)

Chapter 15, Roof Assemblies and Rooftop Structures

The following section is amended in the Code: 1521.9 (roofing system)

Chapter 16, Structural Loads

The following table is amended in the Code: Table 1604.6 (Minimum Roof Live Load)

Chapter 17, Structural Tests and Inspections

The following section is amended in the Code: 1707.4.2 (Exterior Windows and Glass Doors)

Chapter 24, Glass and Glazing

The following section is amended in the Code: 2411.3.2 (Tests)

Chapter 31, Special Construction is amended.

Chapter 34, Existing Buildings

The following section is amended in the Code: 3401.1 (Exception)

Chapter 35, Reference Standards is revised.

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

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: 8:35 a.m., October 2, 2001
 PLACE: Rosen Centre Hotel, 9840 International Drive, Orlando, Florida

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

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

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER NO.: 9B-3
 RULE CHAPTER TITLE: Florida Building Commission Operational Procedures
 RULE NO.: 9B-3.050
 RULE TITLE: Statewide Amendments to the Florida Building Code

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. 31, August 3, 2001 issue of the Florida Administrative Weekly:

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

(4) For the purpose of amending the Florida Building Code ~~as provided in subsections (1) and (2), the yearly amendment cycle shall run from July 1 to June 30. Except as provided in subsection (2),~~ each proposed amendment to the Florida Building Code shall be submitted ~~by July 1~~ on the form adopted by, and include the information required by, Rule

9B-3.047(6), F.A.C., through the Building Code Information System at www.floridabuilding.org. ~~Proposed amendments submitted after July 1 will not be considered in the current amendment cycle, but may be resubmitted for the following amendment cycle.~~

(9) Each amendment approved for adoption by the Florida Building Commission ~~on or before December 31~~ shall take effect no earlier than three months after the rule amendment is filed for adoption with the Department of State on July 1 of the following year.

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: 8:30 a.m., October 2, 2001
 PLACE: Rosen Centre Hotel, 9840 International Drive, Orlando, Florida

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824 at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

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

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER NOS.: 9B-72
 RULE CHAPTER TITLE: Product Approval
 RULE NOS.: 9B-72.010, 9B-72.030, 9B-72.040, 9B-72.050, 9B-72.060, 9B-72.070, 9B-72.080, 9B-72.090
 RULE TITLES: Definitions, Local Product Approval Generally, Product Evaluation for Local Approval, Approval by Local Jurisdiction, Statewide Product Approval Generally, Product Evaluation for Statewide Approval, Validation of Evaluation for Statewide Approval, Statewide Approval by Building Commission

9B-72.100	Approval of Entities to Perform Evaluation, Validation Testing, Certification and Quality Assurance
9B-72.110	Criteria for Certification of Independence
9B-72.120	List of Approved Entities
9B-72.130	Forms
9B-72.160	Revocation or Modification of Product Approval and Approval of Entities
9B-72.170	Investigation
9B-72.180	Equivalence of Standards
9B-72.190	Reference Standards

In response to these comments received by the Department Rule 12A-1.097, F.A.C., has been changed, so that, when adopted, it will read as follows:

12A-1.097 Public Use Forms.		
(1) No change.		
Form Number	Title	Effective Date
(2) through (17) No change.		
<u>(18)(a) DR-230</u>	<u>Entertainment Industry Qualified Production Company Application for Certificate of Exemption (r. 03/01)</u>	_____
<u>(b) DR-230N</u>	<u>Information and Instructions for Completing Entertainment Industry Qualified Production Company Application for Certificate of Exemption (r. 03/01)</u>	_____
<u>(c) DR-231</u>	<u>Certificate of Exemption for Entertainment Industry Qualified Production Company (n. 01/01)</u>	_____
<u>(d) DR-232</u>	<u>Application for Renewal or Extension of Entertainment Industry Exemption Certificate (N. 03/01)</u>	_____
<u>(e) DR-232N</u>	<u>Application for Renewal or Extension of Exemption Certificate Instructions (Form DR-232) (N. 03/01)</u>	_____
<u>(19)(18) No change.</u>		

NOTICE OF ADDITIONAL PUBLIC HEARING

The Florida Building Commission hereby gives notice that an additional public hearing on the above-referenced rule will be held on October 2, 2001 at 8:45 a.m. at the Rosen Centre Hotel, 9840 International Drive, Orlando, Florida. This hearing is being held to consider public comments and the Product Approval Ad Hoc Committee's recommendations regarding those public comments. The rule was originally published in Vol. 27, No. 31, of the August 3, 2001 issue of the Florida Administrative Weekly.

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

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

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.:	RULE TITLE:
12A-1.097	Public Use Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amendments to Rule 12A-1.097, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S., as originally published in the Florida Administrative Weekly on July 6, 2001 (Vol. 27, No. 27, pp. 3107-3109). These changes are in response to written comments received from the Joint Administrative Procedures Committee.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.08(5)(f),(g),(h),(n),(o),(15), 212.096, 212.17(6), 212.18(2),(3), 288.1258 FS. History—New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01,_____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

DOCKET NO. 98-08R

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
18-21	Sovereignty Submerged Lands Management
RULE NOS.:	RULE TITLES:
18-21.003	Definitions
18-21.004	Management Policies, Standards, and Criteria
18-21.900	Forms

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. 24, June 15, 2001, issue of the Florida Administrative Weekly:

18-21.003 Definitions.

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

(1) through (48) No change.

(b) Needs assessment profile in which the inmate's needs for academic education, vocational education, work experience, and substance abuse treatment are assessed and prioritized ~~Other classification or program criteria as determined by the department~~ to ensure security and optimal program placement.

(3) through (9) No change.

Specific Authority 944.09, 944.801 FS. Law Implemented 944.09, 944.801 FS. History—New _____.

DEPARTMENT OF CORRECTIONS

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

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 26, June 29, 2001 issue of the Florida Administrative Weekly:

33-501.301 Law Libraries.

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

(c) Inmates who are temporarily transferred to correctional or medical facilities outside the department may secure legal assistance and/or access to legal research materials by submitting a written request to the library services administrator in the central office, or the law library supervisor at the institution from which they were transferred. Inmates who are serving sentences imposed by the Florida courts by virtue of the Interstate Corrections Compact may secure legal assistance and/or access to legal research materials by writing the library services administrator in the central office. Correspondence should be directed to the Florida Department of Corrections, ATTN: Library Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(d) Law libraries shall provide interpreters for any language, other than English, native to five percent or more of the statewide inmate population. Such inmates at work camps and satellite correctional facilities shall be provided an opportunity to visit the law library within one week of submitting an oral ~~or written~~ request or Form DC6-236, Inmate Request, for legal assistance to the law library supervisor or other facility staff. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

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

of an oral ~~or written~~ request or Form DC6-236, Inmate Request, the law library supervisor shall schedule the inmate for a visit to the law library or a visit with a research aide.

(f) through (3)(d) No change.

(e) Inmates who are temporarily housed in institutional infirmaries or hospitals, or who are on medical or dental lay-in, and who are unable to visit the law library due to medical or treatment reasons, shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, to have the law library materials delivered to them, and to visit with research aides unless medical reasons prevent it. These inmates may secure legal assistance by contacting the law library supervisor. Upon receipt of an oral ~~or written~~ request or Form DC6-236, Inmate Request for legal assistance, or a referral from medical or dormitory staff, the law library supervisor shall assign a research aide to provide legal assistance to the inmate.

(f) through (4)(i) No change.

(5) Interlibrary Loan Services for Law Libraries.

(a) Major collection law libraries shall provide research assistance to minor and starter collections libraries and to inmates housed at correctional facilities without law libraries. On receipt of Form DC5-609, Law Library Interlibrary Loan Request ~~a written request for legal assistance~~, the law library supervisor shall immediately assign a research aide to provide assistance. Form DC5-609 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. All assistance that can be provided through use of that institution's major collection shall be completed within 3 working days of receipt, not including the day of receipt, ~~not including the day of receipt~~, except where the request requires the researching of complex or multiple legal issues or is so broad in scope that work can not be initiated without further information from the requesting inmate.

(b) ~~Minor and starter collection law libraries and inmates at correctional facilities without law libraries shall be provided research assistance by major collection law libraries.~~ Inmates ~~located at these facilities with minor collection law libraries,~~ who need access to legal research materials only available in major collection law libraries, ~~or who need research assistance,~~ shall submit Form DC5-609, Law Library Interlibrary Loan Request, ~~a written request~~ for the material or assistance to the law library supervisor ~~or to the chief correctional officer~~. Within two working days of receipt of Form DC5-609 ~~a written request~~, not including the day of receipt, the law library supervisor ~~or chief correctional officer~~ shall forward the request to the law library supervisor at a major collection law library for completion.

(c) Inmates at facilities with starter collection law libraries, who need access to legal materials in major or minor collection law libraries, shall submit Form DC5-609, Law

Library Interlibrary Loan Request, to the law library supervisor at the main unit of the institution. The law library supervisor shall review the request to determine whether it can be completed by that institution's law library.

1. If the law library has the information that the inmate has requested, the request shall be completed within three working days of receipt, not including the day of receipt, except when the request requires the researching of complex or multiple legal issues or is so broad in scope that work cannot be initiated without further information from the requesting inmate. The law library supervisor shall provide a copy of Form DC5-609, Law Library Interlibrary Loan Request, and the requested material to the inmate.

2. If the law library does not have the information that the inmate has requested, then within two working days of receipt, not including the day of receipt, the law library supervisor shall forward the request to the law library supervisor at a major collection law library for completion.

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

1. Inmates needing such materials are to submit Form DC5-609, Law Library Interlibrary Loan Request, a written request to the institution's law library supervisor. Form DC5-609, Law Library Interlibrary Loan Request. The written request is to include the full and complete citation of the material needed, and a written justification on why the material is needed to litigate any of the above types of actions. If any deadlines apply, the date of the deadline is to be noted on Form DC5-609, Law Library Interlibrary Loan Request the written request. The law library supervisor is then to forward the request to the library services administrator in the central office. The correct mailing address is: Department of Corrections, ATTN: Library Services, 2601 Blair Stone Road, Tallahassee, FL 32399-2500.

2. When requests are received, they shall be reviewed by the department's library services administrator shall review the request and either approve it or disapprove it. If the request is disapproved, the reason for disapproval will be noted on the request and the request shall be returned to the requesting law library. The law library supervisor will provide a copy of Form DC5-609, Law Library Interlibrary Loan Request, to the inmate. If the request is approved, the request shall be forwarded to the Florida State University law library for completion. When the completed work is received from the Florida State University law library, it shall be mailed to the requesting law library. The law library supervisor will provide a copy of Form DC5-609, Law Library Interlibrary Loan Request, and the requested material to the inmate.

~~(d) Inmates with deadlines imposed by law, rule or order of court in legal proceedings challenging convictions and sentences or prison conditions shall be given priority in the handling of interlibrary loan requests, and such requests shall be submitted separately from requests not involving deadlines.~~

(5)(e) through (6)(c) No change.

(d) Research Aide Training Program. The office of library services shall develop a training program to provide inmates who work in law libraries with knowledge of legal research and writing, use of specific legal research materials, the law and rules of criminal law and post-conviction remedies, prisoners' civil rights, and other subject matter identified as necessary for a research aide to provide meaningful assistance to inmates.

1. through 3. No change.

4. Inmates who have been awarded an associate degree in paralegal research or a juris doctorate degree, shall not have to attend the research training program to be certified as a research aide. The office of library services shall certify any such inmate upon verification of educational achievements and ~~successful completion of a written examination that verifies a determination~~ that he or she possesses current knowledge of the law, knowledge of legal research materials and how to use them, and can communicate effectively in writing. If the inmate demonstrates to the office of library services that he or she has the requisite knowledge and skills to work as a research aide, he or she shall be certified.

(6)(e) through (7) No change.

(8) Grievance and Court Forms.

(a) Major and minor collection law libraries shall provide inmates access to Form DC6-236, Inmate Request, and Form DC1-303, Request for Administrative Remedy or Appeal. ~~Forms DC6-236 and DC1-303 is are~~ incorporated by reference in Rule 33-103.019, F.A.C.

(b) Major and minor collection law libraries shall provide inmates access to court-approved forms needed to prepare Rule 3.800 and Rule 3.850, Florida Rules of Criminal Procedure, post-conviction relief petitions. Federal habeas corpus, affidavits of insolvency, and civil rights complaint forms shall only be supplied if copies of ~~the forms same~~ are provided to the law library by the federal courts. In all instances, law libraries are obligated to provide only one copy of the form. If additional copies are required for submission to the courts, the inmate shall secure them using the procedures established in Section 33-501.302.

(9) No change.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

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

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 32, August 10, 2001 issue of the Florida Administrative Weekly. Based upon comments received from affected parties, the Agency is adding the following changes to the proposed Rule 59G-6.010, payment methodology for Nursing Home Services. The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Long-term Care Reimbursement Plan (the Plan) payment methodology, effective October 1, 2001.

1. For nursing homes participating in a risk-retention group approved by the Department of Insurance, the Agency will advance the capital contribution portion of the total premium assessed against the nursing facility. The total amount to be advanced will be the assessed capital contribution per bed multiplied by the total number of licensed nursing home beds multiplied by the facility's Medicaid utilization rate as computed from the most recent Medicaid cost report on file with the Agency. The amount advanced for the capital contribution shall be repaid to the Agency on a monthly basis over a period of time not to exceed 12 months. Upon a change of ownership (CHOW) or licensed operator, all amounts outstanding shall be immediately payable to the Agency. The capital contribution will be treated as an allowable administrative cost in the nursing facility's Medicaid cost report.

2. In Section IV. J. (3)(d) the phrase "apply only to costs incurred during fiscal year 2000-2001 and shall" will be deleted to comply with Senate Bill 792 of the 2001-2002 Legislative Session.

3. The phrase "For change of ownerships and licensed operator on or after September 1, 2001 the provider will be required to file an initial cost report" will be added to Section I.B.

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

TIME AND DATE: 10:00 a.m., October 1, 2001
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Owens, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NOS.: 61J1-4.002, 61J1-4.006, 61J1-4.008
 RULE TITLES: Equivalency Education, Correspondence Courses for Hardship Cases, Continuing Education for School Instructors

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules referenced above in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 45, November 9, 2000 issue of the Florida Administrative Weekly. The changes are in response to written comments received by the Joint Administrative Procedures Committee.

61J1-4.002 Equivalency Education.

The criteria for approval of equivalency for courses completed by individuals seeking credit for pre-registration, pre-licensure, pre-certification, or appraiser continuing education shall be that the course or courses covered substantially the same subject matter, hours of attendance, hours of instruction, and completion standards as prescribed by the Florida Real Estate Appraisal Board in Rules 61J1-4.001, 4.003 or 4.007, Florida Administrative Code. Application for past course evaluation shall be accompanied by an official transcript or other documentation showing the subjects taken together with the date completed and grade received. If the requested information is found lacking to show course equivalency, the board ~~shall~~ ~~may~~ request supportive documentation to determine course equivalency.

61J1-4.006 Correspondence Courses for Hardship Cases.

Specific Authority 475.614 FS. Law Implemented 475.615(2) FS. History--New 10-15-91, Formerly 21VV-4.006, Amended 4-14-98, Repealed

61J1-4.008 Continuing Education for School Instructors.

(4) The institution, school or approved entity offering the board approved 7 hours of instruction in real estate appraisal subjects and the 7 hours of instruction in USPAP, the Florida Real Estate Appraisal License Law and board rules, and other state and federal laws affecting real estate appraisals shall inform each student of the standards and requirements at the commencement of each course. Each student shall receive a copy of the most current course approval letter, issued by the board, at the commencement of each course. The enforcement thereof shall be the responsibility of the board and the BPR and their decision on any such matters shall be final. The institution, school or approved entity will be responsible for issuing a grade report. The information required in the grade report can be located in Rule 61J1-4.005.

(a) The board shall approve any course, seminar or conference in the real estate appraisal practice area provided by a national or state recognized appraisal organization, accredited university, college, community college, area technical center, state or federal agency or commission, or proprietary real estate school for appraisal continuing education credit for school instructors. The standards for board approval of appraisal continuing education courses for school instructors shall be that the course or courses cover real estate appraisal related topics, be designed to be training oriented to teach school instructors how to present the courses, and to provide updates on statutes and rules relevant to the appraisal industry. The course will be approved for 24 months. A course may not be offered after the expiration date except for a course that is begun before the expiration date may be completed ~~completed~~ even if the completion date is after the expiration date.

THE REMAINDER OF THE RULE WILL READ AS PUBLISHED.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

RULE NOS.:	RULE TITLES:
62B-41.002	Definitions
62B-41.004	Exemptions from Permit Requirements
62B-41.005	Policy and Eligibility Criteria for Coastal Construction Permits
62B-41.0055	Protection of Marine Turtles
62B-41.007	Design, Siting and Other Requirements
62B-41.008	Permit Application Requirements and Procedures

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. 20, May 18, 2001 of the Florida Administrative Weekly:

62B-41.002 Definitions.

(9) "Coastal Construction" includes any work or activity on or encroaching upon sovereignty lands of Florida, below the mean high-water line of any tidal water of the state, which is likely to have a material physical effect on existing the coastal conditions or natural shore and inlet processes ~~system~~.

(13) No change.

(b) No change.

4. Expendable major structures whose failure would cause an adjacent upland non-conforming habitable structure or major non-habitable structure, which is not expendable, to become vulnerable to damage from frequent coastal storms.

(14) "Environmentally Sensitive Area" is a part of the coastal system which the Department of Environmental Protection, ~~or~~ in consultation with the Florida Fish and

Wildlife Conservation Commission, according to section 370.12, F.S., has determined to be of such significance that application of a proposed new technology poses an unacceptable risk to the ecology.

(20) No change.

(b) "Cumulative Impacts" are impacts resulting from the short-term and long-term impacts and the direct and indirect impacts the activity would cause in combination with existing structures in the area and any other similar activities already permitted or for which a permit application is pending within the same fixed coastal cell. The impact assessment shall include the anticipated effects of the construction on the coastal system and marine turtles. Each application shall be evaluated on its own merits in making a permit decision, therefore, a decision by the Department to grant a permit shall not constitute a commitment to permit additional similar construction within the same fixed coastal cell ~~past, present, and future coastal construction which, if permitted would result in a violation of standards as set forth in section 62B-41.007, or unacceptable significant adverse impacts to the coastal system.~~

62B-41.004 Exemptions from Permit Requirements.

(1) The deepwater ports identified in subsection ~~paragraph~~ 403.021(9)(b), F.S., are exempt from the requirements contained in subsections 161.142(1) and (2), F.S.

62B-41.005 Policy and Eligibility Criteria for Coastal Construction Permits.

(9) An existing rigid structure whose alignment has been determined by the Department to interfere with onshore/offshore or longshore movement of sand, resulting in a significant adverse impact to the coastal system or adjacent properties as described in Section 161.041, F.S., is subject to redesign or relocation landward if in need of reconstruction, or shall may ~~or~~ be ordered removed if it is determined to be dangerous ~~or to in any way endanger~~ human life, health or welfare, ~~or to be undesirable, serve no public purpose, or become unnecessary,~~ in accordance with Section 161.061, F.S.

(16) Monitoring programs shall be required for any coastal construction permitted under this chapter that which is determined to have an adverse impact. Such programs shall include preconstruction, construction phase and post construction topographic, hydrographic, biological and other data collection as deemed necessary and appropriate by the Department to monitor the performance of the coastal construction and determine its impacts to the coastal system and marine turtles. Such data shall be analyzed by a qualified professional engineer or coastal geologist registered in the State of Florida and a report provided to the Department on the performance of the project and its impacts on the coastal system. The Department shall require that Biological data shall be analyzed by a qualified biologist. Monitoring programs shall include sufficient pre-project data to establish an adequate baseline for project construction and post construction comparison.

(17) If the Department determines that the proposed coastal construction has the potential for adverse impacts to the coastal system, then the Department shall require the applicant to revise the project design to avoid or minimize those impacts. After all practicable revisions have been made to minimize impacts; any remaining adverse impacts or other impacts shall be offset by the applicant. ~~The Department may also require notice of any such permit conditions or contractual agreements to be filed in the public records of the county in which the permitted activity is located.~~

62B-41.0055 Protection of Marine Turtles.

(2) Coastal construction that results in a take, pursuant to Section 370.12, F.S., or does not which is in comply ~~compliance with the other provisions of this rule shall not may~~ be permitted if it is determined that the proposed coastal construction would be consistent with the federal Endangered Species Act, its implementing regulations, and the cooperative agreement pursuant to section 6(e) of the federal Endangered Species Act; ~~;~~ would be consistent with the provisions of subparagraph 370.12(1)(c)1, F.S. ; ~~;~~ and would not result in a take pursuant to paragraph 370.12(1)(f), F.S. The Department will evaluate the following when making a determination:

62B-41.007 Design, Siting and Other Requirements.

(2) Coastal construction shall be designed in accordance with established engineering and scientific practice, ~~Department recognized design guidelines~~, and the following special guidelines:

(j) To protect the environmental functions of Florida's beaches only beach compatible fill shall be placed on the beach or in any associated dune system, all fill material placed shall be similar to that which naturally exists on the site in quartz to carbonate ratio, color, median grain size and sorting. Beach compatible fill is material that maintains the general character and functionality of the material occurring on the beach and in the adjacent dune and coastal system. Standard terminology and sieve sizes from the Unified Soil Classification System and U.S. standard sieves shall be used. Such fill material shall be predominately of carbonate, quartz or similar material with a particle size distribution ranging between 0.062mm (4.0Φ) and 4.76mm (-2.25Φ) (classified as sand by either the Unified Soils or the Wentworth classification), shall be similar in color and grain size distribution (sand grain frequency, mean and median grain size and sorting coefficient) to the material in the existing coastal system at the disposal site and shall not contain:

1. ~~Not contain~~ greater than 5 ~~10~~ percent, by weight, silt, clay or colloids passing the #230 ~~#200~~ sieve (4.0Φ); ~~Not contain~~ greater than 5 percent, by weight, fine gravel retained on the #4 sieve (-2.25Φ), ~~exclusive of shell material and coral fragments;~~

3. ~~Not contain~~ coarse gravel, cobbles or material retained on the 3/4 inch sieve (-4.25Φ) in a percentage or size greater than found on the native beach;

4. Construction debris, toxic material or other foreign matter not result in cementation of the beach; and

5. Not result in cementation of the beach. ~~contain construction debris, clay, toxic material or other foreign matter;~~

If rocks or other non-specified materials appear on the surface of the filled beach in excess of 50% of background in any 10,000 square foot area, then surface rock should be removed from those areas. These areas shall also be tested for subsurface rock percentage and remediated as required. These standards shall not be exceeded in any 1000 square foot section, extending through the depth of the filled beach. If the natural beach exceeds any of the limiting parameters listed above, then the fill material shall not exceed the naturally occurring level for that parameter.

(k) Pursuant to subsection 62B-41.005(15), sandy sediment derived from the maintenance of coastal navigation channels shall be deemed suitable for beach placement with up to 10% fine material passing the # 230 sieve, provided that it meets the criteria contained in (j)2. through 5. above and water quality standards. If this material contains between 10% and 20% fine material passing the #230 sieve by weight, and it meets all other sediment and water quality standards, it shall be considered suitable for placement in the nearshore portion of the beach.

(k) through (m) renumbered (l) through (n) No change.

Specific Authority 161.041, 370.021(1) FS. Law Implemented 161.041, 370.021(1), 370.12(1), 327.40 FS. History--New 8-23-92, Formerly 16B-41.007, Amended _____.

62B-41.008 Permit Application Requirements and Procedures.

(1) No change.

(k) No change.

4. No change.

a. An ~~Sediment~~ analysis of the native sediment and the sediment at the proposed borrow site(s). The analysis shall demonstrate the nature of the material, quantities available, and its compatibility with the naturally occurring beach sediment pursuant to paragraph 62B-41.007(2)(j), F.A.C. The sediment analysis and volume calculations shall be performed using established industry standards and be certified by a Professional Engineer or a Professional Geologist registered in the State of Florida. Certification shall verify that a quantity of material sufficient to construct the project is available at the borrow site(s) which meets the standard in paragraph 62B-41.007(2)(j), F.A.C., and

b. No change.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Office of Greenways and Trails

DOCKET NO.: 01-09R

RULE CHAPTER NO.: 62S-3
 RULE CHAPTER TITLE: Greenways and Trails Activities and Recreation

RULE NOS.: 62S-3.001
 62S-3.002
 RULE TITLES: Definitions
 Operations, Activities and Recreation on the Marjorie Harris Carr Cross Florida Greenway

62S-3.003 Determination and Applicability of Fines

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. 30, July 27, 2001 issue of the Florida Administrative Weekly:

62S-3.001 Definitions.

The terms used in this chapter are defined as follows:

(1) through (18) No change.

Specific Authority 260.016 FS. Law Implemented 253.7821, 260.016, ~~260.017~~ FS. History–New _____.

62S-3.002 Operations, Activities and Recreation on the Marjorie Harris Carr Cross Florida Greenway.

The provision of this rule may be enforced by any local, state or federal law enforcement officer acting within their jurisdiction. Fines will be imposed under Section 62S-3.003 on persons who fail to comply with these rules. The following shall govern operations, activities and such recreation on the Greenway:

(1) through (6) No change.

(7) Collection of Specimens. Authorization must be obtained for the collection of natural objects, including plant and animal life and minerals. Authorization shall ~~may~~ be granted if such collection is for scientific or educational purposes, and the Office determines that it provides some benefit to the Office for management purposes (such as provision of a copy of the scientific report generated to the Office); that it is not harmful to Greenway resources; and that it is consistent with Greenway management practices. Collection shall be conducted in compliance with the written authorization. Authorization may be obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

(8) through (21) No change.

(22) Commercial Photography. All commercial photography, motion pictures, and other media production activities are prohibited without authorization from the Office. All private photography involving special settings or structures

(such as use of exotic animals) which could adversely impact Greenway resources or public recreational activities is prohibited without authorization by the Office. Authorization for these activities shall ~~may~~ be issued if the activity is consistent with this rule and the activity would not disrupt normal Greenway operations, adversely impact Greenway resources, or disrupt the public’s normal enjoyment of the Greenway. Authorization may be obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. All other private photography is encouraged so long as it is consistent with this rule.

(23) No change.

Specific Authority 260.016 ~~253.016~~ FS. Law Implemented 253.7821, 260.016, ~~260.017~~ FS.

62S-3.003 Determination and Applicability of Fines.

The following shall govern how fines are determined and applied on the Greenway when persons violate any of the rules in this chapter.

(1) through (2) No change.

(3) Waiver of fines. Payment of all or part of a fine shall ~~may~~ be waived when purposes of this rule are not frustrated; when no economic or resource loss has occurred; when it would not deter future violations; when the violator has already corrected the violation; and when fairness would result.

(4) through (5) No change.

(6) Payment of Fines. Fines shall be paid within 30 days after formal, written notice of such fine is received by the alleged violator. If the violator does not request a hearing pursuant to s. 120.569, Florida Statutes, within 21 days of the date the alleged violator has received the Office’s written notice of the fine, the violator shall be considered to have waived all rights to a chapter 120 proceeding thereon, and the fine shall be due and payable by the end of the 30-day period described above. Petitions for hearing shall be filed with the Agency Clerk, Department of Environmental Protection, MS 35, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000, (850)488-9314. Petitions must be complete and in the form prescribed by section 28-101.006, F.A.C. of the Uniform Rules.

Unpaid fines shall result in further enforcement action in accordance with s. 260.016(1)(c) ~~260.017~~, Florida Statutes, and unless the violator has petitioned for hearing, the violator shall not be allowed to use the Greenway until all fines are paid.

Specific Authority 260.016 FS. Law Implemented 253.7821, 260.016, ~~260.017~~ FS. History–New _____.

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action on a petition for waiver received from Thomas Wise, Jr., on August 9, 2001. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 27, No. 32, dated August 10, 2001. No public comment was received. The petition requested a waiver of Rule 11B-27.002(1)(h)1., F.A.C., pursuant to Section 120.542, F.S. Rule 11B-27.002(1)(h)1., F.A.C., requires an officer to become certified within four years of completing a basic recruit course. On August 9, 2001, the Criminal Justice Standards and Training Commission granted a variance or waiver to Thomas Wise, Jr., in a final order, OGC File No.: VAR 01-7.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, Telephone (850)410-7687.

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action on a petition for waiver received from Joseph Hajaistron, on August 9, 2001. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 27, No. 29, dated July 20, 2001. No public comment was received. The petition requested a waiver of Rule 11B-27.002(3), F.A.C., pursuant to Section 120.542, F.S. Rule 11B-27.002(3), F.A.C., requires an officer to become certified within four years of completing a basic recruit course. On August 9, 2001, the Criminal Justice Standards and Training Commission denied a variance or waiver to Joseph Hajaistron in a final order, OGC File No.: VAR 01-6.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, Telephone (850)410-7687.

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action on a petition for waiver received from Stephen Guardino, on August 9, 2001. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 27, No. 25, dated June 22, 2001. No public comment was received. The petition requested a waiver of Rule 11B-27.002(3), F.A.C., pursuant to Section

120.542, F.S. Rule 11B-27.002(3), F.A.C., requires an officer to become certified within four years of completing a basic recruit course. On August 9, 2001, the Criminal Justice Standards and Training Commission granted a variance or waiver to Stephen Gaurdino in a final order, OGC File No.: VAR 01-5.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, Telephone (850)410-7687.

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from Florida Power & Light Company, filed August 15, 2001, in Docket No. 011088-EI, seeking waiver from Rule 25-6.0436(8)(a), Florida Administrative Code. The rule requires companies to file a depreciation study at four year intervals.

Comments on the petition should be filed with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days after publication of this notice.

A copy of the petition can be obtained from the Division of the Commission Clerk and Administrative Services.

For additional information, please contact Marlene Stern, Division of Legal Services, at the above address or telephone (850)413-6230.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

On June 2, 2000, the Department received a request for variance/waiver pursuant to Section 376.3071(12)(k)(5), F.S. (2000), from Southtrust Bank of West Florida requesting a permanent variance/waiver from certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition was assigned OGC case #00-1260. A Notice of Receipt of Petition for Variance/Waiver was published in the June 30, 2000, F.A.W. On April 10, 2001, the petition was granted for the timesheets required from Tower Environmental Incorporated and Cypress Land Consultants.

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

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received on February 28, 2001, a petition from Dollar Systems, Inc. for waiver pursuant to subsection 376.3071(12)(k)(5), F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition has been assigned OGC case number 00-1636.

Copies may be received from, and written comments submitted to: Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn: Rebecca Grace. Comments must be received no later than 14 days from the date of publication of this notice.

On November 30, 2000, the Department received a request for variance/waiver pursuant to Section 376.3071(12)(k)(5), F.S. (2000), from Beehive International requesting a permanent variance/waiver from certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition was assigned OGC case #00-1687. A Notice of Receipt of Petition for Variance/Waiver was published in the December 15, 2000, F.A.W. On May 18, 2001, the petition and all issues associated with the audit of Coastal Mart #703 were settled by settlement agreement.

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

On January 17, 2001, 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 #00-1726. A Notice of Receipt of Petition for Variance/Waiver was published in the July 6, 2001, F.A.W. On April 2, 2001, the petition was denied because adequate documentation was submitted with the petition.

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

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received on January 17, 2001, a petition from Brown and Root Services, Inc. (Circle K #7451), for a waiver pursuant to subsection 376.3071(12)(k)(5), F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition has been assigned OGC case number 00-1728.

Copies may be received from, and written comments submitted to, Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn: Rebecca Grace. Comments must be received no later than 14 days from the date of publication of this notice.

On January 17, 2001, the Department received a request for variance/waiver pursuant to Section 376.3071(12)(k)(5), F.S. (2000), from The Association of Freeman and Kellogg-Metcalf requesting a permanent variance/waiver from certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition was assigned OGC case #00-2043. A Notice of Receipt of Petition for Variance/Waiver was published in the July 21, 2001, F.A.W. On August 3, 2001, the petition was granted regarding records from Environmental Solutions and Services, Inc., Mobile Reclaim, Inc., Tri-County Fill, Inc., and Central Florida Fuels. Copies may be received from the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn: Rebecca Grace.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received on July 31, 2001, a petition from Brown and Root Environmental for waiver pursuant to subsection 376.3071(12)(k)(5), F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition has been assigned OGC case number 01-1133.

Copies may be received from, and written comments submitted to, Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn: Rebecca Grace. Comments must be received no later than 14 days from the date of publication of this notice.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received on August 10, 2001, a petition from The Environmental Trust for waiver pursuant to subsection 376.3071(12)(k)(5), F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition has been assigned OGC case number 01-1314.

Copies may be received from, and written comments submitted to: Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn: Rebecca Grace. Comments must be received no later than 14 days from the date of publication of this notice.

The Department announces receipt of a petition filed August 13, 2001, pursuant to Section 120.542, Florida Statutes, from Clark Environmental, Inc., to obtain a variance from certain Department rules regarding its facility in Polk County, Florida. The petitioner has requested a variance from Rules 62-713.510(6)(a)2. and 62-713.510(6)(b)4., Florida Administrative Code (F.A.C.), relating to post-treatment testing of contaminated soils. The Petition for Variance is being processed and is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through

Friday, except legal holidays, at the Department of Environmental Protection, Solid Waste Section, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

Requests for copies or inspection should be made to Richard Tedder, Acting Environmental Administrator, at the above address.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received on August 20, 2001, a petition from Tyco Printed Circuits Group, Melbourne Division, for a variance pursuant to subsections 120.542(2), and 403.201(1), F.S., from classification as a solid waste for certain recycled wastewater treatment sludge, as authorized in 40 Code of Federal Regulations (CFR) 260.31 (as adopted by reference in Rule 62-730.020, Florida Administrative Code)(F.A.C.), The petition has been assigned OGC case number 01-1435 and applies to a facility located at 600-C N. Rodes Blvd., Melbourne, FL 32934.

Copies may be received from, and written comments submitted to: Department of Environmental Protection, Hazardous Waste Regulation Section, 2600 Blair Stone Road, M.S. 4560, Tallahassee, FL 32399-2400; attn: Steve Ray. Comments must be received no later than 14 days from the date of publication of this notice.

DEPARTMENT OF HEALTH

The Board of Medicine hereby gives notice that it has issued a Final Order on the Petition for Variance filed by Manuela Georgescu, M.D. The Board considered the Petition at its March 31, 2001 meeting, held in Jacksonville, Florida. The Board's Order, filed on May 24, 2001, grants the petition for variance finding that the underlying purpose of the statute, specifically, Section 458.311, F.S., as implemented by Rule 64B8-5.001, has been achieved by other means and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Final Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753.

The Board of Medicine hereby gives notice that it has issued a Final Order on the Petition for Variance filed on July 2, 2001 on behalf of Phillip R. Craft, M.D. The Board considered the Petition at meeting held on August 4, 2001, in Tallahassee, Florida. The Board's Final Order, filed on August 20, 2001, grants the petition for variance finding that the underlying purpose of the statute, specifically, Section 458.311, F.S., as implemented by Rule 64B8-5.001, has been met and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Final Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753.

The Board of Medicine hereby gives notice that it has issued a Final Order on the Petition for Variance filed on July 2, 2001 on behalf of Oscar Farronay, M.D. The Board considered the Petition at meeting held on August 4, 2001, in Tallahassee, Florida. The Board's Final Order, filed on August 20, 2001, grants the petition for variance finding that the underlying purpose of the statute, specifically, Section 458.311, F.S., as implemented by Rule 64B8-5.001, has been met and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Final Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753.

The Board of Medicine hereby gives notice that it has received a petition filed on August 7, 2001, by Saurinkumar P. Shah, M.D., seeking a waiver from Rule 64B8-5.001, F.A.C., with regard to the number of times the USMLE can be taken. Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, within 14 days of publication of this notice. The Board will consider the petition at its next meeting to be held on October 6, 2001, at 8:00 a.m., at the Embassy Suites Hotel, Miami International Airport, 3974 N. W. South River Drive, Miami, Florida 33142.

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

The Board of Medicine hereby gives notice that it has received a petition filed on May 26, 2001, by Reneé Sunday, M.D., seeking a waiver from Rule 64B8-5.001, F.A.C., with regard to the time frame for passage of the USMLE. Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, within 14 days of publication of this notice. The Board will consider the petition at its next meeting to be held on October 6, 2001, at 8:00 a.m., at the Embassy Suites Hotel, Miami International Airport, 3974 N. W. South River Drive, Miami, Florida 33142.

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

The Board of Medicine hereby gives notice that it has received a petition filed on June 14, 2001, by Enrique Tuesta, M.D., seeking a variance from Rule 64B8-5.001, F.A.C., with regard to the time frame for passage of the USMLE. Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida

32399-1753, within 14 days of publication of this notice. The Board will consider the petition at its meeting to be held on October 6, at 8:00 a.m., at the Embassy Suites Hotel, Miami International Airport, 3974 N. W. South River Drive, Miami, Florida 33142.

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

NOTICE IS HEREBY GIVEN that the Department of Health, Division of Medical Quality Assurance, received a voluntary withdrawal on July 31, 2001, of the Petition for Variance, filed by Dena Landry on July 5, 2001. The Petitioner was seeking a variance from Rule 64B21-500.005, F.A.C., with regard to the requirement that a school psychologist licensed by the State of Florida provide the required supervision for an applicant for licensure. The original Notice of Petition was published in the July 27, 2001, issue of the Florida Administrative Weekly, Vol. 27, No. 30.

A copy of the withdrawal may be received by contacting: Theodore Henderson, Agency Clerk, 4052 Bald Cypress Way, Bin A02, Tallahassee, FL 32399-1703.

For additional information contact: Kaye Howerton, Executive Director, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3255.

NOTICE IS HEREBY GIVEN that the Department of Health, Division of Medical Quality Assurance, received a voluntary withdrawal on August 23, 2001, of the Petition for Variance, filed by Beth Rabin, Ph.D. on July 9, 2001. The Petitioner was seeking a variance from Rule 64B21-500.005, F.A.C., with regard to the requirement that a school psychologist licensed by the State of Florida provide the required supervision for an applicant for licensure. The original Notice of Petition was published in the July 27, 2001, issue of the Florida Administrative Weekly, Vol. 27, No. 30.

A copy of the withdrawal may be received by contacting: Theodore Henderson, Agency Clerk, 4052 Bald Cypress Way, Bin #A02, Tallahassee, FL 32399-1703.

For additional information contact: Kaye Howerton, Executive Director, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3255.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Department of Children and Family Services has received a Petition for Emergency Variance from Rule 65E-12.109, Florida Administrative Code. The Petitioner is William Hodges on behalf of Northside Mental Health Center. The petition was received by the Agency Clerk on August 27, 2001, and assigned Case No. 01-003W.

A copy of the petition may be obtained by writing: Office of the Agency Clerk, 1317 Winewood Blvd., Bldg. 2, Room 202B, Tallahassee, FL 32399-0700.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on August 27, 2001, Florida Housing Finance Corporation ("Florida Housing") received a Petition for Waiver of Rule 67-47.120, 130, 140, 150, Florida Administrative Code, from Deer Creek, LLC, (the "Petition"), which establish the terms, conditions, and procedures of HOME loans made to housing providers and HOME loans made to eligible home buyers and owners. A copy of the Petition can be obtained from Andrew T. Price, Senior Attorney, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on August 24, 2001, Florida Housing Finance Corporation ("Florida Housing") received a Petition for Emergency Waiver of Rule 67-47.130, 140, 150, F.A.C., from Affordable/Kingsland, Inc. ("Petition"). The Petition seeks relief from Rules 67-47.130-.150, Florida Administrative Code, which establish the terms, conditions, and procedures of HOME loans made to housing providers and HOME loans made to eligible home buyers and owners.

A copy of the Petition can be obtained from: Andrew T. Price, Senior Attorney, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing Finance Corporation gives notice of the entry of an ORDER GRANTING IN PART PETITION FOR EMERGENCY WAIVER OF Rule 67-47.120, 47.130, 47.140, 47.150, Florida Administrative Code.

NAME OF THE PETITIONER: Affordable/Kingsland, Inc.

DATE PETITION WAS FILED: July 11, 2001

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rules 67-47.120, 67-47.130, 67-47.140, and 67-47.150, F.A.C. govern the terms and conditions of loans made to Housing

Providers, the terms and conditions of loans made to Eligible Home Buyers or Home Owners, the Credit Underwriting Procedures and Loan Origination, and the Disbursement of Funds under the HOME Investment Partnerships Program.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, July 27, 2001, Vol. 27, No. 30.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: August 9, 2001.

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to eligible housing providers and homebuyers for the construction of affordable housing. The waiver will further this purpose.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order Granting Variance is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Requests for copies or inspections should be made to Sheila Freaney, Public Records Clerk, at the above address, telephone (850)488-4198, or e-mail to Sheila.Freaney@floridahousing.org.

NOTICE IS HEREBY GIVEN that on August 24, 2001, Florida Housing Finance Corporation (“Florida Housing”) received a Petition for Emergency Waiver of Rule 67-47.130, 140, 150, F.A.C., from Bailey’s Run, Inc. (“Petition”). The Petition seeks relief from Rules 67-47.130-.150, Florida Administrative Code, which establish the terms, conditions, and procedures of HOME loans made to housing providers and HOME loans made to eligible home buyers and owners.

A copy of the Petition can be obtained from: Andrew T. Price, Senior Attorney, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing Finance Corporation gives notice of the entry of an ORDER GRANTING IN PART PETITION FOR EMERGENCY WAIVER OF Rule 67-47.120, 47.130, 47.140, 47.150, Florida Administrative Code.

NAME OF THE PETITIONER: Bailey’s Run, Inc
DATE PETITION WAS FILED: July 11, 2001
RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rules 67-47.120, 67-47.130, 67-47.140, and 67-47.150, F.A.C.,

govern the terms and conditions of loans made to Housing Providers, the terms and conditions of loans made to Eligible Home Buyers or Home Owners, the Credit Underwriting Procedures and Loan Origination, and the Disbursement of Funds under the HOME Investment Partnerships Program.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, July 27, 2001, Vol. 27, No. 30.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: August 9, 2001

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to eligible housing providers and homebuyers for the construction of affordable housing. The waiver will further this purpose.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order Granting Variance is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Requests for copies or inspections should be made to Sheila Freaney, Public Records Clerk, at the above address, telephone (850)488-4198, or e-mail to Sheila.Freaney@floridahousing.org.

NOTICE IS HEREBY GIVEN that on August 24, 2001, Florida Housing Finance Corporation (“Florida Housing”) received a Petition for Emergency Waiver of Rule 67-47.130, 140, 150, F.A.C., from Chelsea’s Run, Inc (“Petition”). The Petition seeks relief from Rules 67-47.130-.150, Florida Administrative Code, which establish the terms, conditions, and procedures of HOME loans made to housing providers and HOME loans made to eligible home buyers and owners.

A copy of the Petition can be obtained from: Andrew T. Price, Senior Attorney, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing Finance Corporation gives notice of the entry of an ORDER GRANTING IN PART PETITION FOR EMERGENCY WAIVER OF Rule 67-47.120, 47.130, 47.140, 47.150, Florida Administrative Code.

NAME OF THE PETITIONER: Chelsea’s Run, Inc.
DATE PETITION WAS FILED: July 11, 2001

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rules 67-47.120, 67-47.130, 67-47.140, and 67-47.150, F.A.C., govern the terms and conditions of loans made to Housing Providers, the terms and conditions of loans made to Eligible Home Buyers or Home Owners, the Credit Underwriting Procedures and Loan Origination, and the Disbursement of Funds under the HOME Investment Partnerships Program.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, July 27, 2001, Vol. 27, No. 30.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: August 9, 2001

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to eligible housing providers and homebuyers for the construction of affordable housing. The waiver will further this purpose.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order Granting Variance is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Requests for copies or inspections should be made to Sheila Freaney, Public Records Clerk, at the above address, telephone (850)488-4198, or e-mail to Sheila.Freaney@floridahousing.org.

NOTICE IS HEREBY GIVEN that on August 24, 2001, Florida Housing Finance Corporation (“Florida Housing”) received a Petition for Emergency Waiver of Rule 67-47.130, 140, 150, F. A. C., from Casa Verna, Inc. (“Petition”). The Petition seeks relief from Rules 67-47.130-150, Florida Administrative Code, which establish the terms, conditions, and procedures of HOME loans made to housing providers and HOME loans made to eligible home buyers and owners.

A copy of the Petition can be obtained from: Andrew T. Price, Senior Attorney, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing Finance Corporation gives notice of the entry of an ORDER GRANTING IN PART PETITION FOR EMERGENCY WAIVER OF Rule 67-47.120, 47.130, 47.140, 47.150, Florida Administrative Code.

NAME OF THE PETITIONER: Casa Verna, Inc.

DATE PETITION WAS FILED: July 11, 2001

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rules 67-47.120, 67-47.130, 67-47.140, and 67-47.150, F.A.C., govern the terms and conditions of loans made to Housing Providers, the terms and conditions of loans made to Eligible Home Buyers or Home Owners, the Credit Underwriting Procedures and Loan Origination, and the Disbursement of Funds under the HOME Investment Partnerships Program.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, July 27, 2001, Vol. 27, No. 30.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: August 9, 2001.

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to eligible housing providers and homebuyers for the construction of affordable housing. The waiver will further this purpose.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order Granting Variance is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Requests for copies or inspections should be made to Sheila Freaney, Public Records Clerk, at the above address, telephone (850)488-4198, or e-mail to Sheila.Freaney@floridahousing.org.

Florida Housing Finance Corporation gives notice of the entry of an Order Granting Petition For Variance of Rule 67-48.012(3), Florida Administrative Code.

NAME OF THE PETITIONER: Carrfour Corporation, Little Haiti Gateway, Inc.

DATE PETITION WAS FILED: June 13, 2001

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rule 67-48.012(3), Florida Administrative Code, Little Haiti is petitioning for a variance from the rule requirement that all items on the credit-underwriting checklist be completed in thirty-five (35) days from the date of the original commitment letter.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, June 29, 2001, Vol. 27, No. 26.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: August 9, 2001

THE GENERAL BASIS FOR THE DECISION: Little Haiti needed additional time because this process will not be completed within the time frame of the SAIL Rule 67-48.012(3), F.A.C. If the rule is applied, Little Haiti would suffer financial hardship.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order Granting Variance is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Requests for copies or inspections should be made to Sheila Freaney, Public Records Clerk, at the above address, telephone (850)488-4198, or e-mail to Sheila.Freaney@floridahousing.org.

NOTICE IS HEREBY GIVEN that the Florida Housing Finance Corporation received a Petition for Emergency Waiver of Rule 67-47.120, 130, 140, 150, F.A.C., from Columbia Woods, Inc. ("Petition"). Florida Housing received a withdrawal of the Petition on August 8, 2001. Based on the withdrawal of the Petition, Florida Housing entered an Order Closing File on August 9, 2001 accepting the withdrawal. Requests for copies or inspections of the withdrawal or the Order Closing File should be made to Sheila Freaney, Public Records Clerk, at the above address, telephone (850)488-4198, or e-mail to Sheila.Freaney@floridahousing.org.

Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration
 Department of Veterans' Affairs
 Department of Highway Safety and Motor Vehicles
 Department of Law Enforcement
 Department of Revenue
 Department of Education
 Administration Commission
 Florida Land and Water Adjudicatory Commission
 Board of Trustees of the Internal Improvement Trust Fund
 Department of Environmental Protection

DATE AND TIME: September 25, 2001, 9:00 a.m.

PLACE: Room 212, Knott Building, Tallahassee, Florida

PURPOSE: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Information Resource Commission will take action on matters duly presented on its agenda, which may include administrative procedures matters, adoption of rules, approval of agency plans for the use of information technology resources, adoption of policies for the use of such resources, and other matters under the commission's authority pursuant to law.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters,

environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Room 212, Knott Building, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

The **Department of State** announces a public meeting of the Florida State Historical Records Advisory Board which all interested persons are invited:

DATES AND TIMES: September 27, 2001, 1:00 p.m. – 5:00 p.m.; September 28, 2001, 8:30 a.m. – until complete

PLACE: Room 316, Third Floor, Training Room, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The State Historical Records Advisory Board will meet to review grant applications.

For further information contact: Mr. Jim Berberich, Coordinator, Florida State Historical Records Advisory Board, Department of State, Bureau of Archives and Records Management, R. A. Gray Building, Tallahassee, Florida 32399-0250, (850)245-6700, Suncom 205-6700.

Pursuant to Chapter 286.26, Florida Statutes, any person requiring special accommodations due to a disability or physical impairment should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

The **Department of State, Division of Library and Information Services** announces a public meeting of the State Library Council.

DATE AND TIME: Friday, September 14, 2001, 10:00 a.m. – 3:00 p.m.

PLACE: The State Library of Florida, R. A. Gray Building, First Floor, Board Room, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: As authorized by Section 257.02, F.S., and Section 257.031, F.S., the State Library Council advises and assists the Division of Library and Information Services, Department of State, which administers the State Library, on its programs and activities.

A copy of the agenda may be obtained by contacting: Director, Division of Library and Information Services, R. A. Gray Building, Tallahassee, Florida 32399-0250, (850)245-6600 or Suncom 205-6600.

Pursuant to Section 286.26, F.S., any person requiring special accommodations due to a disability or physical impairment should contact the agency at least 48 hours prior to the meeting, (850)245-6600 or TDD (850)922-4085.

DEPARTMENT OF LEGAL AFFAIRS

The **Florida Commission on the Status of Women** will hold a meeting on:

DATES AND TIMES: Monday, September 24, 2001, 1:30 p.m. – 5:00 p.m.; Tuesday, September 25, 2001, 9:00 a.m. – 1:00 p.m.

PLACE: Sailport Resort, 2506 Rocky Point Drive, Tampa, FL 33607, 1(800)255-9599, (813)281-9510

Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

Please call (850)414-3300 for instructions on participation.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The Annual Report Committee of the **Florida Commission on the Status of Women** will hold a conference call on:

DATE AND TIME: September 27, 2001, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

DEPARTMENT OF BANKING AND FINANCE

NOTICE OF CANCELLATION – The telephone conference meeting of the Florida **Board of Funeral and Cemetery Services**, originally scheduled for September 12, 2001, has been cancelled. The next meeting of the Florida Board of Funeral and Cemetery Services will be held the following month. All persons are invited to attend.

DATE AND TIME: October 25, 2001, 10:00 a.m. – 5:00 p.m.

PLACE: Doubletree Hotel, 2649 South Bayshore Drive, Miami, FL 33133

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, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

To obtain further information on how to participate contact: Frances Restifo, Administrative Assistant II, Division of Securities and Finance, 101 East Gaines St., Fletcher Bldg., Room 649B, Tallahassee, FL 32399-0350, (850)410-9853. An agenda will be available seven days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise Frances Restifo, (850)410-9853, at least 48 hours before the meeting. If you are

hearing or speech impaired, contact Frances Restifo via the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

DEPARTMENT OF INSURANCE

The **Department of Insurance, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

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

PLACE: Departmental of Environmental Protection Control, 400 N. Congress Avenue, Suite 230, West Palm Beach, FL 33401, (561)681-6380

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular business meeting of the Florida Fire Safety Board.

A copy of the agenda may be obtained by writing: Division of State Fire Marshal, Bureau of Fire Prevention, Regulatory Licensing Section, 200 East Gaines Street, Tallahassee, FL 32399-0342.

DEPARTMENT OF EDUCATION

The Florida **Department of Education**, Charter School Review Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 6, 2001, 9:00 a.m. – 3:00 p.m.

PLACE: 325 W. Gaines Street, Turlington Building, Room 1704, Tallahassee, Florida 32399, (850)414-0780 (The Choice Office)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Members of the Charter School Review Panel will examine and approve a proposed charter school best practices manual, review Florida’s method of funding charter school capital needs, and discuss the upcoming rewrite of Florida’s education code.

The meeting’s agenda will be available one week prior to the meeting. To obtain a copy of the agenda, please call or write: The Choice Office, 325 West Gaines Street, 522 Turlington Building, Tallahassee, Florida 32399, (850)414-0780 or Suncom 994-0780.

SPECIAL ACCOMMODATIONS: Persons with disabilities who require assistance to participate in this meeting are requested to contact Karen L. Hines-Henry, at the above address or telephone numbers.

The State of Florida, **Education Standards Commission** announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, September 13, 2001, 8:30 a.m. – 5:00 p.m.; Friday, September 14, 2001, 8:30 a.m. – 12:00 Noon

PLACE: Shore Elementary School, 1908 E. 2nd Avenue, Tampa, Florida 33605, (813)276-5712

GENERAL SUBJECT MATTER TO BE CONSIDERED: Members of the Florida Education Standards Commission will meet and discuss issues related to the Commission's charge.

To obtain a copy of the agenda, please call or write: Florida Education Standards Commission, 325 West Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399, (850)488-1523 or Suncom 278-1523.

SPECIAL ACCOMMODATIONS: Persons with disabilities who require assistance to participate in this meeting are requested to contact Dr. Adeniji Odutola at the above address or telephone numbers.

The **Articulation Coordinating Committee** announces a public meeting to which all interested persons are invited:

DATE AND TIME: Wednesday, September 19, 2001, 9:30 a.m. – 12:30 p.m.

PLACE: Room 1706, Turlington Building, 325 West Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Articulation issues regarding secondary and postsecondary education.

A copy of the items to be addressed may be obtained by contacting: K-16 Articulation, Florida Department of Education, 401 Turlington Building, Tallahassee, Florida 32399-0400, (850)922-0344 or Suncom 292-0344.

The **Department of Education** announces the following public meeting to which all persons are invited.

DATE AND TIME: September 20, 2001, 10:00 a.m. – 3:00 p.m.

PLACE: Turlington Building, Room 1703/07, 325 West Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Technology Review Group.

Copies of the agenda will be available 24 hours prior to the meeting. To obtain copies please contact: Yolanda Givens, Administrative Assistant, Department of Education. She can be reached at givensy@mail.doe.state.fl.us, by telephone, (850)488-0980, Suncom 278-0980 or in Suite 1101 of the Turlington Building.

It is requested that persons with disabilities who require assistance to participate in the meeting notify Ms. Givens at least 48 hours before the meeting.

The public is invited to a meeting of the Florida **Board of Education**.

DATES AND TIMES: September 20, 2001, 10:00 a.m.; September 21, 2001, 8:00 a.m.

PLACE: Deerwood Center, 9911 Old Baymeadows Road, Florida Community College at Jacksonville, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Strategic Plan and other matters pertaining to the Florida Board of Education. Public testimony will be taken at the conclusion of the regular business agenda on September 20, 2001.

A copy of the agenda may be obtained from the Secretary of Education's website at <http://www.flboe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity and Diversity, (850)201-7160 (Voice), (850)201-7164 (TDD), at least 7 days in advance, so that their needs can be accommodated.

The **Commission for Independent Education** announces a public meeting to which all persons are invited.

DATE AND TIME: September 24, 2001, 9:00 a.m.

PLACE: 111 St. Augustine Street, 412 Knott Building, Pat Thomas Committee Room, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review with the newly appointed Commission members the applicable statutes, administrative rules, policies, processes, practices and procedures.

A copy of the agenda may be obtained by writing: Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

The **Commission for Independent Education** announces a public meeting to which all persons are invited.

DATE AND TIME: September 25, 2001, 9:00 a.m.

PLACE: 111 St. Augustine Street, 412 Knott Building, Pat Thomas Committee Room, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider licenses for appropriate schools, cases for licensure as specified in the agenda and other general Commission business.

Any person who decides to appeal a decision of the Commission with respect to any matter considered at this meeting or hearing may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by writing: Commission for Independent Education, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

The **Duval County Research and Development Authority** announces a business meeting will be held on:

DATE AND TIME: September 14, 2001, 12:30 p.m.

PLACE: University of North Florida, University Center, 12000 Alumni Drive, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business meeting.

A copy of the meeting agenda may be obtained by contacting: Robert F. Fagin, Executive Director, Duval County Research and Development Authority, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224-2645.

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

OCCUPATIONAL ACCESS AND OPPORTUNITY CORPORATION BOARD OF DIRECTORS MEETING

DATE AND TIME: September 10, 2001, 1:00 p.m. – 3:00 p.m.

PLACE: Division of Vocational Rehabilitation Services' Headquarters, 2002 Old Saint Augustine Road, Building A, Room 360, Tallahassee, Florida 32301, (850)488-0059

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Corporation's Board of Directors.

The Department of Education announces a series of public meetings to which all persons are invited and to which all interested individuals are encouraged to attend.

PUBLIC MEETING

DATE AND TIMES: October 17, 2001, State Plan Public Meeting, 4:00 p.m. – 6:00 p.m.; Five-Year Plan Public Meeting, 6:00 p.m. – 7:00 p.m.

PLACE: Holiday Inn of Port St. Lucie, 10120 South Federal Highway, Port St. Lucie, Florida

This meeting location originally announced for Ft. Pierce has been changed to Port St. Lucie.

PUBLIC MEETING

DATE AND TIMES: October 24, 2001, State Plan Public Meeting, 4:00 p.m. – 6:00 p.m.; Five-Year Plan Public Meeting, 6:00 p.m. – 7:00 p.m.

PLACE: Santa Fe Community College, Room R-01, 3000 Northwest 83rd Street, Gainesville, Florida 32606

PUBLIC MEETING

DATE AND TIMES: October 25, 2001, State Plan Public Meeting, 4:00 p.m. – 6:00 p.m.; Five-Year Plan Public Meeting, 6:00 p.m. – 7:00 p.m.

PLACE: Jacksonville Public Library, Highlands Branch (North Side of Town), 1826 Dunn Avenue, Jacksonville, Florida 32218

GENERAL SUBJECT MATTER TO BE CONSIDERED: State Plan Public Meeting: The Occupational Access and Opportunity Commission and the Florida Rehabilitation Council are requesting public comment to identify the vocational rehabilitation needs of individuals with disabilities in regard to employment.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Five-Year Plan Public Meeting: The OAO's Five-Year Plan Workgroup is requesting public comment regarding the promotion of occupational access and opportunities for

Floridians with disabilities and the formulation of a strategy to guide the future direction of the vocational rehabilitation Program.

Please note that the following accommodations will be provided: American Sign Language Interpreters, Assistive Listening Devices, Real-Time Captioning, Large Print and Braille materials.

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

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: FLORIDA REHABILITATION COUNCIL CONFERENCE CALL, LEGISLATIVE COMMITTEE

DATE AND TIME: September 14, 2001, 10:00 a.m. – 11:00 a.m.

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32399-0696

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitative Council Planning Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitative Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32399-0696, (850)488-6210.

Any interested parties that need further information may contact Vicki Welch, Extension 150 or her Assistant, Yolanda Manning, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitative Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: FLORIDA REHABILITATION COUNCIL CONFERENCE CALL, MEMBERSHIP COMMITTEE

DATE AND TIME: September 14, 2001, 11:00 a.m. – 12:00 Noon

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32399-0696

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitative Council Planning Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitative Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32399-0696, (850)488-6210.

Any interested parties that need further information may contact Vicki Welch, Extension 150 or her Assistant, Yolanda Manning, Extension 128.

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The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: FLORIDA REHABILITATION COUNCIL CONFERENCE CALL, PLANNING COMMITTEE

DATE AND TIME: September 19, 2001, 9:00 a.m. – 10:00 a.m.

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32399-0696

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitative Council Planning Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitative Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32399-0696, (850)488-6210.

Any interested parties that need further information may contact Vicki Welch, Extension 150 or her Assistant, Yolanda Manning, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitative Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: FLORIDA REHABILITATION COUNCIL CONFERENCE CALL, COORDINATION COMMITTEE

DATE AND TIME: September 19, 2001, 10:00 a.m. – 11:00 a.m.

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32399-0696

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitative Council Planning Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitative Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32399-0696, (850)488-6210.

Any interested parties that need further information may contact Vicki Welch, Extension 150 or her Assistant, Yolanda Manning, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitative Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

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notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, September 12, 2001, 1:00 p.m. – 5:00 p.m.; Thursday, September 13, 2001, 8:30 a.m. – 4:00 p.m.

PLACE: The Embassy Suites Hotel, Tampa Airport/Westshore, Kilgore Room, 555 North Westshore Boulevard, Tampa, Florida 33609, (813)875-1555

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Violent Crime and Drug Control Council and any other interested individuals will meet to hear presentations and discuss issues relating to violent crime, and multi-agency or statewide drug control or illicit money laundering investigative or task force efforts. Speakers include SA Jennifer Cook, F.D.L.E., “OxyContin: It’s Impact on Florida’s Citizens and the Law Enforcement Community”; Lt. Kevin Behan, Orange County SO, “School Threat Assessment Program”; SAC Phil Ramer, F.D.L.E., “Airport Assessment”; and an open discussion on the Victim/Witness Protection Program: “Is It Working? How Can We Improve It?”

A copy of the agenda may be obtained by writing: Governmental Analyst, Joyce Gainous-Harris, Florida Department of Law Enforcement, Division of Criminal Justice Professionalism Services, Post Office Box 1489, Tallahassee, Florida 32302 or by telephoning (850)410-8620.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT – Persons needing an accommodation to participate in any proceeding should call (850)410-7900, (Voice) or (850)656-9597, (TDD), at least five working days before such proceeding.

The Criminal Justice Professionalism Program announces a **Criminal Justice Standards and Training Commission** meeting conference call. All parties are invited to participate.

DATE AND TIME: Thursday, September 20, 2001, 10:30 a.m.

PLACE: Conference Call Telephone Number: (850)410-0960 or Suncom 210-0960 (Please dial the conference call number five minutes prior to 10:30 a.m.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: For discussion and adoption of new and revised curricula, which has been mandated by Legislation to become effective October 1, 2001.

1. Annual curricula updates corresponding to changes of law passed in the previous legislative session.
2. For law enforcement: A) Revisions to the Commission’s Law Enforcement officer Traditional Basic Recruit Curricula – 24 hour human diversity training (for compliance with the new discriminatory profiling legislation); and B) For law enforcement officer mandatory retraining, a new 4 hour module on “Professional Traffic Stops.”
3. For Correctional Officers. Updated learning objectives to the Correctional Officer Traditional Basic Recruit Training Curricula addressing identification of sexual assault and prevention and a suggested lesson plan for delivering the new material.

COMMISSION MEETING AGENDAS: A copy of the September, 2001, Conference Call agenda and issue may be obtained by contacting: Donna Hunt, (850)410-8615.

SPECIAL ACCOMMODATIONS: Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact Donna Hunt, (850)410-8615.

The Florida **Department of Law Enforcement**, Criminal Justice Professionalism Program announces a public meeting for an officer discipline Penalty Guidelines Task Force meeting to which all persons are invited to attend.

DATE AND TIME: Monday, September 24, 2001, 10:00 a.m. – Open

PLACE: Stuart News Building, 1939 S. E. Federal Highway, Stuart, Florida 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To determine penalty guidelines for officer discipline cases.

For further information, please contact: Terry Baker, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Bureau of Standards, Post Office Box 1489, Tallahassee, Florida 32302-1489, (850)410-8688.

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

NOTICE CHANGE – The Florida **Department of Revenue** announces a change in the meeting time of The Advisory Committee on Property Taxation published in the August 24, 2001, F.A.W., Vol. 27, No. 34.

DATE AND TIME: September 20, 2001, 8:30 a.m.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department of Revenue at least 48 hours before the meeting by calling (850)488-8026. If you are hearing or speech impaired, please contact the Department by calling 1(800)367-8331 (TDD).

DEPARTMENT OF TRANSPORTATION

The **Department of Transportation**, Turnpike District announces a public hearing to which all persons are invited.

DATE AND TIMES: October 2, 2001, Open House, 6:00 p.m.; Formal Presentation, 7:00 p.m.

PLACE: South Fork High School, 10205 S. W. Pratt & Whitney Road, Stuart, Florida 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being conducted pursuant to the provisions of Rule Chapter 14-97, Florida Administrative Code, and Section 335.18, Florida Statutes. This hearing is being held in accordance with the Federal-Aid Highway Act of 1968, as amended, 23 U.S.C. 128, 40 C.F.R. 1500-1508, 23 C.F.R. 771, and Section 339.155, Florida Statutes, and is also consistent with the Americans With Disabilities Act of 1990. This hearing is also in compliance with Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968, as amended. This hearing is being held to afford interested persons the opportunity to express their views concerning the location, proposed design, social, and environmental impacts of Financial Project ID No. 404135-2-52-01 otherwise known as the Thomas B. Manuel Bridge. The limits of the project corridor are from 1500 meters (m) [5000 feet (ft)] south of the St. Lucie Canal to 1500 m (5000 ft) north of the St. Lucie Canal, Martin County, Florida, a distance of approximately 2 miles. Wetlands may be given special consideration under Executive Orders 11990 and 11988.

Anyone needing project or public hearing information may contact Nancy Clements, P. E., Project Manager, Turnpike District, (954)975-4855, Ext. 1208, or in writing, Florida Department of Transportation, Turnpike District, P. O. Box 9828, Ft Lauderdale, Florida 33310-9828.

Anyone requesting special accommodations under the Americans With Disabilities Act of 1990 should contact Catherine Bradley, by telephone, (407)532-3999, Ext. 3802 or by writing, Florida Department of Transportation, Turnpike District, P. O. Box 613069, Ocoee, Florida 34761. Special accommodation requests under the Americans With Disabilities Act should be made at least seven (7) days prior to the public hearing.

A copy of the agenda may be obtained by writing: Nancy Clements, P. E., Project Manager, at the Florida Department of Transportation, Turnpike District.

In the unlikely event that an emergency or act of nature should cause the hearing to be rescheduled, the new date would be November 8, 2001.

The **Department of Transportation**, District Two announces public hearings (Tentative Work Program for Fiscal Years beginning July 1, 2002, through June 30, 2007) to which all persons are invited to attend and be heard.

LAKE CITY HEARING: Specific notice is provided to the Gainesville Metropolitan Transportation Planning Organization (MTPO) and the County Commissions for Dixie, Levy, Gilchrist, Bradford, Alachua, and Union counties serving as MPO for their respective counties.

DATE AND TIME: Monday, October 15, 2001, 5:30 p.m.

PLACE: Lake City District Office, Madison Room, 1901 South Marion Street, Lake City, Florida

JACKSONVILLE HEARING: Specific notice is provided to the Jacksonville Metropolitan Planning Organization (MPO) and the County Commissions for Putnam, St. Johns, Nassau, Baker, Clay and Duval counties serving as MPO for their respective counties.

DATE AND TIME: Tuesday, October 16, 2001, 5:30 p.m.

PLACE: Jacksonville Urban Office, Training Facility, 2250 Irene Street, Jacksonville, FL 32204

LIVE OAK HEARING: Specific notice is provided to the County Commissions for Taylor, Lafayette, Madison, Columbia, Hamilton and Suwannee counties serving as MPO for their respective counties.

DATE AND TIME: Thursday, October 18, 2001, 5:30 p.m.

PLACE: Suwannee River Water Management District, Board Room, 9225 County Road 49, Live Oak, Florida

The proposed improvements have been developed in accordance with the Civil Rights Act of 1964, and the Civil Rights Act of 1968. Under Title VI and Title VIII of the United States Civil Rights Act any person(s) or beneficiary who believes they have been subjected to discrimination because of race, color, religion, sex, age, national origin, disability or familial status may file a written complaint to the Florida Department of Transportation's Equal Opportunity Office in Tallahassee or contact the District's Title VI and Title VIII Coordinator.

CENTRAL OFFICE: Florida Department of Transportation, Equal Opportunity Office, 605 Suwannee Street, Tallahassee, FL 32399-0450

DISTRICT OFFICE: Florida Department of Transportation, District 2, District Contract Compliance Office, Post Office Box 669, M.S. #2809, Jacksonville, FL 32276-6669

These public hearings are being conducted pursuant to paragraph 339.135(4)(c), Florida Statutes, to consider the Department's Tentative Work Program for the period 2002-03 through 2006-07, and to consider the necessity of making any changes to the Program. Written comments from the

Commissions and other interested parties will be received by the Department at the public hearings and within ten days thereafter.

Comments should be addressed to: Aage G. Schroder, III, District Secretary, Florida Department of Transportation, District 2, P. O. Box 1089, Lake City, FL 32056-1089, 1(800)749-2967.

Assistance for disabled persons may be arranged by contacting Mr. James Dees, District Planning Manager, Lake City District Office, 1(800)749-2967, at least ten (10) days in advance of the public hearings.

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of a meeting of the Investment Advisory Council (IAC) to which all persons are invited.

DATE AND TIME: Friday, September 21, 2001, 9:00 a.m. – conclusion

PLACE: Hermitage Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regular quarterly business meeting of the Investment Advisory Council. Although this meeting will be primarily in person, anyone wishing to participate by telephone is free to use the following conference call number: (850)921-6623 or Suncom 291-6623.

Anyone wishing further information should contact: Cheryl Creel, P. O. Drawer 13300, Tallahassee, FL 32317-3300 or via e-mail: creel_cheryl@fsba.state.fl.us.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend the meeting is requested to call Cheryl Creel, (850)413-1248, five days prior to the meeting so that appropriate arrangements can be made.

DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public meeting of the Florida Citrus Commission to which all persons are invited.

FLORIDA CITRUS COMMISSION

DATES AND TIME: September 19, 2001, 9:00 a.m., continuing September 20, 2001, if necessary

REGULAR MONTHLY MEETING

DATE AND TIME: September 20, 2001, 8:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will address issues pertaining to contracts, programs, budget items, rulemaking, licensing and other matters that are addressed during monthly meetings of the Commission.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone, (863)499-2510.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 010302-TP – Petition by ALLTEL Communications, Inc. for arbitration of certain open issues in existing interconnection agreement with BellSouth Telecommunications, Inc.

DATE AND TIME: September 24, 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 permit parties to present testimony and exhibits relative to the petition by ALLTEL Communications, Inc. for arbitration of certain open issues in existing interconnection agreement with BellSouth Telecommunications, Inc., and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on September 6, 2001. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 980744-WS – Investigation into ratemaking considerations of gain on sale from sale of facilities of Florida Water Services Corporation to Orange County.

DATE AND TIME: September 25, 2001, 9:30 a.m.

PLACE: Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the

identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 001305-TP – Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc.

DATES AND TIME: September 26-28, 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 permit parties to present testimony and exhibits relative to the petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc., and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

EXECUTIVE OFFICE OF THE GOVERNOR

The **Executive Office of the Governor**, Office of Policy and Budget announces a series of public hearings to which all interested persons are invited.

Health and Human Services (Department of Children and Families, Agency for Health Care Administration, Department of Health and Department of Elder Affairs)

DATE AND TIME: Friday, September 14, 2001, 9:00 a.m. – 10:30 a.m.

PLACE: Room 110, Senate Office Building, Tallahassee, FL

Transportation and Economic Development (Department of Community Affairs, Executive Office of the Governor, Department of Transportation, Agency for Workforce Innovation, Department of Labor and Employment Security and Department of State)

DATE AND TIME: Friday, September 14, 2001, 9:00 a.m. – 10:30 a.m.

PLACE: Room LL37, Senate Office Building, Tallahassee, FL
Natural Resources and General Government (Department of Environmental Protection, Department of Lottery, Department of Business and Professional Regulation and Department of Management Services)

DATE AND TIME: Friday, September 14, 2001, 10:40 a.m. – 12:00 p.m.

PLACE: Room 110, Senate Office Building, Tallahassee, FL
Public Safety (Department of Corrections, Department of Juvenile Justice, Department of Law Enforcement and Parole Commission)

DATE AND TIME: Friday, September 14, 2001, 10:40 a.m. – 12:00 p.m.

PLACE: Room LL37, Senate Office Building, Tallahassee, FL
Education (Department of Education)

DATE AND TIME: Friday, September 14, 2001, 12:10 p.m. – 12:30 p.m.

PLACE: Room LL37, Senate Office Building, Tallahassee, FL
GENERAL SUBJECT MATTER TO BE CONSIDERED: The departments listed below will present an overview of the agency's Legislative Budget Request for Fiscal Year 2002-2003, and Long-Range Program Plan for Fiscal Year 2002-2003 through Fiscal Year 2006-2007, followed by a time for public questions and comments.

The following agencies will be available to answer questions regarding their Legislative Budget Requests and Long-Range Program Plans from 12:10 p.m. – 1:00 p.m., Room 110, Senate Office Building: Department of Agriculture and Consumer Services, Department of Banking and Finance, Department of Citrus, Department of Highway Safety and Motor Vehicles, Department of Insurance, Department of Legal Affairs, Department of Military Affairs, Department of Revenue, Department of Veterans' Affairs, Fish and Wildlife Conservation Commission, Justice Administration, Housing Finance Corporation and Public Service Commission.

Written comments may be submitted to the representatives of the Office of Policy and Budget at the proceeding or mailed to: Executive Office of the Governor, Donna Arduin, Director of the Office of Policy and Budget, The Capitol, Tallahassee, Florida 32399-0001, by September 14, 2001.

REGIONAL PLANNING COUNCILS

The District 5, **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

COMMITTEE: TRAINING SUBCOMMITTEE

DATE AND TIME: Monday, September 17, 2001, 9:15 a.m. – 10:15 a.m.

COMMITTEE: LOCAL EMERGENCY PLANNING COMMITTEE

DATE AND TIME: Monday, September 17, 2001, 10:30 a.m.

PLACE: Southwest Florida Water Management District, Governing Board Room, 1st Floor, 2379 Broad Street, Brooksville, FL 34609-6899

GENERAL SUBJECT MATTER TO BE DISCUSSED: Chairman report, Committee updates and other organizational matters regarding the committees.

If a person decides to appeal any decision made by the Committee with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you have any questions regarding the meeting you may contact: Charlotte Neupauer, (352)732-1315.

The **Withlacoochee Regional Planning Council** announces an Executive Committee meeting to which all persons are invited.

DATE AND TIME: Thursday, September 20, 2001, 6:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 Southwest 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct performance review of Executive Director.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **Withlacoochee Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 20, 2001, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 Southwest 10th Street, Ocala, FL 34474-2798

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

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **Southwest Florida Regional Planning Council** announces a public hearing to which all persons are invited:

DATE AND TIME: September 20, 2001, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council, Conference Room, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33917

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Regional Planning Council.

A copy of the proposed agenda may be obtained by writing: Mr. Wayne E. Daltry, Executive Director, Southwest Florida Regional Planning Council, Post Office Box 3455, North Fort Myers, FL 33918-3455 or e-mail: wdaltry@swfrpc.org.

Please note that if a person decides to appeal any decision made by the Council with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring special accommodation due to disability or physical impairment should contact Mr. Wayne Daltry, (941)656-7720, at least five calendar days prior to the meeting. Persons who are hearing impaired should contact Mr. Daltry using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 20, 2001, 12:00 Noon – 4:00 p.m.

PLACE: Davie Town Hall, Community Room, 6591 Orange Drive, Davie, Florida 33314

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the State Road 7/U.S. 441 Corridor Steering Committee to continue to develop their organizational structure as well as identifying Objectives.

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 State Road 7/U.S. 441 Collaborative Steering Committee 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.

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.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: September 21, 2001, 9:30 a.m.
PLACE: Howard Johnson's Motor Lodge, 950 U.S. Highway One, Stuart, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

The Florida District X, **Local Emergency Planning Committee** announces the following meeting to which all persons are invited.

DATE AND TIME: September 27, 2001, 10:00 a.m.
PLACE: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the District X, Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

The **Treasure Coast Regional Planning Council** announces the following public meeting:

DATE AND TIME: September 28, 2001, 8:30 a.m. – 4:30 p.m.
PLACE: Blake Library, 2351 S. E. Monterey Road, Stuart, FL 34996

GENERAL SUBJECT MATTER TO BE CONSIDERED: Potential Deregulation of Florida's Electricity Market. A Symposium for Consumers, Regulatory Agencies, Utility Providers, Merchants, Policy Makers, Stakeholders and Citizens.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

DEPARTMENT OF CORRECTIONS

The **Florida Corrections Commission** announces the following public meeting to which all interested persons are invited:

DATE AND TIME: Friday, September 14, 2001, 9:00 a.m. – 3:00 p.m.

PLACE: Florida Department of Corrections, 2601 Blair Stone Road, Classroom B, Tallahassee, Florida 32399-2500

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will hold a meeting for the purposes of discussing issues to be included in the 2001 Annual Report.

A copy of the agenda may be obtained by writing: Mr. John Fuller, Executive Director, Florida Corrections Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500 or call (850)413-9330.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** will hold a public workshop to receive comments regarding the proposed 2001 Minimum Flows and Levels Priority Water Body List and Schedule to which all interested parties are invited to attend.

DATE AND TIME: September 25, 2001, 1:00 p.m. – 3:00 p.m.

PLACE: St. Johns River Water Management District, Governing Board Room, 4049 Reid Street, Palatka, Florida 32199

GENERAL SUBJECT MATTER TO BE CONSIDERED: Section 373.042(2) and (3), Florida Statutes, requires that by November 15 annually, each water management district submit to the Florida Department of Environmental Protection for review and approval, a priority list and schedule for the establishment of minimum flows and levels for surface water-courses, aquifers and surface waters within the district. The priority list shall be based upon the importance of the waters to the state or region and the existence of or potential for significant harm to the water resources or ecology of the state or region, and shall include those waters which are experiencing or may reasonably be expected to experience adverse impacts. The priority list and schedule identify those water bodies for which the district will voluntarily undertake independent scientific peer review. Each water management district is to publish annually, prior to the end of the calendar year, its approved priority list and schedule in the Florida Administrative Weekly.

If any person decides to appeal any decision with respect to any matter considered at the above listed public workshop, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodation to participate in this meeting is requested to advise the District at least 5 workdays before the meeting by contacting Norma Messer, (386)329-4496, or (386)329-4450 (TDD).

The Southwest Florida Water Management District (SWFWMD) announces the following public meetings to which all interested persons are invited:

AGRICULTURAL TOUR

DATE AND TIME: Wednesday, September 19, 2001, 9:00 a.m. – 4:00 p.m.

PLACE: SWFWMD, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board members will be transported by bus to see a dairy operation, row crops, citrus, blueberries, nursery and aquaculture.

BAY AREA DELEGATION BRIEFING

DATE AND TIME: Friday, September 28, 2001, 10:30 a.m. – 1:00 p.m.

PLACE: Florida Power Corporation, 100 Central Avenue, St. Petersburg, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water issues and solutions.

A copy of the agenda may be obtained by writing: SWFWMD, 2379 Broad Street, Brooksville, FL 34604, or by calling the SWFWMD, (352)796-7211 or 1(800)231-6103, Suncom 628-4150.

Any person deciding to appeal any decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding, and for such purpose that person may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The 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: October 9, 2001, 10:00 a.m. – 3:00 p.m.

PLACE: South Florida Water Management District Headquarters, B-1 Building, Storch Room, 3rd Floor, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Technical Oversight Committee meeting: tentative agenda includes:

1. Water quality conditions reports to the TOC.
2. Letter to TOC Principals on Water Quality Excursions.
3. Everglades Consolidated Report: review and workshop update.
4. Basin feasibility studies for water quality.
5. Conceptual design for S5A auto sampler.
6. Public comment and other items.

A copy of the agenda may be obtained: (1) District website <http://www.sfwmd.gov/agenda.html> or (2) by writing to the South Florida Water Management District, Mail Stop 2130, Post Office Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information, please contact Dr. Garth Redfield, Environmental Monitoring and Assessment Department, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406, (561)682-6611.

The **South Florida Water Management District** announces a public hearing required under Sections 373.59 and 373.139, Florida Statutes, to which all interested persons are invited:

GOVERNING BOARD MEETING

DATE AND TIME: October 11, 2001, 8:50 a.m.

PLACE: District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33407

GENERAL SUBJECT MATTER TO BE CONSIDERED: The acquisition of certain lands contained within the Save Our Rivers Land Acquisition and Management Plan which lands are further described as follows:

Part of the Kissimmee River Project comprised of one parcel referred to as SFWMD Tract No. 19-103-487 consisting of approximately 0.1 acres and lying in Section 17, Township 36 South, Range 33 East in Highlands County, Florida.

FAW Reference No. 2367

Part of the Kissimmee Chain of Lakes Project comprised of twelve parcels referred to as SFWMD Tract Nos. 18-402-002, 18-402-003, 18-402-006, 18-402-020, 18-402-037, 18-402-038, 18-404-003, 18-404-004, 18-404-005, 18-405-002, 18-406-002 and 18-406-005 consisting of approximately 51.97 acres and lying in Sections 5, 7, 8, 17 and 18, Township 30 South, Range 30 East and Sections 1 and 12, Township 30 South, Range 29 East, Polk County, Florida.

FAW Reference No. 2368

Part of the East Coast Buffer Project being acquired under the terms of an Interlocal Agreement with Palm Beach County comprised of one parcel referred to as SFWMD Tract No. W9-100-085 consisting of approximately 626.97 acres and lying in Section 12, Township 41 South, Range 46 East in Palm Beach, Florida.

FAW Reference No. 2369

Part of the East Coast Buffer Project comprised of one parcel referred to as SFWMD Tract No. W9-200-917 consisting of approximately 10 acres and lying in Section 34, Township 51 South, Range 39 East in Broward County, Florida.

FAW Reference No. 2370

An Interlocal Agreement between the District and Palm Beach County, for the commitment of funds by the District to Palm Beach County, in an amount not to exceed \$1,000,000 to assist Palm Beach County in acquiring land interests in Unit 11.

FAW Reference No. 2371

Part of the Biscayne Coastal Wetlands Project comprised of ten parcels referred to as SFWMD Tract Nos. GZ-100-001, GZ-100-002, GZ-100-003, GZ-100-004, GZ-100-005, GZ-200-001, GZ-200-002, GZ-200-003, GZ-200-004 and GZ-200-005 consisting of approximately 549.77 acres, and lying in the South 1/2 of Section 28, Township 56 South, Range 40 East, and in Sections 4 and 9, Township 57 South, Range 40 East, lying East of the L-31 East Levee, Miami-Dade County, Florida.

FAW Reference No. 2372

Additional information concerning specific parcels or interests can be obtained from: Blair R. LittleJohn, III, South Florida Water Management District, Post Office Box 24680, West Palm Beach, Florida 33416-4680, (561)686-8800.

Appeals from any South Florida Water Management District Board decision requires a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

For additional information, please contact Mr. Blair R. LittleJohn, III, Interim Department Director, Land Acquisition Department, (561)686-8800.

EXPRESSWAY AUTHORITIES

The **Hillsborough Area Regional Transit Authority (HART)** announces the following public meetings of the Governing Board of the Authority to which all persons are invited:

PUBLIC HEARING

DATE AND TIME: September 10, 2001, 5:30 p.m.

PLACE: Hillsborough Area Regional Transit Authority (HART), 201 E. Kennedy Boulevard, Suite 900 (Boardroom), Tampa, FL

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED: First Budget Hearing and scheduled Regular Board Meeting

1. Call to order
2. Approval of Minutes
3. Introductions, Recognition and Awards
4. Consumer Advisory Committee Report
5. Public Comment on Action Items
6. Consent Action Items
7. Other Action Items
8. Chairman's Report
9. Reports from HART Representatives
10. HART Committee Reports
11. Other Board Member's Report
12. Executive Director's Report
13. Employee Comment
14. General Public Comment
15. Discussion and Presentations
16. Monthly Information Reports
17. Other Information Items
18. Other Business

A copy of the detailed agenda may be obtained by contacting: Mary Staples, Administrative Assistant II, Hillsborough Area Regional Transit Authority, 201 E. Kennedy Boulevard, Suite 900, Tampa, FL 33602, (813)223-6831.

Section 286.0105, Florida Statutes, states that if a person decided to appeal any decision made by a board, agency or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Alvin Orgeron, (813)623-5835, at least 48 hours before the meeting. If the caller is hearing impaired, contact the Authority, (813)626-9158 (TTD).

The **Hillsborough Area Regional Transit Authority (HART)** announces the following public meetings of the Governing Board of the Authority to which all persons are invited:

PUBLIC HEARING

DATE AND TIME: September 24, 2001, 5:30 p.m.

PLACE: Tampa Port Authority, 1101 Channelside Drive, Boardroom, 1st Floor, Tampa, FL

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED: Final Budget Hearing and Regularly Scheduled Board Meeting

1. Call to order
2. Approval of Minutes
3. Introductions, Recognition and Awards
4. Consumer Advisory Committee Report
5. Public Comment on Action Items
6. Consent Action Items
7. Other Action Items
8. Chairman's Report
9. Reports from HART Representatives
10. HART Committee Reports
11. Other Board Member's Report
12. Executive Director's Report
13. Employee Comment
14. General Public Comment
15. Discussion and Presentations
16. Monthly Information Reports
17. Other Information Items
18. Other Business

A copy of the detailed agenda may be obtained by contacting: Mary Staples, Administrative Assistant II, Hillsborough Area Regional Transit Authority, 201 E. Kennedy Boulevard, Suite 900, Tampa, FL 33602, (813)223-6831.

Section 286.0105, Florida Statutes, states that if a person decided to appeal any decision made by a board, agency or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that

for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Alvin Orgeron, (813)623-5835, at least 48 hours before the meeting. If the caller is hearing impaired, contact the Authority, (813)626-9158 (TTD).

SPACEPORT FLORIDA AUTHORITY

The **Florida Commercial Space Financing Corporation** announces a Board of Directors meeting and a teleconference to which the public is invited.

DATE AND TIME: September 10, 2001, 9:30 a.m. – 11:00 a.m.

PLACE: This is a telephone conference call meeting. The number to call is 1(800)939-8909, participant code 665956.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will be meeting to review and approve an executive search contract to seek the next FCSFC President and to consider other proposed matters related to the business of the Corporation.

For more information, contact Ms. Judy Blanchard, (321)267-2877.

To obtain a copy of the agenda write: The Florida Commercial Space Financing Corporation, Florida/NASA Business Incubation Center, 1311 N. Highway U.S. 1, Suite 129, Titusville, FL 32796.

Any person requiring special accommodations at this meeting because of disability or physical impairment should contact the Florida Commercial Space Financing Corporation.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

The **Florida Space Research Institute (FSRI)** board of directors announces two public meetings. The first meeting will be a teleconference on:

DATE AND TIME: September 18, 2001, 1:00 p.m. – 4:00 p.m.

PLACE: Brevard County offices of FSRI, Kennedy Space Center Visitor Complex, Center for Space Education, northwest corner of the Visitor Complex, Cape Canaveral, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the teleconference will be to discuss FSRI's draft Operating Policies and Procedures and other administrative issues.

Public participation for the teleconference will be accommodated.

DATE AND TIME: September 25, 2001, 9:30 a.m. – 4:00 p.m.

PLACE: Boeing's Facility, 100 Boeing Way, Titusville, FL (The facility is located 1/2 mile south of the intersection of SR-405 on U.S. Highway 1.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting will be to discuss FSRI programs, planning and administrative issues.

Call (321)452-2653 for information about either of these meetings.

DEPARTMENT OF ELDER AFFAIRS

The **Statewide Public Guardianship Office** announces a meeting of the Public Guardian Coalition.

DATE AND TIME: Wednesday, September 19, 2001, 10:00 a.m. – 4:00 p.m.

PLACE: MHC 1329, University of South Florida Campus, 13301 Bruce B. Downs Blvd., Tampa, FL 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Public Guardian Coalition to discuss issues pertaining to public guardianship.

A copy of the agenda may be obtained by contacting: Gloria Mitchell, (813)974-1649.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces the following meeting schedule of the District 10, Managed Care Ombudsman Committee to which all interested parties are invited.

DATES AND TIME: September 12, 2001 (second Wednesday of September); October 10, 2001 (second Wednesday of October); November 14, 2001 (second Wednesday of November); December 12, 2001 (second Wednesday of December), 9:30 a.m. – 11:30 a.m.

PLACE: AHCA Building, Room 195, 1400 West Commercial Boulevard, Fort Lauderdale, Florida 33309, (954)202-3200

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting.

Any persons requiring a special accommodation at this meeting because of a disability or physical impairment should contact us, (850)922-2546, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Attention: Jason Ottinger, Agency for Health Care Administration, Bureau of Consumer Protection, 2727 Mahan Drive, Building 1, Room 339, Tallahassee, Florida 32308.

The **Agency for Health Care Administration** announces a meeting of the Organ and Tissue Procurement and Transplantation Advisory Board in Tampa. This meeting is open to the public.

DATE AND TIME: September 21, 2001, 10:00 a.m. – 12:00 Noon

PLACE: Tampa-Hillsborough County Public Library, 900 North Ashley Drive, Auditorium, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to discuss the Donor Registry, provide an update regarding the Organ and Tissue Donor Education and Procurement Trust Fund, the Florida Sunshine Laws, the direction of the organ and tissue procurement program and other regular business of the Advisory Board.

A copy of the agenda may be requested by e mail by contacting: linchj@fdhc.state.fl.us.

NOTE: If you need a special accommodation in order to attend this meeting because of a disability, please notify the Agency for Health Care Administration in writing, 2727 Mahan Drive, Hospital and Outpatient Services Unit, Tallahassee, FL 32308, or by phone call Jo Ann Linch, (850)487-2717. Requests for special accommodations must be received at least seven days prior to the meeting.

DEPARTMENT OF MANAGEMENT SERVICES

The **State Retirement Commission** announces public hearings to which all persons are invited.

DATES AND TIME: September 17-18, 2001, 8:30 a.m.

PLACE: Embassy Suites Tampa Airport Westshore, 555 North Westshore Boulevard, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the agenda may be obtained by writing: State Retirement Commission, 2424 Allen Road, Suite 230, Tallahassee, Florida 32312, or by telephoning (850)487-2410.

A party who decides to appeal any decision made at such hearings will need a verbatim record of the hearing and may need to ensure that one is made, including the testimony and evidence, upon which the appeal is to be based.

Persons requiring accommodation because of a physical, visual, auditory or speech impairment should contact the Commission Clerk at least ten days prior to the hearing. If you are hearing or speech impaired, call by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD). Hearing rooms and facilities are wheelchair accessible.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Electrical Contractors' Licensing Board** announces Official Board Meetings to which all interested persons are invited.

DATE AND TIME: October 19, 2001, 9:00 a.m. or soon thereafter

PLACE: Telephone Conference Call Meet Me Number: (850)488-8295, Suncom 278-8295, Department of Business and Professional Regulation, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771, Phone (850)488-3109, Fax (850)922-2918

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

DATE AND TIME: November 13, 2001, 8:00 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting (closed to the public).

DATE AND TIME: November 13, 2001, 10:30 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

DATE AND TIME: November 14, 2001, 8:30 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

PLACE: Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, FL 32399-0771, (850)488-3109

A copy of the agenda may be obtained by writing: Board Office, 1940 North Monroe Street, Tallahassee, Florida 32399-0771.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is to be based.

For further information, contact: Florida Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771.

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact Jessica Koon, Electrical Contractors' Licensing Board, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call Jessica Koon using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces an official telephone conference call regarding change of ownership applications.

DATE AND TIME: Wednesday, September 19, 2001, 10:00 a.m.

PLACE: Meet Me Telephone Number: (850)921-2470 or Suncom 291-2470

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting of the Board regarding Change of Ownership Applications and other business as directed by the Board.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767 or by calling Pat Janecek, (850)921-7868.

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 Pat Janecek, (850)921-7868. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is based.

For further information, contact the Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The **Board of Accountancy**, Committee on Continuing Professional Education announces the following public meeting to which all persons are invited:

DATE AND TIME: Tuesday, September 25, 2001, 9:00 a.m.

PLACE: Via Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reporting forms and requests for course approval.

If you wish to participate in this meeting or receive a copy of the agenda, please contact: Kim Thompson, Board of Accountancy, 240 N. W. 76th Drive, Suite A, Gainesville, FL 32607, (352)333-2500, as soon as possible.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, September 12, 2001, 6:00 p.m.

PLACE: Guana Tolomata Matanzas National Estuarine Research Reserve, 9741 Ocean Shore Blvd., Town of Marineland, St. Augustine, Florida 32080

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Management Advisory Group (MAG) for the Guana Tolomata Matanzas National Estuarine Research Reserve (GTMNERR)

meets regularly on the second Wednesday of the third month of each quarter. The MAG is composed of ten citizens appointed by the three state legislators with overlapping jurisdictions within the reserve boundaries, ten representatives of the local, state and federal government entities with authority and responsibility in the reserve and one member of the Friends of Guana River State Park (FroG), a private non-profit Citizen Support Organization. The government entities are the National Park Service; the Florida Park Service; the Florida Fish and Wildlife Conservation Commission; the St. Johns River Water Management District; the Florida Inland Navigation District; the Flagler County Board of County Commissioners; the St. Johns County Board of County Commissioners; the St. Augustine Port, Waterway and Beach Authority; the City of St. Augustine; and the Town of Marineland. The MAG provides advisory input to the Office of Coastal and Aquatic Managed Areas for the management of the GTMNERR.

The meeting agenda will include election of officers for Chairman and Vice-Chairman of the MAG, a presentation by GTMNERR Graduate Research Fellow, Ashley Murphy, on the application of Geographic Information Systems (GIS) on coastal resource management, discussion of the GTMNERR Grand Opening event on Estuaries Day, September 28, 2001, and progress reports on a variety of GTMNERR activities including the planned construction of an environmental education center at the Guana River State Park.

A copy of the agenda may be obtained by contacting: Mr. Kenneth Berk, GTMNERR, 9741 Ocean Shore Blvd., Marineland, Florida 32080, (904)461-4054.

If an accommodation is needed for a disability in order to participate in this activity, please notify Linda Harvey, (850)488-0450, 1(800)955-8771 (TDD), at least seven days prior to the event.

The Department of Environmental Protection announces three public workshops to which all persons are invited:

DATE AND TIME: September 25, 2001, 1:00 p.m.

PLACE: Second Floor, Conference Room, Department of Environmental Protection, Southeast District Office, 400 North Congress Avenue, West Palm Beach, Florida

DATE AND TIME: September 26, 2001, 10:00 a.m.

PLACE: Albertson Conference Room, Third Floor, Orlando Public Library, 101 East Central Boulevard, Orlando, Florida

DATE AND TIME: October 10, 2001, 1:30 p.m.

PLACE: Conference Room A, First Floor, Department of Environmental Protection, Marjorie Stoneman Douglas Building, 3900 Commonwealth Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comment on the draft 2000 Florida Water Plan and a draft list of topics to be considered in the development of amendments to the Water Resource Implementation Rule (Chapter 62-40, F.A.C.).

Copies of the agenda, the draft Florida Water Plan, and the draft list of topics being considered for revision of Chapter 62-40, F.A.C. may be obtained by writing: Arnetria Thomas or Yvonne Zola, Department of Environmental Protection, 2600 Blair Stone Road, Mail Station #46, Tallahassee, Florida 32399 or by calling Ms. Thomas, (850)488-0784 or Ms. Zola, (850)488-4107. They are also available on-line at the Department's Internet website: <http://www8.myflorida.com/environment/learn/waterprograms/waterpolicy/>

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting the Personnel Service Specialist, Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The Department of Environmental Protection announces a public hearing to which all interested persons are invited.

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

PLACE: Room 611, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive testimony and public comment and to take final action on the management of the FY 2002 State Revolving Fund loan priority list for water pollution control projects under Rule Chapter 62-503, Florida Administrative Code and incipient Agency policy. Martin County has prepared planning documents for a stormwater construction project and has requested that the Department hold a hearing for the purpose of adding the project to the fundable portion of the priority list. Approximately \$322 million is projected to be available for assignment to qualifying wastewater, stormwater, or nonpoint source projects. The Department may adopt, modify, or deny the proposed actions at the hearing. Projects may be added to the priority list to be adopted pursuant to incipient Agency policy, if requests and required documentation are approved by the Department by September 26, 2001.

Under the incipient Agency policy, preconstruction loans for stormwater project planning and design may be authorized; certain parts of the Rule having to do with document submittal and priority list adoption schedules have been abrogated or revised; the limit on funds available for stormwater loans has been lifted; project eligibility has been expanded to include publicly and privately owned non-point source pollution control activities as defined in Sections 319 and 320 of the amended Clean Water Act; the limit on the cost of construction on which preconstruction allowances are determined has been

lifted; and the estimate of funds expected to be available will include appropriations, loan repayments, interest income and proceeds from the sale of bonds for a two year period. Pursuant to Rule 62-503.680(7), F.A.C., the Department's funding commitment to projects currently assigned to a priority list may be withdrawn at the hearing if a local government is delinquent in submitting documents as scheduled. Prior to Department action at the hearing, all interested persons will have the opportunity to testify regarding the list and any proposed actions.

After the hearing, the Department will file the Final Order for actions taken at the hearing. A copy of the Final Order will be made available to persons sponsoring the projects at issue and to any person submitting a timely written request. Such written requests must be submitted at the hearing or must be filed with the Department's Bureau of Water Facilities Funding, 2600 Blair Stone Road, Mail Station #3505, Tallahassee, Florida 32399-2400, no later than 5:00 p.m. on the first working day after the public hearing. A copy of the draft priority list may be obtained by contacting Gary Powell at the same address, (850)488-8163 or Suncom 278-8163 or e-mail: gary.powell@dep.state.fl.us.

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

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: Thursday, September 20, 2001, 9:00 a.m.
 PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee, FL, at Meet Me Number (850)921-6455

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations 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 contact the Board office using the Dual Party Relay System 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 form which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Sherra Causey, Board of Chiropractic Medicine, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The Florida **Board of Dentistry** will hold a general business meeting to which all persons are invited:

DATES AND TIMES: September 28, 2001, 9:00 a.m.; September 29, 2001, 8:00 a.m.

PLACE: Doubletree Hotel, 101 South Adams Street, Tallahassee, FL 32302, (850)244-5000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct 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 include the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3256, or you may call (850)245-4474. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Barber, (850)245-4474, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Barber using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine**, Probable Cause Panel (South), announces a Meeting.

DATE AND TIME: September 14, 2001, 2:00 p.m.
 PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229,

Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771(TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The Florida **Board of Medicine**, Medical Fraud Committee announces a meeting to which all persons are invited.

DATE AND TIME: Friday, September 21, 2001, 6:00 p.m. – 10:00 p.m.

PLACE: The Hilton Miami Airport and Towers, 5101 Blue Lagoon Drive, Miami, Florida 33126, (305)262-1000

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

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, Florida Board of Medicine, 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 is to be based.

The **Department of Health, Board of Nursing** announces public meetings to which all interested persons are invited.

LPN SUPERVISION WORKSHOP

DATE AND TIME: Tuesday, October 9, 2001, 1:00 p.m.

PLACE: Pensacola Grand Hotel, Grand Central Room, 200 East Gregory St., Pensacola, Florida 32501, (850)433-3336

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss matters relating to Disciplinary Guidelines for Nursing.

PRACTICE COMMITTEE MEETING

DATE AND TIME: Tuesday, October 9, 2001, 4:00 p.m.

PLACE: Pensacola Grand Hotel, Grand Central Room, 200 East Gregory St., Pensacola, Florida 32501, (850)433-3336

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss matters relating to practice of Nursing and Declaratory statements.

ADVANCED REGISTERED NURSE PRACTITIONER'S COMMITTEE MEETING

DATE AND TIME: Wednesday, October 10, 2001, 8:30 a.m.

PLACE: Pensacola Grand Hotel, Grand Central Room, 200 East Gregory St., Pensacola, Florida 32501, (850)433-3336

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider applications and review certification of Advanced Registered Nurse Practitioners.

CONTINUING EDUCATION

DATE AND TIME: Wednesday, October 10, 2001, to follow ARNP Committee

PLACE: Pensacola Grand Hotel, Grand Central Room, 200 East Gregory St., Pensacola, Florida 32501, (850)433-3336

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and hold hearings on procedures for continuing education rules.

EDUCATION COMMITTEE MEETING

DATE AND TIME: Wednesday, October 10, 2001, to follow Continuing Education Committee

PLACE: Pensacola Grand Hotel, Grand Central Room, 200 East Gregory St., Pensacola, Florida 32501, (850)433-3336

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider matters relating to nursing programs and applications for licensure.

CREDENTIALS COMMITTEE

DATE AND TIME: Wednesday, October 10, 2001, 8:30 a.m.

PLACE: Pensacola Grand Hotel, Ballroom A/B, 200 East Gregory St., Pensacola, Florida 32501, (850)433-3336

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and hold hearings on credential issues.

DISCIPLINE RULES WORKSHOP

DATE AND TIME: Wednesday, October 10, 2001, to follow Board meeting

PLACE: Pensacola Grand Hotel, Ballroom A/B, 200 East Gregory St., Pensacola, Florida 32501, (850)433-3336

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss disciplinary rules for Nursing.

BOARD OF NURSING BI-MONTHLY BOARD MEETING

DATES AND TIMES: Wednesday October 10, 2001, 1:30 p.m.; Thursday October 11, 2001, 8:30 a.m.; Friday October 12, 2001, 8:30 a.m.

PLACE: Pensacola Grand Hotel, Ballroom A/B, 200 East Gregory St., Pensacola, Florida 32501, (850)433-3336

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rule Hearing/Adoptions; Nursing Education Program Requests and Reports; Advanced Registered Nurse Practitioners Certificates and matters relating advanced nursing practice; Continuing Education matters; Legal and Disciplinary Actions; Licensing Problems, Informal Hearings, Declaratory statements, Correspondence and other miscellaneous matters relating to the practice of nursing.

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 ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

SPECIAL ACCOMMODATION: Any person requiring special accommodations for this meeting because of a disability or physical impairment should contact the Board of Nursing office, (904)858-6940, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health**, Bureau of Emergency Medical Services announces a public meeting to which all persons are invited.

DATE AND TIME: September 17, 2001, 10:00 a.m. – 3:00 p.m.

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this study is to develop a methodology to assess the costs of providing trauma care to be specifically used for reporting to the Florida Legislature.

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 before August 15, 2001, by contacting Charlotte Sorrell, (850)245-4440. 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).

Purchase Order Number G10454.

The Florida **Emergency Medical Services**, Advisory Council will hold their quarterly meeting.

DATE AND TIME: October 5, 2001, 8:00 a.m. (EST)

PLACE: Hawk's Cay Resort, 61 Hawk's Cay Boulevard, Duck Key, Florida 33050-3756, 1(800)432-2242

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the council.

An agenda may be obtained by contacting: Desi Lassiter, Bureau of Emergency Medical Services, (850)245-4055.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact the Bureau of Emergency Medical Services, (850)245-4055, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Bureau of Emergency Medical Services using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

For further information, write to Desi Lassiter, 4052 Bald Cypress Way, BIN #C18 (HEMS), Tallahassee, Florida 32399-1738 or call (850)245-4055.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services**, District 12, Community Alliance Mental Health Committee announces the following public meeting to which all persons are invited.

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

PLACE: Daytona Beach Regional Service Center, 210 N. Palmetto Avenue, Conference Room 148, Daytona Beach, Florida

A copy of the agenda may be obtained by writing: Department of Children and Family Services, 210 N. Palmetto Avenue, Daytona Beach, FL 32114-3284 (Attn: Denise Kelly).

If you need special accommodations (i.e. assisted listening devices, sign language interpreter, etc.) please notify Denise Kelly, (904)238-4648, at least 48 hours in advance of the meeting. If you are hearing or speech impaired, please use Florida Relay Service for TDD or TTY at 1(800)955-8771.

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15, announces the following public meeting to which all persons are invited:

EXECUTIVE COMMITTEE

DATES AND TIME: September 12, 19, 26, 2001, 8:30 a.m.

PLACE: Department of Children and Family Services, 337 North 4th Street, Room 327D, Fort Pierce, FL 34950

For more information, please contact: Betty Robinson, CBC Liaison, 337 North 4th Street, Room 327, Fort Pierce, Florida 34950, (561)467-4174.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (561)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited:

FOSTER CARE SUB-COMMITTEE

DATES AND TIME: September 12 and 26, 2001, 10:00 a.m.

PLACE: Benton Regional Service Center, 337 North 4th Street, Room 316, Fort Pierce, FL

For more information, please contact: Betty Robinson, CBC Liaison, 337 North 4th Street, Room 327, Fort Pierce, Florida 34950, (561)467-4174.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (561)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited:

ITN/OUTCOMES SUB-COMMITTEE

DATES AND TIME: September 12 and 26, 2001, 3:00 p.m.

PLACE: Benton Regional Service Center, 337 North 4th Street, Room 316, Fort Pierce, FL

For more information, please contact: Betty Robinson, CBC Liaison, 337 North 4th Street, Room 327, Fort Pierce, Florida 34950, (561)467-4174.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (561)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited:

MENTAL HEALTH SUB-COMMITTEE

DATE AND TIME: September 17, 2001, 9:30 a.m.

PLACE: Benton Regional Service Center, 337 North 4th Street, Room 104, Fort Pierce, FL

For more information, please contact: Betty Robinson, CBC Liaison, 337 North 4th Street, Room 327, Fort Pierce, Florida 34950, (561)467-4174

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (561)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Advocacy Committee**, District 15 announces a public meeting to which all persons are invited.

DATE AND TIME: September 18, 2001, 9:30 a.m.

PLACE: 337 North 4th Street, Benton Regional Service Center, Room 104, Fort Pierce, FL 34950

A copy of the agenda may be obtained by contacting: Ellen Higinbotham, FLAC Liaison, (561)467-3042.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (561)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)955-8770 (Voice) and 1(800) 955-8771 (TDD).

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited:

ALLIANCE MEETING

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

PLACE: Workforce Development Board, 9350 South U.S. 1, Port St. Lucie, FL

For more information, please contact: Betty Robinson, CBC Liaison, 337 North 4th Street, Room 327, Fort Pierce, Florida 34950, (561)467-4174

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (561)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)955-8770 (Voice) and 1(800) 955-8771 (TDD).

The Florida **Department of Children and Family Services** announces a meeting of the Hernando County Community Alliance Steering Committee to which all persons are invited.

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

PLACE: Hernando County Schools Support Complex, 919 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, subsection 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, (352)330-2177.

The Florida **Department of Children and Family Services** announces a meeting of the Sumter County Community Alliance to which all persons are invited.

DATE AND TIME: Wednesday, September 26, 2001, 12:00 Noon

PLACE: Wildwood City Hall, 100 N. Main St., Wildwood, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, subsection 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, (352)330-2177.

The Florida **Department of Children and Family Services**, District 4 announces a public meeting to which all persons are invited:

WHAT: NASSAU COUNTY COMMUNITY ALLIANCE

DATE AND TIME: September 17, 2001, 2:00 p.m. – 4:00 p.m.

PLACE: Children and Families Education Center, 479 Felmore Road, Yulee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Facilitated meeting to establish human service priorities for Nassau County.

The Florida **Department of Children and Family Services** announces a public meeting of the Lawton Chiles Endowment Fund Advisory Council:

DATE AND TIME: September 21, 2001, 9:00 a.m. – 5:00 p.m.

PLACE: 1317 Winewood Boulevard, Building 1, Room 202, Secretary's Large Conference Room, Tallahassee, Florida 32399-0700

GENERAL SUBJECT MATTER TO BE CONSIDERED: The council was created to develop criteria and guiding principles for the ranking of programs to be recommended to the Legislature; to evaluate the value of programs and services based on the priorities submitted by the secretaries of state agencies with respect to endowment funding for health and human services programs for children and elders; and to provide recommendations.

Special Accommodations: Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact: Susan Moore, Office of the Secretary, Department of Children and Family Services, (850)487-1111, at least 48 hours prior to the meeting.

The **Department of Children and Family Services**, Refugee Services Office announces the following public meetings to which all interested persons are invited.

MEETING: DISTRICTS 5, 6 AND 14/TAMPA BAY AREA REFUGEE TASK FORCE

DATE AND TIME: September 25, 2001, 9:30 a.m. – 12:00 Noon

PLACE: TBA (contact person is Taddese Fessehaye, (407)245-0450 or (850)488-3791)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Tampa Bay Area/Children and Family Services, District 5, 6, and 14 areas.

A copy of the agenda may be obtained by writing: Taddese Fessehaye, Refugee Services Office, 400 West Robinson Street, Suite 1009, Orlando, Florida 32801.

MEETING: DISTRICT 9/PALM BEACH AREA REFUGEE TASK FORCE

DATE AND TIME: September 19, 2001, 1:30 p.m. – 3:30 p.m.

PLACE: Naval and Marine Reserve Center, 1227 Marine Drive, West Palm Beach, FL (contact person is Taddese Fessehaye, (407)245-0450 or (850)488-3791)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Palm Beach Area/Children and Family Services, District 9 area.

A copy of the agenda may be obtained by writing: Taddese Fessehaye, Refugee Services Office, 400 West Robinson Street, Suite 1009, Orlando, Florida 32801.

MEETING: DISTRICT 10/BROWARD COUNTY REFUGEE TASK FORCE

DATE AND TIME: September 25, 2001, 9:00 a.m. – 12:00 Noon

PLACE: First Lutheran Church, 441 N. E. 3rd Ave., Ft. Lauderdale, FL 33301 (contact person is Cheraka Thomas, (850)414-0067)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Broward County/Children and Family Services, District 10 area.

A copy of the agenda may be obtained by writing: Cheraka Thomas, Refugee Services Office, 1317 Winewood Blvd., Building 1, Room 303, Tallahassee, Florida 32399-0700.

MEETING: DISTRICT 11/MIAMI AREA REFUGEE TASK FORCE

DATE AND TIME: September 14, 2001, 10:00 a.m. – 12:00 Noon

PLACE: Miami-Dade Community College, 300 N. E. Second Avenue, Building 2, Miami, Florida, (305)237-7069 (contact person is Vinayak Sharma, (850)413-9225)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Miami Dade Area County/Children and Family Services, District 11 area.

A copy of the agenda may be obtained by writing: Vinayak Sharma, Refugee Services Office, 1317 Winewood Blvd., Building 1, Room 303, Tallahassee, Florida 32399-0700.

MEETING: DISTRICT 4/JACKSONVILLE

DATE AND TIME: September 27, 2001, 1:30 p.m. – 3:30 p.m.

PLACE: Lutheran Social Services, 421 West Church Street, Suite 322, Jacksonville, Florida 32202 (contact person is Osman Uzun, (850)413-8200)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Duval Area County/Children and Family Services, District 4 area.

A copy of the agenda may be obtained by writing: Osman Uzun, Refugee Services Office, 1317 Winewood Blvd., Building 1, Room 303, Tallahassee, Florida 32399-0700.

Pursuant to the Provisions of the America's with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Refugee Services Office, (850)488-3791 or Fax (850)487-4272. If you are hearing or speech impaired, please contact the agency by calling TDD Number (850)922-4449, and reference the specific Refugee Task Force Meeting by location and date.

The District 14, **Department of Children and Family Services** announces the following meeting to which all persons are invited.

CEO ROUNDTABLE OF CENTRAL FLORIDA QUARTERLY MEETING

DATE AND TIME: Wednesday, October 17, 2001, 3:00 p.m.

PLACE: Polk County Board of County Commissioners, 4th Floor, Board Members Conference Room, 330 West Church Street, Bartow, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the CEO Roundtable of Central Florida.

For copies of the agenda, further information, or persons needing accommodation to participate in this meeting please contact, Patty Harrison, (863)619-4157, 1(800)342-0825 or TDD (941)648-3337.

FLORIDA PORTS CONFERENCE

NOTICE OF CANCELLATION – The **Florida Ports Conference** public meeting scheduled for August 29, 2001, 2:00 p.m. – 4:00 p.m., at the Doubletree Hotel, 101 South Adams Street, Tallahassee, Florida, has been cancelled.

ENTERPRISE FLORIDA

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited:

MEETING: ENTERPRISE FLORIDA, INC., SMALL BUSINESS COUNCIL RURAL SUBCOMMITTEE

DATE AND TIME: Tuesday, September 11, 2001, 10:00 a.m. – 1:00 p.m.

PLACE: Florida Farm Bureau, 5700 S. W. 34th Street, Gainesville, Florida 32608, (352)374-1504

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss issues facing small business in rural Florida.

If an accommodation is needed for a disability or physical impairment, please contact Dee Poka, (850)922-8748, at least seven (7) days prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited:

MEETING: LONG RANGE TASK FORCE

DATE AND TIME: Thursday, September 13, 2001, 1:00 p.m. – 4:00 p.m.

PLACE: Department of Education, 325 W. Gaines Street, Room 1703/1707, Turlington Building, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review Strategic Plan Issues.

If an accommodation is needed for a disability or physical impairment, please contact Debra Matthews, (407)316-4656, at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

INDEPENDENT LIVING COUNCIL

The Florida **Independent Living Council** announces the following meetings:

MEETING: EXECUTIVE COMMITTEE

DATE AND TIME: Tuesday, September 11, 2001, 10:00 a.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: STEERING COMMITTEE

DATE AND TIME: Wednesday, September 19, 2001, 10:00 a.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: ADVOCACY COMMITTEE

DATE AND TIME: Thursday, September 20, 2001, 3:00 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: OUTREACH COMMITTEE

DATE AND TIME: Tuesday, September 25, 2001, 4:00 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: BY-LAWS TASK FORCE

DATE AND TIME: Thursday, September 27, 2001, 3:00 p.m. (EST)

PLACE: Double Tree Tallahassee, 101 South Adams Street, Tallahassee, Florida 32301

MEETING: FINANCE COMMITTEE

DATE AND TIME: Wednesday, October 3, 2001, 2:00 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: PLANNING COMMITTEE

DATE AND TIME: Wednesday, October 3, 2001, 3:00 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: EXECUTIVE COMMITTEE

DATE AND TIME: Thursday, October 11, 2001, 10:00 a.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, FL 32303-6271

MEETING: STEERING COMMITTEE

DATE AND TIME: Thursday, October 18, 2001, 10:00 a.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, FL 32303-6271

MEETING: ADVOCACY COMMITTEE

DATE AND TIME: Thursday, October 18, 2001, 3:00 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, FL 32303-6271

MEETING: OUTREACH COMMITTEE

DATE AND TIME: Tuesday, October 23, 2001, 4:00 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, FL 32303-6271

MEETING: FULL COUNCIL QUARTERLY

DATES AND TIME: Wednesday, November 7, 2001; Thursday, November 8, 2001, 9:00 a.m. – 5:00 p.m. (EST)

PLACE: Embassy Suites Hotel, 8978 International Drive, Orlando, FL 32819

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

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, (850)488-5624 or toll free 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year

to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Beth Schultz at the council address.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105)

CENTER CONTROL AND RESEARCH ADVISORY COUNCIL

The **Cancer Control Research Advisory Board (C-CRAB)** announces a meeting to which all persons are invited.

DATE AND TIME: September 11, 2001, 1:00 p.m. – 4:00 p.m.

PLACE: Tampa Airport Marriott, Tampa, FL

A copy of the agenda may be obtained from: Brian J. Calkins, Moffitt Cancer Center, (813)632-1309 or calkinbj@moffitt.usf.edu.

VISIT FLORIDA

The Florida **Commission on Tourism** announces a public meeting of the **Visit Florida**, Board of Directors and the Florida Commission on Tourism as follows:

MEETING: VISITOR SERVICES ADVISORY SUBCOMMITTEE

PLACE: Amelia Inn, Amelia Island Plantation, Amelia, Florida, (904)277-5101

DATE AND TIME: Wednesday, September 19, 2001, 8:00 a.m. – 9:45 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The subcommittee will hear updates on the Florida Welcome Centers and other business as necessary.

MEETING: NATURE/HERITAGE TOURISM COMMITTEE

DATE AND TIME: Wednesday, September 19, 2001, 9:00 a.m. – 10:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will hear regional updates and other business as necessary.

MEETING: NATURE/BASED AND HERITAGE ADVISORY COMMITTEE TO THE FLORIDA COMMISSION ON TOURISM

DATE AND TIME: Wednesday, September 19, 2001, 10:45 a.m. – 11:15 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and discuss old and new business and committee structure.

MEETING: FINANCE COMMITTEE

DATE AND TIME: Wednesday, September 19, 2001, 10:00 a.m. – 11:45 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will review quarterly budgets and financial statements.

MEETING: MULTICULTURAL SUBCOMMITTEE

DATE AND TIME: Wednesday, September 19, 2001, 10:00 a.m. – 11:45 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The subcommittee will review and discuss business as necessary.

MEETING: NATURE/HERITAGE TOURISM COMMITTEE AND NATURE/BASED AND HERITAGE ADVISORY COMMITTEE TO THE FLORIDA COMMISSION ON TOURISM WORKSHOP

DATE AND TIME: Wednesday, September 19, 2001, 11:30 a.m. – 5:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Define the goals and objectives for the new committee and establish the roles and working relationships of the two committees.

MEETING: PARTNER DEVELOPMENT COMMITTEE

DATE AND TIME: Wednesday, September 19, 2001, 1:00 p.m. – 3:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will discuss old business and strategies for recruiting new Partners.

MEETING: MARKETING COMMITTEE

DATE AND TIME: Wednesday, September 19, 2001, 3:00 p.m. – 5:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will discuss and review marketing strategies and other business as necessary.

MEETING: VISIT FLORIDA, BOARD OF DIRECTORS

DATE AND TIME: Thursday, September 20, 2001, 9:00 a.m. – adjournment

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will discuss committee reports, on-going and developing issues and other matters.

MEETING: FLORIDA COMMISSION ON TOURISM

DATE AND TIME: Thursday, September 20, 2001, upon adjournment of the Board of Directors meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will ratify actions of the Board of Directors and discuss other matters as necessary.

For further information contact: Susan Gale, Visit Florida, P. O. Box 1100, Tallahassee, Florida 32302-1100, (850)488-5607, Ext. 334.

Any person requiring special accommodations at this meeting because of a disability should contact Visit Florida, at least five business days prior to the meeting. Persons who are hearing or speech impaired can contact Visit Florida by using the Florida Relay Service at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

NORTHEAST FLORIDA AREA AGENCY ON AGING

The **Northeast Florida Area Agency on Aging** announces a Budget/Finance Committee meeting, and a Board of Directors meeting to which all persons are invited:

DATE AND TIMES: September 19, 2001, Budget & Finance Committee, 1:30 p.m.; Board of Directors Meeting, 2:30 p.m.

PLACE: Houston Conference Room, Flagler Hospital, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board business and voting on committee recommendations.

A copy of the agenda may be obtained by contacting: The Northeast Florida Area Agency on Aging, Inc., 4401 Wesconnett Blvd., 2nd Floor, Jacksonville, FL 32210, (904)777-2106.

STATE COURTS SYSTEM

The Florida **State Courts System** announces a public hearing to which all persons are invited:

DATE AND TIME: Friday, September 21, 2001, 10:00 a.m.

PLACE: Supreme Court Building, Judicial Meeting Room, 500 South Duval Street, Tallahassee, Florida 32399-1900

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Office of the State Courts Administrator will present an overview of the State Courts System's 2002-2003 legislative budget request to the Legislature followed by a time for public questions and comments.

AUTHORITY: Section 216.131, Florida Statutes

Persons wishing to testify are requested to contact Lisa Goodner, Deputy State Courts Administrator, by 10:00 a.m., September 14, 2001 at the address above. Written comments may be submitted to the hearing officer at the proceeding or mailed to the Office of the State Courts Administrator at the above address for receipt by August 31, 2000.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to attend the meeting should contact Lisa Goodner, Deputy State Courts

Administrator, no later than 10:00 a.m., September 14, 2001, by phone (850)488-9922 or in person at the Supreme Court Building, Room 332.

ABLE TRUST

The **Able Trust** (Florida Endowment Foundation for Vocational Rehabilitation) will hold a Board Meeting on:
DATE AND TIME: Friday, September 21, 2001, 3:00 p.m.
PLACE: The St. Petersburg Hilton, 333 First Street, South, St. Petersburg, FL 33701

The agenda will include approval of recommended grants to assist citizens with disabilities in achieving employment.

For more information, special accommodations or alternative format request, please call The Able Trust, (850)224-4493 or 1(888)838-2253.

SURPLUS LINES SERVICE OFFICE

The Florida **Surplus Lines Service Office** announces a meeting of its Budget Committee to which all interested parties are invited:

DATE AND TIME: Monday, September 24, 2001, 4:00 p.m.
PLACE: Florida Surplus Lines Service Office, 114 S. Duval Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget Issues.

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 at (850)224-7676, Ext. 19.

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

DEPARTMENT OF INSURANCE

NOTICE IS HEREBY GIVEN THAT the Department of Insurance has issued an order disposing of the petition for declaratory statement filed by Daniel Starbuck, Fire Protection Technologist, City of Gainesville, on June 11, 2001. The following is a summary of the agency's disposition of the petition:

Question: If only one tenant in a multiple tenant building is required by the applicable codes to install a fire alarm system, does the fire alarm system have to notify every tenant in the building, or may fire rated separations as required by the building code for tenant and occupancy separations be utilized to limit the required areas of installation in the building?

Response: The response depends on the kind of means of egress that is provided by the occupancy.

(i) When a multi-tenant building contains different occupancy classes that depend on a separate means of egress, only the affected tenant must meet the fire alarm requirement. For example, a strip center contains five business occupancies and one day care center of sufficient size to require a fire alarm system. The center has an exterior means of egress with direct access to the outside from each occupancy. Only the day care center would be required to install a fire alarm system. NFPA 101, the Life Safety Code in 5-5.3.2, with reference to "Exterior ways of exit access," states "The long side of the balcony, porch, gallery or similar space shall be at least 50 percent open and shall be arranged to prevent the accumulation of smoke."

(ii) In contrast, if the arrangement of the building is such that each tenant must depend on the same atmosphere such as an interior corridor, or if egress is arranged in such a manner that a fire in one area may affect egress in the other such as multiple tenant's exterior egress opening into a small alcove, then the fire alarm must include all affected spaces.

Question: If fire rated separations are allowed to limit the required areas of installation, is there a minimum hourly rating that should be allowed for this purpose, and what is it?

Response: Assuming the situation in (i) above, that is, an exterior means of egress, the answer is yes. Section 6-3.1.5 of NFPA 72, 1993 edition, states "Each section of a floor divided by a required 2-hour rated fire wall shall be considered as a separate area." The tenant separation shall be in accordance the appropriate building code. Under the 1997 edition of the Standard Building Code, the separation would be required at 2 hours between a business or mercantile occupancy and a day care center. The explanatory text of NFPA 72, the National Fire Alarm Code, states as a presumption that the construction materials of a 2-hour wall would limit the transmission of sound.

A copy of the order may be obtained from: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604, Fax (850)922-1235.

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

NOTICE IS HEREBY GIVEN THAT the Department of Labor and Employment Security, Division of Workers' Compensation, has received a petition for declaratory statement from Gerald Jacobs, Director of the Hillsborough County's Insurance and Claims Management Department, on the 20th day of August, 2001. The petition seeks the agency's opinion as to the applicability of §440.02(27), Fla. Stat., as it applies to the petitioner. Said petition is in regard to whether it is correct to deduct in the "gross wages" column of a 13-week wage statement (LES Form DWC-1a) a claimant's pre-tax

contributions to his "section 457" deferred compensation account. The petition also asks whether the employer may deduct certain bi-weekly payments made to the employee under a "section 125 cafeteria plan" which is intended to assist the employee in paying for health insurance. Petitioner contends that the financial exposure of the County could increase or decrease depending on whether the deductions are permitted to be taken from the claimant's gross wages prior to entering the amount of gross wages in that column of the 13-week wage statement.

Copies of the Petition for Declaratory Statement may be obtained by contacting: Nelda Jan Atkinson, Agency Clerk, Suite 307, Hartman Building, 2012 Capital Circle, S. E., Tallahassee, FL 32399-2189, (850)488-9370.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT the Board of Psychology has received a Petition for Declaratory Statement with regard to Rule 64B19-11.005, Licensure Examination: Supervised Experience Requirements, of the F.A.C., which was filed July 30, 2001, by David H. Golstein, Attorney at Law, on behalf of Dr. Michele Dodds. Petitioner is fully licensed in the State of Minnesota since 1994. Petitioner desires to become a licensed psychologist in the State of Florida. Petitioner realizes that she will need 2000 hours of post-doctoral supervised training and requests a declaratory statement from the Board approving her proposed plan to complete the post-doctoral supervision and become a licensed psychologist in Florida; or, if unable to approve the plan as proposed, Petitioner requests the statement of the Board to remedy any problems with the proposed plan.

The Board will address this matter at its regularly scheduled board meeting which will be held on September 14, 2001, Embassy Suites Hotel, 1100 S. E. 17th Street, Ft. Lauderdale, Florida 33316, (954)527-2700.

A copy of the Petition for Declaratory Statement may be obtained by writing: Kaye Howerton, Executive Director, Board of Psychology, Department of Health, 4052 Bald Cypress Way, BIN #05, Tallahassee, Florida 32399-3255.

**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:

NONE

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

Florida State University, State of Florida, announces that Professional Services in the discipline of Architecture will be required for the project listed below:

Project No. BR-254

Project and Location: Shaw Building Renovation and Expansion
Florida State University
Tallahassee, Florida

The project consists of a three story, 9,000 gsf expansion on the east side of the building along with general and specific renovations in the existing facility to address current deficiencies and accommodate new functions. The selected firm will provide design, construction documents and administration for the referenced project which is budgeted at \$1,657,500 for construction. The project delivery system will be Construction Management. Blanket professional liability insurance will be required for this project in the amount of \$250,000, and will be provided as a part of Basic Services.

INSTRUCTIONS

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed Board of Regents "Professional Qualifications Supplement," dated either 2/99 or 9/99. Applications on any other form, or on versions dated prior to 2/99, will not be considered.
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 five (5) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained through our website www.fpc.fsu.edu or by contacting: Lynetta Mills, Facilities Planning and Construction, 109 Mendenhall Maintenance Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843, (850)644-8351, Facsimile.

For further information on the project, contact: Jim Reynolds, Project Manager, at the address and phone listed above.

Submittals must be received in the above office, by 2:00 p.m. (Local Time), Wednesday, October 10, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO CONSTRUCTION MANAGERS

Florida Atlantic University, on behalf of the Florida Atlantic University Board of Trustees, State of Florida announces that Construction Management services will be required for the project listed below:

Project No.: BR-609, College of Business Expansion/Remodeling located at Florida Atlantic University's Boca Raton Campus.

The project consists of site development and construction of approximately 56,300 gross square feet of a new facility and remodeling of the existing Fleming Hall, Business East and West Buildings. The new building will consist of "high tech" classrooms, teaching laboratories, offices and a 300-seat auditorium. The remodeling of the existing structures consists of renovation to both the interior and the exterior of the three

facilities. Funding for this project will be appropriated over a two year cycle, thereby allowing construction of the new facility to take place first and then the remodeling to begin subsequently. The proposed development and construction will be located on Florida Atlantic University's Boca Raton Campus. The estimated construction cost is \$15,466,300.

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 analysis, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Document phase. If the GMP is accepted, Phase two, the construction phase, will be implemented. In phase two of the contract, the Construction Manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, ensuring the inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement, may result in the termination of the Construction Manager's contract.

Selection of finalists for interviews will be made on the basis of Construction Manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping, administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard State University System's Construction Management Agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The Construction Manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide Construction Management services for the project shall submit a letter of application and a completed Board of Trustees "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a Construction Management firm may not

submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected Construction Management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Board of Trustees "Construction Manager Qualifications Supplement" forms and the Project Fact Sheet may be obtained by contacting: Carla Capeletti, Office of the Associate Vice President to the University Architect, Florida Atlantic University, 777 Glades Road, Building T-10, Room 16, Boca Raton, Florida 33431, (561)297-2663.

Five (5) bound copies of the required proposal data shall be submitted to: Mr. Tom Donaudy, Associate Vice President to the University Architect, Florida Atlantic University, 777 Glades Road, Building T-10, Room 16, Boca Raton, Florida 33431.

Submittals must be received and addressed to Mr. Tom Donaudy, Associate Vice President at the above address, by 5:00 p.m. (Local Time), Wednesday, October 17, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

ADVERTISEMENT FOR BIDS

Sealed bids will be received by the Duval County Public Schools, Division of Facilities Services, Room 535, School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207 for:

PROJECT TITLE: Renovation to Plumbing at San Pablo Elementary School No. 80, Seabreeze Elementary School No. 225 and Lone Star Elementary School No. 233

TYPE: Invitation To Bid (ITB) for a General Contractor

This Bid is for exclusive competition by qualified Minority Business Enterprises (MBEs Only).

BID NUMBER: M-88610

SCOPE OF WORK: Replacement of domestic waterlines, renovations of gang restrooms and replacement of fixtures.

BIDS: Bids will be received until 2:00 p.m., Tuesday, October 9, 2001 and immediately thereafter publicly opened, read aloud and recorded in the 5th Floor, Conference Room 541, School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207.

All general contractors or prime bidders that are interested in bidding are required to attend a mandatory pre-bid conference

to be held on September 21, 2001, 9:30 a.m. (Local Time), San Pablo Elementary School No. 80, 801 18th Avenue, N., Jacksonville Beach, Florida 32246. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

All bidders and subcontractors shall be licensed contractors and registered corporations, if applicable, as required by the laws of the State of Florida.

Contract documents for bidding may be obtained at the office of: M. V. Cummings Engineers, Inc., 6501 Arlington Expressway, Suite B-211, Jacksonville, Florida 32211, (904)724-0660

DCSB Point of Contact: John McKean, (904)858-6310.

Contract documents for bidding may be examined at:

F. W. Dodge McGraw Hill Plan Room
Construction Bulletin
Construction Market Data, Inc.
Business Service Center

MBE

PARTICIPATION: Under provision of Board rule on the Minority Business Development and Assistance Programs this bid is reserved for exclusive competition by qualified Minority Business Enterprises (MBEs) only.

DEPARTMENT OF COMMUNITY AFFAIRS

REQUEST FOR GRANT PROPOSALS

The Florida Communities Trust (FCT) announces a period for receiving grant proposals from local governments for funding from FCT's Area Of Critical State Concern Program. FCT's Area of Critical State Concern Program is governed by Rule Chapter 9K-5, F.A.C. Funds granted under this program come from FCT's allocation of Preservation 2000 funding previously set aside for this purpose according to s. 259.101(3)(c), F.S.

PURPOSE OF GRANTS. All grants from this program shall be used for land acquisitions within an Area of Critical State Concern to implement or further the conservation, recreation and open space, or coastal management elements of the local comprehensive plan, to conserve natural resources, to resolve land use conflicts, and to implement land development

regulations which further the principles for guiding development established for that Area of Critical State Concern.

AWARD, USE AND DISBURSEMENT OF GRANTS. Funds shall be awarded as grants to municipalities in the Florida Keys and Key West Areas of Critical State Concern and county governments, that submit proposal(s) for land acquisitions or land acquisition programs within an Area of Critical State Concern. Funds shall be matched by the recipient local government on a dollar-for-dollar basis. Local governments in the Florida Keys and Key West Areas of Critical State Concern with a population of less than 10,000 shall not be required to provide a match, pursuant to Chapter 2001-275, Section 11, Laws of Florida. FCT is not obligated to award funds if proposals submitted do not fulfill the purpose of the Area of Critical State Concern Program.

ELIGIBLE APPLICANTS. County governments within an area designated as an Area of Critical State Concern pursuant to s. 380.05, F.S., and municipalities in the Florida Keys and Key West Areas of Critical State Concern, are eligible to apply for grants.

PROPOSAL FORM. Proposals must be submitted with Proposal Form FCT/ACSC-2 following procedures in Rule Chapter 9K-5, F.A.C. Copies of the rule chapter and proposal form may be obtained by contacting FCT at the phone numbers and address stated below.

DEADLINE. Proposals must be received by FCT by 5:00 p.m., November 21, 2001, at the address given below. No waiver of the deadline shall be allowed, except as set forth in Rule 9K-5.005(3), F.A.C. Proposals that do not meet the stated deadline shall not be eligible for evaluation.

AMOUNT OF FUNDS AVAILABLE. The amount available for distribution as grants during this proposal period is \$2,929,191.69. These funds were derived from funds previously set aside for this purpose according to paragraph 259.101(3)(c), F.S., but not awarded, or from funds previously awarded under this program but unspent by grant recipients.

TECHNICAL ASSISTANCE. Eligible local governments interested in submitting a proposal may contact Grant Gelhardt, Planning Consultant, at the phone numbers and address given below for information or technical assistance.

PHONE. The FCT phone numbers are (850)922-1704 or Suncom 292-1704.

ADDRESS: For mail, carrier service and hand deliveries, the address is Florida Communities Trust, Sadowski Building, Suite 310, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100.

REGIONAL PLANNING COUNCILS

REQUEST FOR QUALIFICATIONS, PROPOSALS AND QUOTATIONS

The Panama City Metropolitan Planning Organization is soliciting proposals from qualified firms to develop and implement the 2002, 2003 and 2004 Marketing Program for Bay Town Trolley. Contact: Mary Robinson, 1(800)226-8914 or 1(850)595-8910, Ext. 229, to request a packet of materials describing the scope of this project.

WATER MANAGEMENT DISTRICTS

REQUEST FOR PROPOSALS ("RFP") PRESCRIBED BURNING SERVICES ON DISTRICT LANDS IN NORTHWEST FLORIDA – RFP # 02-001

The Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333, will receive sealed proposals for firms willing to conduct Prescribed Burning Services on District lands in Northwest Florida until 3:00 p.m. (ET), October 10, 2001.

All proposals must conform to the instructions in the RFP. Interested parties may obtain a copy of the complete RFP package at the above address or by calling (850)539-5999.

The opening of the proposals is public. Provisions will be made to accommodate the handicapped provided the District is given at least 72 hours advance notice.

All proposals must comply with applicable Florida Statutes.

REQUEST FOR QUALIFICATIONS (RFQ) NO. 00/01-063RM

The Suwannee River Water Management District (SRWMD) announces its interest in obtaining the services of an incorporated Professional Engineering Firm with a valid State of Florida Certificate of Authorization or an independent Registered Florida Professional engineer. SRWMD will require contract services for stormwater improvements and design alternatives for the City of Starke (City).

PROJECT TITLE: Starke Stormwater Improvement Study

PROJECT NUMBER: RFQ 00/01-063RM

PROJECT SCOPE: Develop a stormwater improvement study which shall include solutions for water quality and quantity problems. Develop and model drainage alternatives that alleviate flooding, improve surfacewater conveyance, enhance surfacewater quality and provide the appropriate level of service. Investigate, document and integrate data into GIS for existing stormwater facilities. Prepare a drainage system maintenance plan schedule, prepare annual estimated maintenance cost and attend public workshops as needed.

PROJECT LOCATION: City of Starke, Florida.

REQUEST FOR QUALIFICATIONS DOCUMENTS: Any individual or firm desiring to bid on this project may obtain a copy of the Plans, Specifications and Request for Qualification by contacting:

Sandra Keiser, Administrative Assistant
 Department of Resource Management
 Suwannee River Water Management District
 9225 County Road 49
 Live Oak, Florida 32060

BID DATE AND TIME: Sealed responses to the RFQ will be received until 4:00 p.m., October 2, 2001, at the Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060. All submittals shall be clearly marked "RFQ 00/01-063RM, Starke Stormwater Improvement Study." Faxed submittals will not be accepted.

RFQ REQUIREMENTS: Submittals must be in full accordance with the requirements of the drawings, specifications and Request for Qualifications.

EXPRESSWAY AUTHORITIES

NOTICE OF INVITATION TO BID MDX PROJECT NO. 836-016

The Miami-Dade Expressway Authority ("MDX") is seeking the services of a contractor ("Bidder") for construction related to the addition of a dedicated right-turn lane at the N. W. 87th Avenue off ramp from State Road (SR) 836 (the "Project"). The Work for the Project consists of, but is not limited to, providing all labor, Materials, Equipment and incidentals necessary for the installation of roadway signage, drainage, roadway pavement markings, asphalt pavement, miscellaneous concrete work, and maintenance of traffic operations. The Bidder should be aware that the majority of the Work associated with the Project shall be done during off-peak hours (9:30 a.m. – 3:30 p.m. and 9:00 p.m. – 6:00 a.m.).

Sealed Bids will be received at the MDX Headquarters Building, located at 3790 N. W. 21st Street, Miami, Florida 33142 ("MDX Headquarters Building"), until 2:00 p.m., Monday, September 24, 2001. A Bidder must be prequalified by the State of Florida Department of Transportation in accordance with Rule Chapter 14-22, F.A.C., or certified with Miami-Dade County to provide general contractor services on the submittal date for the Bids in order to submit a Bid. A Bidder that is not prequalified in accordance with Rule Chapter 14-22, F.A.C., or certified with Miami-Dade County on the date of the Bids submittal, shall be declared "NON RESPONSIVE" and the Bid will be REJECTED.

Copies of the Plans, Specifications and the Bid Blank will be available on Wednesday, September 5, 2001, after 12:00 Noon, at the MDX Headquarters Building. The cost of these documents is \$20.00 per set. Make checks payable to the Miami-Dade Expressway Authority. No refunds will be made for the above charges for any of the documents.

The construction cost estimate for the Project is \$172,000 (One Hundred and Seventy Two Thousand Dollars) and Contract time for this Project is set for sixty (60) calendar days from the Notice to Proceed.

MDX has scheduled a Mandatory Pre-Bid Conference to discuss the Project with interested Bidders on Wednesday, September 12, 2001, 2:00 p.m., at the MDX Headquarters Building. Please be advised that this Pre-Bid Conference is mandatory. Any Bidder not attending the Mandatory Pre-Bid Conference will be declared "Non-Responsive".

If you have any questions regarding this notice, or would like to receive additional information, please contact:

Ms. Helen M. Cordero
 MDX Procurement Officer
 Ph. (305)637-3277
 Fax (305)637-3283
 E-mail: Hcordero@mdx-way.com

All sealed Bids must be received by MDX, 3790 N. W. 21st Street, Miami, Florida 33142, no later than 2:00 p.m., Monday, September 24, 2001.

Equal Employment Opportunities. The Miami-Dade Expressway Authority prohibits discrimination on the basis of race, color, sex, age, national origin, religion and disability or handicap in accordance with the Provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et. seq., the Florida Civil Rights Act of 1992, as amended, § 760.10 et. seq., Fla. Stat. (1996), and other Federal and State discrimination statutes. MDX notifies all bidders and individuals that it requires and encourages equal employment opportunities for minorities and women.

MDX encourages small, minority and women-owned business to have full opportunity to submit bids and proposals in response to solicitation documents issued by MDX, and bidders and proposers will not be discriminated against on the basis of sex, race, color, national origin, religion or disability, or other protected status. The overall goal of MDX is to obtain an M/WBE participation of twenty-five percent (25%) for the aggregate of its projects. However, compliance with MDX's overall goal is not a pre-requisite for bidders or proposers on MDX projects.

AGENCY FOR HEALTH CARE ADMINISTRATION

REQUEST FOR PROPOSALS

The Agency for Health Care Administration (AHCA), Medicaid Program Development is requesting responses from acute care hospitals with child psychiatric beds licensed under Chapter 395, Florida Statutes (F.S.) or specialty hospitals licensed under Chapter 395, F.S., or child caring agencies licensed under Chapter 65C-14, Florida Administrative Code (F.A.C.), with clinical services delivered in compliance with Chapter 65E-10, F.A.C., that will seek licensure as a Residential Treatment Center licensed in accordance with

Chapter 65E-9, F.A.C., when promulgated. Responses will be accepted from these facilities throughout Florida, with one or two contracts awarded within each of AHCA's geographical areas as defined in the RFP. The potential contractors will be responsible for providing mental health residential treatment services to children and adolescents who have been approved for admission by the Agency's utilization management contractor. The initial contracts will be for six months, commencing on January 2, 2002 and running through June 30, 2002, with option for renewal for three years from July 1, 2002 to June 30, 2005, subject to availability of funds. The Request for Proposal for Medicaid Statewide Inpatient Psychiatric Program Services for Individuals under 18, RFP - AHCA-0204, will be issued on September 7, 2001. Copies may be obtained on the Internet at http://www.fdhc.state.fl.us/Medicaid/ITN_RFP/index.shtml or by writing the Issuing Officer at the address noted below:

Michelle K. Brantley, Agency Administrator
Agency for Health Care Administration
2728 Mahan Drive, Building 3
Tallahassee, Florida 32308-5403
(850)487-2617, Fax (850)414-1721

Letters of Intent to Submit a proposal must be received by September 19, 2001. Responses must be received by and will be opened on October 22, 2001. The agency reserves the right to reject any or all proposals or accept minor irregularities in the best interest of the state. Certified Minority Business Enterprises are encouraged to participate in any bidders' conferences, pre-solicitation or pre-bid meetings that are scheduled.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF INVITATION TO BID

BID NO. BDRS 31-01/02

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: Repair of existing pre-stressed concrete fishing pier

SCOPE OF WORK: The contractor shall provide the necessary labor, supervision, equipment and materials to complete repairs using deck shotcrete of 23 pre-stressed spans. Repair all existing cracks and spalls. Repair and or replace as required treated wood railings, and built in benches as indicated in bid documents.

PARK LOCATION: Ft. Clinch State Park
2601 Atlantic Avenue (Nassau County)

Fernandina Beach, Florida 32034

**PROJECT
MANAGER:**

J. Randy Smith
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 pre-qualification 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, September 7, 2001 at:
Ft. Clinch State Park
2601 Atlantic Avenue
Fernandina, Florida 32034
Attention: Cliff Maxwell, Park Manager
Telephone Number (904)277-7274

**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, October 2, 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

FLORIDA HOUSING FINANCE CORPORATION

**REQUEST FOR QUALIFICATIONS
 2001/03**

INVESTMENT BANKING SERVICES

The Florida Housing Finance Corporation invites all qualified and interested parties wishing to act as Investment Banker to submit qualifications for consideration. Written, sealed qualifications shall be accepted until 2:00 p.m. (Eastern Time), September 24, 2001, to the attention of Steve Auger, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. For questions or additional information, please contact Steve Auger, (850)488-4197 or steve.auger@floridahousing.org. To obtain a copy of the Request for Qualifications, which outlines selection criteria and offeror's responsibilities, please submit your request to the attention of Steve Auger, or you can download the Request for Qualifications from the Florida Housing Finance Corporation website: <http://www.floridahousing.org/rfps.html>.

Any modifications that occur to the Request for Qualifications will be posted at the website and may result in an extension of the deadline.

HILLSBOROUGH COUNTY AVIATION AUTHORITY

NOTICE TO DESIGN-BUILD FIRMS

The Hillsborough County Aviation Authority hereby requests, pursuant to the Consultants Competitive Negotiation Act, Section 287.055, Florida Statutes, Letters of Interest from Design-Build firms desiring to render Design-Build Services for the following project at Tampa International Airport, Tampa, Florida:

**DESIGN AND CONSTRUCTION OF THE
 SERVICE BUILDING EXPANSION
 AND MODIFICATIONS AND RELATED WORK**

Services to be furnished shall include, but not be limited to, all architectural design and all engineering related to structural, mechanical, plumbing, fire protection, electrical, electronic and information technology systems; architectural/engineering services during construction; construction by a qualified contractor; and related surveys and testing. A more detailed Scope of Services will be included in the formal Request for Qualifications. Qualified Design-Build firms desiring consideration for this Project must give written notification in the form of a Letter of Interest to:

William J. Connors, Jr.
 Senior Director of Planning and Design
 Hillsborough County Aviation Authority
 Post Office Box 22287
 Tampa, Florida 33622

Interested parties may inquire as to project descriptions, details, and required data submission to William J. Connors, Jr., Senior Director of Planning and Design, (813)870-8704. **ONLY A LETTER EXPRESSING INTEREST IN RECEIVING THE FORMAL REQUEST FOR QUALIFICATIONS IS REQUIRED AT THIS TIME.** Subsequent to receiving Letters of Interest, a Request for Qualifications will be sent to all respondents and adequate response time set forth in that package.

The Letters of Interest Only must be received at or before 5:00 p.m., (Local Time), Wednesday, September 12, 2001. Subsequent to receiving Letters of Interest, a Request for Qualifications will be sent to all respondents and adequate response time set forth in that package.

A MANDATORY Pre-Qualification Conference will then be held on Wednesday, September 26, 2001, 10:00 a.m. (Local Time), in the Hillsborough County Aviation Authority Board Room, Landside Terminal Building, Third Floor, Blue Side at Tampa International Airport. Details of this conference will be included in the Request for Qualifications.

HILLSBOROUGH COUNTY AVIATION AUTHORITY
 By: /s/ Louis E. Miller
 Louis E. Miller, Executive Director

NOTICE TO PROFESSIONAL CONSULTANTS

The Hillsborough County Aviation Authority hereby requests, pursuant to the Consultants Competitive Negotiation Act, Florida Statutes 287.055, Letters of Interest from Architectural, Engineering firms or individuals desiring to render Professional Services for the following project at Tampa International Airport, Tampa, Florida:

REMOTE PUBLIC PARKING GARAGE – PHASE 1 AND RELATED WORK TAMPA INTERNATIONAL AIRPORT Services to be furnished shall include, but not be limited to, all architectural and engineering design related to the construction of a multi-story parking structure; including mechanical, electrical and plumbing engineering; revenue control facilities; permitting, surveys and geotechnical testing; assistance during the advertising, bid and award phase; and basic engineering services and resident inspection during construction. A more detailed Scope of Services will be included in the formal Request for Proposals.

Qualified Consultants desiring consideration for this Project must give written notification in the form of a Letter of Interest to:

William J. Connors, Jr.
Senior Director of Planning and Design
Hillsborough County Aviation Authority
Post Office Box 22287
Tampa, Florida 33622

Interested parties may inquire as to project description, details, and required data submissions, to William J. Connors Jr., Senior Director of Planning and Design, (813)870-8704. ONLY A LETTER EXPRESSING INTEREST IN RECEIVING THE FORMAL REQUEST FOR PROPOSALS IS REQUIRED AT THIS TIME.

The Letters of Interest (Only) must be received at or before 5:00 p.m. (Local Time), Tuesday, September 25, 2001. Subsequent to receiving Letters of Interest, a Request for Proposal will be sent to all respondents and adequate response time set forth in that package.

A MANDATORY Pre-Proposal Conference will then be held on Tuesday, October 9, 2001, 2:00 p.m. (Local Time), at the offices of Hillsborough County Aviation Authority, Landside Terminal Building, Third Floor, Blue Side at Tampa International Airport. Details of this conference will be included in the Request for Proposals.

HILLSBOROUGH COUNTY AVIATION AUTHORITY
By: /s/ Louis E. Miller
Louis E. Miller, Executive Director

NOTICE TO PROFESSIONAL CONSULTANTS

The Hillsborough County Aviation Authority hereby requests, pursuant to the Consultants Competitive Negotiation Act, Florida Statutes 287.055, Letters of Interest from Engineering firms or individuals desiring to render Professional Services for the following project at Tampa International Airport, Tampa, Florida:

APRON AND TAXILANE FOR

ENGINE RUNUP ENCLOSURE AND RELATED WORK

Services to be furnished shall include, but not be limited to, all engineering design related to civil, environmental, and airfield lighting systems; related surveys; geotechnical and materials

testing; assistance during the advertising, bid and award phase; and basic engineering services and resident inspection during construction. A more detailed scope of services will be included in the formal request for proposals.

Qualified Consultants desiring consideration for this Project must give written notification in the form of a Letter of Interest to:

William J. Connors, Jr.
Senior Director of Planning and Design
Hillsborough County Aviation Authority
Post Office Box 22287
Tampa, Florida 33622

Interested parties may inquire as to project description, details, and required data submissions, to William J. Connors, Jr., Senior Director of Planning and Design, (813)870-8704. ONLY A LETTER EXPRESSING INTEREST IN RECEIVING THE FORMAL REQUEST FOR PROPOSAL IS REQUIRED AT THIS TIME.

The Letters of Interest (Only) must be received at or before 5:00 p.m. (Local Time), Wednesday, September 26, 2001. Subsequent to receiving Letters of Interest, a Request for Proposal will be sent to all respondents and adequate response time set forth in that package.

A MANDATORY Pre-Proposal Conference will then be held on Tuesday, October 16, 2001, 2:00 p.m. (Local Time), at the offices of Hillsborough County Aviation Authority, Landside Terminal Building, Third Floor, Blue Side at Tampa International Airport. Details of this conference will be included in the Request for Proposals.

HILLSBOROUGH COUNTY AVIATION AUTHORITY
By: /s/ Louis E. Miller
Louis E. Miller, Executive Director

HILLSBOROUGH COUNTY WORKFORCE BOARD

REQUEST FOR PROPOSAL

Title: Quality Assurance Services
Description: This RFP describes the requirements of the Hillsborough County Workforce Board, Inc. to obtain the services of a Respondent for monitoring of the Hillsborough County Workforce Board, Inc., its service providers and/or vendors to ensure compliance with all state and federal laws and regulations, the acts, applicable administrative instructions, the terms of the contracts and/or agreements, and also to assist in maximizing program performance.

Procurement Submittal Deadline: September 27, 2001, 4:00 p.m.

If interested contact: Man M. Le, Senior Contracts Manager, Telephone (813)744-5547, Ext. 238, Fax (813)744-5764, Lem@workforcetampa.com.

**Section XII
Miscellaneous**

DEPARTMENT OF BANKING AND FINANCE

NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following applications and/or other notices. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Rule 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 28, 2001):

APPLICATION TO CONVERT A FEDERAL CREDIT UNION TO A FLORIDA CREDIT UNION

Applicant and Location: Jax Navy Federal Credit Union, 4949 Blanding Blvd., Jacksonville, Florida 32210

With Title: Jax Navy Credit Union

Received: August 27, 2001

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: Manufacturers Bancshares, Inc., Tampa, Florida

Proposed Purchaser: The Colonial BancGroup, Inc., Montgomery, Alabama

Received: August 27, 2001

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: Envision Credit Union, Post Office Box 5198, Tallahassee, Florida 32314-5198

Expansion Includes: Persons who live or work in Liberty County.

Received: August 23, 2001

Name and Address of Applicant: Miami Postal Service Credit Union, Post Office Box 520622, Miami, Florida 33152-0622

Expansion Includes: The following select employee groups Captain Jimmy's, 8200 N. W. 14th Street, Miami, Florida; Big Red Q Printing Services, 10200 N. W. 25th Street, Suite A-108, Miami, Florida; Adpro Enterprises, Incorporated, 1406 W. Flagler Street, Miami, Florida; The Pickel Barrel, 1200 Northwest 78th Ave., Suite 117, Miami, Florida; IMCS (International Managed Care Services), 7205 Corporate Center Drive, Suite 405, Miami, Florida; Getch's Color Lab, 2600 Northwest 87th Ave., Suite 4, Miami, Florida; Alta graphics, 8224 N. W. 14th Street, Miami, Florida; YAZ Perfumes, 2070 Northwest 75th Ave., Miami, Florida.

Received: August 23, 2001

Name and Address of Applicant: Sun Credit Union, Post Office Box 81-4059, Hollywood, Florida 33081-4059

Expansion Includes: Hollywood Chamber of Commerce with the exception of the School Board of Broward County, Memorial Home Healthcare, Memorial Regional Hospital, Memorial Hospital Pembroke, Memorial Hospital West, Memorial PHO, Memorial Same Day Surgery Center, Pepsi-Cola and Broward Community College.

Received: August 27, 2001

DEPARTMENT OF COMMUNITY AFFAIRS

DCA Final Order No. DCA01-OR-132

In re: MONROE COUNTY LAND DEVELOPMENT REGULATIONS ADOPTED BY MONROE COUNTY ORDINANCE NO. 008-2001

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2000), approving Monroe County Ordinance No. 008-2001 as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.
2. On July 13, 2001, the Department received for review Monroe County Ordinance No. 008-2001 which was adopted by the Monroe County Board of County Commissioners on February 22, 2001 ("Ord. 008-2001"). Ord. 008-2001 approves an application to amend the Land Use District Map from Suburban Commercial (SC) to Improved Subdivision (IS) for properties described as Lots 5 and 6 and the adjacent bay bottoms, Seaside Re-Subdivision, Key Largo, located in Section 14, Township 62 South, Range 38 East, at approximately Mile Marker 94.5.
3. Ord. 008-2001 is consistent with the County's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2000).
5. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2000) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

- 6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2000). The regulations adopted by Ord. 008-2001 are land development regulations.
- 7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles"). § 380.0552(7), Fla. Stat.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2000).
- 8. Ord. 008-2001 promotes and furthers Principle, §380.0552(7)(a), Fla. Stat. (2000): "To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation."
- 9. Ord. 008-2001 is not inconsistent with the remaining Principles. Ord. 008-2001 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 008-2001 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

CARI ROTH, ACTING DIRECTOR
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN

INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 29th day of August, 2001.

Paula Ford, Agency Clerk

- By U.S. Mail:
 - Honorable George Neugent
 - Mayor of Monroe County
 - 500 Whitehead Street
 - Key West, Florida 33040
- Danny L. Kolhage
 - Clerk to the Board of County Commissioners
 - 500 Whitehead Street
 - Key West, Florida 33040
- Timothy J. McGarry, AICP
 - Director, Growth Management Division
 - 2798 Overseas Highway, Suite 400
 - Marathon, Florida 33050
- By Hand Delivery or Interagency Mail:
 - Michael McDaniel, Growth Management Administrator, DCA Tallahassee
 - Rebecca Jetton, DCA Florida Keys Field Office
 - Richard A. Lotspeich, Assistant General Counsel, DCA Tallahassee

DCA Final Order No. DCA01-OR-133
In re: MONROE COUNTY LAND DEVELOPMENT REGULATIONS ADOPTED BY MONROE COUNTY ORDINANCE NO. 010-2001

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2000), approving Monroe County Ordinance No. 010-2001 as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.
2. On July 13, 2001, the Department received for review Monroe County Ordinance No. 010-2001 which was adopted by the Monroe County Board of County Commissioners on February 22, 2001 ("Ord. 010-2001"). Ord. 010-2001 approves an application to amend the Land Use District Map from Recreational Vehicle (RV) to Improved Subdivision (IS) for 21 properties in Blocks 1 and 2 of Seaside Subdivision Addition 1 and Block 3 of Seaside Subdivision, Key Largo, located in Section 14, Township 62 South, Range 38 East, at Mile Marker 95.
3. Ord. 010-2001 is consistent with the County's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2000).
5. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2000) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2000). The regulations adopted by Ord. 001-2001 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles"). § 380.0552(7), Fla. Stat.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2000).
8. Ord. 010-2001 promotes and furthers the following Principles, §380.0552(7), Fla. Stat. (2000):
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.
9. Ord. 010-2001 is not inconsistent with the remaining Principles. Ord. 010-2001 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 010-2001 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

CARI ROTH, ACTING DIRECTOR
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED

REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

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THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

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YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 29th day of August, 2001.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable George Neugent
Mayor of Monroe County
500 Whitehead Street
Key West, Florida 33040
Danny L. Kolhage

Clerk to the Board of County Commissioners
 500 Whitehead Street
 Key West, Florida 33040
 Timothy J. McGarry, AICP
 Director, Growth Management Division
 2798 Overseas Highway, Suite 400
 Marathon, Florida 33050
 By Hand Delivery or Interagency Mail:
 Michael McDaniel, Growth Management Administrator, DCA
 Tallahassee
 Rebecca Jetton, DCA Florida Keys Field Office
 Richard A. Lotspeich, Assistant General Counsel, DCA
 Tallahassee

DCA Final Order No. DCA01-OR-134

In re: MONROE COUNTY LAND DEVELOPMENT
 REGULATIONS ADOPTED BY MONROE
 COUNTY
 ORDINANCE NO. 016-2001

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2000), approving Monroe County Ordinance No. 016-2001 as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.
2. On July 13, 2001, the Department received for review Monroe County Ordinance No. 016-2001 which was adopted by the Monroe County Board of County Commissioners on February 22, 2001 ("Ord. 016-2001"). Ord. 016-2001 approves an application to amend the Land Use District Map from Urban Residential Mobile Home (URMH) to Suburban Commercial (SC) for property described as Lots 11, 12 and 30, Block 2, Mandalay Subdivision, Key Largo, located in Section 6, Township 62 South, Range 38 East, at approximately Mile Marker 97.
3. Ord. 016-2001 is consistent with the County's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2000).
5. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2000) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2000). The regulations adopted by Ord. 016-2001 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles"). § 380.0552(7), Fla. Stat.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2000).
8. Ord. 016-2001 promotes and furthers the following Principles, §380.0552(7), Fla. Stat. (2000):
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.
9. Ord. 016-2001 is not inconsistent with the remaining Principles. Ord. 016-2001 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 016-2001 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

CARI ROTH, ACTING DIRECTOR
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

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IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN

INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

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IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 29th day of August, 2001.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable George Neugent
Mayor of Monroe County
500 Whitehead Street
Key West, Florida 33040

Danny L. Kolhage
Clerk to the Board of County Commissioners
500 Whitehead Street
Key West, Florida 33040
Timothy J. McGarry, AICP
Director, Growth Management Division
2798 Overseas Highway, Suite 400

Marathon, Florida 33050

By Hand Delivery or Interagency Mail:

Michael McDaniel, Growth Management Administrator, DCA
Tallahassee

Rebecca Jetton, DCA Florida Keys Field Office

Richard A. Lotspeich, Assistant General Counsel, DCA
Tallahassee

NOTICE OF APPROVAL FOR PRESERVATION 2000 FUNDS

The Florida Communities Trust (Trust) reviewed and approved project plans for land acquisition projects submitted under the Trust Preservation 2000 Program, P9A and P10 funding cycles. The project plans listed below were reviewed in accordance with Rule 9K-4.011, F.A.C., by the Trust governing body at its August 22, 2001 meeting. The governing body authorized the Chair to execute the agreements for acquisition of the project sites and all other documents necessary to close the projects and release funds as follows:

Project: 99-028-P9A/Bee Line Corridor Natural Area-Phase II (Reimbursement)

Grantee: Palm Beach County
 Amount of Approved Funds: the lesser of 50.00% of the final total project costs or \$1,688,786.04.
 Project: 00-011-P10/Santa Lucea (Santa Lucea, Inc.)
 Grantee: Martin County
 Amount of Approved Funds: the lesser of 67.00% of the final total project costs or \$2,200,000.00, contingent on final approval of the management plan by FCT staff.

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to subsection 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, F.A.C. A petition is filed when it is received by the Trust Clerk at 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

DEPARTMENT HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
 Franchise Motor Vehicle Dealer in a County of More
 than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Kawasaki Motors Corp., U.S.A., intends to allow the establishment of Cycle World of Palm Beach, Inc., as a dealership for the sale of Kawasaki motorcycles, at 1422 Hypoluxo Rd., Lantana (Palm Beach County), Florida 33462 on or after October 30, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Cycle World of Palm Beach, Inc., are: dealer operator(s) and principal investor(s): Brian McGrory and Lorna McGrory, 5316 Winchester Woods Dr., Lake Worth, FL 33463.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Jim Capps, Regional Sales Manager, Kawasaki Motors Corp., U.S.A., 6110 Boat Rock Blvd., S. W., Atlanta, GA. 30378.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
 Franchise Motor Vehicle Dealer in a County of More
 than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Freightliner Trucks, LLC, intends to allow the establishment of Orlando Freightliner-South, as a dealership for a parts sale facility, at 10812 Satellite Blvd., Orlando (Orange County), Florida, 32837 on or after September 15, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Orlando Freightliner-South are: dealer operator(s) and principal investor(s): Robert J. Dollar, 5651

Northwest 38th Terrace, Coconut Creek, FL 33073; Orlando Freightliner, Inc., and John A. Taggart, 2455 South Orange Blossom Trail, Apopka, FL 32703.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Chuck Thomas, Dealer Operations Manager Northeast and Southern Regions, Freightliner Trucks, LLC, 3025 Evergreen Drive, Suite 150, Duluth, GA 30096-2317.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Piaggio USA, Inc., intends to allow the establishment of Vespa of Central Florida, d/b/a Vespa Orlando, as a dealership for the sale of Vespa ET2 and ET4 motor scooters, at 440 Hankle Circle, Winter Park (Orange County), Florida 32789 on or after June 1, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Vespa of Central Florida d/b/a Vespa Orlando are: dealer operator(s): Ed Englander, 440 Hankle Circle, Winter Park, FL 32789, principal investor(s): Ed Englander and Bruce Albertson, 440 Hankle Circle, Winter Park, FL 32789.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be

submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Giancarlo Fantappie, President, Piaggio USA, Inc., 20003 South Rancho Way, Rancho Dominguez, CA 90220.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Saturn Corporation intends to allow the establishment of Saturn of Venice, as a dealership for the sale of Saturn SL, SL1, SL2, SC1, SC2, LS, LS1, LS2, LW2 and VUE at 1179 US 41 Bypass South, Venice (Sarasota County), Florida 34292 on or after November 1, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Saturn Corporation are: dealer operator(s): Robert Geyer, 1800 Bay Road, Sarasota, FL 34231, principal investor(s): Robert Geyer, 1800 Bay Road, Sarasota, FL 34231 and H. Dickinson, 2200 Bee Ridge Road, Sarasota, FL 34239.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Gary A. Marks, Market Area Manager, Saturn Corporation, 100 Westwood Place, Maryland Farms Office Park, Suite 240, Brentwood, TN 37027.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for the Relocation of a
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Yamaha Motor Corporation, U.S.A. intends to allow the relocation of Team Savage, Inc., d/b/a Cycle Springs, as a dealership for the sale of Yamaha motorcycles, from its present location at 37182 U.S. Highway 19, N., Palm Harbor, FL 34684, to a proposed location at 29703 U.S. Highway 19, N., Clearwater (Pinellas County), Florida 33761, on or after August 23, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Team Savage, Inc., d/b/a Cycle Springs are: dealer operator(s) and principal investor(s): Marty J. Skapik, 491 Hammock Drive, Palm Harbor, FL 34683; Noel C. Hughes, 2143 Cedar Drive, Dunedin, FL 34698.

The notice indicates an intent to relocate the franchise in a county of More than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Russell D. Jura, Senior Vice President and General Counsel, Yamaha Motor Corporation, U.S.A., 6555 Katella Avenue, Cypress, CA 90630-5101.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF ELDER AFFAIRS

NOTICE OF AVAILABILITY OF THE
DRAFT STATE SENIOR

EMPLOYMENT SERVICES COORDINATION PLAN

Notice is hereby given that a draft copy of the State Senior Employment Services Coordination Plan will be available on the Department of Elder Affairs website (<http://elderaffairs.state.fl.us>) for one week starting September 7, 2001. The draft plan was prepared by the Department of Elder Affairs in accordance with the Older Americans Act Amendments of 2000 which requires the Governor of each State to submit annually to the Secretary of the U.S. Department of Labor a State Senior Employment Services Coordination Plan. The purpose of the State Plan is to improve coordination among organizations that can be engaged in older worker activities, and to enhance employment services for older workers. The Department must obtain advice and recommendations from various organizations, including areas agencies on aging, local workforce investment boards, individuals representing public and private nonprofit agencies, SCSEP national sponsors and various other organizations.

Please review the plan and mail or fax your comments to JoAnn Williams no later than C.O.B. September 11, 2001. The mailing address and fax number is listed below:

4040 Esplanade Way, Room 335T
Tallahassee, Florida 32399-7000
Fax Number (850)414-2042

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF AVAILABILITY
WASTEWATER FACILITIES

The Florida Department of Environmental Protection has determined that the proposed Cocoa Beach Wastewater Project will not adversely affect the environment. The financial assistance for the project is estimated at \$8,303,000.

A full copy of the Florida Categorical Exclusion Notification can be obtained by writing: Troy Mullis, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

DEPARTMENT OF HEALTH

On August 27, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Lawrence Morris, RN license number RN 645142. Morris' last known address is 1742 N. E. 17th Street, Ft. Lauderdale, FL 33305. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 27, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Dorothy Renae Smith, RN license number RN 3021312. Smith's last known address is 608 West 6th Street, Riviera Beach, FL 33404. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 22, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Catherine Colasuonno, RN license number RN 1411472. Colasuonno's last known address is 4618 Lighthouse Circle, Orlando, FL 32808-1254. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 22, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Federico De La Paz, RN license number RN 3272902. De La Paz's last known address is Post Office Box 4736, Ft. Lauderdale, FL 33338. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 22, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Joy Carolyn Fountain, RN license number RN 2181032. Fountain's last known address is 12 Rue Max Street, Pensacola, Florida 32507. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety

and welfare pursuant Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 22, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Kimberly King, RN license number RN 2823732. King's last known address is 772 Crestridge Drive, Tarpon Springs, Florida 34689. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 22, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Deborah Lassiter, RN license number RN 3205042. Lassiter's last known address is 3407 Tamarind Drive, Edgewater, FL 32141-6411. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 456.073(8) and 120.60(8),

Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 22, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of James Richard Mattingly, L.P.N. license number PN 1261001. Mattingly's last known address is c/o Linda Mattingly, 6082 Blueberry Lane, Crestview, Florida 32536. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 22, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Kathryn Susan Morgan, L.P.N. license number PN 0566741. Morgan's last known address is 109 Castle Drive, Gainesville, Florida 32607-1734. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that

this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On April 22, 2001, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of William K. Wiltison, D.D.S., license number DN 7056. Wiltison's last known address is 11516 Oakhurst Road, Largo, Florida 33774. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 456.073(8) and 120.60(6), 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.

**FISH AND WILDLIFE CONSERVATION
COMMISSION**

The Florida Fish and Wildlife Conservation Commission announces the availability of permits giving alligator farmers the authority to collect alligator hatchlings pursuant to Rule 68A-25.031(1), F.A.C. Persons wishing to apply for an available permit shall do so in writing within 30 days after original publication of this notice. Late applications shall not be accepted. Only persons licensed as alligator farmers pursuant to s. 372.6673, Florida Statutes, may apply, and only one application per person shall be accepted. The available

permits shall be assigned by random drawing of qualified applicants. Individuals assigned an available permit shall be notified. Applicants shall have 180 days after notification to meet the eligibility criteria for alligator farm facilities specified in Florida Administrative Code.

The applications should be sent to: Florida Fish and Wildlife Conservation Commission, Attn: Lieutenant Delmar Teagan, 620 S. Meridian Street, Tallahassee, FL 32399-1600.

Section XIII
Index to Rules Filed During Preceding Week

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**RULES FILED BETWEEN August 20, 2001
 and August 24, 2001**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF INSURANCE
Division of Treasury

4C-4.001	8/20/01	9/9/01	27/15	
4C-4.002	8/20/01	9/9/01	27/15	27/30
4C-4.003	8/20/01	9/9/01	27/15	
4C-4.0035	8/20/01	9/9/01	27/15	27/30
4C-4.004	8/20/01	9/9/01	27/15	27/30
4C-4.0045	8/20/01	9/9/01	27/15	
4C-4.009	8/20/01	9/9/01	27/15	

DEPARTMENT OF EDUCATION
University of Central Florida

6C7-4.020	8/24/01	9/13/01	Newspaper	
6C7-4.0211	8/24/01	9/13/01	Newspaper	
6C7-4.025	8/24/01	9/13/01	Newspaper	
6C7-5.001	8/24/01	9/13/01	Newspaper	

DEPARTMENT OF COMMUNITY AFFAIRS
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9B-1.004	8/24/01	9/13/01	27/12	27/28
9B-1.0055	8/24/01	9/13/01	27/12	
9B-1.006	8/24/01	9/13/01	27/12	27/28
9B-1.007	8/24/01	9/13/01	27/12	27/28
9B-1.0085	8/24/01	9/13/01	27/12	27/28
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9B-1.014	8/24/01	9/13/01	27/12	
9B-1.016	8/24/01	9/13/01	27/12	
9B-1.020	8/24/01	9/13/01	27/12	
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9B-1.0221	8/24/01	9/13/01	27/12	27/28
(proposed as 9B-1.022)				27/36
9B-1.023	8/24/01	9/13/01	27/12	
9B-1.026	8/24/01	9/13/01	27/12	27/28
9B-1.027	8/24/01	9/13/01	27/12	27/28
9B-1.028	8/24/01	9/13/01	27/12	27/28
9B-1.030	8/24/01	9/13/01	27/12	27/28

DEPARTMENT OF CITRUS

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20-49.004	8/23/01	9/12/01	27/24	
20-49.0041	8/23/01	9/12/01	27/24	
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20-49.006	8/23/01	9/12/01	27/24	
20-49.0061	8/23/01	9/12/01	27/24	
20-49.007	8/23/01	9/12/01	27/24	
20-49.0071	8/23/01	9/12/01	27/24	

DEPARTMENT OF CORRECTIONS

33-602.201	8/23/01	9/12/01	27/24	
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WATER MANAGEMENT DISTRICTS
South Florida Water Management District

40E-2.091	8/21/01	9/10/01	27/13	
40E-2.301	8/21/01	9/10/01	27/13	27/29
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40E-8.221	8/21/01	9/10/01	27/13	27/29
40E-8.231	8/21/01	9/10/01	27/13	27/29
40E-8.321	8/21/01	9/10/01	27/13	
40E-8.331	8/21/01	9/10/01	27/13	27/29
40E-8.421	8/21/01	9/10/01	27/13	27/29
40E-8.431	8/21/01	9/10/01	27/13	27/29
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40E-21.271	8/21/01	9/10/01	27/13	
40E-21.521	8/21/01	9/10/01	27/13	27/29
40E-21.531	8/21/01	9/10/01	27/13	27/29
40E-21.541	8/21/01	9/10/01	27/13	27/29
40E-22.312	8/21/01	9/10/01	27/13	27/29
40E-22.322	8/21/01	9/10/01	27/13	27/29
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DEPARTMENT OF LOTTERY

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53-30.004	8/23/01	9/12/01	27/27	
53-31.001	8/23/01	9/12/01	27/27	
53-31.004	8/23/01	9/12/01	27/27	
53-32.006	8/23/01	9/12/01	27/27	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
BUSINESS AND PROFESSIONAL REGULATION					64E-5.408	8/22/01	9/11/01	27/18	
Barbers' Board					64E-5.409	8/22/01	9/11/01	27/18	
61G3-16.0092	8/23/01	9/12/01	27/11	27/18	64E-5.410	8/22/01	9/11/01	27/18	
DEPARTMENT OF HEALTH					64E-5.411	8/22/01	9/11/01	27/18	
Board of Medicine					64E-5.412	8/22/01	9/11/01	27/18	
64B8-56.002	8/23/01	9/12/01	26/24	26/43	64E-5.413	8/22/01	9/11/01	27/18	
School Psychology					64E-5.414	8/22/01	9/11/01	27/18	
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64B21-501.006	8/20/01	9/9/01	27/21	27/29	64E-5.418	8/22/01	9/11/01	27/18	
64B21-501.0065	8/20/01	9/9/01	27/21	27/29	64E-5.419	8/22/01	9/11/01	27/18	
64B21-501.007	8/20/01	9/9/01	27/21		64E-5.420	8/22/01	9/11/01	27/18	
64B21-501.008	8/20/01	9/9/01	27/21		64E-5.421	8/22/01	9/11/01	27/18	
64B21-501.009	8/20/01	9/9/01	27/21		64E-5.422	8/22/01	9/11/01	27/18	
64B21-501.010	8/20/01	9/9/01	27/21		64E-5.423	8/22/01	9/11/01	27/18	
64B21-501.011	8/20/01	9/9/01	27/21		64E-5.424	8/22/01	9/11/01	27/18	
64B21-501.012	8/20/01	9/9/01	27/21		64E-5.425	8/22/01	9/11/01	27/18	27/30
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Division of Children's Medical Services					64E-5.427	8/22/01	9/11/01	27/18	27/30
64C-7.008	8/22/01	9/11/01	27/27		64E-5.428	8/22/01	9/11/01	27/18	27/30
Division of Environmental Health and Statewide Programs					64E-5.429	8/22/01	9/11/01	27/18	
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64E-5.401	8/22/01	9/11/01	27/18		64E-5.431	8/22/01	9/11/01	27/18	27/30
64E-5.402	8/22/01	9/11/01	27/18		64E-5.432	8/22/01	9/11/01	27/18	27/30
64E-5.403	8/22/01	9/11/01	27/18		64E-5.433	8/22/01	9/11/01	27/18	27/30
64E-5.404	8/22/01	9/11/01	27/18		64E-5.434	8/22/01	9/11/01	27/18	27/30
64E-5.405	8/22/01	9/11/01	27/18		64E-5.435	8/22/01	9/11/01	27/18	27/30
64E-5.406	8/22/01	9/11/01	27/18		64E-5.436	8/22/01	9/11/01	27/18	
64E-5.407	8/22/01	9/11/01	27/18		64E-5.437	8/22/01	9/11/01	27/18	
					64E-5.438	8/22/01	9/11/01	27/18	
					64E-5.439	8/22/01	9/11/01	27/18	
					64E-5.440	8/22/01	9/11/01	27/18	27/30
					64E-5.441	8/22/01	9/11/01	27/18	

Section XIV
List of Rules Affected

				Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
This "List of Rules Affected" is a cumulative list of all rules which have been proposed but not filed for adoption. Beginning with the February 2, 1996 issue, the list will be published monthly for the period covering the last eight weeks. w - Signifies Withdrawal of Proposed Rule(s) c - Rule Challenge Filed v - Rule Declared Valid x - Rule Declared Invalid d - Rule Challenge Dismissed dw - Dismissed Upon Withdrawal					3C-560.603	27/36	
					3C-560.604	27/36	
					3C-560.605	27/36	
					3C-560.606	27/36	
					3C-560.607	27/36	
					3C-560.704	27/36	
					3C-560.706	27/36	
					3C-560.803	27/18c	
						27/36	
						27/19c	
		27/16	27/29w				
		27/29					
Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	3F-5.0021	27/25		
				3F-5.006	27/30		
				3F-7.012	27/10	27/21	27/30
STATE						27/24	27/30
				3F-10.003	26/47	27/23	27/30
1-1	27/34c					27/24	27/30
1B-2.011	27/22				27/10c		
1B-24.002	26/43						
INSURANCE							
LEGAL AFFAIRS							
				4ER01-1			27/28
2-37	27/15			4ER01-2			27/28
2AER01-1			27/32	4ER01-3			27/28
2A-2.002	27/35			4ER01-4			27/28
2B-1.0025	27/35			4ER01-5			27/28
2B-1.003	27/35			4ER01-6			27/28
2B-1.004	27/35			4ER01-7			27/28
2B-1.0052	27/35			4ER01-8			27/28
				4ER01-9			27/28
BANKING AND FINANCE							
				4ER01-10			27/28
3-1	26/43c			4ER01-11			27/28
	27/2c			4ER01-12			27/28
	27/33c			4ER01-13			27/28
3C-1.022	21/25			4ER01-14			27/28
3C-560.101	27/36			4ER01-15			27/28
3C-560.102	27/36			4ER01-16			27/28
3C-560.103	27/36			4ER01-17			27/28
3C-560.104	27/36			4ER01-18			27/28
3C-560.105	27/36			4ER01-19			27/28
3C-560.106	27/36			4ER01-20			27/28
3C-560.107	27/36			4ER01-21			27/28
3C-560.108	27/36			4ER01-22			27/28
3C-560.201	27/36			4-1	26/44c		
3C-560.202	27/36				27/16c		
3C-560.301	27/36				27/18c		
3C-560.302	27/36				27/35c		
3C-560.303	27/36			4-5.074	27/15		
3C-560.304	27/36			4-128.001	27/30		
3C-560.402	27/36			4-128.002	27/30	27/36	
3C-560.502	27/36			4-128.005	27/30		
3C-560.503	27/36			4-128.006	27/30		
3C-560.601	27/36			4-128.007	27/30		
3C-560.602	27/36			4-128.008	27/30		
				4-128.009	27/30		

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4-128.010	27/30			4-149.101	23/45	24/31	
4-128.011	27/30	27/36			24/3c		
4-128.012	27/30				24/3c		
4-128.013	27/30				24/46	26/22	
4-128.014	27/30	27/36		4-149.102	23/45	24/31	
4-128.015	27/30	27/36				26/12	
4-128.016	27/30					26/22	
4-128.017	27/30	27/36			24/3c		
4-128.018	27/30				24/3c		
4-128.019	27/30				24/46	26/22	
4-128.020	27/30	27/36		4-149.103	23/45	24/31	
4-128.021	27/30					26/12	
4-128.022	27/30					26/22	
4-128.023	27/30				24/3c		
4-128.024	27/30	27/36			24/3c		
4-141.0016	21/2c				24/46	26/22	
4-144.002	27/35			4-149.104	23/45	24/31	
4-144.005	27/35					26/12	
4-144.010	27/35					26/22	
4-149	24/3c				24/3c		
	24/3c				24/3c		
4-149.001	23/45	26/22			24/46	26/22	
	24/46	26/22		4-149.105	23/45	24/31	
4-149.002	23/45	26/22				26/12	
	24/46	26/22				26/22	
4-149.003	23/45	26/22			24/3c		
	24/46	26/22			24/3c		
4-149.004	23/45	26/22			24/46	26/22	
	24/46	26/22		4-149.106	23/45	24/31	
4-149.005	23/45	26/22				26/12	
	24/46	26/22				26/22	
4-149.006	23/45	26/22			24/3c		
	24/46	26/22			24/3c		
4-149.007	23/45	26/22			24/46	26/22	
	24/46	26/22		4-149.107	23/45	24/31	
4-149.008	23/45	26/22				26/12	
	24/46	26/22				26/22	
4-149.009	23/45	26/22			24/3c		
	24/46	26/22			24/3c		
4-149.010	23/45	26/22			24/46	26/22	
	24/46	26/22		4-149.108	23/45	24/31	
4-149.020	23/45	26/22				26/12	
	24/46	26/22				26/22	
4-149.021	23/45	26/22			24/3c		
	24/46	26/22			24/3c		
4-149.022	23/45	26/22			24/46	26/22	
	24/46	26/22		4-149.109	23/45	24/31	
4-149.023	23/45	26/22				26/12	
	24/46	26/22				26/22	
4-149.024	23/45	26/22			24/3c		
	24/46	26/22			24/3c		
4-149.035	23/45	26/22			24/46	26/22	
	24/46	26/22					

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4-149.110	23/45	24/31		4-149.128	24/3c		
	24/3c	26/12		4-149.129	24/3c		
	24/3c	26/22		4-149.130	24/3c		
	24/46				24/3c		
4-149.1105	23/45	26/22		4-149.131	24/3c		
	24/3c	24/31			24/3c		
4-149.111	23/45			4-149.132	24/3c		
	24/3c	24/31			24/3c		
	24/46	24/31		4-149.1325	24/20	24/20	
	24/3c	26/12		4-149.133	24/3c		
	24/3c	26/22			24/3c		
	24/46			4-149.190	23/45	26/22	
4-149.112	23/45	26/22			24/3c		
	24/3c	24/31		4-154	27/3		
	24/3c	26/12		4-154.112	27/30		
	24/46	26/22		4-154.112(1)(b)	27/17c		
	24/3c			4-154.402	26/25		
4-149.113	24/3c	26/22		4-154.403	26/25		
	24/3c			4-154.404	26/25		
4-149.114	24/3c			4-154.405	26/25		
4-149.115	24/3c			4-154.406	26/25		
4-149.116	24/3c			4-154.407	26/25		
4-149.117	24/3c			4-154.4071	26/25		
4-149.118	24/3c			4-154.408	26/25		
4-149.119	24/3c			4-154.411	26/25		
4-149.120	23/45	24/31		4-154.412	26/25		
		26/12		4-154.502	26/25		
		26/22		4-154.503	26/25		
	24/3c			4-154.504	26/25		
	24/3c			4-154.506	26/25		
	24/46	26/22		4-154.507	26/25		
4-149.121	23/45	24/31		4-154.508	26/25		
		26/12		4-154.511	26/25		
		26/22		4-154.512	26/25		
	24/3c			4-154.513	26/25		
	24/3c			4-154.515	26/25		
	24/46	26/22		4-154.516	26/25		
4-149.122	23/45	24/31		4-154.517	26/25		
		26/12		4-154.518	26/25		
		26/22		4-154.5181	26/25		
	24/3c			4-154.520	24/3c		
	24/3c			4-166.001	27/22		27/32
	24/46	26/22		4-166.020	27/22		27/32
4-149.123	23/45	24/31		4-166.022	27/22		27/32
		26/12		4-166.023	27/17		27/32
		26/22		4-166.026	27/17		27/32
	24/3c			4-166.027	27/17		27/32
	24/3c			4-166.028	27/17		27/32
	24/46	26/22		4-166.029	27/22		27/32
4-149.124	24/3c			4-167.002	27/14		
4-149.125	24/3c			4-175.007	27/21		27/32
4-149.126	24/3c			4-175.009	27/21		27/32
4-149.127	24/3c			4-176.022	25/33	26/24	
				4-184.004	27/27		
				4-184.011	27/27		

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4-184.015	27/21		27/32	4A-21.302	27/14		
4-184.016	27/21		27/32	4A-21.303	27/14		
4-184.019	27/21		27/32	4A-21.304	27/14		
4-184.022	27/21		27/32	4A-37.0335	27/26		
4-186.001	27/21			4A-37.036	27/26		
	27/21			4A-37.037	27/26		
	27/34			4A-37.0371	27/26		
4-186.002	27/21			4A-37.0385	27/26		
	27/34			4A-37.039	27/26		
4-186.003	27/21			4A-37.050	27/26		
	27/34			4A-37.0515	27/26		
4-186.006	27/21			4A-37.0527	27/26		
	27/34			4A-37.054	27/26		
4-186.008	27/21			4A-37.055	27/26		
	27/34			4A-37.056	27/26		
4-186.012	27/21			4A-37.058	27/26		
	27/34			4A-37.059	27/26		
4-186.014	27/21			4A-37.060	27/26		
	27/34			4A-37.061	27/26		
4-191.037	27/36			4A-37.062	27/26		
4-193.065	26/41			4A-37.063	27/26		
	27/27			4A-37.064	27/26		
4-203.024	27/21		27/32	4A-37.065	27/26		
4-203.029	27/21		27/32	4A-39.005	27/26		
4-203.033	27/21		27/32	4A-39.007	27/26		
4-203.038	27/21		27/32	4A-39.010	27/26		
4-211.0031	27/11	27/15		4A-42.002	27/12		27/35
4-211.320	27/36			4A-42.003	27/12		27/35
4-220.051	27/21			4A-42.005	27/12	27/27	27/35
4-220.201	27/21			4A-43.001	27/12		27/35
4-228.055	26/35			4A-43.003	27/12	27/27	27/35
4-230.033	27/20		27/29	4A-43.009	27/12	27/27	27/35
4A-2.024	27/23			4A-43.0095	27/12		27/35
4A-3.002	27/12			4A-43.011	27/12		27/35
4A-3.009	27/12			4A-43.014	27/12		27/35
4A-3.011	27/12			4A-43.015	27/12	27/27	27/35
4A-3.012	27/12	27/26		4A-43.017	27/12		27/35
4A-21.102	27/14	27/26		4A-43.018	27/12		27/35
4A-21.103	27/14	27/26		4A-46.015	27/14		
4A-21.104	27/14	27/26		4A-46.016	27/14	27/26	
4A-21.106	27/14			4A-46.017	27/14	27/26	
4A-21.107	27/14			4A-46.035	27/14	27/26	
4A-21.108	27/14			4A-46.040	27/14	27/26	
4A-21.109	27/14			4A-46.041	27/14		
4A-21.110	27/14			4A-47.001	27/12		27/32
4A-21.113	27/14	27/26		4A-47.002	27/12		27/32
4A-21.114	27/14			4A-47.003	27/12		27/32
4A-21.203	27/14			4A-47.004	27/12		27/32
4A-21.238	27/14			4A-47.005	27/12		27/32
4A-21.240	27/14			4A-47.006	27/12		27/32
4A-21.241	27/14	27/26		4A-47.008	27/12		27/32
4A-21.242	27/14	27/26		4A-47.009	27/12		27/32
4A-21.245	27/14	27/26		4A-47.010	27/12		27/32
4A-21.249	27/14			4A-47.011	27/12	27/21	27/32
4A-21.251	27/14	27/26				27/24	27/32

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4A-49.003	27/12			5F-11.013	27/20	27/27	27/35
	27/12			5F-11.060	27/35		
4A-49.004	27/12	27/20 27/29		5F-11.061	27/35		
4A-52.003	27/12	27/27	27/35	5F-11.062	27/35		
4A-52.004	27/12	27/27	27/35	5F-11.063	27/35		
4A-54.003	27/12			5F-11.064	27/35		
4A-54.004	27/12			5F-11.065	27/35		
4A-54.006	27/12	27/27		5K-4.020	27/35		
4A-54.007	27/12			5K-5.014	27/27		27/35
4A-56.004	27/12		27/32	5K-6.010	27/27		27/35
4A-56.006	27/12	27/24	27/32	5L-1.003	27/26		
4A-57.002	27/35				27/26		
4A-57.003	27/35			5L-1.007	27/26		
4A-57.005	27/35						
4A-57.007	27/35						
4A-60.001	27/6						
4A-60.002	27/6						
4A-60.003	27/6	27/26					
4A-60.004	27/6	27/26					
4A-60.005	27/6	27/26					
4A-60.006	27/6	27/26					
4A-60.007	27/6						
4A-60.008	27/6	27/26					
4A-62.001	26/47						
4A-62.002	26/47						
4A-62.003	26/47						
	27/6c						
4A-62.004	26/47						
4C-4.001	27/15		27/36				
4C-4.002	27/15	27/30	27/36				
4C-4.003	27/15		27/36				
4C-4.0035	27/15	27/30	27/36				
4C-4.004	27/15	27/30	27/36				
4C-4.0045	27/15		27/36				
4C-4.009	27/15		27/36				
4J-4.002	27/22		27/32				
4K-1.001	27/8						
4K-1.002	27/8						
4K-1.003	27/8	27/12					
4K-1.004	27/8						
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5BER01-1	37/34c						
5B-58.001	27/29						
	27/33c						
5E-1.016	27/32						
5F-2.001	27/26		27/35				
5F-2.014	27/26		27/35				
5F-3.001	27/27		27/35				
5F-5.001	27/27		27/35				
5F-7.005	27/27		27/35				
5F-8.003	27/29						
5F-8.024	27/29						
5F-10.001	27/34						
				6-1	26/39c		
					27/10c		
					27/21c		
					27/25c		
				6A-1.001	27/32		
				6A-1.09412	27/32		
				6A-1.09422	27/28	27/34	
				6A-1.0943	27/28		
				6A-1.09431	27/28		
				6A-1.09441	27/32		
				6A-1.0996	25/27	25/34	
				6A-4.001	27/32		
				6A-4.0012	27/28		
				6A-4.002	27/32		
				6A-4.003	27/32		
				6A-4.004	27/32		
				6A-4.0051	27/32		
				6A-4.006	27/32		
				6A-4.01761	27/28		
				6A-4.050	27/32		
				6A-4.052	27/32		
				6A-4.066	27/32		
				6A-4.068	27/32		
				6A-4.072	27/32		
				6A-6.03012	27/28		
				6A-6.080	16/30		
				6A-10.024	27/32		
				6A-14.072	27/21		27/30
				6A-20.05281	26/1		
				6C-7.001	27/17	27/26	27/32
				6C-7.003	27/17		27/32
				6C-600.002	26/33		
				6C1-7.019	Newspaper		27/30
				6C1-7.058	Newspaper		27/32
				6C3-3.004	Newspaper		27/33
				6C4-1.005	Newspaper		27/31
				6C4-6.012	Newspaper		27/30
				6C4-6.0121	Newspaper		27/30
				6C5-5.010	Newspaper		27/34
				6C5-7.004	Newspaper		27/32

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6C7-4.020	Newspaper		27/36	9B-72.110	27/31		
6C7-4.0211	Newspaper		27/36	9B-72.120	27/31		
6C7-4.025	Newspaper		27/36	9B-72.130	27/31		
6C7-5.001	Newspaper		27/36	9B-72.160	27/31		
6D-16.002	27/16		27/30	9B-72.170	27/31		
6F-16.001	27/22			9B-72.180	27/31		
6S-16.026	26/2			9B-72.190	27/31		
				9C-600.002	26/33		
				9I-31.005	16/35		
				9I-35.006	19/31	19/43	
				9I-47.035	23/25		
				9J-5.0055	18/40		
				9J-8.004	22/39		
				9J-8.006	22/39		
				9J-41.003	20/47		
				9J-200.146	26/42		
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9B-1.002	27/12		27/36	10-5.011(1)(v)	15/46c		
9B-1.003	27/12		27/36	10D-6.046(7)(f)2.	20/11c		
9B-1.003(16)(a)	27/20c			10M-9.001	22/1		
9B-1.004	27/12	27/28	27/36	10M-9.026	22/1		
9B-1.0055	27/12		27/36	10M-9.045	22/1		
9B-1.006	27/12	27/28	27/36				
9B-1.007	27/12	27/28	27/36				
9B-1.0085	27/12	27/28	27/36				
9B-1.009	27/12		27/36				
9B-1.0095	27/12		27/36				
9B-1.010	27/12		27/36				
9B-1.011	27/12	27/28	27/36				
9B-1.014	27/12		27/36				
9B-1.016	27/12		27/36				
9B-1.020	27/12		27/36				
9B-1.021	27/12	27/36	27/36				
9B-1.0211	27/12	27/36	27/36				
9B-1.022	27/12	27/28	27/36				
		27/36	27/36				
9B-1.0221	27/12	27/28	27/36	11-2.002	27/17		27/30
		27/36	27/36	11-2.003	27/17		27/30
		27/28	27/36	11-2.004	27/17		27/30
		27/36	27/36	11B-14.002	27/17		27/30
9B-1.023	27/12		27/36	11B-20.001	27/17		27/30
9B-1.026	27/12	27/28	27/36	11B-20.0012	27/17		27/30
9B-1.027	27/12	27/28	27/36	11B-20.0013	27/17		27/30
9B-1.028	27/12	27/28	27/36	11B-20.0014	27/17		27/30
9B-1.030	27/12	27/28	27/36	11B-20.0015	27/17		27/30
9B-3.004	27/31			11B-20.0016	27/17		27/30
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64B8-44.003	27/30			64B17-2.004	27/35		
64B8-44.005	27/23			64B17-2.005	27/35		
	27/30			64B17-3.002	27/35		
64B8-45.001	27/15	27/30		64B17-4.002	27/35		
64B8-45.002	27/15	27/30		64B17-9.001	27/35		
64B8-45.003	27/25		27/33	64B18-17.001	27/29		
64B8-45.005	27/15			64B19-11.001	27/20		27/31
64B8-50.002	27/30			64B19-11.005	27/20		27/31
64B8-51.001	27/23		27/31	64B19-11.007	27/20		27/31
64B8-54.002	27/30			64B19-11.009	27/30		
64B8-55.001	27/21		27/31	64B19-12.002	27/20		27/31
64B8-56.002	26/24	26/43	27/36	64B19-12.003	27/20		27/31
		26/51	27/36	64B19-12.0041	27/20		27/31
		27/16	27/36	64B19-12.005	27/20		27/31
		27/24	27/36	64B19-12.007	27/20		27/31
	27/10c			64B19-12.0085	27/20		27/31
64B9-3.007	25/9			64B19-12.009	27/20		27/31
64B9-3.009	27/16	27/26	27/32	64B19-12.012	27/30		
64B11-1.001	27/31			64B19-13.001	27/20		27/31
64B11-1.002	27/31			64B19-13.002	27/20		27/31
64B11-4.007	27/31			64B19-13.003	27/20		27/31
64B11-5.001	27/9	27/23		64B19-13.005	27/20		27/31
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64B20-2.002	25/45	26/30		64E-5.413	27/18		27/36
64B21-500.004	27/25		27/32	64E-5.414	27/18		27/36
64B21-500.005	27/25		27/32	64E-5.415	27/18		27/36
64B21-501.001	27/21		27/36	64E-5.416	27/18		27/36
64B21-501.003	27/21		27/36	64E-5.417	27/18		27/36
64B21-501.005	27/21		27/36	64E-5.418	27/18		27/36
64B21-501.006	27/21	27/29	27/36	64E-5.419	27/18		27/36
64B21-501.0065	27/21	27/29	27/36	64E-5.420	27/18		27/36
64B21-501.007	27/21		27/36	64E-5.421	27/18		27/36
64B21-501.008	27/21		27/36	64E-5.422	27/18		27/36
64B21-501.009	27/21		27/36	64E-5.423	27/18		27/36
64B21-501.010	27/21		27/36	64E-5.424	27/18		27/36
64B21-501.011	27/21		27/36	64E-5.425	27/18	27/30	27/36
64B21-501.012	27/21		27/36	64E-5.426	27/18		27/36
64B21-501.013	27/21		27/36	64E-5.427	27/18	27/30	27/36
64B21-502.001	27/21	27/31		64E-5.428	27/18	27/30	27/36
		27/35		64E-5.429	27/18		27/36
64B21-502.004	27/21	27/31		64E-5.430	27/18		27/36
		27/35		64E-5.431	27/18	27/30	27/36
64B21-502.005	27/21	27/31		64E-5.432	27/18	27/30	27/36
		27/35		64E-5.433	27/18	27/30	27/36
64B32-1.003	27/29			64E-5.434	27/18	27/30	27/36
64B32-3.005	27/16			64E-5.435	27/18	27/30	27/36
64B32-6.003	27/29			64E-5.436	27/18		27/36
64B33-1.005	26/25			64E-5.437	27/18		27/36
64C-4.003(1)(b),(7)	27/25c			64E-5.438	27/18		27/36
64C-7.008	27/27		27/36	64E-5.439	27/18		27/36
64C-13.018	24/22			64E-5.440	27/18	27/30	27/36
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64C-27.001	27/17			64E-5.601	27/17		27/31
64C-27.002	27/17			64E-5.603	27/17		27/31
64D-3.011		25/19	27/29	64E-5.606	27/17		27/31
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64E-5.210	27/17	27/25	27/31	64F-8.001	27/35		
64E-5.214	27/30			64F-8.002	27/35		
64E-5.221	27/30			64F-16.001	27/22		27/33
64E-5.222	27/30						
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64E-5.225	27/30			65-1	27/11c		
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64E-5.406	27/18		27/36	65A-1.704	27/29		
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64E-5.408	27/18		27/36	65A-4.206	27/20		27/35
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65C-27.001	27/17		27/30w	68B-13.011	27/16		27/29
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65C-27.002	27/17		27/30w	68B-27.015	27/31		
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65E-2.003	26/20	26/28			27/25c		
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65E-25.003	27/18	27/31		68B-35.005	27/16	27/23	
65E-25.004	27/18	27/31			27/25c		
65E-25.005	27/18	27/31		68B-38.003	27/21		27/31
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