

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE TITLE: Disapproval of Directors or Executive Officers

RULE NO.: 3C-100.03852

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to generally give effect to Section 655.0385, F.S., which requires, under certain circumstances, the reporting of changes in directors and executive officers and the establishment of standards for the disapproval of directors or executive officers.

SUBJECT AREA TO BE ADDRESSED: The rule requires that State financial institutions, within certain specified categories, file notices with the Department prior to adding or replacing members of their boards of directors or prior to employing individuals as executive officers or equivalent positions. The rule sets forth the procedures for providing prior notice to the Department and the standards the Department will use when disapproving the appointment of directors or the employment of executive officers, or equivalent positions.

SPECIFIC AUTHORITY: 655.012(3), 655.0385(4) FS.

LAW IMPLEMENTED: 655.0385, 658.21, 658.33, 665.013, 667.003 FS.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Linda B. Charity, Chief, Bureau of Financial Institutions-District I, Division of Banking, 101 East Gaines Street, Suite 636, Tallahassee, Florida 32399-0350, (850)410-9111

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3C-100.03852 Disapproval of Directors or Executive Officers.

(1) Section 655.0385, Florida Statutes, requires state financial institutions to notify the Department of the proposed appointment of any individual to the board of directors or the employment of any individual as an executive officer, or equivalent position, 60 days before such appointment or employment becomes effective, if the applying financial institution:

- (a) Has been chartered for less than two years;
- (b) Has undergone a change in control or conversion within the preceding 2 years, ~~and is not exempted under subsection (6) of this rule;~~
- (c) Is not in compliance with the minimum capital requirements applicable to such financial institution; or
- (d) Is otherwise operating in an unsafe or unsound condition, as determined by the Department, on the basis of such financial institution's most recent report of condition or report of examination.

(2) Notice.

(a) A financial institution shall provide a complete written notice to the Department at least 60 days prior to the effective date of the appointment of a director or the employment of an executive officer, or equivalent position. Each notice shall include a completed Form DBF-C-10 Interagency Biographical and Financial Report, revised 11/97, which is hereby incorporated by reference. Notices shall be submitted to and Form DBF-C-10 may be obtained by request from the Department of Banking and Finance, Division of Banking, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350. Form DBF-C-10 may also be found at the Department's Internet website: <http://www.dbf.state.fl.us/banking.html> by using the icon "Download Department of Banking and Finance Application Forms" and by selecting the icon "DBF-C-10."

(b) A notice is not complete until the financial institution provides all the information requested in paragraph (2)(a), including complete explanations where material issues arise regarding the competence, experience, character, or integrity of the proposed director or executive officer, or equivalent position, and any additional information that the Department requests following a determination that the financial institution's original submission of the notice was not complete.

(c) Each proposed director or executive officer, or equivalent position, shall make certain that the notice submitted on his or her behalf is accurate.

(3) No change.

(4) Requests For Interim Appointment.

(a) Any financial institution may file a written request with the Department to permit an individual proposed as a director or executive officer, or equivalent position, to assume his or her position on an interim basis prior to the expiration of the 60 day prior notice period.

(b) The Department shall not consider a request for interim appointment or employment of a director or executive officer, or equivalent position, unless the Department has received a completed Form DBF-C-10 for the proposed individual.

(c) The Department shall only grant a request for the interim appointment or employment of a director or officer, or equivalent position, if the interim appointment or employment is not likely to cause a risk of harm to the financial institution or the public interest.

(d) The granting of a request for the interim appointment or employment of an individual to the position of director or executive officer, or equivalent position, shall not affect the Department's ability to subsequently issue a notice of disapproval within the 60 day prior notice period.

(5) Regulatory Standards for Evaluating Requests for Proposed Directors or Executive Officers, or Equivalent Positions.

(a) The financial institution may appoint or employ an individual to begin service as a director or executive officer, or equivalent position, on a permanent basis if:

1. The Department notifies the financial institution of an intent not to disapprove the director or executive officer, or equivalent position; or

2. The 60 day review period expires and during such review period the concerned individual was not disapproved.

(b) The Department shall issue a notice of disapproval if the competence, experience, character, or integrity of the proposed individual to be appointed or employed indicates that it is not in the best interests of the depositors, the members, or the public to permit the individual to be employed by or associated with the state financial institution.

(c) Unless the Department finds, in writing, that the proposed individual has shown rehabilitation, the proposed director or executive officer, or equivalent position, shall not be eligible for appointment or for permanent or interim employment, if the individual:

1. Has been convicted of or has entered a plea of guilty or nolo contendere, regardless of adjudication, to a felony or of an offense involving moral turpitude, dishonesty, a breach of trust, a violation of state or federal financial institution law, the Florida Financial Institutions Codes, or fraud;

2. Has been removed by any regulatory agency as a director, officer, or employee of any financial institution;

3. Has performed acts of fraud or dishonesty, or has failed to perform duties, resulting in a loss to a financial institution; ~~or~~

4. Has been convicted or found guilty, regardless of adjudication, of a violation of Section 655.50, Florida Statutes, relating to the Florida Control of Money Laundering in Financial Institutions Act; Chapter 896, ~~Florida Statutes~~, relating to offenses related to financial transactions; or any similar state or federal law;

5. Has had a professional license suspended or revoked by the applicable licensing authority or has been sanctioned by such licensing or regulatory authority for violations of any statutes, rules or policies; or

6. ~~(d) If an individual proposed as a director or executive officer, or equivalent position, h~~Has demonstrated a lack of responsibility in relation to financial matters which is reflected by the credit-payment history and/or bankruptcy of the person

~~or by the person's business history, it shall be permissible to consider such conditions in evaluating the character and integrity of the individual.~~

~~(d)(e)~~ Material errors or omissions in any information submitted to the Department regarding an individual shall be grounds for a finding by the Department that the individual fails to meet the requisite standards for service as a director or executive officer, or equivalent position, of a state financial institution.

~~(e)(f)~~ If an individual is proposed for the position of chief executive officer, president, or equivalent position, he or she shall have had at least 1 year of direct experience as an executive officer, financial institution regulator, or director of a financial institution within the last 3 years. A financial institution may request a waiver of this requirement by writing to the Director of the Division of Banking detailing why the proposed officer's overall experience and expertise compensates for the lack of recent, direct financial institution or financial institution regulator experience. The Department shall grant a request for a waiver only when it is clear that the proposed officer's overall experience and expertise suggests he or she will perform satisfactorily in office.

~~(f)(g)~~ If the proposed executive officer, president, or equivalent position is to be employed by a state financial institution that does not meet the minimum capital requirements or is otherwise operating in an unsafe or unsound condition, the Department shall, based on the unique needs of the financial institution, require more extensive financial institution experience.

~~(6) Pursuant to Section 655.0385(1)(b), Florida Statutes, the Department may exempt from the 60 day notice requirement a financial institution which has undergone a change of control or conversion within the preceding two years and which operates in a safe and sound manner.~~

~~(a) A financial institution with a composite rating of "1", "2" or "3", and with a management rating of "1" or "2" in its most recent safety and soundness report of examination or, in the case of a trust company, its most recent trust report of examination, and which is not subject to a state or federal regulatory action shall be automatically exempted from the 60 day notice requirement. For purposes of this section "regulatory action" shall include cease and desist orders, written agreements, memoranda of understanding, letters of understanding and agreement, and any other equivalent action initiated by a financial regulator. (Examination ratings are based on the Federal Financial Institutions Examinations Council's Uniform Interagency Trust Rating System and Uniform Financial Institutions Rating System, often called the CAMELS rating system.)~~

~~(b) Other financial institutions may request an exemption by writing to the Director of the Division of banking detailing why the institution believes it is operating in a safe and sound manner and why an exemption is appropriate. Any such~~

~~request must include supporting documentation of improvements in the institution and its operations. The request for exemption shall be approved only when the Director of the Division of Banking concludes that, because of the documented improvements, the institution would be rated "1", "2" or "3", with a management rating of "1" or "2" were a safety and soundness examination conducted on the date of the institution's request. For example, the Director of the Division of Banking may approve a request for waiver from an institution that was poorly rated in its last safety and soundness examination because of inadequate capital if the institution documents that it increased capital sufficiently to address the inadequacy.~~

~~Specific Authority 655.012(3), 655.0385(4) FS. Law Implemented 655.0385, 658.21, 658.33, 665.013 FS. History--New 12-14-93, Amended 3-20-00, 12-28-00, _____.~~

DEPARTMENT OF CORRECTIONS

RULE TITLE: Placement of Inmates into Community Release Programs

RULE NO.: 33-601.606

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify definitions of terms applicable to offender eligibility and ineligibility for community release programs and placement therein.

SUBJECT AREA TO BE ADDRESSED: Community Release Programs.

SPECIFIC AUTHORITY: 945.091 FS.

LAW IMPLEMENTED: 945.091 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Anthony W. Garcia, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.606 Placement of Inmates into Community Release Programs.

(1) No change.

(2) Eligibility and Ineligibility Criteria.

(a) An inmate is ineligible for community release programs if he has:

1. through 4. No change.

5. Refused to complete substance abuse and academic ~~substance abuse~~ programs ~~Modality II, or III~~, unless the refusal was based upon objections to the religious based content of the

program, in which case, an alternate non-deity based ~~substance~~ ~~abuse~~ program will be offered and must be successfully completed.

6. through 7. No change.

(b) No change.

(3) through (5) No change.

Specific Authority 945.091 FS. Law Implemented 945.091 FS. History--New 3-14-01, Amended 9-2-01, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Legal Visitors

RULE NO.: 33-601.711

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide guidelines for the exchange of documents during legal visits.

SUBJECT AREA TO BE ADDRESSED: Legal visits.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 944.09, 944.23 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.711 Legal Visitors.

(1) through (5) No change.

(6) Documents will not be exchanged between the attorney and the inmate unless the attorney notifies the warden that the exchange of documents is necessary and the warden approves the exchange. The warden is authorized to disapprove any document exchange if such exchange would present a threat to the security and order of the institution or to the safety of any person.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09, 944.23 FS. History--New 10-6-83, Formerly 33-5.11, Amended 3-8-98, Formerly 33-5.011, Amended _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Use of Cameras and Tape Recorders

RULE NO.: 33-601.712

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the circumstances under which an attorney bring and use a camera to photograph his inmate client.

SUBJECT AREA TO BE ADDRESSED: Use of cameras during attorney visits.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.712 Use of Cameras and Tape Recorders by Attorneys.

(1) An attorney may bring and use a camera to photograph his inmate client if he certifies in writing that the physical condition of the inmate client is relevant to a pending or prospective lawsuit, judicial or quasi-judicial proceeding, or administrative proceeding involving another agency, that he needs to photograph the inmate client to preserve evidence of such condition, and that he will comply with reasonable security procedures. No inmate shall be photographed without his consent. Photographs that might jeopardize security by showing the physical layout of the institution or in any other specific way shall not be permitted.

(2) through (3) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 1-12-83, Formerly 33-5.091, Amended 3-8-98, 3-23-99, Formerly 33-5.0091, Amended.

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Inmate Visiting – Definitions	33-601.713
Inmate Visiting – General	33-601.714
Visiting Application Initiation Process	33-601.715
Visiting Denial	33-601.717
Visiting by Former and Current Department and Contract Employees	33-601.719
Visiting Operations	33-601.721
Visiting Check-In Procedures	33-601.723
Permissible Items for Visitors	33-601.725
Visitor Searches	33-601.726
Visitor Conduct	33-601.727
Denial or Termination of Visits	33-601.729
Visiting Check-Out Procedures	33-601.730
Revocation or Suspension of Visiting Privileges	33-601.731
Reinstatement of Revoked or Suspended Visiting Privileges	33-601.732
Visiting – Special Status Inmates	33-601.733

Visiting – Disciplinary Confinement, Protective Management and Administrative Confinement Inmates 33-601.734
 Special Visits 33-601.736

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to: clarify definitions relating to inmate visiting; clarify provisions relating to denial or termination of visits; add provisions concerning relating to falsification of required documentation; clarify responsibilities of central visitation authority staff; and to delete unnecessary language.

SUBJECT AREA TO BE ADDRESSED: Inmate Visiting.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.713 Inmate Visiting – Definitions.

(1) No change.

(2) “Automated Visiting Record (AVR)” refers to a computer subsystem of the Offender Based Information System (OBIS) that automates visitor facility entry and exit and records visiting information.

(3) through (10) No change.

(11) “Approved Visitor” refers to any person who is approved by the CVA to visit an inmate and whose approval is documented in the automated inmate visiting record.

(12) through (18) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Amended.

33-601.714 Inmate Visiting – General.

(1) through (2) No change.

(3) The warden, assistant warden, or duty warden is authorized to deny or terminate a visit if any of its aspects are disruptive or violate rules, procedures, instructions, restrictions, orders, or directions. Any disruption or violation shall be entered on the AVR and shall subject the visitor to revocation or suspension of visiting privileges by the CVA and the inmate to disciplinary action.

(4) through (6) No change.

~~(7) Visitors whose visiting privileges have been denied, suspended or revoked shall be allowed to appeal in writing within 60 days of the date of the notice of denial, suspension or revocation to the Office of the Family Ombudsman for review.~~

~~The Office of the Family Ombudsman shall review the denial, suspension or revocation of the visitor's visiting privileges and respond to the visitor in writing within 60 days of the receipt of the appeal. The Office of the Family Ombudsman shall have the authority to recommend modification of the denial, suspension or revocation to the CVA.~~

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New 11-18-01, Formerly 33-601.708, Amended.

33-601.715 Visiting Application Initiation Process.

(1) through (2) No change.

(3) The CVA shall conduct criminal history background checks on ~~all~~ applicants requesting visiting privileges if information on the application indicates that it is prudent to do so.

(4) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New 11-18-01, Formerly 33-601.706, 33-601.708, Amended.

33-601.717 Visiting Denial.

(1) through (4) No change.

(5) Any person shall be subject to denial of permission to visit based upon the following criteria:

(a) through (e) No change.

(f) Either the inmate or prospective visitor gave false or misleading information to obtain visiting privileges with in the past six months five years; discovery of falsification of visitor information after the visitor has been approved for visitation shall result in the visitor being considered for suspension of visiting privileges pursuant to paragraph 33-601.731(9)(d), F.A.C.

(g) through (l) No change.

(6) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New 11-18-01, Formerly 33-601.706, 33-601.707, Amended.

33-601.719 Visiting by Former and Current Department and Contract Employees.

(1) Former Department and Contract Employees. The CVA shall consider approving former department employees and former employees of a contractor who was under contract with the department for visiting privileges under the following circumstances:

(a) No change.

(b) During employment the applicant did not have a documented incident of any of the following:

1. through 2. No change.

3. A personal or business relationship with an offender. A personal or business relationship is any that goes beyond what is necessary for the performance of one's job.

4. through 5. No change.

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

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New 11-18-01, Formerly 33-601.706, Amended.

33-601.721 Visiting Operations.

(1) through (4) No change.

(5) Inmates shall be required to conduct visits in a separately designated visiting area as determined by the warden, ~~assistant warden~~, or duty warden when visiting in the regular visiting area poses a threat to security, safety, or good order of the institution or any person.

(6) through (11) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New 11-18-01, Formerly 33-601.708, Amended.

33-601.723 Visiting Check-In Procedures.

(1) through (3) No change.

(4) All visitors ~~sixteen~~ twelve years of age or older must present a valid form of picture identification for visiting registration. Acceptable forms of identification are identification cards that contain a photograph, current address, and date of birth and physical characteristics of the individual. Signatures are not required if the identification otherwise complies with all other standards of proper identification.

(5) A visitor seventeen years old or younger who cannot furnish proof of emancipation must be accompanied during a visit by an approved parent, legal guardian, or authorized adult and must remain under the supervision of that adult at all times. An authorized non-parental adult accompanying a visiting minor must provide a notarized document of guardianship from the parent or legal guardian (not an inmate) granting permission for the minor to visit a specifically identified inmate. The document shall be notarized by someone other than the non-parental adult accompanying the minor and shall be updated every six months from the date of issue. Falsification of a document of guardianship shall result in the person being subject to suspension of visiting privileges pursuant to paragraph 33-601.731(9)(d), F.A.C.

~~(6) Upon completion of visitor registration, the approved visitors shall exchange his or her valid identification for a numbered visitor's badge.~~

~~(a) Visitors shall not exchange the issued numbered badge with any non-Department of Corrections personnel.~~

~~(b) An ultra violent hand stamp will be used as a secondary method of visitor verification. The stamp will be applied and viewed at registration.~~

~~(6)(7)~~ Should a visitor find it necessary to leave the visiting park prior to completion of the visit, the visitor shall not depart until institutional staff have verified the identity of the visitor and the presence and location of the inmate being visited. The visitor will not be allowed reentry unless approved by the shift supervisor or the duty warden. If reentry is approved, the visitor will proceed through the automated visiting record check-in procedure as required in this rule.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.708, Amended

33-601.725 Permissible Items for Visitors.

(1) Visitors shall be allowed to bring only authorized items listed into any department facility. Entry shall be denied if the visitor attempts to enter the institution or facility while possessing any unauthorized item or any authorized item in more than the approved amounts. Authorized items include:

- (a) through (c) No change.
- ~~(d) One numbered visitor's badge;~~

~~(d)~~(e) Prescription medications. The department reserves the right to prohibit individuals from bringing any medication into the facility that may pose a threat to the inmate population or institutional security. Visitor requiring medical injections must leave such items secured in their vehicles and will be allowed to depart the visiting area if an injection is required. Reentry into the visiting area shall be allowed in accordance with Rule 33-601.723(6)(7), F.A.C. The visitor shall not be allowed to bring needles or syringes into any department facility or dispose of them on the grounds of any department institution or facility under any circumstances.

- 1. through 3. No change.
- (f) through (i) renumbered (e) through (h) No change.
- (2) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Amended

33-601.726 Visitor Searches.

- (1) through (2) No change.

(3) The visitor shall be instructed to sign an Unclothed Body Search Consent, Form DC1-803, if specific factual reasons support the suspicion that contraband is concealed on a visitor's person, and this suspicion is not resolved by a less intrusive search. The parent, legal guardian, or authorized adult shall sign the consent form if a minor is to be searched. Form DC1-803 is incorporated by reference in Rule 33-601.737, F.A.C.

(a) The warden, ~~assistant warden~~, or duty warden must approve strip searches. Approval shall be given only after careful evaluation of the asserted factual grounds that justify the search. The visit shall be denied if the visitor refuses to give written consent to the strip search.

- (b) through (5) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.708, Amended

33-601.727 Visitor Conduct.

(1) Visitors must conduct themselves in accordance with the following requirements while on department property.

- (a) No change.

(b) Visitors are prohibited from using cameras on department property ~~without the express consent of the warden. The warden is authorized to approve camera use on a case-by-case basis when the warden determines that it would not be detrimental to the security and order of the institution.~~

~~1. Visitors shall not photograph any part of the institution's physical structure, buildings, fences, staff, visitors, or inmates.~~

~~2. Areas in which the general public is prohibited from taking photographs shall be clearly posted and identified in the institution's visitor information.~~

- (c) through (i) No change.

(j) Visitors shall not give to or receive from the inmate any item of any description nor take any article whatsoever from the visiting area or grounds of the institution unless authorization is first obtained from the warden, ~~assistant warden~~, or duty warden. The only exceptions are food and beverage items purchased by visitors from vending machines or canteens and photographs purchased through the inmate photo project. The visitor may pass the food or beverage only to the inmate he or she is visiting. The visitor shall not give cash or currency directly to an inmate.

- (k) No change.
- (2) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.708, Amended

33-601.729 Denial or Termination of Visits.

(1) A warden, assistant warden, or duty warden shall be authorized to deny or terminate a visit for the following reasons:

- (a) through (m) No change.

(2) Before considering denial or termination of a visit in progress due to violation of or failure to comply with any establish rule or procedure, the warden, ~~assistant warden~~ or duty warden shall first attempt less severe alternatives if the violation does not pose an immediate threat to the security and order of the institution, including verbal warnings to the inmate and visitor about improper conduct. If the visit is denied or terminated, the visitor shall be interviewed and a statement recorded by staff prior to exiting the institution if the situation does not pose an immediate threat to the security and order of the institution.

- (3) Reconsideration for Visitation.

(a) A visitor denied visiting by the warden, ~~assistant warden~~, or duty warden shall be permitted to ask the CVA to mediate the matter, using local or institutional telephone access for this purpose. The CVA employee will either inform the visitor of his or her agreement with the decision of the duty warden or shall contact the facility on behalf of the visitor. The final decision shall rest with the warden, assistant warden, or duty warden.

(b) No change.

(4) The warden, ~~assistant warden~~ or duty warden shall ensure that the inmate is notified of the denial of his or her visitor's admission and the reasons as soon as the inmate can be located. Comments regarding the incident shall be made on the AVR system.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New 11-18-01, Formerly 33-601.705, 33-601.707, Amended.

33-601.730 Visiting Check-Out Procedures.

(1) through (2) No change.

~~(3) Upon departure from the visiting park, each visitor shall be verified by visitor badge number and shall then proceed to the visitor registration area.~~

~~(4) At the registration area, each visitor shall turn in his or her numbered badge to the officer. The officer shall verify the identity of the visitor by physically comparing the picture identification. The picture identification will be returned to the visitor.~~

~~(5) Additional verification shall be obtained by viewing the ultra-violent stamp on the visitor's hand.~~

(6) through (7) renumbered (3) through (4) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New 11-18-01, Amended.

33-601.731 Revocation or Suspension of Visiting Privileges.

(1) through (8) No change.

(9) Suspension of Visitor's Visiting Privileges.

(a) No change.

(b) A visitor's visiting privileges shall be revoked by the CVA when the visitor:

1. through 5. No change.

6. Evidences intent to harm to staff, inmates or visitors.

(c) Visiting privileges shall be suspended by the CVA for up to two years when the visitor:

1. through 4. No change.

~~5. Evidences intent to do harm to a staff member, visitor or inmate.~~

5.6. No change.

(d) Visitors found in violation of Paragraph Rule 33-601.717(5)(f), F.A.C. – falsifying information to obtain visiting privileges, Paragraphs 33-601.723(3) and (5), F.A.C., falsifying information at visitor registration and falsifying documents of guardianship, Paragraph Rule 33-701.724(9), F.A.C. – visitor attire, Rule 33-601.726, F.A.C. – visitor searches, or visitor conduct standards as outlined in Subparagraphs Rule 33-601.727(1)(a)-(h), F.A.C. shall have visiting privileges suspended by the CVA supervisor for up to one year.

(10) The warden shall have the discretion to recommend to the CVA supervisor a length of suspension less than the maximum allowed by rule by considering the type of violation, the impact of the violation on the overall security or safety of the institution, and prior visits without incident. The warden shall set forth the justification for the length of suspension, if less than the maximum, in the recommendation to the CVA supervisor.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New 11-18-01, Formerly 33-601.707, 33-601.708, Amended.

33-601.732 Reinstatement of Revoked or Suspended Visiting Privileges.

(1) No change.

(2) The CVA supervisor shall approve or deny requests for reinstatement of a visitor's revoked or suspended visiting privilege. The visitor, or inmate on behalf of the affected visitor, shall submit a written request for reinstatement of privileges to the CVA supervisor. The visitor for whom the reinstatement is being considered shall submit a Request for Visiting Privileges, Form DC6-111A, if the suspension has been for longer than six months.

(a) through (c) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New 11-18-01, Amended.

33-601.733 Visiting – Special Status Inmates.

(1) No change.

(a) During initial reception periods, inmates awaiting transfer to their initial permanent facility shall not be permitted visits. The warden, ~~assistant warden~~ or duty warden has authority to grant exceptions if the inmate remains at the reception center more than 45 days and the CVA has approved the visitors.

(b) through (c) No change.

(2) through (5) No change.

(6) An inmate in close management shall be allowed to receive visits from approved visitors in accordance with Rule 33-601.800 33-601.803, F.A.C.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New 11-18-01, Formerly 33-601.704, Amended.

33-601.734 Visiting – Disciplinary Confinement, Protective Management, and Administrative Confinement Inmates.

(1) Disciplinary confinement inmates shall not be permitted visits other than legal visits unless exceptions are made by the warden, ~~assistant warden~~ or duty warden for emergencies.

(2) Protective Management. Inmates shall have a minimum of two hours a week for visiting under the following conditions:

(a) No change.

(b) If a separate facility is not available, the warden, ~~assistant warden~~ or duty warden shall schedule visiting at a time or day different than that for general population inmates.

(c) The warden, ~~assistant warden~~ or duty warden is authorized to limit or deny the visit based upon the degree of threat to the inmate. The warden, assistant warden or duty warden shall determine whether the visit shall be contact or non-contact.

(d) No change.

(3) Administrative Confinement.

(a) Inmates in administrative confinement shall be permitted visits with the approval of the warden, ~~assistant warden~~ or duty warden based on the best interest of all concerned.

(b) No change.

(c) The warden, ~~assistant warden~~ or duty warden shall determine if non-contact visits are appropriate for inmates in administrative confinement status.

(d) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.709, Amended

33-601.736 Special Visits.

(1) The warden, ~~assistant warden~~, or duty warden is authorized to approve special visits, impose special conditions for visiting outside of the regular visiting schedule, and to make exceptions to the number of visitors allowed.

(2) through (3) No change.

(4) Requests for a special visit shall be made by the inmate on the Inmate Request, Form DC6-236 or in writing or by phone by an individual requesting a special visit. The request shall be submitted no less than five workdays in advance of the requested visit. The warden, ~~assistant warden~~ or duty warden shall approve or deny the request by the next working day after receipt. If it can be conclusively established that circumstances prevented the visitor from requesting a special visit within the five-day period, the warden, ~~assistant warden~~, or duty warden shall consider the request for a special visit. The inmate shall be responsible for notifying individuals approved for a special visit.

(5) A visitor who has been denied a special visit by the warden, ~~assistant warden~~ or duty warden may request that the CVA mediate on his or her behalf. A local or institution telephone shall be used for this purpose if the visitor is on institutional property. The CVA shall either advise the visitor that the warden's, assistant warden's or duty warden's decision is appropriate or speak to the denying authority on behalf of the visitor. However, the final decision will rest with the approving authority.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Amended

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE CHAPTER TITLE: Hospice
 RULE CHAPTER NO.: 58A-2

RULE TITLES: Administration of the Hospice
 RULE NOS.: 58A-2.005

Physical Plant Standards
 58A-2.0051

PURPOSE AND EFFECT: A new Rule 58A-2.0051 is being developed to provide physical plant standards for hospice facilities as specified in paragraph (i) of Section 400.605, Florida Statutes. Amendment to Rule 58A-2.005, Administration of the Hospice, will be considered if necessary for the same purpose.

SUBJECT AREA TO BE ADDRESSED: Physical plant standards for hospice residential and inpatient facilities and units.

SPECIFIC AUTHORITY: 400.605 FS.

LAW IMPLEMENTED: 400.605 FS.

IF REQUESTED IN WRITING BY 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: Friday, 1:00 p.m. – 5:00 p.m., December 7, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda Macdonald, Assisted Living Program, Division of Community Based Services, or Pat Dunn, Office of General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2113

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE CHAPTER TITLE: Minimum Standards for Home
 RULE CHAPTER NO.: 59A-25

Medical Equipment Providers
 59A-25

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the rule, including rule reduction, language clarification, and minor changes to conform to changes in the Florida Statute. The rule amendment includes language that is added or changed to clarify that central service centers and distribution centers will be licensed; however, distribution centers that receive orders from the central service center will not be required to pay the \$400 inspection fee since inspections will be done through the central service centers. Language is added that patient and employee records, not stored at the licensed location, shall be made available to AHCA within 48 hours of the time of the survey. Reductions have been made in language to conform to changes in the

Florida Statutes regarding the deletions of abuse background screening. Language has been revised to clarify actions to be taken based on survey findings. The definition of a change of ownership has been deleted because it is already in the Florida Statutes. Language regarding fining providers that submit renewal applications late has been changed to conform to the 90-day time frame established in the Florida Statutes. The proposed rule amendment adds an option of documenting financial ability to operate by completing a financial projection in lieu of a surety bond. Corporations with multiple licensed locations will not need to resubmit proof of financial ability to operate.

SUBJECT AREA TO BE ADDRESSED: Minimum Standards for Home Medical Equipment Providers.

SPECIFIC AUTHORITY: 400.925, 400.93, 400.931, 400.932, 400.933, 400.934, 400.935 FS.

LAW IMPLEMENTED Part X of Chapter 400, 400.92-.957 FS.

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

TIME AND DATE: 10:00 a.m. – 1:00 p.m., December 13, 2001

PLACES: Capital Circle Office Center, 4030 Esplanade Way, Building 4030, Room 301, Tallahassee, FL; Zora Neale Hurston Building, 400 W. Robinson Street, Room 101C, Orlando, FL; Ruth Bryan Owen Rohde Building, 401 N. W. 2nd Avenue, Room 106, Miami, FL; All 3 places are part of the Suncom Video Conferencing Network; for more information about each place please go to the following website: <http://video.state.fl.us>.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ms. Monteen S. Heikkila, Agency for Health Care Administration, Home Care Unit, 2727 Mahan Drive, Bldg. 1, Room 204, Tallahassee, FL 32308, (850)414-6010 or heikkilm@fdhc.state.fl.us.

If you are going to attend, please respond to the Home Care Unit by fax to Ms. Heikkila, (850)922-5374, send an email to heikkilm@fdhc.state.fl.us, or call (850)414-6010 and indicate which of the 3 locations you will be going to attend. The maximum capacity for the Orlando and Miami site is 20 people and for the Tallahassee site 35 people; so please notice us if you plan to attend.

Providers that do not attend may send in any written comments regarding the initial draft rule by December 13, 2001 to Ms. Heikkila at the address shown above or email heikkilm@fdhc.state.fl.us.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLES:	RULE NOS.:
Centralized Embalming Facilities	61G8-33.003
Cinerator Facilities	61G8-33.004
Removal Services	61G8-33.005
Refrigeration Facilities	61G8-33.006

PURPOSE AND EFFECT: The purpose for the rule development is to provide cross references to procedures relating to identification of human remains at Centralized Embalming Facilities, Cinerator Facilities, Removal Services and Refrigeration Facilities.

SUBJECT AREA TO BE ADDRESSED: Cross reference to other rules.

SPECIFIC AUTHORITY: 470.005(1), 470.0295(2), 470.0301(2)(h), 470.0315(4) FS.

LAW IMPLEMENTED: 470.0301(2)(h), 470.0315(4), 470.025(2) FS.

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

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 Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE TITLE:	RULE NO.:
Voluntary Certification Categories	61G19-6.016

PURPOSE AND EFFECT: The Board proposes to update the above rule.

SUBJECT AREA TO BE ADDRESSED: Voluntary Certification Categories.

SPECIFIC AUTHORITY: 468.606, 468.609(10) FS.

LAW IMPLEMENTED: 468.609(10) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE TITLE: One and Two Family Dwelling Inspector Certification
RULE NO.: 61G19-6.017

PURPOSE AND EFFECT: The purpose for the development is to provide procedures relating to one and two family dwelling inspector certification.

SUBJECT AREA TO BE ADDRESSED: One and Two Family Dwelling Inspector Certification.

SPECIFIC AUTHORITY: 468.606 FS.

LAW IMPLEMENTED: 468.609(2),(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLES: Membership
Chairperson
Minutes
Internal
Principal Office
Board Member Compensation
Authorized Signatures on Final Orders
Probable Cause Panel
Designation of Official Reporter
RULE NOS.: 61J1-1.001
61J1-1.003
61J1-1.004
61J1-1.005
61J1-1.006
61J1-1.007
61J1-1.008
61J1-1.009
61J1-1.011

PURPOSE AND EFFECT: The Board is considering amending the above referenced rules relating to internal organization and operation. The purpose is to amend these rules by revising language relating to a quorum, signing final orders, probable cause panels, and providing consistency and clarification within the existing rules.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rules relating to internal organization and operation.

SPECIFIC AUTHORITY: 455.207, 455.225, 475.614 FS.

LAW IMPLEMENTED: 120.52, 120.53, 120.569, 455.205, 455.207, 455.225, 475.613 FS.

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

TIME AND DATE: 9:00 a.m. or as soon thereafter as possible, February 5, 2002

PLACE: Office of the Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida 32801

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 32801

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

Florida Real Estate Appraisal Board

RULE TITLES: Fees
Renewal Period
Inactive Renewal
Exemption of Spouses of Members of Armed Forces from Renewal Provisions
Inactive Registration
Refund of Applicant and License Fees
RULE NOS.: 61J1-2.001
61J1-2.002
61J1-2.003
61J1-2.004
61J1-2.005
61J1-2.007

PURPOSE AND EFFECT: The Board is considering amending the above referenced rules relating to registration details and fee structure. The purpose is to amend these rules by revising language relating to the availability of forms, and providing consistency and clarification within the existing rules.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rules relating to registration details and fee structure.

SPECIFIC AUTHORITY: 455.02, 475.614, 455.619 FS.

LAW IMPLEMENTED: 215.34, 215.405, 455.02, 455.217, 455.2281, 475.613(2), 475.6147, 475.615, 475.618, 475.619, 475.630 FS.

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

TIME AND DATE: 9:00 a.m. or as soon thereafter as possible, February 5, 2002

PLACE: Office of the Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida 32801

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 32801

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

Florida Real Estate Appraisal Board

RULE TITLES:	RULE NOS.:
Application by Individuals	61J1-3.001
Where to Apply	61J1-3.002
Notice of Denial	61J1-3.003

PURPOSE AND EFFECT: The Board is considering amending the above referenced rules relating to application requirements. The purpose is to amend these rules by revising language relating to the availability of forms, and providing consistency and clarification within the existing rules.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rules relating to application requirements.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 120.57, 120.60, 475.613, 475.615, 475.617, 475.624 FS.

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

TIME AND DATE: 9:00 a.m. or as soon thereafter as possible, February 5, 2002

PLACE: Office of the Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida 32801

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 32801

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

Florida Real Estate Appraisal Board

RULE TITLES:	RULE NOS.:
Education Requirements	61J1-4.001
Equivalency Education	61J1-4.002
Continuing Education	61J1-4.003
Notice of Satisfactory Course Completion	61J1-4.005
Renewal of Inactive Registrations, Licenses and Certifications	61J1-4.007
Continuing Education for School Instructors	61J1-4.008

PURPOSE AND EFFECT: The Board is considering amending the above referenced rules relating to minimum educational requirements. The purpose is to amend these rules by revising language relating to null and void licenses, reactivation, and providing consistency and clarification within the existing rules.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rules relating to minimum educational requirements.

SPECIFIC AUTHORITY: 475.614, 475.619 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617, 475.618, 475.619 FS.

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

TIME AND DATE: 9:00 a.m. or as soon thereafter as possible, February 5, 2002

PLACE: Office of the Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida 32801

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 32801

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

Florida Real Estate Appraisal Board

RULE TITLE:	RULE NO.:
Appraisal Examination Areas of Competency	61J1-5.001

PURPOSE AND EFFECT: The Board is considering amending the above referenced rules relating to examinations. The purpose is to amend these rules by providing consistency and clarification within the existing rules.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rules relating to examinations.

SPECIFIC AUTHORITY: 455.217, 475.614 FS.

LAW IMPLEMENTED: 455.217, 475.616 FS.

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

TIME AND DATE: 9:00 a.m. or as soon thereafter as possible, February 5, 2002

PLACE: Office of the Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida 32801

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 32801

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

Florida Real Estate Appraisal Board

RULE TITLE: Experience Requirement RULE NO.: 61J1-6.001

PURPOSE AND EFFECT: The Board is considering amending the above referenced rules relating to experience requirements. The purpose is to amend these rules by providing for the availability of forms, acceptable experience, experience documentation, and consistency and clarification within the existing rules.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rules relating to experience requirements.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.617 FS.

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

TIME AND DATE: 9:00 a.m. or as soon thereafter as possible, February 5, 2002

PLACE: Office of the Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida 32801

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 32801

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

Florida Real Estate Appraisal Board

RULE TITLES:	RULE NOS.:
Display and Disclosure of Registration, License or Certification Designation	61J1-7.001
Advertising	61J1-7.003
Office	61J1-7.004
Temporary Practice	61J1-7.005
Mailing Address	61J1-7.008
Use of Association Names	61J1-7.009

PURPOSE AND EFFECT: The Board is considering amending the above referenced rules relating to general requirements for operating as an appraiser and appraiser business. The purpose is to amend these rules by providing for the availability of forms, definitions, and consistency and clarification within the existing rules.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rules relating to general requirements for operating as an appraiser and appraiser business.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 455.275, 475.622, 475.623, 475.624(2),(3), 475.630 FS.

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

TIME AND DATE: 9:00 a.m. or as soon thereafter as possible, February 5, 2002

PLACE: Office of the Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida 32801

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 32801

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

Florida Real Estate Appraisal Board

RULE TITLES:	RULE NOS.:
Citation Authority	61J1-8.001
Disciplinary Guidelines	61J1-8.002
Notice of Noncompliance	61J1-8.003
Mediation	61J1-8.004
Revocation	61J1-8.005
Time for Payment of Administrative Fines and Costs	61J1-8.006

PURPOSE AND EFFECT: The Board is considering amending the above referenced rules relating to disciplinary guidelines. The purpose is to amend these rules by providing guidelines for additional violations, and by providing for consistency and clarification within the existing rules.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rules relating to disciplinary guidelines.

SPECIFIC AUTHORITY: 455.2235, 455.2273, 455.227, 475.614 FS.

LAW IMPLEMENTED: 120.695, 455.2235, 455.224, 455.225(3), 455.227, 455.2273, 455.275, 475.614, 475.622, 475.624, 475.626 FS.

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

TIME AND DATE: 9:00 a.m. or as soon thereafter as possible, February 5, 2002

PLACE: Office of the Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida 32801

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 32801

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

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE:	RULE NO.:
Unauthorized Practice Fee	64B1-2.016

PURPOSE AND EFFECT: To amend the existing rule to charge the \$5.00 fee in addition to the initial license fee and the license renewal fee each biennium as required by statute.

SUBJECT AREA TO BE ADDRESSED: Unauthorized practice fee charged to each initial license and renewal license.

SPECIFIC AUTHORITY: 456.065 FS.

LAW IMPLEMENTED: 456.065 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Karen Eaton, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE:	RULE NO.:
Continuing Education Requirements	64B1-7.015

PURPOSE AND EFFECT: To amend the existing rule to address statutory continuing education requirements for medical errors continuing education and to address the continuing education requirements for initial renewal of license.

SUBJECT AREA TO BE ADDRESSED: Continuing education requirements for renewal of license.

SPECIFIC AUTHORITY: 456.013, 456.033, 457.104, 457.107, 457.108, 457.1085 FS.

LAW IMPLEMENTED: 456.013, 456.033, 457.107, 457.108, 457.1085, 457.109 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Karen Eaton, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE:	RULE NO.:
Disciplinary Guidelines	64B1-9.001

PURPOSE AND EFFECT: To amend the existing rule to address statutory changes and review of existing rule as to violations and range for penalties.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 456.079(1), 457.104 FS.
 LAW IMPLEMENTED: 456.072, 456.079(3), 457.109 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Address of Licensee
 RULE NO.: 64B8-40.008
 PURPOSE AND EFFECT: The Board proposes to update the existing rule.

SUBJECT AREA TO BE ADDRESSED: Address of Licensee.
 SPECIFIC AUTHORITY: 456.035, 468.507, 468.514 FS.

LAW IMPLEMENTED: 456.073(1) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Fees
 RULE NO.: 64B8-41.001
 PURPOSE AND EFFECT: The Board proposes to update the existing rule.

SUBJECT AREA TO BE ADDRESSED: Fees.
 SPECIFIC AUTHORITY: 456.036, 468.507, 468.508 FS.

LAW IMPLEMENTED: 456.036, 456.065, 468.508 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Exemption of Spouses of Members or Armed Forces from License Requirements
 RULE NO.: 64B8-42.004

PURPOSE AND EFFECT: The purpose for the development is to provide procedures relating to exemption of spouses of members of armed forces from license requirements.

SUBJECT AREA TO BE ADDRESSED: Exemption of Spouses of Members or Armed Forces from License Requirements.

SPECIFIC AUTHORITY: 456.024 FS.

LAW IMPLEMENTED: 456.024 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Disciplinary Guidelines
 RULE NO.: 64B8-44.003

PURPOSE AND EFFECT: The Board proposes to update the existing rule.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 456.079, 458.309, 468.507 FS.

LAW IMPLEMENTED: 456.079, 468.517, 468.518(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Documentation
 RULE NO.: 64B8-44.004

PURPOSE AND EFFECT: The Board proposes to update the existing rule.

SUBJECT AREA TO BE ADDRESSED: Documentation.

SPECIFIC AUTHORITY: 468.507 FS.

LAW IMPLEMENTED: 468.503(3),(4),(8),(9), 468.516, 468.518(1)(f),(h),(j),(k) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Citations
 RULE NO.: 64B8-44.005

PURPOSE AND EFFECT: The Board proposes to update the existing rule.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.077, 468.507 FS.

LAW IMPLEMENTED: 456.077, 468.517, 468.518 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: General Requirements
 RULE NO.: 64B8-45.001

PURPOSE AND EFFECT: The Board proposes to update the existing rule.

SUBJECT AREA TO BE ADDRESSED: General Requirements.

SPECIFIC AUTHORITY: 456.013(8), 468.507 FS.

LAW IMPLEMENTED: 456.013(8), 468.514, 468.515 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE TITLE: Continuing Education Requirements
 RULE NO.: 64B14-5.002

PURPOSE AND EFFECT: The Board proposes to amend an existing rule to allow for additional continuing education providers and to address legislative changes.

SUBJECT AREA TO BE ADDRESSED: Amendment to an existing rule concerning continuing education requirements.

SPECIFIC AUTHORITY: 468.802, 468.806 FS.

LAW IMPLEMENTED: 468.806 456.024 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, BIN #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Mobile Home, Lodging, 64E-15
 Recreational Vehicle Parks, 64E-15
 and Recreational Camps

RULE TITLE: RULE NO.:

Sewage Disposal 64E-15.004

PURPOSE AND EFFECT: The Bureau of Facility Programs in the Division of Environmental Health announces its intent to amend Section 64E-15.004, Sewage Disposal, Florida Administrative Code. The noted rule section does not allow the use of transportable wastewater container units and cassette-type toilets as conveyances from the recreational vehicle or pop-up camper to the sanitary dump station. The Division of Environmental Health staff have reviewed this issue and have concluded that the use of these units should be allowed under specific conditions to facilitate proper disposal of wastewater to the approved sanitary dump station.

SUBJECT AREA TO BE ADDRESSED: Subsection 64E-15.004(1), FAC., will be amended to allow the conditional use of transportable wastewater containers and cassette-type toilets. The inclusion of the use of transportable wastewater containers and cassette-type toilets from pop-up campers will facilitate proper disposal of wastewater to approved sanitary dump stations. The Department of Environmental Protection’s Division of Parks and Recreation urged the Department of Health to review the prevalent use of disposal containers. The proposed language not only provides for the use of these transportable wastewater containers, but also establishes responsibility and a procedure for disinfection of any spillage. The department also seeks to amend subsection 64E-15.004(2), FAC. The amendment would replace the term “readily removable”, as it applies to mobile home waste line connectors, with the term “rigid.”

SPECIFIC AUTHORITY: 513.012 FS.

LAW IMPLEMENTED: 513.08 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: 1:00 p.m., December 11, 2001
PLACE: Conference Room 240P, 4042 Bald Cypress Way, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Ken Widergren, Environmental Specialist, Bureau of Facility Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1710, (850)245-4444, Ext. 2453, Fax (850)487-0864

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

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Body Piercing 64E-19

PURPOSE AND EFFECT: The purpose of this rule development is to incorporate standards to fulfill the intent of Section 381.0075, F.S. The incorporated language will establish required knowledge, experience, and credentials for trainers.

SUBJECT AREA TO BE ADDRESSED: The subject to be addressed is the formal training of body piercers and salon operators.

SPECIFIC AUTHORITY: 381.0075(10) FS.

LAW IMPLEMENTED: 381.0075(10),(11) FS.

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

TIME AND DATE: 10:00 a.m., Friday, December 7, 2001
PLACE: Conference Room 240P, Building 4042, Capital Circle Office Complex, 4042 Bald Cypress Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Edward J. Golding, Environmental Specialist III, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1710, (850)245-4277

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

RULE TITLES: RULE NOS.:

Rights and Responsibilities of Applicants and Recipients	65A-2.022
Eligibility Factors Other Than Need	65A-2.033
Amount of Optional State Supplementation Payments	65A-2.036

PURPOSE AND EFFECT: These rule amendments implement OSS redesign for residents of Adult Family Care Homes (AFCH). OSS redesign allows enhanced payments through Medicaid Assistive Care Services (ACS) if the facility becomes enrolled as a qualified Medicaid Assistive Care Services provider.

SUBJECT AREA TO BE ADDRESSED: For residents of AFCHs that are OSS eligible, the payment will provide for room and board. OSS eligible AFCH residents who are not Medicaid eligible as of January 1, 2002 will be budgeted under OSS standards. Eligibility standards and base provider rates will be changed for AFCHs.

SPECIFIC AUTHORITY: 409.212(7) FS.
 LAW IMPLEMENTED: 409.212 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 10:00 a.m., December 10, 2001
 PLACE: Building 3, Room 100, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700, Telephone (850)488-3090
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II Proposed Rules

DEPARTMENT OF REVENUE

RULE TITLES:	RULE NOS.:
Scope of Rules	12-24.001
Definitions	12-24.002
General Requirements	12-24.003
Payor Information	12-24.004
Methods of Electronic Funds Transfer	12-24.005
Means of Communication to Report	
Payment Information	12-24.006
Payment Transmission Errors	12-24.007
Procedures for Payment	12-24.008
Due Date; General Provisions	12-24.009
General Administrative Provisions	12-24.010
Scope	12-24.021
Recordkeeping Requirements – General	12-24.023
Recordkeeping Requirements –	
Machine-Sensible Records	12-24.024
Records Maintenance Requirements	12-24.025
Access to Machine-Sensible Records	12-24.026
Taxpayer Responsibility and Discretionary	
Authority	12-24.027
Alternative Storage Media	12-24.028
Effect of Hardcopy Recordkeeping	
Requirements	12-24.029
Records Retention – Time Period	12-24.030

PURPOSE AND EFFECT: The proposed amendments to these rules update the procedures taxpayers must use to remit tax payments by electronic funds transfer (EFT) and to submit returns using electronic data interchange (EDI) methods. They also clarify that dealers of communications services who are required to remit taxes and submit returns by Chapter 202, F.S., are subject to EFT and EDI procedures.

SUMMARY: A) The proposed amendments to Rule 12-24.001, F.A.C. (Scope) clarify that the Department’s rules concerning electronic funds transfer (EFT) and electronic data interchange (EDI) apply to the taxes imposed on dealers of communications services pursuant to chapter 202, F.S. B) The proposed changes to Rule 12-24.002, F.A.C. (Definitions) revise and update the taxes subject to EFT. C) The proposed revisions to Rule 12-24.003, F.A.C.(General Requirements) delete obsolete provisions concerning taxpayers subject to EFT requirements; and, specify the conditions under which dealers of communications services must file the taxes imposed by chapter 202, F.S., by EFT. D) The suggested amendments to Rule 12-24.004, F.A.C. (Payor Information) revise references to the forms used by taxpayers subject to EFT, eliminate references to the specific information to be provided on such forms, and clarify how forms can be obtained. E) The suggested changes to Rule 12-24.005, F.A.C. (Methods of Electronic Funds Transfer) update the name and address of the Department office responsible for EFT procedures and delete an unnecessary statement concerning the ACH credit method of EFT payment. F) The suggested revisions to Rule 12-24.006, F.A.C. (Means of Communication to Report Payment Information) ensure that new forms of technology can be employed for EFT purposes. G) The recommended amendments to Rule 12-24.007, F.A.C. (Payment Transmission Errors) make technical changes to conform this rule to the changes in other rules. H) The recommended changes to Rule 12-24.008, F.A.C. (Procedures for Payment) revise the payment information taxpayers must include when they initiate an EFT payment using the ACH debit method; clarify the examples used to illustrate how an EFT ACH debit transaction is correctly submitted; explain the information that must be submitted if the taxpayer is granted permission to use the ACH credit method; revise the example explaining how an EFT ACH credit method is submitted; and, explain how and under what circumstances a taxpayer may submit a tax payment by wire transfer. I) The recommended revisions to Rule 12-24.009, F.A.C. (Due Date; General Provisions) expand the discussion for the compromise or settlement of tax, interest, and penalties imposed for late EFT payments; require taxpayer to submit a written explanation of why an EFT payment is not timely; and explain that pursuant to ss. 202.28 and 202.30, failure by a dealer of communications services to properly remit the taxes imposed by chapter 202, F.S., to the Department are not authorized to claim the dealer collection allowance. J) The proposed amendments to Rule 12-24.010, F.A.C. (General Administrative Provisions) update the name and address of the Department office responsible for EFT procedures and removes a statement that the Department will accept certain faxes in lieu of an original, since this provision has been moved to Rule 12-24.004, F.A.C. K) The proposed changes to Rule 12-24.021, F.A.C. (Scope) are technical. L) Rule 12-24.023, F.A.C. (Recordkeeping Requirements – General) requires taxpayers to make records available upon the

Department's request, explains that these rules do not require a taxpayer to keep records in an electronic format, states that if a taxpayer keeps records in both hardcopy and electronic format, the Department can request the electronic version of such records, identifies the form to be used when a taxpayer and the Department agree to the electronic submission of taxpayer information, and explains that pursuant to ss. 202.28 and 202.30, dealers of communications services who fail to properly remit the tax returns required by chapter 202, F.S., to the Department by EDI are not authorized to claim the dealer collection allowance. M) Rule 12-24.024, F.A.C. (Recordkeeping Requirements – Machine-Sensible Records) contains requirements concerning the format and content of machine-sensible records maintained by taxpayers, clarifies that these rules do not require taxpayers to maintain machine-sensible records other than those kept in the ordinary course of business, states that a taxpayer's machine-sensible records must contain a level of detail equal to that contained for acceptable hardcopy records, states that taxpayers do not need to keep any original EDI transaction records if the Department can establish any necessary information from the records that were retained, and explains that, if requested by the Department, the taxpayer must provide a description of the business process that creates any specific retained record. N) Rule 12-24.025, F.A.C. (Records Maintenance Requirements) recommends that taxpayers be guided by the maintenance and storage provisions for electronic records contained in the National Archives and Records Administration standards, and states that the taxpayer's records must allow for the extraction and conversion of machine-sensible records. O) Rule 12-24.026, F.A.C. (Access to Machine-Sensible Records) explains that the method by which the Department will access a taxpayer's machine-sensible records will be determined by discussions with the taxpayer, and lists the general categories for such access methods. P) Rule 12-24.027, F.A.C. (Taxpayer Responsibility and Discretionary Authority) authorizes taxpayers to create specific files and records for the Department that meet the requirements of Rules 12-24.024, 12-24.025, and 12-24.026, F.A.C., and states that taxpayers may contract with a third party to manage or provide data access services to such records for the Department's use. Q) Rule 12-24.028, F.A.C. (Alternative Storage Media) explains that taxpayers may convert hardcopy records to microfilm, microfiche, or other storage-only imaging systems and discard the hardcopies, and specifies the requirements for the retention of records on microfilm, microfiche, or other storage-only imaging system. R) Rule 12-24.029, F.A.C. (Effect on Hardcopy Recordkeeping Requirements) states that the provisions of the rules in Part II of this rule chapter do not relieve taxpayers of the responsibility of keeping hardcopy records of transactions that are normally retained in the ordinary course of business, explains that this requirement includes records associated with credit or debit card transactions, and provides that the Department reserves the

right to request hardcopy printouts of taxpayer records for the purpose of conducting an examination. S) Rule 12-24.030, F.A.C. (Records Retention - Time Period) states that taxpayers must retain records for the length of time required by s. 213.35, F.S., unless the Department provides a written statement that such records no longer need to be retained.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since these proposed rule amendments do not impose any new procedures on taxpayers beyond those currently being utilized, no new regulatory costs have been created. Therefore, not statement of estimated regulatory cost has been prepared.

SPECIFIC AUTHORITY: 202.26(3)(a), 202.30(1), 212.06(1)(a), 213.06(1) FS.

LAW IMPLEMENTED: 202.30, 213.34, 213.35, 213.755 FS.

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

TIME AND DATE: 1:30 p.m., December 18, 2001

PLACE: Room 116, Larson Building, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4830

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 at (850)922-4726. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE FULL TEXT OF THE PROPOSED RULES IS:

12-24.001 Scope of Rules.

Part I of this rule chapter sets forth the rules to be used by the Department of Revenue in the administration of ss. 202.30 and 213.755, F.S., authorizing the Executive Director to require ~~certain~~ taxpayers specified by statute to remit taxes by electronic transfer of funds. If there is a conflict between these rules and any other rules applicable to taxes subject to electronic funds transfer, these rules shall govern.

Specific Authority 202.26(3)(a), 202.30(1), 213.06 FS. Law Implemented 202.30, 213.755 FS., s. 25, Ch. 89-356, L.O.F. History—New 12-19-89, Amended 10-24-96,_____.

12-24.002 Definitions.

For the purposes of Part I of this rule chapter, the terms and phrases used in these rules shall have the meanings prescribed in this section, unless a different meaning is clearly indicated by the context in which the term or phrase is used.

(1) through (15) No change.

(16) "Tax type" means a tax which is subject to EFT, each of which shall be considered a separate category of payment. The tax types for which taxpayers will be required to pay amounts due by EFT are as follows:

(a) Taxes administered under ~~Part I~~, Chapter 212, F.S., and those taxes and fees reported on the DR-15 form series, including sales and use tax, local option taxes, surcharges, ~~and~~ surtaxes, and solid waste fees;

(b) Corporate income/franchise tax (Chapter 220, F.S.) and emergency excise tax (Chapter 221, F.S.), reported on Form F-1120, including the required estimated tax payments (F-1120ES) and tentative tax payments (F-7004);

(c) Taxes on motor fuel, ~~diesel special~~ diesel special fuel, liquefied petroleum gas, aviation fuel, and pollutants, including local option ~~Part II, Chapter 212, F.S., all~~ taxes reported under Chapter 206, F.S., ~~and local option taxes collected pursuant to Chapter 336, F.S.~~ (Form ~~3096 DR-115~~ series, ~~DR-119~~ series, ~~DR-120, DR-121, or DR-904~~);

(d) Gross receipts tax (Chapter 203, F.S.) reported on Form DR-133;

(e) All taxes reported on Forms DR-907 and DR-908, including insurance premium taxes and regulatory assessments subject to the provisions of Chapter 624, F.S., the excise tax on property insurance (s. 175.101, F.S.), and the excise tax on casualty insurance (s. 185.08, F.S.); ~~and the insurance policy surcharge (s. 252.37, F.S.);~~

(f) Intangible personal property taxes (Chapter 199, F.S.) as reported on Form DR-601C; ~~or Form DR-601AC.~~

(g) Severance taxes (Chapter 211, F.S.) and the Miami-Dade Lake Belt Mitigation Fee (Chapter 373, F.S.) reported on Form DR-140 series;

(h) Documentary stamp tax (Chapter 201, F.S.) reported on Form DR-225 or DR-225B;

(i) Communication services tax (Chapter 202, F.S.) reported on Form DR-70016 and substitute communications system tax (Chapter 202, F.S.) reported on Form DR-70019.

(17) through (19) No change.

Specific Authority 202.26(3)(a), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.755 FS., s. 24, Ch. 90-203, L.O.F. History--New 12-19-89, Amended 1-8-91, 10-24-96,_____.

12-24.003 General Requirements.

~~(1) Under the authority granted to the Executive Director of the Department under s. 213.755, F.S., a taxpayer who is subject to a tax and has paid that tax in the prior state fiscal year in an amount of \$50,000 or more can be required to remit current taxes by electronic funds transfer.~~

~~(1)(2) Any taxpayer~~ Effective January 1, 1990, the Department will implement an EFT program which will require certain taxpayers subject to the following taxes who has paid that tax in the prior state fiscal year in an amount of \$50,000 or more must ~~to~~ remit tax payments by electronic funds transfer:

(a) Sales and use tax, local option sales taxes, surcharges, ~~and~~ surtaxes, and solid waste fees;

(b) Corporate income/franchise tax and emergency excise tax;

(c) Motor fuel, ~~diesel special~~ diesel special fuel, liquefied petroleum gas, aviation fuel, oil and gas production, and pollutants taxes;

(d) Local option fuel tax;

(e) Insurance premium taxes and assessments; ~~and~~

(f) Gross receipts tax;-

(g) Intangible personal property tax;

(h) Severance taxes and Miami-Dade Lake Belt Mitigation Fee; and

(i) Documentary stamp tax.

(2) Any taxpayer who is required to pay the communications services tax or the substitute communications systems tax must remit tax payments by electronic funds transfer in the following manner:

(a)1. Any taxpayer who has paid taxes imposed under Chapter 212, F.S. (Sales and Use Tax), in an amount of \$50,000 or more for the state fiscal year July 1, 2000, through June 30, 2001, must remit tax payments by electronic funds transfer beginning with the communications services tax or substitute communications systems tax return due on February 1, 2002.

2. Any taxpayer who has paid taxes imposed under Chapter 203, F.S. (Gross Receipts Tax), in an amount of \$50,000 or more for the state fiscal year July 1, 2001, through June 30, 2002, must remit tax payments by electronic funds transfer in conjunction with the communications services tax or substitute communications systems tax return due on February 1, 2002.

(b) Any taxpayer who has paid a combined amount of taxes discussed in paragraph (a) of this subsection in an amount of \$50,000 or more for the state fiscal year July 1, 2000, through June 30, 2001, must remit tax payments by electronic funds transfer in conjunction with the communications services tax or substitute communications systems tax return due on February 1, 2002.

(c) Any taxpayer who pays communications services tax or substitute communications systems tax in the amount of \$50,000 or more for the state fiscal year ending June 30, 2002, or in any state fiscal year thereafter, must remit tax payments by electronic funds transfer for taxes due during the succeeding calendar year.

(3) Effective January 1, 1991, the Department will require certain persons subject to intangible personal property tax and required to file Form DR-601C or Form DR-601AC to remit tax payments by electronic funds transfer.

(4) The Department will make an annual determination of those taxpayers who will be required to pay a tax electronically based on prior year payment thresholds:

(a) Beginning January 1, 1990, taxpayers who are subject to a tax type enumerated in Rule 12-24.003(2), F.A.C., and who have paid that tax type in the amount of \$200,000 or more in calendar year 1988 shall be required to pay that tax type through electronic funds transfer.

(b) Beginning January 1, 1991, all taxpayers who are subject to a tax type enumerated in Rule 12-24.002(16), F.A.C., and who have paid that tax type in the amount of \$100,000 or more in the preceding state fiscal year (FY 89/90) shall be required to pay that tax type through electronic funds transfer.

(c) Effective January 1, 1992, all taxpayers who are subject to a tax type enumerated in Rule 12-24.002(16), F.A.C., and who have remitted that tax type in the preceding state fiscal year (FY 90/91) in the amount of \$50,000 or more shall be required to make payments of that tax type through electronic funds transfer.

(3)(5) All taxpayers required to participate in selected for the EFT program shall participate for a minimum of one calendar year. During this period, taxpayers shall not be added to the list of required participants. Persons selected on the basis of prior year tax payments will be contacted by the Department at their last address of record. Once selected for the EFT requirement, the taxpayer must electronically transmit all payments for that tax type as provided in this rule.

(a) Sales and use tax—Parts I and II, Chapter 212, F.S., including local option sales taxes, surcharges, and surtaxes reported on the DR-15 form series:

1. Taxpayers who are subject to the provisions of s. 212.11(6), F.S., are required to remit payments of estimated sales tax and actual sales tax due through EFT.

2. For taxpayers selected under the \$200,000 threshold, the first required payment using EFT is that tax payable on or before February 20, 1990, for the applied period ending January 31, 1990.

3. For taxpayers selected under the \$100,000 threshold, the first required payment using EFT is that tax payable on or before February 20, 1991, for the applied period ending January 31, 1991.

4. For taxpayers selected under the \$50,000 threshold, the first required payment using EFT is that tax payable on or before February 20, 1992, for the applied period ending January 31, 1992.

(b) Corporate income/franchise tax and emergency excise tax—Chapters 220 and 221, F.S.

1. For taxpayers selected under the \$200,000 threshold, the first payment which is required to be transmitted electronically is the tax due with the final return for the tax year ending on or after December 31, 1989. For example, for taxpayers with a taxable year ending December 31, 1989, the first required EFT payment is the balance of the tax or tentative

tax payable on or before April 1, 1990. All subsequent tax payments, including payments of estimated tax, shall be transmitted electronically.

2. For taxpayers selected under the \$100,000 threshold, the first payment which is required to be transmitted electronically is the tax due with the final return for the tax year ending on or after December 31, 1990. For example, for taxpayers with a taxable year ending December 31, 1990, the first required EFT payment is the balance of tax or tentative tax payable on or before April 1, 1991. All subsequent tax payments, including payments of estimated tax, shall be transmitted electronically.

3. For taxpayers selected under the \$50,000 threshold, the first payment which is required to be transmitted electronically is the tax due with the final return for the tax year ending on or after December 31, 1991. For example, for taxpayers with a taxable year ending December 31, 1991, the first required EFT payment is the balance of tentative tax payable on or before April 1, 1992. All subsequent tax payments, including payments of estimated tax, shall be transmitted electronically.

(c) Motor fuel, special fuel, aviation fuel and pollutants taxes—Chapter 206, F.S.

1. For taxpayers selected under the \$200,000 threshold, the first required payment using EFT is that tax payable on or before February 20, 1990, for the applied period ending January 31, 1990.

2. For taxpayers selected under \$100,000 threshold, the first required payment using EFT is that tax payable on or before February 20, 1991, for the applied period ending January 31, 1991.

3. For taxpayers selected under the \$50,000 threshold, the first required payment using EFT is that tax payable on or before February 20, 1992, for the applied period ending January 31, 1992.

(d) Local Option Fuel Tax—Chapter 336, F.S.

1. For taxpayers selected under the \$200,000 threshold, the first required payment using EFT is that tax payable on or before February 20, 1990, for the applied period ending January 31, 1990.

2. For taxpayers selected under the \$100,000 threshold, the first required payment using EFT is that tax payable on or before February 20, 1991, for the applied period ending January 31, 1991.

3. For taxpayers selected under the \$50,000 threshold, the first required payment using EFT is that tax payable on or before February 20, 1992, for the applied period ending January 31, 1992.

(e) Gross Receipts Tax—Chapter 203, F.S.

1. For taxpayers selected under the \$200,000 threshold, the first required payment using EFT is that tax payable on or before February 28, 1990, for the applied period ending January 31, 1990.

2. For taxpayers selected under the \$100,000 threshold, the first required payment using EFT is that tax payable on or before February 28, 1991, for the applied period ending January 31, 1991.

3. For taxpayers selected under the \$50,000 threshold, the first required payment using EFT is that tax payable on or before February 29, 1992, for the applied period ending January 31, 1992.

(f) Insurance premium taxes and assessments—Chapter 624, F.S., and ss. 175.101 and 185.08, F.S.

1. For taxpayers selected under the \$200,000 threshold, the first required payment using EFT is that tax payable on or before March 1, 1990, for the applied period ending December 31, 1989.

2. For taxpayers selected under the \$100,000 threshold, the first payment due using EFT is that tax payable on or before March 1, 1991, for the applied period ending December 31, 1990.

3. For taxpayers selected under the \$50,000 threshold, the first required payment using EFT is that tax payable on or before March 1, 1992, for the applied period ending December 31, 1991.

(g) Intangible personal property taxes—Chapter 199, F.S.

1. For certain persons selected under the \$100,000 threshold, the first required payment due using EFT is the annual tax assessed on January 1, 1991, due and payable on or before June 30, 1991.

2. For certain persons selected under the \$50,000 threshold, the first required payment due using EFT is the annual tax assessed on January 1, 1992, due and payable on or before June 30, 1992.

Specific Authority 202.26(3)(a), 202.30(1), 212.06(1)(a), 213.06(1) FS. Law Implemented 202.30, 213.755 FS., s. 24, Ch. 90-203, L.O.F. History—New 12-19-89, Amended 1-8-91, 11-17-93, _____.

12-24.004 Payor Information.

(1) The ACH debit system ~~is will~~ be the primary EFT method required of taxpayers selected to remit funds by electronic funds transfer. The ACH credit system is a payment method available only as an exception to taxpayers who qualify under the provisions of Rule 12-24.005, F.A.C. Wire transfer is an alternative method of EFT available to taxpayers only as an exception under the provisions of Rule 12-24.008(3), F.A.C.

(2)(a) On or before November 1st, the Department will notify every taxpayer required to remit a tax by EFT in the upcoming calendar year, and mail a written notice and shall include with such notification a Registration/Authorization Form-Florida EFT/EDI Program-Electronic Tax Payment System an Electronic Funds Transfer authorization Form (Form DR-600F DR-600) and a Florida EFT Program Electronic Tax Payment Calendar (Form DR-659) to all taxpayers required to remit a tax by EFT in the upcoming calendar year.

(b) A taxpayer who wishes to use the ACH credit method in lieu of the ACH debit method must file a written request with the Department for permission to use the ACH credit method prior to December 1, as provided in Rule 12-24.005, F.A.C.

(3) Upon receipt of the Registration/Authorization Form-Florida EFT/EDI Program-Electronic Tax Payment System (Form DR-600F) Electronic Funds Transfer Authorization Form, the taxpayer must complete the form and return it to the Department by December 1. Pertinent payor information provided with Form DR-600F Form DR-600 will be furnished to the State Treasurer's bank and the Data Collection Center. ~~The information required to be provided with Form DR-600 includes:~~

(a) Payor name;

(b) Payor address;

(c) Tax identification number;

(d) Tax type;

(e) Contact person (title and telephone number);

(f) Bank name;

(g) Bank address;

(h) Bank transit/routing number;

(i) Bank account number;

(j) Signature of person authorized to sign checks; and

(k) Verification of both the bank transit/routing number and bank account number by a bank representative.

(4) Upon receipt of payor information from the Department, the Data Collection Center shall assign a confidential payor identification number directly to the taxpayer to be used by the taxpayer when communicating payment information to the Data Collection Center. This number shall be provided to the taxpayer prior to the date the first required payment is due under the EFT program for all accounts who timely file the Form DR-600F Form DR-600 with the Department.

(5) A taxpayer must provide at least 30 days advance written notice of any change of information required with the electronic funds transfer authorization form by submitting a revised Form DR-600F DR-600 to the Department.

(6)(a) The Department prescribes Form DR-600F Form DR-600, Registration/Authorization Form-Florida EFT/EDI Program-Electronic Tax Payment System (r. 10/00), Form DR-659, Florida EFT Program Electronic Tax Payment Calendar (r. 10/00), and Form DR-653, Electronic Filing Agreement-Florida EFT/EDI Program Electronic Tax Filing System (r. 10/00) Funds Transfer Authorization Form, dated December 1992, as the forms form to be used for the purposes of this chapter and hereby incorporates these forms this form by reference. Copies of these forms this form may be obtained, without cost, by one or more of the following methods: 1) writing the Florida written request to the Department of Revenue, Forms Distribution Center, 168 Blountstown

~~Highway Division of Taxpayer Assistance, Bureau of Tax Information and Media Services, P. O. Box 7443, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at 850-922-3676; or 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor/>) 32399-7443. Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.~~

~~(b) The Department will accept facsimile transmissions of requests (form DR-600F) at telephone number (850)922-5088.~~

~~Specific Authority 202.26(3)(a), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.755 FS., s. 24, Ch. 90-203, L.O.F. History-New 12-19-89, Amended 1-8-91, 11-17-93,_____.~~

12-24.005 Methods of Electronic Fund Transfer.

(1) The Department will utilize the ACH debit transfer as the method by which ~~certain large~~ taxpayers subject to EFT requirements shall remit taxes by electronic funds transfer.

(2) ~~However, the~~ The Executive Director or the Executive Director's designee will grant taxpayers permission to use the ACH credit method on a case by case basis, as an exception to the required use of the ACH debit method.

(a) A taxpayer who requests permission to use the ACH credit method must submit a written request to the Department, by December 1, which demonstrates the existence of a valid business operational reason for using the ACH credit method in lieu of the ACH debit method. A taxpayer who is already using the ACH credit method is deemed to have a valid business reason for using the ACH credit method to remit payments of Florida taxes.

(b) The written request to use the ACH credit method shall be filed with the ~~E-Services Unit EFT Section, Division of Tax Processing, Florida Department of Revenue, P. O. Box 5885 Post Office Box 2096, Tallahassee, Florida 32314-5885 32316-2096~~, by December 1. The Department will accept facsimile transmissions of requests at telephone ~~number (850)(904)922-5088~~. Taxpayers will be notified of the Department's decision within the month of January.

~~(c) Use of the ACH credit method by a taxpayer will be conditioned upon the taxpayer's agreement to provide payment information to the Data Collection Center as provided in these rules.~~

~~(c)(d)~~ The Department reserves the right to revoke the ACH credit method payment privilege of any taxpayer who: does not consistently transmit error-free payments; or substantially varies from the requirements and specifications of

these rules; or repeatedly fails to make timely EFT payments or timely provide payment information; or, repeatedly fails to provide the required addenda record with the EFT payment.

~~Specific Authority 202.26(3)(a), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.755 FS., s. 24, Ch. 90-203, L.O.F. History-New 12-19-89, Amended 1-8-91, 11-17-93,_____.~~

12-24.006 Means of Communication to Report Payment Information.

Taxpayers who participate in the electronic funds transfer program shall use one of two means of communicating payment information through the ACH debit method:

(1) Operator-assisted communication of payment information made orally by rotary or touch-tone telephone; or

(2) PC entry communication of payment information with ~~via~~ a computer or other communication device with a modem.

~~Specific Authority 202.26(3)(a), 202.30(1), 213.06 FS. Law Implemented 202.30, 213.755 FS., s. 25, Ch. 89-356, L.O.F. History-New 12-19-89, Amended 11-17-93,_____.~~

12-24.007 Payment Transmission Errors.

(1) If a taxpayer does not make a correct payment of tax for a particular period, such taxpayer shall, on the nearest business day ~~after to~~ the date on which the error is discovered, contact the ~~E-Services Unit EFT Section~~ at telephone ~~number (850)(904)487-7972~~ for specific instructions.

(a) If the taxpayer error involves an overpayment of tax, the taxpayer may either elect to have the overpayment applied against the liability for the next reporting period or apply for a refund under the provisions of the applicable tax statute.

(b) If the taxpayer error involves an underpayment of tax, the taxpayer must make appropriate arrangements to initiate payment for the amount of the underpayment.

(2) In the event a taxpayer using the ACH debit method communicates payment information to the Data Collection Center after 3:45 p.m., Eastern Time, on the business day before the due date, the payment shall be posted to the taxpayer's account on the next business day following the due date and shall constitute late payment.

(3) Except as provided in these rules or Rule Chapter 12-13, F.A.C., a failure to make a timely EFT payment because of other circumstances under the taxpayer's control, including but not limited to insufficiency of funds in the taxpayer's account or a direct payment to the Department using an unauthorized payment method, shall result in the loss of the taxpayer's collection allowance and assessment of the appropriate penalties and interest by the Department.

Cross Reference: Rule 12-24.009, F.A.C.

~~Specific Authority 202.26(3)(a), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.755 FS., s. 24, Ch. 90-203, L.O.F. History-New 12-19-89, Amended 1-8-91, 11-17-93,_____.~~

12-24.008 Procedures for Payment.

(1) ACH Debit Method.

(a) The taxpayer must report payment information to the Data Collection Center, by the approved means of communication, no later than 3:45 p.m., Eastern Time, on the business day immediately preceding before the due date of the payment. The Data Collection Center must be contacted ~~called~~, ~~using the specified toll-free number~~, during the contact ~~call-in~~ period specified in the detailed instructions provided to EFT taxpayers, which include Form DR-659. The Department will bear the costs of processing EFT ACH debit payments through the Data Collection Center. Communication by the taxpayer during the contact ~~call-in~~ period is mandatory to assure the timely posting of the taxpayer's payment on the following business day.

(b) After establishing contact with the Data Collection Center, the taxpayer is allowed to ~~may~~ communicate payment information for more than one tax type or tax period. However, the taxpayer must initiate payment information for each tax type and for each tax period for which a payment is due. The following payment information is required from the taxpayer:

1. Company and ID number (Payment identification number) ~~Payor information number~~;
2. Tax payment amount type;
3. Tax period ~~Document type~~;
4. Payment type amount; and,
5. Verification code ~~Tax period~~; and
6. ~~Due date~~.

(c) A confirmation code ~~trace number~~ will be issued at the conclusion of the communication of the payment information for each payment ~~tax~~ type and tax period. This number provides a means of verifying the accuracy of the recorded tax payment and serves as a receipt for the transaction.

(d) Shortly after the expiration of the contact ~~call-in~~ period, the Department will receive an electronic transmission from the Data Collection Center containing all the payment information that has been communicated to the Data Collection Center during that contact ~~call-in~~ period.

~~(e) The Data Collection Center will provide the State Treasury with summary information on projected cash flows in a mutually agreeable format and frequency.~~

~~(e)(f) Example. A taxpayer who uses the ACH debit method to remit the January, 1990 sales tax payment will first determine the total amount of tax due with respect to the sales and use tax return (DR-15, line 14, amount due with return) for the January, 1990 applied period. Prior to the end of the contact ~~call-in~~ period on February 19 (or the last business day prior to the 19th), 1990, the taxpayer must use the toll-free number to contact the Data Collection Center. After establishing contact, the taxpayer will identify the EFT account with the preassigned payment ~~payor~~ identification number and state the tax type (sales and use tax), the payment ~~document~~ type (monthly return), the payment amount (\$12,345), the tax period~~

(January, 1990), and the verification code ~~due date~~ (February 20, 1990). At the end of the communication, the taxpayer will receive a confirmation code ~~trace number~~ which will verify the accuracy of the recorded tax payment and serve as a receipt for the transaction. Payment information involving the ACH debit transfer will be electronically transmitted to the Department on February 19, 1990, shortly after the expiration of the contact ~~call-in~~ period. The actual tax payment of \$12,345, however, will not be posted as collected funds to the Treasurer's account until the following day, February 20, 1990. Taxpayers must file the required return as provided by law and rule. If applicable, in the normal manner, except that the taxpayer must check the box on the return to show payment by EFT.

(2)(a) ACH Credit Method. Taxpayers who have been granted permission to use the ACH credit method must contact their own financial institutions and make the arrangements to transfer the tax payment to the state Treasury account ~~using via~~ an ACH credit transfer. The Department will not bear the costs for taxpayers to use the ACH credit method.

(b) To assure the timely receipt of payment of tax, a taxpayer must initiate the payment transaction with its financial institution in time for the payment to be deposited as collected funds to the State Treasury account on or before the appropriate due date.

(c) All ACH credit transfers must be accompanied by a Cash Concentration or Disbursement (CCD) + addenda record, in the format specified by the Department, which includes the following information:

1. Record type code ~~Taxpayer's name~~;
2. Addenda type code ~~Taxpayer's identification number~~;
3. Taxpayer identification ~~Tax type~~;
4. Tax type code ~~Amount/payment type~~;
5. Tax period end date ~~Amount of payment~~;
6. Amount type code ~~Tax period~~;
7. Amount, ~~Name and account of correspondent bank~~;
8. ~~Name of receiving bank~~;
9. ~~State Treasury account number~~; and
10. ~~American Bank Association 9 digit number of receiving bank~~.

(d) If the taxpayer ~~repeatedly~~ fails more than three times in 12 consecutive calendar months, beginning January 1, 2002, to provide the Department with the required addenda record which conforms to the requirements of this rule ~~the Department~~, the taxpayer will be required to use the ACH debit method.

(e) Example. A taxpayer who uses the ACH credit method to remit the January, 1990 sales tax payment will first determine the total amount of tax due with respect to the sales and use tax return (DR-15, line 14, amount due with return) for the January, 1990 applied period. At a time arranged between the taxpayer and the taxpayer's financial institution, the taxpayer will provide the taxpayer's financial institution with

the information necessary to initiate a timely transfer of the January, 1990 tax payment and an accompanying CCD + addenda record. The timely initiated ACH credit transfer of \$12,345 will be posted as collected funds to the State Treasurer's account on February 20, 1990. To be timely, the ACH credit transfer of January, 1990 tax must be deposited to the state Treasury account as collected funds on or before February 20, 1990. Taxpayers must file the required return as provided by law and rule. If applicable, in the normal manner, except that the taxpayer must check the box on the return to show payment by EFT.

(3) Wire transfer. Taxpayers who, due to circumstances beyond their reasonable control, are unable to initiate a timely payment of tax through the ACH debit method or the ACH credit method may request the Department's permission, on an exception basis, to transmit a payment payments of tax to the State Treasurer's account via wire transfer.

(a) Prior to initiating the transmission, the taxpayer must contact the E-Services Unit Chief or the Assistant Chief of the Bureau of Revenue Processing, or their designee, through the E-Services EFT hotline at telephone number (850)904-487-7972. The taxpayer must fax a written explanation of present the emergency situation which prevents timely compliance under either the ACH debit method or ACH credit method and must request written approval to wire transfer the tax payment payments in question to the State Treasury account. The E-Services fax number is (850)922-5088.

(b) Taxpayers who are granted written approval to use wire transfer as an exception to either the ACH debit method or ACH credit method will be given specific instructions regarding the payment information that must accompany the wire transfer.

1. All wire transfers must be accompanied by payment information, in addition to an addenda record, in the format specified by the Department, which includes the following information:

- a. Taxpayer's name;
- b. Taxpayer's identification number;
- c. Tax type;
- d. Amount/payment type;
- e. Amount of payment;
- f. Tax period;
- g. Name and account of correspondent bank;
- h. Name of receiving bank;
- i. State treasury account number; and
- j. American Bank Association 9 digit number of receiving bank.

2. The Department will not bear any costs associated with the wire transfer.

(c) Wire transfers which are not received in by the State Treasury account on or before the due date of the transmitted payments of tax will constitute late payment, and the applicable late filing penalties, interest, and loss of collection allowance shall apply.

Specific Authority 202.26(3)(a), 202.30(1), 213.06(1) FS. Law Implemented 202.30(1), 213.755 FS., s. 24, Ch. 90-203, L.O.F. History--New 12-19-89, Amended 1-8-91, 11-17-93.

12-24.009 Due Date; General Provisions.

(1) Taxpayers who are required to remit tax payments through EFT must initiate the transfer so that the amount due is deposited as collected funds to the State Treasurer's account on or before the due date under the appropriate revenue law. If a tax due date falls on a Saturday, a Sunday, a legal holiday as defined in s. 658.70(1), F.S., or on a legal holiday of the jurisdiction in which the taxpayer's financial institution is located, the deposit by electronic funds transfer is required on or before the first banking day thereafter. For the purposes of these rules, "banking day" has the meaning prescribed in s. 658.70(1), F.S. If the date on which the taxpayer is required to initiate either an ACH debit or an ACH credit transfer falls on a Saturday, Sunday, or a business or banking holiday, the taxpayer must either initiate the transaction on the preceding business day or wire transfer the funds pursuant to Rule 12-24.008(3), F.A.C.

(2) The EFT method of payment does not change any current filing requirements for tax returns. If the EFT payment is not timely made or the tax return required is not filed by the due date, the provisions for late filing penalties, interest, and loss of collection allowance or discount shall apply under the provisions of the appropriate revenue law, except as provided in these rules.

(3) The provisions of s. 213.21, F.S., shall govern the compromise and settlement of any tax, interest, or penalty assessed due to the late payment of an electronically filed payment, except as provided in these rules.

(a) For EFT purposes, "reasonable cause" for the compromise of penalty shall include, in addition to the provisions of s. 213.21, F.S., and Rule Chapter 12-13, F.A.C., the following:

1. The inability to access the EFT system on the required date because of a system failure beyond the reasonable control of the taxpayer;

2. The failure of the EFT system to properly apply a payment; or

3. The failure of the EFT system to issue proper verification of receipt of payment information.

(b) A taxpayer who is required to remit payments under the EFT program and who is unable to make a timely payment because of system failures within the banking system/ACH interface which are beyond the taxpayer's control shall not be subject to penalty or interest for late payment or loss of collection allowance or discount. The taxpayer must provide a

written explanation and supporting documentation to the E-Services Unit concerning any system failure within the banking system/ACH interface.

2. Taxpayers must ensure that they use reasonable and prudent judgement when selecting a banking system or ACH interface to handle their EFT transactions.

(c) Errors made by the Data Collection Center, the State Treasury, or the Department shall not subject the taxpayer to loss of collection allowance or discount, or assessment of penalty or interest for late payment.

(4) During the first ~~3-month~~ ~~6-month~~ period a taxpayer is required to remit tax by EFT, the Department will extend a reasonable grace period to taxpayers to resolve problems which arise when new administrative procedures, data systems changes and taxpayer operating procedures are implemented. To qualify for a grace period, the taxpayer must demonstrate in writing to the Department that a good faith effort to comply was made, or that circumstances beyond the taxpayer's reasonable control prevented compliance by the required date, or that a mistake or inadvertence prevented timely payment when the taxpayer attempted to correctly and timely initiate an EFT payment.

(5) Pursuant to s. 202.28(1), F.S., dealers of communications services who fail to properly remit the communications services taxes by EFT as required in s. 202.30(1), F.S., are not authorized to claim the collection allowance authorized by s. 202.28, F.S., for the proper remitting of taxes.

Specific Authority 202.26(3)(a), 202.30(1), 213.06 FS. Law Implemented 202.28, 202.30, 212.12, 213.755 FS., s. 25, Ch. 89-356, L.O.F. History-New 12-19-89, Amended _____.

12-24.010 General Administrative Provisions.

(1) Taxpayers who need general information concerning the EFT program can contact the E-Services Unit EFT hotline at telephone (904)(850)487-7972, or the Department's Taxpayer Assistance Section at telephone (904)(850)488-6800 or Toll-Free 1-800-352-3671 (Florida only).

(2) Voluntary Inclusion in EFT. Those taxpayers who are required to participate in the EFT program due to a prior year tax liability for any a tax type subject to EFT may request permission to also remit other tax types by EFT. Written requests for voluntary inclusion in the EFT program must be filed with the E-Services Unit Department at least 60 days prior to the due date of the payment(s) in question. Taxpayers may terminate voluntary participation by filing a written notice of termination with the E-Services Unit Department at least 60 days prior to the due date of the last EFT payment.

(~~3~~) Requests for voluntary inclusion and termination notices must be directed to the E-Services Unit EFT Section, Division of Tax Processing, Florida Department of Revenue, P. O. Box 5885 Post Office Box 2096, Tallahassee, Florida 32314-5885 32316 2096.

(b) The Department will accept facsimile transmissions of requests at telephone (850)922-5088.

(3) A taxpayer who remits a tax type by EFT shall indicate this fact on the return when it is filed. Solely for the purposes of this rule, "return" means the form designated for filing the report of taxes due for a period, including forms for making installments of estimated tax and tentative tax returns.

(3)(4) The Data Collection Center and its employees shall be bound by the same confidentiality requirements as the Department under s. 213.053, F.S.

Specific Authority 202.26(3)(a), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.755 FS., s. 24, Ch. 90-203, L.O.F. History-New 12-19-89, Amended 1-8-91, 11-17-93, _____.

PART II TAXPAYER RECORDKEEPING AND RETENTION REQUIREMENTS FOR ELECTRONIC DATA INTERCHANGE

12-24.021 Scope.

Rules 12-24.021 through – 12-24.030, F.A.C., define the requirements imposed on taxpayers for the maintenance and retention of books, records, and other sources of information under s. 213.35, F.S. These rules address such requirements where all or a part of the taxpayer's records are received, created, maintained or generated through ~~various~~ computer, electronic, and imaging processes and systems. Unless in conflict with the ~~various~~ specific requirements imposed by other rules of the Department, these rules shall govern the recordkeeping and retention requirements imposed by ~~for~~ the revenue laws administered by the Department.

Specific Authority 202.26(3)(a), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.35 FS. History-New 10-24-96, Amended _____.

12-24.023 Recordkeeping Requirements – General.

(1) A taxpayer shall maintain all records that are necessary to make a determination of the correct tax liability under s. 213.35, F.S. All required records must be made available on request by the Department as provided ~~for~~ in s. 213.34, F.S. Such records shall include, but not be ~~necessarily~~ limited to: books of account, invoices, bills of lading, gross receipts from sales, resale certificates, consumer exemption certificates, and other pertinent records as ~~may be otherwise~~ required by statute or by rule of this state ~~the Department~~.

(2) If a taxpayer maintains ~~retains~~ records required to be retained under this Chapter Part in both machine-sensible and hardcopy formats, the taxpayer shall make the records available to the Department in machine-sensible format upon request of the Department.

(3) No change.

(4) The Department shall use Form DR-653 (Electronic Filing Agreement-Florida EFT/EDI Program Electronic Tax Filing System) to document an agreement with a taxpayer that such taxpayer will file tax reports and returns by electronic transmission.

(5) Pursuant to s. 202.28(1), F.S., taxpayers who fail to properly initiate a communications services tax return or a substitute communications systems tax return by electronic data interchange (EDI) as required in s. 202.30(2), F.S., are not authorized to claim the collection allowance authorized by s. 202.28, F.S., for the proper filing of tax returns.

Specific Authority 202.26(3)(a), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.34, 213.35 FS. History--New 10-24-96, Amended _____.

12-24.024 Recordkeeping Requirements – Machine-Sensible Records.

(1) General Requirements.

(a) Machine-sensible records used to establish tax compliance shall contain sufficient transaction-level detail information so that the details underlying the machine-sensible records can be identified and made available to the Department upon request. A taxpayer has discretion to discard duplicated records and redundant information provided his or her ~~its~~ responsibilities under these rules ~~this rule~~ are met.

(b) At the time of an examination by the Department, the taxpayer's retained records must be capable of being retrieved and converted to a standard record format.

(c) No change.

(2) Electronic Data Interchange Requirements.

(a) Where a taxpayer uses electronic data interchange processes and technology, the level of record detail, in combination with other records related to the transactions, must be equivalent to that contained in an acceptable paper record. For example, the retained records should contain ~~such~~ information including ~~as~~ vendor name, invoice date, product description, quantity purchased, price, amount of tax, indication of tax status, and shipping detail, ~~etc.~~ Codes may be used to identify some or all of the data elements, provided that the taxpayer provides a method which allows the Department to interpret the coded information.

(b) The taxpayer may capture the information necessary to satisfy these rules ~~Rule 12-24.024(2)(a), F.A.C.~~, at any level within the accounting system and need not retain the original EDI transaction records provided the audit trail, authenticity, and integrity of the retained records can be established. For example, a taxpayer using electronic data interchange technology receives electronic invoices from its suppliers. The taxpayer decides to retain the invoice data from completed and verified EDI transactions in its accounts payable system rather than to retain the EDI transactions themselves. Since neither the EDI transaction nor the accounts payable system captures ~~capture~~ information from the invoice pertaining to product description and vendor name (i.e., they contain only codes for that information), the taxpayer must retain ~~also retains~~ other records, such as his or her ~~its~~ vendor master file and product code description lists and make ~~makes~~ them available to the Department. In this example, the taxpayer need not retain its EDI transaction for tax purposes.

(3) Electronic Data Processing Systems Requirements. The requirements for an electronic data processing accounting system should be similar to those ~~that~~ of a manual accounting system, in that an adequately designed accounting system should incorporate methods and records that will satisfy the requirements of this chapter ~~Part~~.

(4) Business Process Information.

(a) Upon the request of the Department, the taxpayer shall provide a description of the business process that created the retained records. Such description shall include the relationship between the records and the tax documents prepared by the taxpayer and the measures employed to ensure the integrity of the records.

(b) The taxpayer shall be capable of demonstrating:

1. The ~~the~~ functions being performed as they relate to the flow of data through the system;
2. The ~~the~~ internal controls used to ensure accurate and reliable processing; and
3. The ~~the~~ internal controls used to prevent unauthorized addition, alteration, or deletion of retained records.

(c) The following specific documentation is required for machine-sensible records retained pursuant to this Rule:

1. Record ~~record~~ formats or layouts;
2. Field ~~field~~ definitions (including the meaning of all codes used to represent information);
3. File ~~file~~ descriptions (e.g., data set name); and
4. Detailed ~~detailed~~ charts of accounts and account descriptions.

Specific Authority 202.26(3)(a), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.34, 213.35 FS. History--New 10-24-96, Amended _____.

12-24.025 Records Maintenance Requirements.

(1) The Department recommends, but does not require, that taxpayers refer to the National Archives and Records Administration's (NARA) standards for guidance on the maintenance and storage of electronic records, including ~~such~~ ~~as~~ the labeling of records, the location and security of the storage environment, the creation of back-up copies, and the use of periodic testing to confirm the continued integrity of the records. The NARA standards may be found at 36 Code of Federal Regulations, Part 1234, July 1, 1995 edition.

(2) No change.

Specific Authority 202.26(3)(a), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.35 FS. History--New 10-24-96, Amended _____.

12-24.026 Access to Machine-Sensible Records.

(1) The manner in which the Department is provided access to machine-sensible records as required in Rule 12-24.023(2), F.A.C., may be satisfied through a variety of means that shall take into account a taxpayer's specific facts and circumstances, as determined through consultation with the taxpayer.

(2) Departmental ~~Such~~ access will be provided in one or more of the following manners:

(a) through (d) No change.

Specific Authority 202.26(3)(a), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.34, 213.35 FS. History–New 10-24-96, Amended _____.

12-24.027 Taxpayer Responsibility and Discretionary Authority.

(1) In conjunction with meeting the requirements of Rules ~~Rule~~ 12-24.024, 12-24.025, and 12-24.026, F.A.C., a taxpayer may create files solely for the use of the Department. For example, if a data base management system is used, it is consistent with the rule for the taxpayer to create and retain a file that contains the transaction-level detail from the data base management system and that meets the requirements of Rules ~~Rule~~ 12-24.024, 12-24.025, and 12-24.026, F.A.C. The taxpayer should document the process that created the separate file to show the relationship between that file and the original records.

(2) A taxpayer may contract with a third party to provide custodial or management services of the records. Such a contract shall not relieve the taxpayer of its responsibilities under this chapter Part.

Specific Authority 202.26(3)(a), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.35 FS. History–New 10-24-96, Amended _____.

12-24.028 Alternative Storage Media.

(1) For purposes of storage and retention, taxpayers may convert hardcopy documents received or produced in the normal course of business and required to be retained under this chapter Part to microfilm, microfiche, or other storage-only imaging systems and may discard the original hardcopy documents, provided the conditions of this rule section are met. Documents which may be stored on these media include, but are not limited to general books of account, journals, voucher registers, general and subsidiary ledgers, and supporting records of details, such as sales invoices, purchase invoices, exemption certificates, and credit memoranda.

(2) No change.

Specific Authority 202.26(3)(a), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.34, 213.35 FS. History–New 10-24-96, Amended _____.

12-24.029 Effect on Hardcopy Recordkeeping Requirements.

(1) Except as otherwise provided in this section, the provisions of this chapter Part do not relieve taxpayers of the responsibility to retain hardcopy records that are created or received in the ordinary course of business as required by existing statutes and rules. Hardcopy records may be retained on a recordkeeping medium as provided in Rule 12-24.028, F.A.C.

(2) If hardcopy records are not produced or received in the ordinary course of transacting business (e.g., when the taxpayer uses electronic data interchange technology), such hardcopy records need not be created for examination by the Department.

(3) Hardcopy records generated at the time of a transaction using a credit or debit card must be retained unless all the details necessary to determine correct tax liability relating to the transaction are subsequently received and retained by the taxpayer in accordance with this chapter Part. Such details include those listed in Rule 12-24.024~~(2)(a)~~, F.A.C.

(4) through (5) No change.

Specific Authority 202.26(3)(a), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.34, 213.35 FS. History–New 10-24-96, Amended _____.

12-24.030 Records Retention – Time Period.

All records required to be retained under this chapter Part shall be preserved pursuant to s. 213.35, F.S., unless the Department has provided in writing that the records are no longer required.

Specific Authority 202.26(3)(a), 202.30(1), 213.06(1) FS. Law Implemented 202.30, 213.35 FS. History–New 10-24-96, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4830.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 20, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: These proposed rules were noticed for a Rule Development Workshop in the Florida Administrative Weekly on June 1, 2001 (Vol. 27, No. 22, pp. 2597-2608). A rule development workshop was held on June 26, 2001, in the Auditorium of the R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida, regarding these proposed rule changes. Comments were received prior to the workshop and at the workshop. Changes have been incorporated into the proposed rules based on these comments.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE:

RULE NO.:

Industrial Machinery and Equipment for Use in a New or Expanding Business

12A-1.096

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 effect of removing this

obsolete language is to ensure that taxpayers will be guided by the provisions of the general exemption for railroad roadway materials granted in s. 212.08(7)(eee), F.S.

SUMMARY: The rule language being proposed for deletion deals with a limited exemption granted to new and expanding businesses for specified railroad roadway materials. The enactment of the general exemption for railroad roadway materials in s. 212.08(7)(eee), F.S., renders the limited exemption in the rule unnecessary.

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

TIME AND DATE: 1:30 p.m., December 18, 2001
PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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 FULL TEXT OF THE PROPOSED RULE 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,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: 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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 82314-7443, telephone (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 7, 2001 (Vol. 27, No. 36, pp. 4101-4102)

DEPARTMENT OF REVENUE

Child Support Enforcement Program

RULE TITLES:	RULE NOS.:
Determination of Cooperation; Determination of Noncooperation; Determination of Good Cause	12E-1.008
Suspension of Driver License; Suspension of Motor Vehicle Registration	12E-1.023
Written Agreements for Payment of Past-Due Support	12E-1.027
Garnishment by Levy	12E-1.028

PURPOSE AND EFFECT: A) The purpose of the proposed amendments to Rule 12E-1.008, F.A.C., is to revise the department's policies and procedures concerning the determination of cooperation, noncooperation, and good cause for noncooperation. The effect of the proposed amendments is to establish: requirements for public assistance applicants and recipients to cooperate in good faith with the child support enforcement program; a methodology for determining cooperation and noncooperation; the requirement to give notice of a pending determination of noncooperation and an opportunity to request a review of the determination; provisions for claiming good cause for noncooperation; a methodology for determining good cause; procedures for notifying the Department of Children and Families of determinations of noncooperation and subsequent determinations of cooperation. B) The purpose of the proposed amendments to Rule 12E-1.023, F.A.C., is to conform the rule with the statutory provisions authorizing the department to

seek the suspension of an obligor's driver license and motor vehicle registration based upon delinquent support payments or failure of the obligor to comply with a subpoena or similar order to appear relating to paternity or support proceedings. The effect of the proposed amendments is to provide an explanation of the driver license and vehicle registration suspension process, including: the criteria for when the department may seek suspension; the exception criteria for when the department will not seek suspension; the procedures for giving notice of the intent to suspend; the conditions for terminating the suspension process; procedures for entering into written agreements with obligors; and the conditions and procedures for reinstating a suspended license. C) The purpose of proposed Rule 12E-1.027, F.A.C., is to establish procedures for settlement of enforcement actions by entering into written agreements with child support obligors for the payment of past-due support. The effect of the proposed rule is: to establish factors the department will consider in entering into written agreements, to require disclosure of information related to those factors, to require certain terms in written agreements, and to make requirements for the form and completion of written agreements. D) The purpose of proposed Rule 12E-1.028, F.A.C., is to implement the provisions of s. 409.25656, F.S., for levying upon a child support obligor's property in the possession of another person. The effect of the proposed rule is to establish: factors to be considered in selecting cases for levy; conditions when the department will not issue a notice of freeze or notice of levy; requirements for issuing a notice of freeze, notice of intent, and notice of levy; circumstances when the department will release a freeze; conditions when the department will accept an obligor's consent to a levy; requirements for levying in two or more of an obligor's cases; requirements for levying against jointly owned property; and limits on levying against earnings in an account at a financial institution.

SUMMARY: The proposed amendment to Rule 12E-1.008, F.A.C. defines terms used in the rule; requires applicants and recipients of public assistance to cooperate with the department to be eligible for assistance; establishes minimum information requirements to be considered cooperative; provides the alternative of an interview with department staff if the minimum information is not provided; provides for a recipient to allege a lack of information; requires continuing cooperation for a recipient to remain eligible for assistance; specifies information requirements to continue to be considered cooperative; requires the department to give notice of a determination of noncooperation; provides for requesting a review of a determination of noncooperation; explains the review procedures; establishes procedures for the department to determine claims of good cause for noncooperation, including giving notice of the right to claim good cause, documentation requirements in support of a claim, time allowed to document a claim, standards for approving a claim, categories of good cause determinations, and notice

requirements for determinations of claims; and, establishes the procedures for notifying the Department of Children and Families of determinations of noncooperation. The proposed amendment to Rule 12E-1.023, F.A.C., provides for the department to administratively seek the suspension of a driver license and motor vehicle registration of an obligor who is delinquent in support payments or has failed to comply with a subpoena or similar order to appear relating to a paternity or support proceeding; provides circumstances for not taking suspension action against an obligor; establishes notice requirements when seeking suspension action; establishes procedures for providing notice to the Department of Highway Safety and Motor Vehicles to suspend the license/registration; allows the obligor to stop the suspension process based upon specific case circumstances; establishes criteria for obligor's to enter into written agreements with the department; and, provides procedures for reinstatement of a license and registration. The proposed new Rule 12E-1.027, F.A.C., provides definitions for the terms "past-due support," "written agreement," and "authorized representative"; provides that the department may enter into written agreements for repayment of past-due support if it determines an obligor cannot satisfy a past-due amount in full; provides factors the department must consider in entering into or renegotiating written agreements; prescribes certain terms and information that must be included in repayment agreements, parties who must sign an agreement, and, how an agreement becomes effective. The proposed new Rule 12E-1.028, F.A.C.: provides definitions for certain terms used in the rule; provides procedures for selecting cases the department will levy against, including factors considered in determining whether to levy and conditions in which the department will not levy; provides for the department to give notice to the custodian of an obligor's assets that a freeze is imposed on the assets; provides for giving notice to the obligor and any joint owner of the assets of the intent to levy on the assets and how to contest the intent to levy; provides circumstances when the department shall release a freeze on assets; provides conditions for accepting an obligor's consent to levy; clarifies that if an obligor consents to a levy in accordance with s. 409.25656(7)(d), F.S., the department shall levy before the times prescribed for a levy in ss. 409.25656(3) and (7)(b), F.S.; provides for levying in two or more of an obligor's cases in the same action and for allocating the proceeds of the levy among the cases; clarifies that the department can levy against an obligor's jointly owned property; provides for giving a joint owner the same notice and opportunity for a hearing as is provided to an obligor; provides that the department shall assess claims that assets belong exclusively to a joint owner and shall not levy against assets proven to belong exclusively to a joint owner; provides that the department shall not levy upon earnings in an account at a financial institution that are exempt from garnishment under

the Consumer Credit Protection Act and provides for assessing claims that such funds are exempt; and, provides for the timing, method, and conditions for issuing a notice of levy.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Because these proposed rules create no new regulatory costs, no statement of estimated regulatory cost has been prepared.

Any person who wants to provide information regarding a statement of estimated regulatory costs must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 409.2557(3)(f),(h),(i), 409.2564(14), 409.25656(11) FS.

LAW IMPLEMENTED: 61.13016, 322.058, 409.2557(3)(f), 409.2561(1), 409.2561(2)(b), 409.2561(3), 409.2564(4), 409.25656, 409.2572, 409.2598 FS.

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

TIME AND DATE: 8:00 a.m., December 17, 2001

PLACE: Room 301, 4070 Esplanade Way, Tallahassee, Florida 32399-3150

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mike Vergenz, Government Analyst II, Resource Management Process, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9568

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Mike Vergenz, (850)922-9568. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1, 1(800)367-8331.

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of Rule 12E-1.008 follows. See Florida Administrative Code for present text.)

12E-1.008 Determination of Cooperation; Determination of Noncooperation; Determination of Good Cause.

(1) Definitions and Federal and State Law.

(a) Definitions. As used in this section:

1. "Applicant or recipient" means an individual who has applied for or receives public assistance.

2. "Cooperation" means an applicant or recipient taking the actions identified in s. 409.2572, F.S., as requested by the child support enforcement program or legal service provider staff, to assist in identifying and locating the noncustodial parent, establishing paternity, establishing, modifying, and enforcing medical and financial support, and collecting support or other payments or property due from the noncustodial parent.

3. "Department" means the Department of Revenue.

4. "Good cause" means a legally and factually sufficient reason to excuse the applicant or recipient from cooperation requirements as determined by the department, after evaluating the applicant or recipient's written good cause claim, and other evidence available to the department, in accordance with subsection (5) of this rule.

5. "Public assistance" means food stamps received on behalf of a child under 18 years of age who has an absent parent, money assistance paid on the basis of foster care or medicaid programs operating under Title IV-E and Title XIX of the Social Security Act, respectively, or temporary cash assistance.

(b) Federal and state laws. Cooperation provisions are located in 42 U.S.C. 608(a), 42 U.S.C. 654(29), 45 CFR 264.30 and s. 409.2572, 414.095(7) and 414.32(1)(a), F.S. Members of the public may obtain copies of the federal laws from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 or by accessing <http://uscode.house.gov/usc.htm> to obtain the above U.S.C. or <http://www.access.gpo.gov/nara/cfr/> to obtain the above CFR on the Internet.

(2) Cooperation Requirements for Applicants or Recipients of Public Assistance. As a condition of eligibility for public assistance, an applicant or a recipient must cooperate in good faith with the child support enforcement program. An adult who applies for or receives Medicaid services for a child only is not required to cooperate as provided by this rule. The requirement for an applicant or a recipient to cooperate with the child support enforcement program will be excused only when good cause for refusing to do so is determined in accordance with subsection (5) of this rule.

(a) Cooperation Requirement for Applicants for Public Assistance.

1. If an applicant for public assistance provides to the department, either directly or via the Department of Children and Families, the following information concerning the noncustodial parent for each eligible child, the applicant shall be determined to have cooperated for purposes of eligibility for public assistance:

a. Name (first and last).

b. Gender.

c. Race.

d. Date of birth or social security number.

2. If an applicant fails to provide the four items listed in subparagraph 1 above, the applicant must be interviewed by the department prior to authorization of public assistance benefits. At this interview the applicant will have the opportunity to cooperate with the department by providing information concerning the noncustodial parent for each eligible child that will help the department to identify and locate the noncustodial parent, establish paternity, establish, modify, and enforce medical and financial support, and collect support and other payments or property due from the

noncustodial parent or claim good cause as provided by subsection (5). An applicant who alleges a lack of information regarding the location or identity of the putative or other parent(s), pursuant to paragraph (b), subparagraph 2., below, has demonstrated cooperation with the department.

3. An applicant shall not be eligible for public assistance benefits when the applicant fails to cooperate with the department in accordance with subparagraphs 1 and 2 above. The department shall notify the Department of Children and Families of the applicant's failure to cooperate, in accordance with subsection (6).

4. Once the applicant complies with subsection (2), paragraph (a), subparagraphs 1 or 2, and is determined eligible to receive public assistance, the recipient shall be required to further cooperate with the department in accordance with subsection (2), paragraph (b), of this rule and s. 409.2572, F.S.

(b) Continuous Cooperation Requirement.

1. A recipient of public assistance must continue to make a good faith effort to cooperate with the department in accordance with s. 409.2572, F.S., to assist the department in its efforts to identify and locate the noncustodial parent, establish paternity, establish, modify, and enforce medical and financial support, and collect support or other payments or property due from the noncustodial parent.

2. With respect to identifying and locating the noncustodial parent, the recipient must provide the following information regarding the noncustodial parent, when requested and if available:

- a. Social Security Number.
- b. Race.
- c. Date of birth.
- d. Current or former employer.
- e. Place of birth.
- f. Current or former address and phone number of the noncustodial parent.
- g. Schools attended and dates when attended.
- h. Driver license number and state where issued.
- i. Make, model and license number of vehicles owned by the noncustodial parent and state where vehicle is or was registered.
- j. Arrest or incarceration history.
- k. Banks or other financial institutions where the noncustodial parent conducts business.
- l. Places of social contact. This includes names, addresses or telephone numbers of parents, friends or relatives.
- m. First and last names of the noncustodial parent's parents.
- n. Other information, based upon individual case circumstances, that will assist the department in determining the noncustodial parent's identity and location.

3. A recipient who alleges a lack of information regarding the location or identity of the putative or other parent(s), pursuant to subsection (2), paragraph (b), subparagraph 2., above, has demonstrated cooperation with the department.

(3) Determination of Noncooperation. If the recipient of public assistance fails to cooperate with the department in accordance with s. 409.2572, F.S., and subsection (2), above, then the department shall determine the recipient noncooperative and take the following action.

(a) The department shall send notice of the recipient's noncooperation to the recipient at the last known address provided to the department.

(b) Failure of the recipient to take one of the following three actions within 10 business days from the mail date on the notice shall result in a determination of noncooperation and notification to the Department of Children and Families in accordance with subsection (6) of this rule:

1. Contact the department and make arrangements to cooperate. Noncooperation shall not be reported by the department if the recipient takes the requested action by the scheduled compliance date.

2. Respond within 10 days and claim to have a good cause reason to not cooperate. The recipient shall not be reported as uncooperative unless the good cause claim is denied by the department pursuant to subsection (5). Food stamp only recipients must request a good cause determination from the Department of Children and Families.

3. Request the department to conduct an informal review pursuant to subsection (4).

(4) Request for Review.

(a) The recipient may request a review of a pending determination of noncooperation. The department shall provide the recipient with the necessary documentation to request a review. The recipient must return the completed request to the department within 10 business days from the date the department mails the documentation to the recipient. If the recipient telephones the department and requests a review, the department shall mail the necessary documentation to the recipient within five business days of the telephone call. Failure of the recipient to return the request within the designated time shall result in the department notifying the Department of Children and Families that the recipient has failed to cooperate.

(b) Reviews of pending determinations of noncooperation requested pursuant to subsection (3), paragraph (b), subparagraph 3, shall be finalized within 20 business days of receipt of a completed request for review. Incomplete requests provided to the department shall be returned to the recipient, with an explanation of the additional information required. The recipient will have five additional business days to return the completed request for review. When a request for review is not returned within the five additional business days, the recipient shall be determined noncooperative and the department will

notify the Department of Children and Families. The department shall take the following actions when a completed request for review is received by the department.

1. Schedule a date to conduct the review.

2. Provide notice of the date, time and place of the review to the recipient, or their representative. Recipients shall be informed of their rights to have a representative present at the review, to provide information, to review the case file and to discuss the case.

3. Conduct the review. Reviews shall consist of an examination of the department's case file, interview with department staff and an evaluation of the recipient's statements. The record shall be reviewed to determine whether:

a. The recipient has cooperated with the department in good faith;

b. The department has complied with established time frames and notices; and

c. The facts of the case support a determination of noncooperation.

4. Notify the recipient in writing of the department's findings.

(5) Determination of Good Cause. The department is authorized in accordance with 42 U.S.C. 654(29), and s. 409.2572(4), F.S., to determine a recipient's claim of good cause for failure to cooperate with the department, except when the recipient is receiving only food stamps. Food stamp only recipients must seek a good cause determination from the Department of Children and Families. An approved good cause claim excuses the recipient from the requirement to cooperate with the department on the specific case against a specific noncustodial parent for which good cause is approved.

(a) The department shall provide the recipient with written notice of their right to make a claim for good cause, the basis for submitting a claim, and how to submit a claim.

(b) The recipient shall return documentation to the department to support the claim of good cause within 20 business days from the date the written notice is mailed by the department. If the recipient is unable to provide all the needed documentation within 20 business days, additional time can be requested by the recipient. The department shall approve requests for additional time when the recipient demonstrates that documentation exists but is not readily available and that the recipient is making a good faith effort to obtain the information.

(c) Good cause shall be determined when the recipient provides sufficient documentation, based upon the unique circumstances of the good cause claim, to justify the existence of one or more of the following circumstances.

1. A reasonable certainty that physical or emotional harm would come to the child or recipient, if they cooperated with the department.

2. The child was born as a result of rape or incest.

3. Legal proceedings for the adoption of the child are pending before a court.

4. The parent or caretaker relative is being assisted by a public or licensed private social agency to determine whether to place the child for adoption.

(d) Good cause claims which have been determined by the department are categorized as approved indefinitely, approved time-limited, or denied, based upon the unique factors of each claim and the documentation provided by the recipient. The department shall suspend child support enforcement case activities from the time a good cause claim is submitted until its final determination.

1. A claim is approved indefinitely when documentation is submitted to substantiate the claim and the circumstances of the claim will most likely continue.

2. A claim is approved time-limited when documentation is submitted to substantiate the claim and the circumstances of the claim are likely to change within a determinable period.

3. A claim is denied when documentation is insufficient to substantiate the claim.

(e) The department shall notify the recipient of the decision.

(f) A recipient whose claim has been denied pursuant to paragraph (d), subparagraph 3, above, must cooperate with the department in accordance with s. 409.2572, F.S., and subsection (2), above. If the recipient fails to cooperate, the process of determining noncooperation shall commence.

(6) Notification to the Department of Children and Families.

(a) In accordance with s. 409.2572(3), F.S., the department is responsible for determining and reporting to the Department of Children and Families, acts of noncooperation by applicants and recipients of public assistance.

(b) The Department of Children and Families is the agency responsible for imposing and removing sanctions, including providing the applicant or recipient with notice of the sanction and information about hearing requirements, including the applicant or recipient's right to request a hearing with the Department of Children and Families, Office of Appeal Hearings.

(c) The department shall notify the Department of Children and Families when the applicant or recipient cooperates with the department in accordance with s. 409.2572, F.S., or when the department determines that an applicant or recipient has failed to cooperate, or when the department determines that good cause exists for the applicant or recipient's noncooperation.

(d) The department shall notify the Department of Children and Families and the applicant or recipient within two business days of either:

1. The department's determination that the applicant or recipient is cooperating in good faith;

2. Upon the department's determination that cooperation by the applicant or recipient is not needed to take the next appropriate case action; or

3. The department's determination that good cause exists for the applicant or recipient's noncooperation.

Specific Authority 409.2557(3)(h) FS. Law Implemented 409.2572 FS. History—New 4-1-86, Amended 4-6-88, 7-20-94, Formerly 10C-25.006, Amended _____.

(Substantial rewording of Rule 12E-1.023 follows. See Florida Administrative Code for present text.)

12E-1.023 Suspension of Driver's License; ~~Suspension of Motor Driving Privilege and~~ Vehicle Registration.

(1) Suspension Criteria. The department is authorized pursuant to s. 61.13016, F.S., to request the suspension of an obligor's driver license and motor vehicle registration. Suspension of an obligor's driver license and the registration of all motor vehicles solely owned by the obligor shall occur when:

(a) The obligor is 15 days delinquent in making a payment in support; or

(b) The obligor fails to comply with a subpoena, order to appear, order to show cause, or similar order relating to paternity or support proceedings.

The department shall stop a suspension action when the obligor complies with one of the provisions stated in subsection (5) of this rule.

(2) Exception Criteria. The department shall not take suspension action when:

(a) The obligor is making full payments as required by the support order or is paying pursuant to an income deduction;

(b) The obligor is a recipient of temporary cash assistance or Supplemental Security Income (SSI); or

(c) The obligor has filed for bankruptcy under Chapter 11, 12 or 13.

(3) Notice to Obligor of Intent to Suspend Driver License; Notice to Suspend Motor Vehicle Registration. In accordance with s. 61.13016(1), F.S., the obligor must be provided notice of the department's intent to suspend the driver license and motor vehicle registration.

(a) When the department has a more current address than the Department of Highway Safety and Motor Vehicles (DHSMV), the department shall simultaneously send the notice to the obligor's last address of record with the Department of Highway Safety and Motor Vehicles and send a copy of the notice to the most current address listed by the department.

(b) Service of the notice is complete upon mailing to the obligor's last known address as stated in subsection (3), paragraph (a), above.

(4) Notice to the Department of Highway Safety and Motor Vehicles to Suspend Driver License; Notice to Suspend Vehicle Registration. In accordance with s. 61.13016(2), F.S.,

the department shall complete and send to the Department of Highway Safety and Motor Vehicles the notice to suspend obligor's driver license and vehicle registration(s).

(5) Termination of Driver License Suspension Process; Termination of Motor Vehicle Registration Suspension Process. The department shall stop a pending suspension action when the obligor complies with one of the provisions stated in s. 61.13016(1)(c)1., F.S. Additionally, the department shall stop the suspension process when:

(a) An income deduction notice is sent to the obligor's payor of income;

(b) The non-public assistance recipient of IV-D services requests case closure and the department no longer has the authority to enforce the support order;

(c) The department erroneously notified the Department of Highway Safety and Motor Vehicles to suspend the obligor's license/vehicle registration;

(d) The department verifies the obligor is receiving temporary cash assistance or Supplemental Security Income (SSI); or

(e) The department verifies the obligor has filed for bankruptcy under Chapter 11, 12 or 13.

(6) Written Agreements.

(a) When negotiating with the obligor under this subsection for a written agreement for payment, the department shall take into account the following factors:

1. The obligor's ongoing support obligation amount, delinquent amount and past due obligation(s); and

2. The obligor's ability to make a lump sum payment toward the delinquent amount or to comply with terms of the department's proposed payment agreement.

(b) A statement must be included in the written agreement indicating each of the following:

1. The obligor admits liability for the total amount of support past due;

2. The obligor agrees that the department will pursue, without further notice to the obligor, the suspension of the obligor's driver license and motor vehicle registration through direct notice to the Department of Highway Safety and Motor Vehicles should the obligor fail to comply with the written agreement; and

3. The obligor agrees to entry of a court order incorporating the terms of the agreement.

(c) If the obligor defaults on any payment required by the written agreement, the department shall, without further notice to the obligor, request the Department of Highway Safety and Motor Vehicles to suspend the obligor's license and registration, as provided by the terms of the written agreement, unless one of the circumstances listed in subsection (5) exists.

(7) Reinstatement of the Driver License: Reinstatement of Motor Vehicle Registration. The department shall authorize the reinstatement of the obligor's license and registration when the obligor complies with one of the provisions stated in s. 322.058(2), F.S., or when:

(a) The obligor complies with a subpoena or similar order to show cause relating to paternity or support proceedings;

(b) The department verifies the obligor has filed for bankruptcy under Chapter 11, 12 or 13;

(c) The non-public assistance recipient of services requests case closure and the department no longer has the authority to enforce the support order;

(d) The department has requested the suspension in error;
or

(e) The department verifies the obligor is receiving temporary cash assistance or Supplemental Security Income (SSI).

(8) Procedure for Reinstatement.

(a) When one of the circumstances cited in subsection (7), paragraph (a), (b) or (c) occurs, the department shall complete, sign and provide to the obligor an affidavit to reinstate driver license/privilege and motor vehicle registration. The obligor must present this affidavit to the driver license examining office before the obligor's license and registration can be reinstated. The affidavit to reinstate is valid up to 30 days from the date it is issued.

(b) When the circumstance cited in subsection (7), paragraph (d) occurs, the department shall notify, by facsimile, the Department of Highway Safety and Motor Vehicles to reinstate the obligor's license and registration.

(c) When the circumstance cited in subsection (7), paragraph (e) occurs, the department shall notify the obligor that the department is no longer pursuing suspension action at this time due to the obligor's temporary cash assistance or Supplemental Security Income (SSI) status.

Specific Authority 409.2557(3)(i) FS. Law Implemented 61.13016, 322.058 FS. History--New 7-20-94, Formerly 10C-25.020, Amended _____.

12E-1.027 Written Agreements for Payment of Past-Due Support.

(1) Scope. This rule establishes procedures for the department to settle enforcement actions in child support cases by entering into written agreements with support obligors for the payment of past-due support. The department may enter into such written agreements in accordance with this rule.

(2) Definitions.

(a) "Authorized representative" means a representative of the department's Child Support Enforcement Program authorized to complete and sign a written agreement.

(b) "Past-due support" means the amount of support determined under a support order established under state law for support and maintenance of a child, or of a child and the parent with whom the child is living, which has not been paid.

(c) "Written agreement" means an agreement entered into by the department and an obligor in a format prescribed by the department and suitable to be filed in court or administrative proceedings that sets the terms for payment of past-due support.

(3) Requirements for Entering into Written Agreements for Payment of Past-Due Support.

(a) The department may enter into an agreement with an obligor for payment of past-due support if, after considering the factors in paragraph (b), the department agrees that the obligor is currently unable to satisfy the past-due support by an immediate lump sum payment in full.

(b) The department shall consider the following factors in determining whether to enter into an agreement for payment of past due support, and shall require documentation when necessary:

1. The obligor's current income and assets;
2. The obligor's employment history, current employment and capacity for work;
3. The obligor's medically verifiable disability, if any;
4. The obligor's ability to borrow money;
5. The obligor's support payment history;
6. The obligor's ability to meet a payment schedule based on projected cash flow; and

7. The length of time required to pay off the past-due support under a payment schedule.

The department may consider other factors and circumstances based on the particular facts of a case.

(c) The department may renegotiate a written agreement for payment of past-due support. When renegotiating, the department shall consider the obligor's support payment history during the term of the initial agreement, and the factors in paragraph (b) above.

(4) Terms of Written Agreements for Payment of Past-Due Support.

(a) An obligor completing a written agreement for payment of past-due support shall admit liability for the total amount of past-due support determined by the department to be due in accordance with the records of the appropriate court depository established by s. 61.181, F.S., or other appropriate records in interstate cases.

(b) Written agreements for payment of past-due support must provide for payment(s) that will satisfy the total amount of past-due support, as follows:

1. A one-time payment of the total past-due support; or
2. Periodic payments in equal amounts, paid at the same frequency as the ongoing support obligation, if any; or
3. Another agreed upon payment schedule that satisfies the total past-due support.

(c) When the department agrees to suspend an enforcement remedy to accept a payment plan, the written agreement shall provide that, in the event the obligor does not pay as agreed:

1. The department shall resume the enforcement remedy without further notice, unless the debt is paid in full, enforcement is contrary to law, or a subsequent written agreement is entered into with the obligor;

2. The obligor consents to the department resuming the enforcement remedy; and

3. The obligor waives the right to further notice or hearing concerning the department resuming the enforcement remedy.

(5) Form and Completion of Written Agreements.

(a) A written agreement completed under this rule must specify the obligor's name, the obligee's name, and the civil circuit case number, if applicable.

(b) A written agreement must be signed on behalf of the department by an authorized representative.

(c) A written agreement must be signed by the obligor, or the obligor's attorney, or another representative authorized by law to enter into an agreement on behalf of the obligor.

(d) A written agreement becomes effective when completed and signed by both the department and the obligor, or the obligor's representative as described in paragraph (c) above. After execution of a written agreement, the department shall furnish the obligor, or the obligor's representative as described in paragraph (c) above, and the obligee with a copy of the agreement.

Specific Authority 409.2557(3)(f), 409.2564(14) FS. Law Implemented 61.13016, 409.2557(3)(f), 409.2561(1), 409.2561(2)(b), 409.2561(3), 409.2564(4), 409.2598 FS. History—New _____.

12E-1.028 Garnishment by Levy.

(1) Definitions. As used in this rule:

(a) "Account" means a demand deposit account, checking or negotiable withdrawal order account, savings account, time deposit account, or money-market mutual fund account.

(b) "Assets" means any credits or personal property, including wages, owned by an obligor, or debts owed to an obligor, which are in the possession or control of a custodian.

(c) "Current earnings" means earnings received by an obligor from any source:

1. Within 30 days prior to the date the freeze was placed on the obligor's assets; and

2. During the time period the freeze on the obligor's assets remains in effect.

(d) "Custodian" means any person other than the obligor, including any business entity, who has control or possession of any assets owned by, or owed to, an obligor.

(e) "Freeze" means a hold placed by a custodian on an obligor's assets pursuant to a Notice of Freeze that prevents transfer or other disposition of the assets from the time of receipt of the notice by the custodian until the freeze terminates.

(f) "Joint owner" means a person who co-owns an asset with the obligor.

(g) "Levy action" means the garnishment procedure authorized by s. 409.25656, F.S., beginning with the department's issuance of a Notice of Freeze, including the freeze defined in paragraph (e), and ending with either the termination of the freeze or the department's allocation of the proceeds from assets received from the custodian in the event the department issues a Notice of Levy.

(2) Case Selection.

(a) In determining whether to pursue levy actions against obligors who owe past due or overdue support and are identified in the quarterly data match system provided by s. 409.25657, F.S., the department shall consider factors including, but not limited to:

1. Maximizing the dollar amount collected from levies;

2. Minimizing the potential for adverse litigation from actions to contest a levy;

3. Maximizing the use of the department's resources; and

4. Specific facts of the obligor's case.

(b) Conditions When the Department Shall Not Issue a Notice of Freeze. The department shall not send a Notice of Freeze to a custodian of assets if the department determines that any of the following conditions exist:

1. The obligor is a recipient of temporary cash assistance, as defined by s. 414.0252(12), F.S.

2. The obligor is a recipient of Federal Supplemental Security Income (SSI) benefits.

3. The support obligation in the case is a public assistance debt repayment only order established after March 22, 1993 in which the order amount was based solely on the total amount of public assistance paid to the family.

4. The obligor has filed for bankruptcy under Chapter 11, 12, or 13.

5. The obligor's support obligation does not arise from a Florida support order or another state's support order that is registered for enforcement in a Florida court.

6. The amount of past due or overdue support owed in the case is equal to or less than:

a. \$600; or

b. Four times the monthly amount of the current support and arrearage repayment obligations.

(3) Notice of Freeze. If the conditions in paragraph (2)(b) above, do not exist, the department, after considering the factors in paragraph (2)(a) above, may send a Notice of Freeze to the custodian of assets by certified mail with return receipt requested. On receiving the notice, the custodian of assets shall not transfer or dispose of the obligor's assets, up to the amount of past due or overdue support stated in the notice, until the freeze is terminated as follows.

(a) If an action to contest the intended levy is filed, the department shall notify the custodian of assets of the contest. The freeze remains in effect until final disposition of the action to contest and the custodian shall not transfer or dispose of the assets until further notice from the department.

(b) If an action to contest is not filed, the freeze terminates at the earliest of the following:

1. 60 days after the custodian's receipt of the Notice of Freeze;

2. When the department consents to a transfer or disposition of the assets; or

3. When the custodian receives a notice of levy from the department.

(4) Notice to the Obligor of Intent to Levy. The department shall give notice of its intent to levy on the obligor's assets by sending a Notice of Intent to Levy by certified mail with return receipt requested to the obligor's most current address listed by the department. If the department has no current address for the obligor, the department shall send the notice to the obligor's address of record provided by the custodian of the assets, if one is provided. The notice shall inform the obligor and any joint owner of the right to contest the intended levy not later than 21 days after the date of receipt of the notice. If the obligor or joint owner meets in person with an employee of the department, the employee may hand deliver the notice in lieu of mailing it. The employee shall attest to hand delivery of the notice by completing an Affidavit of Service by Hand Delivery, which shall constitute good and sufficient proof of receipt of notice by the obligor or joint owner.

(5) Release of Freeze. In the following circumstances, the department shall release the freeze on the obligor's assets, in full or in part, as appropriate:

(a) The department determines in accordance with subsection (8) of this rule that all or part of the frozen assets belong exclusively to a joint owner.

(b) The department completes a written agreement with the obligor or the obligor and joint owner to release the freeze, in full or in part.

(c) The department determines that the freeze was in error or that the amount of past due or overdue support is less than the amount of the freeze.

(d) The department determines that all or part of the assets are current earnings that are exempt from the levy in accordance with subsection (9) of this rule.

(e) The department determines that a writ of attachment, writ of garnishment, or writ of execution issued through a judicial process involving the same asset was in effect at the time the freeze was implemented.

(f) The department determines that a bankruptcy stay has been entered on behalf of the obligor under Chapters 11, 12, or 13.

(g) The department determines that a prior superior interest in the asset exists.

(h) The obligor or joint owner prevails at a hearing on an action to contest the intended levy.

(6) Consent to Levy.

(a) In accordance with s. 409.25656(7)(d), F.S., if an obligor who received a Notice of Intent to Levy consents in writing to the levy, the department shall levy before the end of the time periods provided in paragraph (10)(a) of this rule. Upon request, the department shall provide an obligor or joint owner with a Consent to Levy form.

(b) The obligor's written consent to levy must meet all of the following conditions:

1. The consent to levy must be signed and dated by the obligor and, if the asset is jointly owned, by each joint owner.

2. The consent to levy must include a statement that each party signing the consent to levy has received the Notice of Intent to Levy.

3. If the obligor or a joint owner previously filed an action contesting the intended levy, the action to contest must be withdrawn or otherwise disposed of prior to the department's acceptance of the consent to levy.

4. A consent to levy must not impose conditions on the department's levy, unless such conditions reflect the terms of a written agreement the department has entered into with the obligor or the obligor and joint owner concerning the levy.

(c) Upon receiving a written consent to levy that meets all the conditions in paragraph (b) above, the department shall levy on the assets.

(d) Upon receiving a written consent to levy that does not meet all the conditions in paragraph (b) above, the department shall notify the obligor in person, in writing or by telephone that the department will not accept the obligor's consent to levy and shall explain the conditions that must be met for the department to accept the consent to levy.

(7) Levy Actions In Two or More Cases in Which an Obligor Owes Past Due or Overdue Support.

(a) If an obligor has two or more cases that meet the criteria in paragraph (2)(b) of this rule, the department shall include all of the cases in a single levy action. The past due or overdue support amount owed in each case shall be combined and listed as one amount on notices issued in accordance with this rule.

(b) Upon receipt from the custodian of the proceeds from the assets, the department shall allocate the proceeds among the cases pro rata in the same proportion as the total amount of past due or overdue support owed in each case as of the date the department issued a Notice of Levy.

(8) Levy Actions Against an Obligor's Jointly Owned Assets.

(a) When a levy action is against an obligor's jointly owned assets, the department shall provide the same notice and opportunity for a hearing to a joint owner as the department provides to the obligor, as follows:

1. A Notice of Intent to Levy given or sent to the obligor shall include a statement advising any joint owners that they have the same right to contest the levy as the obligor.

2. A joint owner may contest the department's intent to levy in the same manner as provided for an obligor by s. 409.25656(8), F.S., and within 21 days of receipt of the Notice of Intent to Levy.

(b) If the department is informed, orally or in writing, that the joint owner has not received the Notice of Intent to Levy given or sent to the obligor, the department shall give in person to the joint owner or send by certified mail with return receipt requested to the joint owner a Notice to Joint Owner of Intent to Levy, along with a copy of the Notice of Intent to Levy previously given to the obligor. The joint owner may contest the levy within 21 days after the date of receipt of the Notice to Joint Owner of Intent to Levy.

(c) Treatment of a Claim That All or Part of Assets Belong Exclusively to a Joint Owner. The department shall not levy upon that portion of the obligor's jointly owned assets that the department determines belongs exclusively to a joint owner of the assets. Upon determining that a portion of the assets belongs exclusively to the joint owner, the department shall release such portion of the assets from the freeze.

1. The obligor and joint owner shall have the burden of proving that frozen assets belong exclusively to the joint owner and must provide proof to the department, which may include the following:

a. Documentation of deposits made by the joint owner.

b. Documentation that deposits were exclusively from the joint owner's funds.

c. Account statements that correspond to the time period of the joint owner's deposits.

d. Any other documentation necessary to prove the assets belong exclusively to the joint owner.

2. If the obligor and joint owner fail to provide proof in accordance with subparagraph 1. above, the department shall reject the claim.

(d) An agreement between the department and the obligor and joint owner to partially release a freeze on joint assets shall be reduced to writing and executed by the parties.

(9) Limits on Levying Against Current Earnings.

(a) If the department determines the freeze on an obligor's account in a financial institution includes the obligor's current earnings, as defined in paragraph (1)(c) above, the department shall not levy from the current earnings an amount that is greater than the limits on garnishments provided by the Consumer Credit Protection Act (CCPA), 15 U.S.C. 1673(b), incorporated herein by reference.

(b) Funds in an account that are not current earnings are not subject to the limits in paragraph (a) above.

(c) A support payment paid from current earnings shall apply dollar for dollar to lower the limits in paragraph (a) above.

(d) An obligor who claims that the department has frozen current earnings that would be exempt from a levy under this subsection must provide the department with the following proof concerning the current earnings and the account:

1. The pay date or dates of the current earnings received by the obligor;

2. The gross amount of the current earnings;

3. The amount of mandatory deductions from current earnings for state, federal or local taxes; Social Security taxes; and Medicare taxes;

4. The net amount of the current earnings;

5. The pay interval for the current earnings, such as weekly, bi-weekly or monthly;

6. The amount of current earnings deposited in the account and the deposit date or dates;

7. The dates and amounts of all debits and withdrawals from the account, from the first date of deposit of current earnings until the date of the freeze.

8. If the amount of the freeze equals the amount requested to be frozen in the Notice of Freeze, the total balance of the account as of the close of business on the date of the freeze must be documented, including any amounts exceeding the freeze amount.

(e) Upon receipt of the proof required by paragraph (d) above, the department shall determine if the amount that has been frozen includes current earnings that are exempt from levy under this subsection. Upon determining that exempt current earnings have been frozen, the department shall notify the financial institution to release the exempt portion of current earnings from the freeze.

(10) Notice of Levy.

(a) Unless the obligor and each joint owner, if any, consents to a levy as provided in subsection (6) of this rule, the department shall not send a Notice of Levy to the custodian of the obligor's assets until after the latest of the following time periods:

1. Thirty days from the date the custodian of assets received the Notice of Freeze (the first day of this time period is the day after the date the custodian received the notice); or

2. Thirty days from the earlier of the dates the department sent or hand delivered the Notice of Intent to Levy to the obligor in accordance with subsection (4) of this rule (the first day of this time period is the day after the date the department sent or hand delivered the notice); or

3. If the intended levy is contested in accordance with s. 409.25656(8) and (9), F.S., the department shall not send the Notice of Levy to the custodian until after a final disposition occurs that is favorable to the department.

(b) The department shall send a Notice of Levy to the custodian by certified mail with return receipt requested.

(c) The department shall send a Notice of Levy only after determining, on the date of issuance of the notice, that none of the conditions in subparagraphs 1. through 5. of paragraph (2)(b) above exist. The department shall send a Notice of Levy if the conditions in subparagraph 6. of paragraph (2)(b) above exist, provided the past due or overdue support owed in the case is greater than zero.

Specific Authority 409.2557(3)(i), 409.25656(11) FS. Law Implemented 409.25656 FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE: Phil Scruggs, Government Analyst II, (for Rule 12E-1.008, Determination of Cooperation; Determination of Noncooperation; Determination of Good Cause; and Rule 12E-1.023, Suspension of Driver’s License; Suspension of Motor Vehicle Registration); and Mike Vergenz, Government Analyst II, (for Rule 12E-1.027, Written Agreements for Payment of Past-Due Support; and Rule 12E-1.028, Garnishment by Levy), Resource Management Process, Department of Revenue, P. O. Box 8030, Tallahassee, FL 32314-8030, or by telephone at (850)922-9558, and (850)922-9568, respectively

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas Mato, Chief Counsel, Child Support Enforcement Program Legal Section, Department of Revenue, P. O. Box 8030, Tallahassee, FL 32314-8030; telephone number (850)414-9966

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: These proposed rules were noticed for a Rule Development Workshop in the Florida Administrative Weekly on May 18, 2001 (Vol. 27, No. 20, pp. 2406-2414). The workshop was held on June 4, 2001. No one appeared at the workshop. No written comments on the proposed rule amendments were received by the department.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Individual Environmental Resource Permits
RULE CHAPTER NO.: 40D-4

RULE TITLES: Definitions 40D-4.021
Exemptions 40D-4.051
Publications and Agreements Incorporated by Reference 40D-4.091

PURPOSE AND EFFECT: The purpose of the proposed amendments is to incorporate into the District’s rules several revisions to the environmental resource permitting (ERP) rules regarding activities associated with mining. The proposed amendments will add to 40D-4, Florida Administrative Code (F.A.C.), a slightly modified version of the definition of prospecting that was previously found in Chapter 40D-45, F.A.C. The amendments will also exempt mining or mining related activities previously permitted or exempt pursuant to Chapter 40D-45, F.A.C., and revise a provision of Section 3.3.2.1 of the ERP Basis of Review (BOR) regarding wetland creation, restoration and enhancement as mitigation. The revised language in the BOR will track the statutory provisions of §373.414(6)(b), Florida Statutes (F.S.)

SUMMARY: The proposed amendments to Rule 40D-4.021, F.A.C., will add a slightly modified version of the definition of prospecting that was previously found in subsection 40D-45.021(11), F.A.C. The proposed definition differs from the prior definition of prospecting in that it adds the word “natural” before the word “deposits” at the end of the sentence. The definition is necessary to the implementation of the District’s proposed Noticed General Permit for Prospecting. The proposed amendment to Rule 40D-4.051, F.A.C., will create an exemption for mining or mining related activities that were previously permitted or determined to be exempt pursuant to Chapter 40D-45, F.A.C. Such mining or mining related activities will remain exempt from environmental resource permitting requirements so long as they are conducted in accordance with the terms and conditions approved in their permit or exemption confirmation letter. An alteration, as the term is defined in subsection 40D-4.021(7), F.A.C., of a system exempt pursuant to this provision will require an environmental resource permit. Finally, the proposed revision to Section 3.3.2.1 of the BOR will revise the language in paragraph (g) to more closely track the statutory language of subsection 373.414(6)(b), F.S., which provides that wetland reclamation activities for phosphate and heavy mineral mining conducted pursuant to Chapter 378, F.S., must be considered appropriate mitigation for wetland impacts if they maintain or improve water quality and the function of the biological systems present at the site prior to the commencement of mining activities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District’s determination that the proposed revisions to Rules 40D-4.021, 40D-4.051, 40D-4.091, F.A.C., will not result in a substantial

RULE TITLES: RULE NOS.:
 Noticed General Permit for Raising the Height
 of Existing Earthen Embankments for
 Impoundments at Facilities for Mining
 Sand and Limestone 40D-400.491

Noticed General Permit for Prospecting 40D-400.492

PURPOSE AND EFFECT: The effect of the proposed amendments will be to incorporate into the District's rules two (2) new Noticed General Permits for mining related activities. The proposed Notice General Permits establish criteria for activities that were previously exempt from permitting pursuant to Chapter 40D-45, Florida Administrative Code (F.A.C.).

SUMMARY: Rules 40D-400.491 and 40D-400.492, F.A.C., will prescribe the criteria with which an applicant must comply in order to qualify for the new Noticed General Permits. Rule 40D-400.491, F.A.C., addresses the vertical expansion of existing earthen embankments at facilities for mining sand and limestone. The requirements of this rule are more extensive than the exemption previously found in paragraph 40D-45.051(1)(e), F.A.C., and include criteria that:

- (1) Provide for the certification of the system's design;
- (2) Prevent impacts to certain wetlands;
- (3) Provide for the submission of certain documentation;
- (4) Provide for sediment control during and after construction; and
- (5) Establish a permit duration.

Rule 40D-400.492, F.A.C., addresses activities associated with prospecting. The requirements of this rule are similar to the exemption previously existing in paragraph 40D-45.501(1)(c) and Rule 40D-45.043, F.A.C. This new Noticed General Permit includes criteria that:

- (6) Specify the techniques used to conduct sampling;
- (7) Prevent prospecting below the ordinary or mean high water line in natural water bodies; and
- (8) Provide limitations on prospecting activities in wetlands.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the adoption of Rules 40D-400.491 and 40D-400.492, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 373.044, 373.118, 373.414 FS.

LAW IMPLEMENTED: 373.413, 373.419 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-400.491 Noticed General Permit for Raising the Height of Existing Earthen Embankments for Impoundments at Facilities for Mining Sand and Limestone.

A general permit is hereby granted to increase the height of an existing earthen embankment used for the impoundment of water at sand and limestone mining facilities, provided:

(1) The applicant and a professional engineer registered in Florida certify that:

(a) The proposed vertical extension or "lift" is part of a previously permitted or exempt phased plan for vertical expansion of the impoundment, which plan was initially designed and certified by a professional engineer registered in Florida, and the completed dam with proposed vertical extension will protect the public health, safety or welfare, and the property of others; or

(b) The proposed vertical lift is designed, constructed, operated and maintained, or abandoned in accordance with the minimum requirements as set forth in the most recent edition of U. S. Army Corps of Engineers, Engineering Manual No. EM 1110-2-2300, "Earth and Rock-Fill Dams – General Design and Construction Standards," 31 July 1994 (the Manual). The District shall consider other methods proposed by the applicant that utilize practices which will provide equivalent protection as compared to the criteria set forth in the Manual. If the applicant chooses to propose a design that does not address the specific criteria of the Manual, the applicant must provide the District reasonable assurance, based on plans, test results and other information specific to the design proposed that the construction, alteration or operation of the vertical lift will provide equivalent protection; or

(c) The vertical expansion of the impoundment and the associated system are located within the existing boundaries and topography of lands owned or controlled by the permittee such that failure of the impoundment will not adversely affect wetlands or other surface waters, will only affect upland property owned or controlled by the permittee, and the existing topography will prevent off-site discharge or release up to the 100 year flood event.

(2) No activities will be conducted within 50 feet of wetlands or other surface waters. This restriction does not apply to isolated wetlands that are less than one-half acre in size, unless:

(a) The wetland is used by the threatened or endangered species, or

(b) The wetland is located in an area of critical state concern designated pursuant to Chapter 380, F.S., or

(c) The wetland is connected by standing or flowing surface water at seasonal high water level to one or more wetlands, and the combined wetland acreage so connected is greater than one half acre, or

(d) The District establishes that the wetland to be impacted is, or several such wetlands to be impacted are, cumulatively of more than minimal value to fish and wildlife.

(3) The applicant provides boundary and topographic maps, aerial photogrammetric maps or other information showing the project location, and demonstrating that the vertical expansion of the impoundment and the associated system of the facilities are located within the existing boundaries of lands owned or controlled by the permittee.

(4) The activities are not otherwise part of a larger plan of new development or system expansion or sale within the permittee's land holdings or other contiguous land, except as authorized by a permit under Part IV of Chapter 373, Florida Statutes.

(5) Site specific measures are employed to prevent violations of state water quality standards and avoid downstream impacts by controlling discharges, erosion, and sediment transport during construction, and continuing after operation and maintenance are underway; using a construction phase water management and erosion control plan that is designed and implemented to function in accordance with technical standards and procedures for a stormwater pollution prevention plan as referenced in Part V of the Florida Department of Environmental Protection (FDEP) document, "Generic Permit for Stormwater Discharge from Construction Activities that Disturb Five or More Acres of Land," FDEP document number 62-621.300(4)(a), effective October 22, 2000. This document may be obtained by writing the FDEP, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, FL 32399-2400;

(6) All construction related site activities associated with the vertical lift will be completed within five years after this permit is authorized, and the effective operation and maintenance of the system will be perpetual; and

(7) Within 30 days after completion of construction of the permitted activity, the permittee submits a written notice of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, to the permitting agency, in accordance with the Statement of Completion and Request for Transfer to Operation Entity form as adopted by reference in Section 40D-1.659, F.A.C.

Specific Authority 373.044, 373.118, 373.414 FS. Law Implemented 373.413, 373.419 FS. History--New _____.

40D-400.492 Noticed General Permit for Prospecting.

A general permit is hereby granted for prospecting for limestone, sand, and peat provided that all of the following conditions for are met.

(1) Prospecting is conducted by coring, augering, impact boring or other techniques designed to remove samples from an excavated opening less than one foot in diameter.

(2) No prospecting is conducted below the ordinary or mean high water line of natural water bodies such as natural lakes, ponds, streams, rivers, estuaries or lagoons.

(3) Prospecting in wetlands must meet the following conditions:

(a) No activities shall be conducted in Outstanding Florida Waters, Aquatic Preserves, Class I waters, Class II waters, waters which are classified by the Florida Department of Environmental Protection as approved, restricted, conditionally approved or conditionally restricted for shellfish harvesting, or wetlands used by endangered or threatened species designated in Rules 39-27.003 and 39-27.004, F.A.C., or 50 Code of Federal Regulations, Section 17.12. For purposes of this permit, a wetland is used by endangered or threatened species if reasonable scientific judgment indicates that the wetland provides habitat in which endangered or threatened species engage in activities such as resting, feeding, breeding, nesting or denning.

(b) No above-grade roads shall be constructed. Vehicles used for prospecting in wetlands shall be of a type generating minimum ground pressure to minimize rutting and other environmental impacts. Disturbed areas along each prospecting line shall be restored to original contours upon completion of prospecting activities along that specific alignment.

(c) Disturbances within wetlands shall be no wider than 15 feet along any portion of the prospect line, except at the immediate site of the drill hole. At the immediate site of the drill hole the disturbance shall not exceed 25 feet. No debris or spoil shall be placed outside these limits.

(d) Prospecting lines shall be aligned to minimize wetland impacts and avoid the destruction of mature wetland trees to the greatest extent practicable.

(e) All drill tailings shall be returned to the drill hole and the excess removed so that no spoil material is left above grade in a wetland.

(f) If the removal or cutting of vegetation is required, there shall be a minimum interval of 300 feet between individual parallel prospecting lines. The removal of vegetation shall not include grubbing, or the pulling or pushing up of root systems.

(g) Any wetland disturbed by prospecting activities shall be restored by replanting native indigenous vegetation of the same species as were displaced. Exotic species such as *Schinus terebinthifolius*, *Melaleuca quinquenervia*, and *Casuarina* spp., and nuisance species *Typha* spp., and *Ludwigia peruviana* shall be controlled at densities not exceeding the densities of these species in undisturbed portions of the wetland.

(h) Turbidity and erosion control measures such as earthen berms; hay bales, temporary swales, filter cloth, turbidity screens, and temporary seeding, sodding, and mulching shall be utilized, as necessary, to prevent violation of state water quality standards beyond the limits of the prospecting line.

Specific Authority 373.044, 373.118, 373.414 FS. Law Implemented 373.413, 373.419 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 21, 2001

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE CHAPTER TITLE: Approved Forms
RULE CHAPTER NO.: 60S-9

RULE TITLE: Approved Forms
RULE NO.: 60S-9.001

PURPOSE AND EFFECT: Form DP-TEOC is a new Deferred Retirement Option Program (DROP) form to be used by elected officers with membership in the Elected Officers' Class (EOC) of the Florida Retirement System (FRS) who terminate their DROP participation, implementing the provisions of Section 121.053(1), F.S. The member's name and social security number will be electronically printed on the form prior to mailing. Form FST-11so2 is a new form to be used by a contingent beneficiary to apply for benefits from a deceased FRS member's account. It was created to accommodate workflow recommendations of the Division of Retirement's Reengineering, Improvement and Modernization (RIM) project. Form HIS-1 is being revised to reflect a change in the minimum monthly Health Insurance Subsidy (HIS) payment as provided in Section 112.363(3)(e), F.S. Form SB-13b is being revised to clarify the definition of joint annuitant as provided in Section 121.021(28)(b), F.S. Forms FRS-402 and FRS-405 are being revised to implement a change of membership in the Special Risk Class, as provided in Chapter 01-235, Laws of Florida. Form EOC-1 is being revised to add a section for the member's class code. Form FRS-M81 is being revised to reflect a change in the vesting law to implement Chapter 00-169, Laws of Florida and to include the IRS rule regarding after-tax contributions. Form DP-TERM is being revised to clarify a statement regarding contractual services. The Rollover Form is being revised so that members who elect to rollover a refund of their retirement contributions may use it. Forms DP-11, DP-ELE and DT-11 are being revised to reflect

changes in the DROP provisions for elected officers in the EOC and instructional personnel as provided in Chapters 01-235 and 01-47, Laws of Florida, respectively. Form FR-9 is being revised to implement a change in the DROP provisions for instructional personnel as provided in Chapter 01-47, Florida Statutes. Form FC-1 is being revised to indicate a change in fax number. Form FR-13 is being revised to eliminate wording that refers to "the reverse side of the form", which is obsolete as a result of the Division of Retirement's RIM project. Form DP-PAYT is being revised to include new rollover options as provided in the recently passed federal legislation, the Economic Growth and Tax Reconciliation Act of 2001 - "EGTRRA".

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 within 21 days of this notice.

SPECIFIC AUTHORITY: 121.031 FS.

LAW IMPLEMENTED: 121.021, 121.0515, 121.053, 121.091, 121.363 FS.

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

TIME AND DATE: 10:00 a.m., December 17, 2001

PLACE: 2nd Floor Conference Room, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Fred Springer, Department of Management Services, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)487-1898, springf@dms.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

60S-9.001 Approved Forms.

The following is a list of the forms utilized by the Division of Retirement in its dealings with the public, which are hereby incorporated by reference into these rules. A copy of these forms may be obtained by writing to the Division of Retirement, Cedars Executive Center, Bldg. C, 2639 N. Monroe Street, Tallahassee, Florida 32399-1560.

(1) Bureau of Enrollment and Contributions	
FORM NO./REVISION DATE	TITLE
(a) through (c) No change.	
(d) FRS-402 (Rev. <u>10/01 8/99</u>)	Application for Special Risk Equivalent Credit
(e) No change.	
(f) FRS-405 (Rev. <u>10/01 8/99</u>)	Application for Special Risk Membership Firefighters/ Paramedics/EMTs

(g) through (j) No change.		(gg) No change.	
(k) EOC-1 (Rev. 8/01 8/99)	Ballot Form for Employees of Elected Officers' Class	(hh) Rollover (Rev. 7/01 7/00)	Florida Retirement System Direct Rollover Election Form
(1) No change.		(ii) No change.	
(2) Bureau of Retirement Calculations		(jj) SB-13b (3/01 5/00)	Physician's Report
FORM NO./REVISION DATE	TITLE	(kk) <u>FST-11so2 (2/00)</u>	<u>Florida Retirement System Application for Survivor Benefits</u>
(a) FR-9 (Rev. 9/01 7/00)	Information Request	(ll) <u>DP-TEOC (9/01)</u>	<u>Florida Retirement System Deferred Retirement Option Program (DROP)</u>
(b) through (i) No change.			<u>Elected Officers' Termination Notification</u>
(j) FC-1 (Rev. 3/00 7/99)	Salary Certification		
(k) through (q) No change.		(4) No change.	
(r) DP-ELE (Rev. 9/01 7/99)	Florida Retirement System Notice of Election to Participate in the Deferred Retirement Option Program (DROP) and Resignation of Employment		Specific Authority 121.031 FS. Law Implemented 112.361, 112.363, 120.55, 121.011, 121.031(2), 121.051, 121.0515, 121.081, 121.091, 121.111, 121.121, 121.125, 122.08, 122.09, 215.28, 238.05, 238.06, 238.07 FS. History--New 9-9-82, Amended 2-6-84, 11-6-84, 4-17-85, Formerly 22B-9.01, Amended 6-4-86, 12-5-90, Formerly 22B-9.001, Amended 1-4-93, 1-18-94, 4-26-94, 1-10-95, 11-2-95, 12-28-95, 3-12-96, 12-16-97, 10-14-98, 4-26-99, 1-24-00, 12-19-00, 2-6-01, _____.
(s) DP-11 (Rev. 9/01 7/99)	Florida Retirement System Application for Service Retirement and the Deferred Retirement Option Program (DROP)		NAME OF PERSON ORIGINATING PROPOSED RULE: Erin B. Sjostrom, Director, Division of Retirement
(t) DT-11 (Rev. 9/01 8/00)	Teachers' Retirement System Application for Service Retirement and the Deferred Retirement Option Program (DROP)		NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Garrett Blanton, Deputy Secretary, Department of Management Services
(u) No change.			DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2001
(3) Bureau of Benefit Payments			DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 26, 2001
FORM NO./REVISION DATE	TITLE		DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
(a) FR-13 (Rev. 8/00 7/00)	FRS Application for Disability Retirement		Board of Funeral Directors and Embalmers
(b) through (o) No change.			RULE TITLE: Inspection Criteria (Funeral Establishments) RULE NO.: 61G8-21.003
(p) FRS-M81 (Rev. 7/01 7/00)	Request for Refund		PURPOSE AND EFFECT: The Board proposes to update the rule text by clarifying the areas of inspection criteria.
(q) HIS-1 (Rev. 7/01 7/00)	Florida Retirement System Health Insurance Subsidy Certification Form		SUMMARY: The rule amendment is for the purpose of updating inspection criteria for funeral establishments.
(r) through (dd) No change.			SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.
(ee) DP-TERM (Rev. 8/01 7/00)	Deferred Retirement Option Program (DROP) Termination Notification		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.
(ff) DP-PAYT (Rev. 10/01 7/00)	Deferred Retirement Option Program (DROP) Selected Payout Method		SPECIFIC AUTHORITY: 470.005 FS.
			LAW IMPLEMENTED: 470.024 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: Sherry Landrum, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-21.003 Inspection Criteria (Funeral Establishments).

The Department shall inspect funeral establishments on the basis of the following:

(1) There shall be either a refrigeration room for the storage of dead human bodies, or written arrangements for the refrigeration and storage of dead human bodies, or a preparation room equipped as follows:

(a) Adequate ventilation, including an exhaust fan with proper screening adequate to exchange the air in the room with outside air at least twelve (12) times per hour;

(b) Operating table with non-porous surface;

(c) Sanitary floors with non-porous surface;

(d) Sanitary waste receptacles;

(e) A hand sink with hot and cold water and a service sink and a floor drain or sanitary drain for the removal of body fluids connected to central sewage system or septic tank. The floor drain may be replaced by an alternative method of removal of body fluids which meet the sanitation requirements of 61G8-21.003(1)(c) and (h);

(f) The following instruments properly maintained:

1. 1 machine for embalming or gravity equipment
2. 1 aspirator
3. 1 master trocar
4. 1 aneurism needle
5. 1 scalpel
6. 1 drain tube
7. 1 arterial tube
8. 1 scissor
9. Surgical needles
10. Eye caps
11. Surgeon's thread
12. 1 head rest
13. Razor and blades
14. Absorbent cotton
15. Antiseptic soap
16. Sheet(s)
17. Towel(s)

18. Disinfectant

19. Tubing

20. Disposable surgical gloves

(g) The following minimum supplies for embalming dead human bodies:

1. 2 bottles arterial fluid per body

2. 1 bottle cavity fluid per body

3. Supply of hardening compound for autopsies

~~(h) Room shall be maintained in a clean and sanitary condition.~~

(2) through (3) No change.

(4) Preparation room shall meet the requirements of the Department of Health Rule 64E16, F.A.C., which prescribes minimum sanitary practices relating to the management of biomedical waste, including segregation, handling, labeling, storage, transport and treatment. Room shall be maintained in a clean and sanitary manner.

~~(5)~~(4) The funeral establishment shall have on site or immediately available sufficient sealed containers of a type required for the transportation of bodies which is adequate to prevent the seepage or emission of offensive fluids or odors.

~~(6)~~(5) Where caskets are displayed, the prices shall be conspicuously marked on or in the casket.

~~(7)~~(6) Each funeral establishment shall display at the public entrance the name of the establishment and the name of the full time funeral director in charge.

Specific Authority 470.005 FS. Law Implemented 470.024 FS. History—New 2-13-80, Amended 5-21-81, 9-28-83, 3-26-84, Formerly 21J-21.03, Amended 12-11-88, Formerly 21J-21.003, Amended 3-30-94, 2-20-95, 3-24-98, 6-14-00,

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Funeral Directors and Embalmers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 6, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 26, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Criteria RULE NO.: 61G8-24.042

PURPOSE AND EFFECT: The Board proposes to update the rule text by clarifying the areas of inspection criteria.

SUMMARY: The purpose of the rule amendments is to update the rule text by clarifying the areas of inspection criteria.

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: 470.005, 470.024(10), 470.0301 FS.

LAW IMPLEMENTED: 470.024(10), 470.0301 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: Sherry Landrum, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-24.042 Criteria.

The Department shall inspect centralized embalming facilities on the basis of the following:

(1) There shall be a refrigeration equipment large enough to store all dead human bodies found in the facility at any given time; and

(2) A preparation room equipped as follows:

(a) An exhaust fan with proper screening to exchange the air in the room with outside air at least twelve (12) times per hour;

(b) Operating table with non-porous surface;

(c) Sanitary floors with non-porous surface;

(d) Sanitary waste receptacles;

(e) A hand sink with hot and cold water and a service sink and a floor drain or sanitary drain for the removal of body fluids connected to central sewage system or septic tank. The floor drain may be replaced by an alternative method of removal of body fluids which meet the sanitation requirements of 61G8-21.003(1)(c) and (h);

(f) The following instruments properly maintained:

1. 1 machine for embalming or gravity equipment
2. 1 aspirator
3. 1 master trocar
4. 1 aneurism needle
5. 1 scalpel
6. 1 drain tube
7. 1 arterial tube
8. 1 scissor
9. Surgical needles

10. Eye caps

11. Surgeon's thread

12. 1 head rest

13. Razor and blades

14. Absorbent cotton

15. Antiseptic soap

16. Sheet(s)

17. Towel(s)

18. Disinfectant

19. Tubing

20. Disposable surgical gloves

(g) The following minimum supplies for embalming dead human bodies:

1. 2 bottles arterial fluid per body

2. 1 bottle cavity fluid per body

3. Supply of hardening compound for autopsies

~~(h) Room shall be maintained in a clean and sanitary condition.~~

(3) through (4) No change.

(5) Preparation room shall meet the requirements of the Department of Health Chapter 64E16, F.A.C., which prescribes minimum sanitary practices relating to the management of biomedical waste, including segregation, handling, labeling, storage, transport and treatment. Centralized embalming facilities shall be maintained in a clean and sanitary manner.

Specific Authority 470.005, 470.0301 FS. Law Implemented 470.0301 FS. History—New 5-26-99, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Funeral Directors and Embalmers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 6, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 26, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE TITLE: Continuing Education for Biennial Renewal RULE NO.: 61G19-9.001

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUMMARY: The purpose of the rule amendments is to update the rule text with regard to internet Continuing Education for Biennial Renewal.

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

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

SPECIFIC AUTHORITY: 455.2124, 468.606, 468.627 FS.

LAW IMPLEMENTED: 455.2124, 468.627 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: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-9.001 Continuing Education for Biennial Renewal.

(1) Except as noted below, prior to the end of each biennial certification period, all certificate holders shall complete a minimum of fourteen (14) classroom or interactive distance learning hours of continuing education courses, which shall include a minimum of two (2) ~~classroom~~ hours in the area of accessibility, as a condition of the biennial renewal of all certifications held by the certificate holder.

(2) “Interactive Distance Learning” means the delivery of educational offerings or courses via the internet and/or other interactive electronic media. Such offerings or courses shall be interactive, provide for the registration, evaluation, monitoring, and verification of continuing education. The courses shall be accessible at locations and times determined by the student. Applicants who are first certified when there is more than one-half of their initial biennial certification period remaining, shall only be required to complete a minimum of seven (7) classroom hours of continuing education courses, which shall include a minimum of one (1) classroom hour in the area of accessibility, prior to the end of their initial biennial certification period as a condition of the initial renewal of all certifications held by the certificate holder.

(3) “Interactive Distance Learning Hour” means fifty minutes of instruction presented in an alternative nonclassroom interactive distance learning setting, exclusive of any breaks, recesses, or other time not spent in instruction. Applicants who are first certified when there is one-half or less of their initial biennial certification period remaining, shall not be required to complete any hours of continuing education courses as a condition of the initial renewal of all certifications held by the certificate holder.

(4) No change.

Specific Authority 455.2124, 468.606, 468.627 FS. Law Implemented 455.2124, 468.627 FS. History—New 5-23-94, Amended 5-21-95, 11-28-95, 6-9-97, 1-4-00, 4-23-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 2, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 5, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE TITLE: Approval of Proctored Telecourses and Interactive Distance Learning Courses

RULE NO.: 61G19-9.0045

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUMMARY: The purpose of the rule amendments is to update the rule text with regard to the approval of proctored telecourses and interactive distance learning (internet) courses.

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

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

SPECIFIC AUTHORITY: 468.606 FS.

LAW IMPLEMENTED: 468.627 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-9.0045 Approval of Proctored Telecourses and Interactive Distance Learning Courses.

(1) Telecourses which are proctored shall be subject to the same conditions of approval as a classroom or seminar course wherein the course completion is measured by attendance and credits provided in the form of contact hours.

(2) An interactive distance learning continuing education activity offered by a provider registered under this rule chapter must meet the standards for approved courses outlined in this rule chapter and, furthermore, must include a testing mechanism on which a passing score must be attained by the licensee prior to the issuing of credit.

(3) An application for approval of an interactive distance leaning continuing education activity shall include the total number of interactive distance learning hours, the course syllabus, a detailed outline of the contents of the course, and the name and qualifications of all instructors.

Specific Authority 468.606 FS. Law Implemented 468.627 FS. History--New 11-21-95, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 2, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 5, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE TITLE: Records Required to be Maintained by Course Providers
RULE NO.: 61G19-9.007

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUMMARY: The rule amendment establishes procedures for internet continuing education course providers to maintain records.

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

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

SPECIFIC AUTHORITY: 468.606 FS.

LAW IMPLEMENTED: 468.627 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-9.007 Records Required to be Maintained by Course Providers.

(1) through (3) No change.

(4) For interactive distance learning courses, in lieu of the original sign-in sheet required in (1)(d) above, the course provider shall maintain and provide a record of the registration, login, course access log, and course completion. In lieu of providing a document bearing the contractor's signature, the course provider shall provide the student's identity verification data, which shall include the student's password and the student's mother's maiden name.

Specific Authority 468.606 FS. Law Implemented 468.627 FS. History--New 5-23-94, Amended 11-2-00, 4-23-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 2, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 5, 2001

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE TITLES: Application
Renewal
Payment
Match Site Facilities Payment Requirement
RULE NOS.: 64E-23.001
64E-23.002
64E-23.003
64E-23.004

PURPOSE AND EFFECT: To implement 2001 statutory amendments requiring rules and forms to administer the Nursing Student Loan Forgiveness Program.

SUMMARY: The rule establishes a process for nurses to initially apply for enrollment into the Nursing Student Loan Forgiveness Program; a renewal application process to continue participation in the program; rules governing criteria for transmitting funds to lenders; and, establishes procedures to administer the Nursing Student Loan Forgiveness Program.

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: 240.4075 FS.

LAW IMPLEMENTED: 240.4075 FS.

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

TIME AND DATE: 1:00 p.m., December 17, 2001

PLACE: Division of Emergency Medical Services and Community Health Resources, 4025 Esplanade Way, Room 301 A & B, Tallahassee, Florida 32311-7829

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: David Fairweather, Senior Management Analyst Supervisor, Division of Emergency Medical Services and Community Health Resources, 4052 Bald Cypress Way, Bin C-15, Tallahassee, Florida 32399-1735, (850)245-4440, Ext. 2707, or Fax (850)922-6296

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-23.001 Application.

(1) In accordance with Nursing Student Loan Forgiveness Program Application Package, October 2001, in order to apply for enrollment into the Nursing Student Loan Forgiveness Program, applicants must submit: a completed Application, DH Form 1932, 10/01; a completed Employment Verification, DH Form 1935, 10/01; a completed Loan Certification, DH Form 1936, 10/01; a photocopy of the applicant's current nursing license, and a photocopy of the applicant's nursing school diploma. The Nursing Student Loan Forgiveness Program Application Package and forms are incorporated by reference and available from the Department of Health, Division of Emergency Medical Services and Community Health Resources, 4052 Bald Cypress Way, Bin C-15, Tallahassee, Florida 32399-1735.

(2) The entire application, including a photocopy of the applicant's current nursing license and a photocopy of the applicant's nursing school diploma, must be received by the deadline date for each quarterly enrollment. Deadline dates are: December 1 for January 1 enrollment; March 1 for April 1 enrollment; June 1 for July 1 enrollment; September 1 for October 1 enrollment. Applications received after the deadline date will be processed for the following quarters.

Specific Authority 240.4075 FS. Law Implemented 240.4075 FS. History—New _____.

64E-23.002 Renewal.

(1) In order to continue in the Nursing Student Loan Forgiveness Program, program participants must renew. The Renewal Application, DH 1933, 10/01, which is incorporated by reference and available from the department, will be mailed to program participants, by the department, within 30 days before the ending date, each year, of the program participant's employment years.

(2) The program participant's Renewal Application must be received by the department, each year, no later than 30 days after the start of the program participant's next employment year, in order to continue as a participant in the program.

Specific Authority 240.4075 FS. Law Implemented 240.4075 FS. History—New _____.

64E-23.003 Payment.

(1) The department will provide for the delivery of funds directly to the federal or state program, or commercial lending institution, or holder of the program participant's loan, on behalf of the program participant, by use of the Loan Repayment Invoice, DH 1934, 10/01, which is incorporated by reference and available from the department, requesting the State Comptroller to issue warrants made payable to the federal or state program, or commercial lending institution, or holder of the program participant's loan and forwarded to the federal or state program, commercial lending institution, or holder of the program participant's loan.

(a) The Loan Repayment Invoice will be mailed to program participants, by the department, within 30 days before the ending date, each year, of the program participant's employment years.

(b) The program participant's Loan Repayment Invoice must be received by the department, each year, no later than 30 days after the start of the program participant's next employment year, in order for payment to be made.

(2) Program participants must maintain the payment schedule agreed upon with the federal or state program, commercial lending institution, or holder of the program participant's loan, while enrolled in the program.

Specific Authority 240.4075 FS. Law Implemented 240.4075 FS. History—New _____.

64E-23.004 Match Site Facilities Payment Requirement.

(1) Florida licensed hospitals, birth centers and nursing homes, considered to be match site facilities, that employ program participants, must match funds awarded from the program on a dollar-for-dollar basis, by contributions from the employing facility.

(2) Florida licensed hospitals, birth centers and nursing homes, considered to be match site facilities, must annually pay 50% of the amount to be forwarded to the federal or state program, commercial lending institution, or holder of the program participant's loan. The maximum amount a match site facility is required to pay is \$2,000 per year, per program participant employee.

(3) The department will notify those Florida licensed hospitals, birth centers and nursing homes, considered to be match site facilities, of the amount due from that facility, as the match portion of the annual payment, for each program participant employed at that facility, within 30 days before the ending date, each year, of the program participant's employment years.

(4) Matching funds payments from Florida licensed hospitals, birth centers and nursing homes, considered to be match site facilities, must be received by the department, no later than 30 days after notification by the department, each year, that the match payment is due.

(5) The department will not authorize a payment to a federal or state program, commercial lending institution or holder of the program participant's loan, on behalf of the program participant employee of Florida licensed hospitals, birth centers and nursing homes, considered to be match site facilities, until the matching funds payment is received by the department.

(6) Program participants, employed at Florida licensed hospitals, birth centers and nursing homes, considered to be match site facilities, whose employing facility does not provide the matching funds payment, will not have a payment forwarded to the federal or state program, commercial lending institution or holder of the program participant's loan, can not renew participation in the program and the program participant's agreement will be terminated.

(7) Affected program participants will be notified by the department of their program status.

Specific Authority 240.4075 FS. Law Implemented 240.4075 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Fairweather, Senior Management Analyst Supervisor
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Art Clawson, Division Director
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 7, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 21, 2001
P.O. G10454

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE TITLES:	RULE NOS.:
Application	64E-24.001
Scholarship Repayment	64E-24.002
Penalties for Defaulting	64E-24.003

PURPOSE AND EFFECT: To implement 2001 statutory amendments requiring rules and forms to administer the Nursing Scholarship Program.

SUMMARY: The rule establishes a process for nursing students to apply for and receive scholarship assistance for a nursing education and establishes procedures to administer the Nursing Scholarship Program.

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: 240.4076 FS.

LAW IMPLEMENTED: 240.4076 FS.

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

TIME AND DATE: 10:00 a.m., December 17, 2001

PLACE: Division of Emergency Medical Services and Community Health Resources, 4025 Esplanade Way, Room 301 A & B, Tallahassee, Florida 32311-7829

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: David Fairweather, Senior Management Analyst Supervisor, Division of Emergency Medical Services and Community Health Resources, 4052 Bald Cypress Way, Bin #C15, Tallahassee, Florida 32399-1735, (850)245-4440, Ext. 2707 or Fax (850)922-6296

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-24.001 Application.

In accordance with the Nursing Scholarship Program Application Package, October 2001, a scholarship award shall be made to an eligible nursing student who submits:

(1) A completed Nursing Scholarship Application, DH 1931, 10/01, no later than 30 days after enrolling for the first semester or quarter of nursing school attendance. The Nursing Scholarship Program Application Package and Application are incorporated by reference and are available from the Department of Health, Division of Emergency Medical Services and Community Health Resources, 4052 Bald Cypress Way, Bin C-15, Tallahassee, Florida 32399-1735.

(2) A signed, dated and notarized Nursing Scholarship Program Promissory Note and Agreement, DH 1930, 10/01, which is incorporated by reference and available from the department. The department must receive the Nursing Scholarship Program Promissory Note and Agreement, no later than 60 days after enrollment in the first semester or quarter of nursing school attendance. The Nursing Scholarship Program Promissory Note and Agreement will be mailed to approved scholarship recipients, by the department.

Specific Authority 240.4076(6) FS. Law Implemented 240.4076 FS. History--New _____.

64E-24.002 Scholarship Repayment.

(1) Scholarship recipients must begin the full-time employment service obligation no later than 12 months after graduating from nursing school, or, no later than 3 months after receiving Florida licensure or certification.

(2) The department shall provide additional time to enroll in a nursing program, if it finds extraordinary circumstances prevented a recipient from enrolling in nursing school for the semester or quarter indicated on the application. Extraordinary circumstances are: recipient chronic illness, injury or disease, supported by attending physician's statement; chronic illness, injury, disease or death of a recipient's immediate family

member, supported by attending physician's statement. Immediate family members of recipient include: spouse, children, parents, brother, sister.

Specific Authority 240.4076 FS. Law Implemented 240.4076 FS. History--New _____.

64E-24.003 Penalties for Defaulting.

The department shall provide additional time for repayment if the department determines that circumstances beyond the control of the recipient caused or contributed to the default. Circumstances that will be considered beyond the control of the recipient are: recipient chronic illness, injury or disease, supported by attending physician's statement; recipient dismemberment or death, supported by attending physician's statement or certified copy of death certificate; chronic illness, injury disease or death of a recipient's immediate family member, supported by attending physician's statement. Immediate family members of recipient include: spouse, children, parents, brother, sister. In the case of the death of a recipient, the recipient's surviving family or estate will not be responsible for the scholarship repayment.

Specific Authority 240.4076 FS. Law Implemented 240.4076 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Fairweather, Senior Management Analyst Supervisor
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Art Clawson, Division Director
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 7, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 21, 2001
P.O. G10454

Section III

Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF LEGAL AFFAIRS

Florida Elections Commission

RULE CHAPTER NO.: 2B-1
RULE NO.: 2B-1.0025
RULE CHAPTER TITLE: Practice and Procedure
RULE TITLE: Complaints

NOTICE OF CHANGE

Notice is given that changes have been made to the proposed rules published in the August 31, 2001 edition of the Florida Administrative Weekly. The changes are technical in nature or are made in response to written comments received from the Florida Legislature Joint Administrative Procedure Committee. The rule changes were approved by the Florida Elections Commission at its November 7 and 8, 2001 meeting in Tallahassee.

When changed, Rule 2B-1.0025, F.A.C., shall read as follows:

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

(2) through (3) No change.

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

(a) The complaint alleges a violation of Chapter 104 or 106 or Section 105.071, Florida Statutes;

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

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

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

(5) No change.

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

(7) through (9) No change.

Specific Authority 106.26(1) FS. Law Implemented 105.071, 106.25 FS. History--New 2-17-91, Amended 11-14-93, 3-19-96, 8-19-96, Formerly 1D-1.0025, Amended _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NOS.:	RULE TITLES:
5F-11.060	Documentation of Training, General
5F-11.061	Master Qualifier Examinations; Applicant Qualifications
5F-11.062	Approved Courses of Continuing Education
5F-11.063	Approval of Outside Vendor Training Programs
5F-11.064	Renewal of Qualifier and Master Qualifier Certificates
5F-11.065	Examination Procedures

NOTICE OF CHANGE

In accordance with subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule published in Vol. 27, No. 35, August 31, 2001, issue of the Florida Administrative Weekly. The changes are in response to comments received from the staff of the Joint Administrative Procedures Committee and comments received during the public rulemaking hearing. When adopted, the rules will read as follows:

PART VIEXAMINATIONS, TRAINING AND CONTINUING EDUCATION5F-11.060 Documentation of Training, General.

(1) Documentation of employee training, as required in Section 1-5, NFPA 58, and as adopted in Section 5F-11.002, shall include the following:

(a) Employee's Name;

(b) Employees primary job responsibilities and duties;

(c) Date of completed employee training;

(d) Description, copy or location of the materials used to conduct the training, including the topics covered by the training;

(e) Name, address and phone number of the person or organization conducting the training;

(f) Signature of employee supervisor or trainer verifying training and evaluation.

(2) Documentation shall be maintained at the employee's place of business and shall be available for inspection by the bureau upon request.

Specific Authority 527.02(4), 527.055, 527.06 FS. Law Implemented 527.02(4), 527.055, 527.06 FS. History--New _____.

5F-11.061 Master Qualifier Examinations; Applicant Qualifications.

(1) As evidence of reasonable competency and qualification, Master Qualifier applicants must be a Category I LP Gas Dealer or LP Gas Installer qualifier and shall have a minimum of one year's practical experience in the gas industry. Practical experience is defined as work with a gas company and which activities which fall within one or more of the following categories:

(a) Maintenance of gas facilities and equipment.

(b) Gas storage and distribution facility operations and safety.

(c) Gas transportation, delivery, product transfer.

(d) Gas tanks, cylinders and equipment.

(e) Gas liquid and vapor distribution systems and equipment.

(f) Gas equipment and appliance service, installation and repair.

(2) Each applicant for Master Qualifier examination shall provide documentation to the department certifying eligibility as a Master Qualifier for a licensed Category I LP Gas Dealer or LP Gas Installer in the State of Florida. Documentation shall be provided on department form DACS-03527, entitled Master Qualifier Declaration of Eligibility, effective December 1, 2001, and incorporated herein by reference, and shall include the following:

(a) Applicants Name;

(b) Mailing Address;

(c) Name and license number of employer, or date of application if pending;

(d) Statement of eligibility, signed by the applicant, as a supervisor, manager, owner, or other person primarily responsible for the daily operations of the licensee;

(e) Verification of Employment with a Licensed Category I LP Gas Dealer or LP Gas Installer;

(f) Copy of the applicants examination qualification card as a Category I LP Gas Dealer or LP Gas Installer qualifier. Copies of this form may be obtained by writing the Bureau of LP Gas Inspections, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650.

Specific Authority 527.02(4), 527.055, 527.06 FS. Law Implemented 527.02(4), 527.055, 527.06 FS. History--New _____.

5F-11.062 Approved Courses of Continuing Education.

(1) Courses, which cover one or more of the following topics, shall be approved for continuing education credit as required in Section 527, Florida Statutes, for Category I LP Gas Dealer Qualifiers, Installer Qualifiers and Master Qualifiers:

(a) Inspections and maintenance of LP gas facilities and equipment.

(b) State and federal LP gas laws, rules and regulations, codes and standards.

(c) Gas emergency procedures, fire protection, risk management planning.

(d) Gas storage and distribution facility operations and safety.

(e) Gas transportation and delivery.

(f) Gas liquid transfer.

(g) Gas tanks, cylinders and equipment.

(h) Gas liquid and vapor distribution systems and equipment.

(i) Gas equipment and appliance service, installation and repair.

(2) Twelve hours of continuing education during the three-year period must be attained in order for the qualifier or master qualifier to renew certification. Continuing education credits will be granted on an hour-for-hour basis for up to 4 hours credit per class. For each 12 hours of continuing education credits, a minimum of two hours shall be from items (a), (b) or (c) in Section (1) above.

(3) Continuing education classes provided by the employer shall be documented as outlined in Section 5F-11.060 and records shall be maintained at the employee's work location. These records shall be available for inspection by the bureau upon request.

Specific Authority 527.02(2),(4)(c), 527.055, 527.06 FS. Law Implemented 527.02(2),(4)(c), 527.055, 527.06 FS. History--New _____.

5F-11.063 Approval of Outside Vendor Training Programs.

(1) Outside vendors providing training to industry personnel for the purposes of continuing education credits shall submit the following documentation to the bureau for review and approval:

- (a) Name and qualifications of each instructor.
- (b) Course Title as it is to appear on any advertisements or in internal company records.

(c) Course Time Table, which outlines the approximate schedule for the course, specifying the total number of training hours for the course.

(d) Course Description, which shall relate to the inspection and technical skills required for students and meet the criteria set forth in Section 5F-11.062.

(e) Course Objectives and Goals, which clearly and specifically state what skills or knowledge the applicants should be able to demonstrate when the course is successfully completed.

(f) Method of Course Presentation, which shall describe how the content will be presented, such as lecture, discussion, multimedia presentations, computer based training, or other specified methods.

(g) Method of Evaluation of Course Participants, which shall specify how students will be evaluated, such as written examination, demonstration of skills, observation, or other specified method.

(h) Topical Outline of the Course, which indicates the order in which the course subject matter will be presented to the course participants.

- (1) A copy of course materials to be used during training.
- (2) Courses which fail to meet the criteria of this section shall not be eligible for continuing education credits.

(3) The outside vendor shall immediately notify the bureau of any revisions to course materials or documents and shall provide copies of such revisions or documents to the bureau for review.

Specific Authority 527.02(2),(4)(c), 527.055, 527.06 FS. Law Implemented 527.02(2),(4)(c), 527.055, 527.06 FS. History--New _____.

5F-11.064 Renewal of Qualifier and Master Qualifier Certificates.

(1) All category ILP gas dealer qualifiers, LP gas installer qualifiers and Master Qualifiers shall submit a renewal fee, renewal application and documentation of a minimum of 12

continuing education hours on department form DACS-03530, entitled Master Qualifier/Qualifier Renewal Form, effective December 1, 2001, and incorporated herein by reference, in order to renew their qualification. This form may be obtained by writing the Bureau of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650. The renewal fee, as prescribed in s. 527.02, Florida Statutes, is \$20 for each category ILP gas dealer qualifier and LP gas installer qualifier, and \$30 for each Master Qualifier. Additionally, each person designated as Master Qualifier for a license holder must submit documentation of eligibility on department form DACS-03527, entitled Master Qualifier Declaration of Eligibility, effective December 1, 2001, and incorporated herein by reference, as a manager, owner, or person otherwise primarily responsible for overseeing the operations of the licensed location. The Master Qualifier Declaration of Eligibility form may be obtained by writing the Bureau of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650.

(2) Master Qualifiers who wish to renew their qualification but who are not the designated Master Qualifier for a license holder or license applicant, may renew their qualification and maintain the qualification on inactive status.

Specific Authority 527.02(2),(4)(c), 527.055, 527.06 FS. Law Implemented 527.02(2),(4)(c), 527.055, 527.06 FS. History--New _____.

5F-11.065 Examination Procedures.

An applicant who fails any part of an examination may be reexamined on those parts failed upon reapplication and payment of the required examination fee. Re-examinations must be completed within 90 calendar days of the original examination, however, no examinee may retake the failed examination more than two times within the 90-day period. If the applicant does not successfully complete the examination within the 90-day period, the examinee shall be given a failing grade. After a 30-day period, the applicant may reapply to retake the entire examination.

Specific Authority 527.055, 527.06 FS. Law Implemented 527.02(2),(4)(a), 527.055, 527.06 FS. History--New _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Vicki O'Neil, Bureau Chief, Bureau of Liquefied Petroleum Gas Inspections, Department of Agriculture and Consumer Services, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650

PUBLIC SERVICE COMMISSION

PSC Docket No.: 001574-EQ

RULE NO.:
25-17.0832

RULE TITLE:
Firm Capacity and Energy
Payments

NOTICE OF PUBLIC HEARINGS

The Public Service Commission gives notice of a public hearing on the above-referenced rule that is being held in response to requests for public hearing. The rule notice was originally published in the Vol. 27, No. 38, September 21, 2001, issue of the Florida Administrative Weekly.

TIME AND DATE: 9:30 a.m., May 15, 2002

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

An additional hearing will also be held at which the Commission will take its final action on the rule amendments. Staff participation only will be allowed at this additional hearing.

TIME AND DATE: 9:30 a.m., August 6, 2002

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

NAME OF PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Anne Helton, Florida Public Service Commission, Division of Legal Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0862

Any person requiring some accommodation at these hearings because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing.

Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

DEPARTMENT OF MANAGEMENT SERVICES

Human Resource Management

RULE NOS.:	RULE TITLES:
60L-31.004	Position Descriptions
60L-31.005	Exercise of Classification Authority

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules published in Vol. 27, No. 45, November 9, 2001, Florida Administrative Weekly.

Paragraphs (2) and (3) of Section 60L-31.004, Position Descriptions, were changed to read as follows:

(2) When a position description is prepared, it shall be completed and signed by the appropriate authority as determined by the agency to certify that the duties described are accurate and reflect the responsibilities officially assigned the position. ~~The agency shall make the current approved position description available to the incumbent of the position.~~

(3) Each position description and any attached information shall be maintained by the employing agency and a copy shall be made available to ~~be~~ furnished each incumbent of the position. Paragraph (1) of Section 60L-31.005, Exercise of Classification Authority, was changed to read as follows:

(1) Each employing agency shall have the authority and responsibility to classify positions authorized by the Legislature or authorized pursuant to Chapter 216, Florida Statutes, to classify positions that are added in lieu of positions deleted pursuant to Chapter 216, Florida Statutes, to reclassify established positions, and to correct errors in classification; provided, that absent an express written delegation of authority by the Department, agencies shall not have authority to (a) classify positions within the selected exempt service or senior management service or (b) reclassify positions between ~~from~~ selected exempt service or senior management service and ~~to~~ career service.

DEPARTMENT OF MANAGEMENT SERVICES

Human Resource Management

RULE NOS.:	RULE TITLES:
60L-32.003	Determining Salary Upon Appointment
60L-32.0032	Salary Additives
60L-32.005	Dual Employment and Compensation
60L-32.006	Perquisites
60L-32.008	Other Personal Services

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules published in Vol. 27, No. 45, November 9, 2001, Florida Administrative Weekly.

Paragraph (1) of Section 60L-32.003, Determining Salary Upon Appointment, was changed to read as follows:

(1) Upon appointment, an agency shall set an employee's base rate of pay within the salary range for the class to which appointed; provided, that an employee given trainee status shall be paid during the training period in accordance with the individual training scheduled, subject to FLSA requirements. An agency may use an advanced appointment rate to set the base rate of pay above the minimum in the range.

Paragraph (2) of Section 60L-32.0032, Salary Additives, was changed to read as follows:

(2) For career service employees, salary additives include the following:

(a) Shift Differential Additive – Agencies may approve this ~~An~~ additive for a position ~~class~~ when justified by competitive labor practices ~~in accordance with Department guidelines.~~

(b) On-Call Additive – Agencies may approve positions to be placed on-call. ~~Employees placed on call shall be compensated in accordance with the collective bargaining unit agreement to which they are assigned. If not covered by a collective bargaining agreement, the employee shall be compensated as determined by the agency.~~ Agencies may assign individual positions this additive when all of the following conditions are satisfied.

1. through 3. No change.

(c) No change.

(d) Leadworker Additive – An agency may approve this additive for individuals with sufficient knowledge and experience to lead others within the same class when assigned such responsibilities on a continuing basis. The leadership does not include evaluating other’s performance or administering disciplinary actions, and it does not justify reclassification. Duties must be reflected on the position description and in accordance with Chapter 60L-31.

(e) through (f) No change.

(g) Competitive Area Differential Additive – An agency shall not grant this additive without Department approval. This additive is justified for ~~An additive for~~ a class based on geographical, localized recruitment, turnover, or competitive pay problems. This additive shall apply to all positions in the approved class within the geographical area for which the Department approves the additive.

(h) Coordinator Additive – An agency may approve this additive for individuals with sufficient knowledge and experience to coordinate others across classes when assigned such responsibilities on a continuing basis. The coordination does not justify reclassification. Duties must be reflected on the position description and in accordance with Chapter 60L-31.

(i) Critical Market Pay Additive – An agency shall not grant this additive without Department approval. This additive is justified when pay is substantially below the prevailing market rate, resulting in hiring and retention difficulties. In considering requests for this additive, the Department shall conduct all relevant analyses to determine the need for a pay adjustment, ~~s for particular classes~~. An agency requesting this additive shall assist the Department in any analyses the Department requests.

Paragraph (c) of subsection 60L-32.005(2), Dual Employment and Compensation, was changed to read as follows:

(c) The services must not give rise to the appearance of a conflict of interest or otherwise violate legislative intent.

Paragraph (1) of Section 60L-32.006, Perquisites, was changed to read as follows:

(1) Without prior Department approval, or a delegation of authority to approve, agencies in the executive branch shall not furnish perquisites or sell goods or services to state employees. The Department’s primary criteria for approval are the ultimate benefit to the state and the exceptional or unique requirements of the position.

Paragraph (3) of Section 60L-32.008, Other Personal Services, was deleted as follows:

~~(3) Each agency shall maintain accurate records of all individuals paid from other personal services appropriations.~~

DEPARTMENT OF MANAGEMENT SERVICES

Human Resource Management

RULE NOS.:	RULE TITLES:
60L-33.001	Scope
60L-33.002	General Principles
60L-33.003	Original Appointments
60L-33.0034	Criteria for Executive Search Firms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules published in Vol. 27, No. 45, November 9, 2001, Florida Administrative Weekly.

The title of section 60L-33.001, Scope and Purpose, was changed to read as follows:

60L-33.001 Scope ~~and Purpose~~.

This chapter sets forth rules governing (1) appointments to and status within the State Personnel System, (2) Other Personal Services employment, (3) use of volunteers, and (4) use of executive search firms.

Changes were made to paragraphs of section 60L-33.002, General Principles, as follows:

~~(1) Agencies shall appoint personnel only to established positions.~~

(2) through (3) renumbered (1) through (2) No change.

~~(3)(4)~~ Employees on military leave shall be treated as if they had been continuously employed for purposes of ~~seniority~~, status, pay, and other benefits.

(5) through (6) renumbered (4) through (5) No change.

Paragraphs of section 60L-33.003, Original Appointments, were changed as follows:

(1) No change.

(2) Upon original appointment, as defined above, an employee shall be given status in accordance with the following:

(a) Probationary Status – An employee appointed to fill a career service position shall be given probationary status, unless all of the following criteria are satisfied: (i) the employee is moving from one career service position to another; (ii) the employee has permanent status before the move; and (iii) the move results from an event wholly beyond the employee’s control, for example, where the Legislature reorganizes agencies without intending to affect employees’ status. Rule 60L-33.004 governs changes from probationary status to permanent status.

(b) through (d) No change.

(e) Trainee Status – An employee appointed to a position as a trainee shall be given trainee status in accordance with the trainee program developed by the agency. The program shall include an outline of the proposed pay schedule for the training period, including justification for the proposed schedule. Upon successful completion of the trainee program, the employee may be appointed to a position in the same class requiring the same entry-level knowledge, skills, and abilities. An agency

may approve appointments with trainee status in the following programs: cooperative education program; vocational rehabilitation or blind services program; agency trainee program; or return to work program, provided the listed criteria are satisfied and further provided that the agency maintains an outline of the proposed pay schedule for the training period, including justification for the proposed schedule.

1. Recruitment trainee.

a. ~~The appointee has some of the education and experience required but does not possess all the required entry level knowledge, skills, and abilities established for the position.~~

b. ~~There are fewer than three available applicants who meet the minimum qualifications of the class and possess the required entry level knowledge, skills, and abilities established for the position, or the candidate pool does not enable the agency to fulfill its affirmative action plan.~~

e. ~~The agency can document the action taken to recruit qualified applicants.~~

d. ~~The agency maintains an outline of the proposed training program, which shall normally be limited to a period not to exceed twelve months.~~

2. Cooperative Education Program.

a. ~~The agency has on file a cooperative education agreement with the educational institution.~~

b. ~~The student is enrolled in the cooperative education program of an eligible post-secondary educational institution, as listed in the Accredited Institutions of Post-Secondary Education publication.~~

e. ~~The student's major coursework is related to the duties and responsibilities of the position to which appointed.~~

3. Vocational Rehabilitation or Blind Services Program.

a. ~~The employee has been referred to the employing agency by the department and division responsible for vocational rehabilitation or the blind services program.~~

b. ~~The agency maintains the agreement between itself and either the department and division responsible for vocational rehabilitation or the blind services program.~~

4. Agency Trainee Program.

a. ~~The employee meets some, but not all, of the minimum qualifications and required entry level knowledge, skills, and abilities.~~

b. ~~The agency maintains an outline of the proposed training program.~~

5. Return to Work Program.

a. ~~The employee is participating in the return to work program due to an inability to perform a previous position resulting from an injury covered by workers' compensation.~~

b. ~~The employee has been referred by the department and division responsible for the return to work program.~~

e. ~~The agency maintains the agreement between itself and the department and division responsible for the return to work program.~~

Paragraph (3) of section 60L-33.0034, Criteria for Executive Search Firms, was changed as follows:

(3) Evidence of successful placements in the public sector for the preceding three years by level and type of placement.

DEPARTMENT OF MANAGEMENT SERVICES

Human Resource Management

RULE NO.: RULE TITLE:
60L-34.0061 Disability Leave
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules published in Vol. 27, No. 45, November 9, 2001, Florida Administrative Weekly.

Paragraph (2) of Rule 60L-34.0061, Disability Leave, was changed to read as follows:

(a) An agency with reason to believe that an employee is unable to perform ~~essential functions~~ of assigned duties, or is otherwise interfering with the operations of the work unit, due to physical or mental illness or injury, shall request a report from the employee's doctor concerning the employee's abilities or require the employee to submit to a medical examination by a physician selected and paid for by the agency. The agency may place the employee on compulsory disability leave pending the physician's report. If the medical examination confirms that the employee is unable, ~~even after reasonable accommodations that do not impose an undue hardship on the agency~~ to perform essential functions of assigned duties, the agency shall continue or place the employee on compulsory disability leave or take action to remove the employee from the position, including dismissal. The employee shall be notified in writing of the duration of the disability leave and the conditions under which the employee will be allowed to return to employment.

(b) No change.

(c) If the employee remains unable to perform ~~essential job functions~~ at the end of an approved leave, ~~even after reasonable accommodations that do not impose an undue hardship on the agency~~ the agency, based on a current medical certification, shall either request the employee's resignation for reasons of inability to perform assigned duties, or dismiss the employee for cause based on inability to perform assigned duties.

(d) through (e) No change.

DEPARTMENT OF MANAGEMENT SERVICES

Human Resource Management

RULE NOS.: RULE TITLES:
60L-35.001 Scope and Purpose
60L-35.002 Career Pathing System

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules published in Vol. 27, No. 45, November 9, 2001, Florida Administrative Weekly.

Section 60L-33.001, Scope and Purpose, was deleted as follows:

~~60L-35.001 Scope and Purpose.~~

~~This chapter sets forth the rules governing the public employee performance evaluation system, which shall be known as Career Pathing.~~

The title and paragraphs in Rule 60L-35.002, Elements of Career Pathing System, were changed as follows:

60L-35.002 Elements of Career Pathing System.

(1) The public employee performance evaluation ~~Career Pathing~~ system is hereby established and shall be known as Career Pathing.

(2) No change.

(3) An agency's Career Pathing system shall provide employees with a formal ~~performance~~ career pathing plan anchored to the core missions of the work unit and agency. The plan shall contain specific performance expectations and standards based on the duties of the position, and it shall address training opportunities for the employee. ~~Career pathing Performance~~ plans shall not account for all assignments and work expectations, but only those identified as critical or of high priority. Every employee is expected to demonstrate agency values of fairness, cooperation, respect, commitment, honesty, excellence, and teamwork. Agencies shall include this expectation in each formal career pathing performance plan, and agencies shall evaluate each employee's performance against this expectation, along with others the agency deems appropriate.

(4) through (5) No change.

DEPARTMENT OF MANAGEMENT SERVICES

Human Resource Management

RULE NOS.:	RULE TITLES:
60L-39.002	General Requirements
60L-39.003	Statewide Steering Committee
60L-39.004	Eligibility Criteria for Participation by Charitable Organizations
60L-39.006	Duties and Responsibilities of the Fiscal Agent
60L-39.007	Appeals

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules published in Vol. 27, No. 45, November 9, 2001, Florida Administrative Weekly.

Paragraphs (5), (6), and (7) of section 60L-39.002, General Requirements, were changed to read as follows:

(5) Charitable organizations and federations shall not permit, plan, or conduct distribution of any materials, solicitation, or services within State facilities as part of the campaign, except for the campaign materials approved by the Steering Committee. Organizations and federations are

encouraged, however, to publicize their activities and solicit employee participation in the FSECC through the news media or other private outlets outside State facilities.

(6) A geographical area campaign brochure Charitable organizations shall not list in the same geographical area campaign brochure both the state or national charitable organization and its local affiliate or other subunit. Similarly-named organizations shall not be listed, unless the Steering Committee determines they do not deliver services to overlapping or identical geographical areas. In cases where dual listings occur, and the organizations cannot resolve the issue themselves, the Steering Committee shall grant preference for listing in the following order: (a) local, (b) state, and then (c) national.

~~(7) For purposes of determining eligibility to participate in the FSECC, the Department shall not deem lobbying legislative bodies as a political activity.~~

Section 60L-39.003, Statewide Steering Committee, was changed to read as follows:

60L-39.003 Statewide Steering Committee.

The FSECC Steering Committee, whose members shall serve staggered four-year terms, shall:

(1) through (4) No change.

Subparagraph (1)(d) of section 60L-39.004, Eligibility Criteria for Participation by Charitable Organizations, was changed to read as follows:

(d) The organization must have reasonable expenses for fundraising. ~~The Steering Committee reserves the right to access organization fundraising and administrative cost report records from the Florida Division of Consumer Services.~~ Where administrative and fundraising expenses exceed 25%, the organization must demonstrate extraordinary circumstances that justify the expense ratio. ~~If the ratio is over 50%, or if it exceeds 25% for two consecutive years, the organization is not eligible to participate in the FSECC.~~

Paragraph (1) of section 60L-39.006, Duties and Responsibilities of Fiscal Agent, was changed to read as follows:

(1) The state fiscal agent, which the Department shall select through competitive procurement, shall provide state level coordination of the campaign and oversee the activities of area fiscal agents, which receive, account for, and distribute charitable contributions among participating charitable organizations. The state fiscal agent ~~coordinator~~ shall ensure that campaign brochures and materials treat all participating organizations and federations equally and fairly. Campaign brochures shall provide fair listing order and the same type, size, and color print for all participating organizations and for all federations.

Section 60L-39.007, Appeals, was changed to read as follows:

(1) An A-disappointed applicant declared ineligible to participate in the campaign by the Steering Committee may (a) submit additional information to the Steering Committee

within five working days after receipt of notice of ineligibility or (b) appeal within seven working days of notice. An applicant declared ineligible after submitting additional information may appeal within seven working days after the receipt of the new notice.

(2) All appeals shall be concluded by June 30 ~~July 15~~ to allow timely publication of authorized participating organizations in the FSECC brochures.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-20.010
 RULE TITLE: Disciplinary Guidelines
 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. 36, September 7, 2001, issue of the Florida Administrative Weekly. The changes are in response to written comments received from the Joint Administrative Procedures Committee.

Subsection (2) of the proposed rule has been changed so that when it is adopted it will read:

(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) Danger to the public;
- (b) Physical or financial harm resulting from the violation;
- (c) Prior violations committed by the subject;
- (d) Length of time the registrant or licensee has practiced;
- (e) Deterrent effect of the penalty;
- (f) Correction or attempted correction of the violation;
- (g) Effect on the registrant's or licensee's livelihood;
- (h) Any efforts toward rehabilitation;
- (i) Any other aggravating or mitigating factor which is

directly relevant under the circumstances.
 The remainder of the rule will read as published.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-5.002
 RULE TITLE: Criteria for Approval

NOTICE OF WITHDRAWAL

Notice is hereby given that the above-referenced rule amendment, as noticed in Vol. 27, No. 25, of the Florida Administrative Weekly on June 22, 2001 is hereby withdrawn.

**Section IV
 Emergency Rules**

NONE

**Section V
 Petitions and Dispositions Regarding Rule
 Variance or Waiver**

DEPARTMENT OF INSURANCE AND TREASURER

NOTICE IS HEREBY GIVEN that the Department of Insurance and Treasurer has received, pursuant to Section 120.542, Florida Statutes, a Petition for Emergency Temporary Waiver of Rule 4-190.061, F.A.C., from the Florida Rural Electric Self-Insurer's Fund concerning the retention level for self-insurers.

Comments on this Petition should be filed with the Division of Legal Services, Room 612, Larson Building, Tallahassee, Florida 32399-0333, within 14 days of publication of this notice.

For a copy of the Petition contact S. Marc Herskovitz at the above address, or telephone number (850)413-4122.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Department has issued a Final Order in response to the Petition for Waiver filed by the CITY OF MIAMI. This petition was assigned the number DCA01-WAI-154. Notice of this petition appeared in the October 26, 2001, edition of the Florida Administrative Weekly. It is ordered that the Petition for Waiver by Petitioner CITY OF MIAMI be, and by this Final Order is, hereby DENIED.

A copy of the Final Order may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on November 6, 2001, the South Florida Water Management District (District) received a petition for waiver from the City of Lauderhill, for utilization of Works or Lands of the District known as the C-13 Canal, Broward County. The petition seeks relief from paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District

Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which requires District staging areas (100 feet at bridge and pile-supported utility crossings) remain clear within Works or Lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail, jsluth@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that on October 30, 2001, the South Florida Water Management District (District) received a petition for waiver from the Florida Department of Transportation, for utilization of Works or Lands of the District known as the C-4 Canal, Miami-Dade County. The petition seeks relief from paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which requires District staging areas (100 feet at bridge and pile-supported utility crossings) remain clear within Works or Lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail, jsluth@sfwmd.gov.

The SFWMD will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that on October 30, 2001, the South Florida Water Management District (District) received two (2) petitions for waiver from St. George's Civic Association, Inc., for utilization of Works or Lands of the District known as the C-12 Canal, Broward County. One petition seeks relief from subsections 40E-6.011(4),(5), and (6), Fla. Admin. Code, which govern the placement of permanent and semi-permanent above ground encroachments within 40 feet of the top of canal bank within Works or Lands of the District, and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which requires District staging areas (100 feet at bridge and pile-supported utility crossings) remain clear within Works or

Lands of the District. The second petition seeks relief from Rule 40E-6.601(3)(f), Fla. Admin. Code, which requires applicants to pay a permit application processing fee.

Copies of the petitions may be obtained from: Jan Sluth, (561)682-6299 or e-mail, jsluth@sfwmd.gov.

The SFWMD will accept comments concerning the petitions for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Board of Electrical Contractors' Licensing Board hereby gives notice that it has received a petition, filed on November 13, 2001, by Nathan Villar, seeking a waiver and/or variance of subsection 61G6-5.005(2), which sets forth the factors which shall be reviewed to determine the financial responsibility of a applicant.

Written comments on this petition should be filed with Board of Electrical Contractors' Licensing, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750, within 14 days of publication of this notice.

For a copy of the petition, contact: Anthony Spivey, Executive Director, Board of Electrical Contractors' Licensing, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

On October 30, 2000, the Department received a request for variance/waiver pursuant to Section 376.3071(12)(k)5., F.S. (2000), from Environmental Chemical Corporation requesting a permanent variance/waiver from certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition was assigned OGC case #00-1311. A Notice of Receipt of Petition for Variance/Waiver was published in the November 17, 2000, F.A.W. On October 17, 2001, the petition was granted and repayment of the costs associated with GRC, EEC and Tower Environmental is no longer necessary.

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

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that a Petition for Permanent Variance from paragraph 64E-10.010(1)(a), Florida Administrative Code was received by the Department of Health's agency clerk on November 8, 2001. The Petition for Permanent Variance was filed by the owner, Charlene I. Darst,

of the Seaview Trailer Park. The petitioner's intent was to request a permanent variance from having to provide a sanitary dump station and minimum sanitary facilities as in a recreational vehicle park. Because most of the spaces are occupied by what is defined as recreational vehicles, petitioner would have to meet the recreational vehicle park standards which include a sanitary dump station and minimal sanitary facilities. The permit fee would be the same regardless of whether the units were mobile home or recreational vehicle. Petitioner states that hardship would occur due to conversion of unit spaces for sanitary facilities and the establishment of a sanitary dump station. All of the spaces have water and sewer connections at the site and each unit is connected to the water and sewer system. No tent camping is provided or allowed. Petitioner states that most units are occupied by people living on fixed incomes. An increase in lot rents would create unusual hardship for the occupants of the park.

Copies of the Petition request can be obtained from: Ken Widergren, Florida Department of Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1710, (850)245-4444, Ext. 2453.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on November 7, 2001, Florida Housing Finance Corporation ("Florida Housing") received an Amended Petition for Variance from or Waiver of paragraph 67-47.100(2)(d), Florida Administrative Code ("Petition") from Florida Low Income Housing Associates, Inc. (2000HH-011) Marion County Scattered Sites, II. The Petition seeks relief from the requirement which provides that no additions, deletions, or changes will be accepted for consideration with regard to the application being submitted.

A copy of the Petition can be obtained from: Sheila A. Freaney, Public Records Clerk, 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 November 13, 2001, Florida Housing Finance Corporation ("Florida Housing") received a Petition for Waiver of paragraph 67-21.008(1)(b), Florida Administrative Code ("Petition") from Grande Court Kissimmee Assoc., Ltd. The Petition seeks relief from the requirement which amortization of a mortgage loan beginning in the 25th month after the loan closing.

A copy of the Petition can be obtained from: Sheila A. Freaney, Public Records Clerk, 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 Variance From or Waiver of Rules 67-47.120, 130, 140, 150, Florida Administrative Code.

NAME OF THE PETITIONER: Deer Creek, LLC

DATE PETITION WAS FILED: August 27, 2001

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rules 67-47.120, 130, 140, 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.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, September 7, 2001, Vol. 27, No. 36.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: October 25, 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 and development of affordable housing. The variance will further this purpose.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order 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 in Part Petition for Variance From or Waiver of Rule 67-38.007, Florida Administrative Code, and Order Granting Modification of the Land Use Restriction Agreement.

NAME OF THE PETITIONER: City of Key West (Roosevelt Gardens)

DATE PETITION WAS FILED: August 30, 2001

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Petition for Variance From or Waiver of Rule 67-38.007, Florida Administrative Code, seeking to extend the term of the loan for any unpaid balance for an additional period of up to 15 years at zero (0) percent interest rate or upon refinancing and amending the LURA to change the set-aside to 60% of the completed housing units to be rented to persons whose income does not exceed 60% of the median area income.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, September 14, 2001, Vol. 27, No. 37.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: October 25, 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 and development of affordable housing. The variance will further this purpose.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order 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.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Florida Folklife Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, December 3, 2001, 9:00 a.m. – 11:00 a.m.

PLACE: Room 307, 3rd Floor, R. A. Gary Building, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the quarterly meeting to conduct business.

A copy of the agenda may be obtained by writing: Florida Folklife Council, Bureau of Historic Preservation, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)245-6333.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he or she may need to ensure verbatim recording of the proceedings in order to provide a record of judicial review.

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

DEPARTMENT OF LEGAL AFFAIRS

The Annual Report Committee of the Florida **Commission on the Status of Women** will hold a conference call on:

DATE AND TIME: December 13, 2001, 10:00 a.m.

PLACE: 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

AMENDED NOTICE – The Florida **Board of Funeral and Cemetery Services** announces a public Board Meeting and all persons are invited to attend.

DATE AND TIME: December 5, 2001, 10:00 a.m. – 5:00 p.m.

PLACE: Room 116, Knott Building, 415 St. Augustine Street (at corner of Duval and Madison Streets), Tallahassee, FL

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 contact: Frances Restifo, Administrative Assistant II, Division of Securities and Finance, Room 649B, Fletcher Bldg., 101 East Gaines St., Tallahassee, FL 32399-0350, (850)410-9853.

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, 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: December 11, 2001, 8:00 a.m.

PLACE: 400 N Congress Avenue, Conference Room, West Palm Beach, Florida 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED: Request for a public meeting of the Task Force for Historical Buildings to discuss sprinkler issues for The Breakers Hotel.

A copy of the agenda may be obtained by writing: Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342.

DEPARTMENT OF EDUCATION

The State of Florida, **Education Standards Commission** announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, December 6, 2001, 8:30 a.m. – 5:00 p.m.; Friday, December 7, 2001, 8:30 a.m. – 12:00 Noon

PLACE: Nova Southeastern University, The Horvitz Administrative Building, The Board Room, 3301 College Avenue, Fort Lauderdale, Florida, (952)262-7576

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, Room 224, Turlington Building, 325 West Gaines Street, 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 Odotola at the above address or telephone number.

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

FIELD SERVICES COMMITTEE

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

PLACE: DVRS Headquarters, Room 214, Building A, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301

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

COMPLIANCE AND OVERSIGHT COMMITTEE

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

PLACE: DVRS Headquarters, Room 360, Building A, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301

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

GOVERNMENT AND CUSTOMER RELATIONS COMMITTEE

DATE AND TIME: December 12, 2001, 1:00 p.m. – 5:00 p.m.

PLACE: DVRS Headquarters, Room 360, Building A, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301

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

BUDGET, POLICY AND PLANNING COMMITTEE

DATE AND TIME: December 12, 2001, 1:00 p.m. – 5:00 p.m.

PLACE: DVRS Headquarters, Room 214, Building A, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301

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

EXECUTIVE COMMITTEE

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

PLACE: DVRS Headquarters, Room 214, Building A, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301

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

FIVE-YEAR PLAN WORKGROUP

DATE AND TIME: December 13, 2001, 1:00 p.m. – 6:00 p.m.

PLACE: DVRS Headquarters, Room 360, Building A, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301

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

STATE PLAN COMMITTEE

DATE AND TIME: December 14, 2001, 9:00 a.m. – 5:00 p.m.

PLACE: DVRS Headquarters, Room 360, Building A, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the State Plan Committee and to review revisions to the State Plan for amendment purposes.

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, at least seven days before the meeting.

The **Department of Education**, the Occupational Access and Opportunity Commission and the Florida Rehabilitation Council announces a series of public meetings to which all persons are invited and to which all interested individuals are encouraged to attend.

DATE AND TIME: January 22, 2002, 4:00 p.m. – 7:00 p.m.

PLACE: Orlando, FL (Workforce Boards 10 and 12)

DATE AND TIME: January 23, 2002, 4:00 p.m. – 7:00 p.m.

PLACE: Palm Beach, FL (Workforce Board 21)

DATE AND TIME: January 24, 2002, 4:00 p.m. – 7:00 p.m.

PLACE: Sarasota, FL (Workforce Board 18)

DATE AND TIME: January 29, 2002, 4:00 p.m. – 7:00 p.m.

PLACE: Tallahassee, FL (Workforce Boards 4, 5 and 6)

**** Specific meeting facilities to be announced ****

GENERAL SUBJECT MATTER TO BE CONSIDERED: State Plan Public Meetings. The Occupational Access and Opportunity Commission and the Florida Rehabilitation Council are planning a series of public meetings to review changes to the State Plan for the implementation of additional Demonstration projects and service delivery initiatives.

Meetings have been cancelled for previously announced dates of December 4-7, 2001 and December 10 or 14, 2001.

The above January dates replace the December dates.

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 State of Florida, **Education Practices Commission** announces a Teacher Hearing Panel to which all persons are invited.

DATE AND TIME: Teacher Hearing Panel, December 14, 2001, 8:30 a.m. or as soon thereafter as can be heard

PLACE: The Sheraton World Resort-Orlando, 10100 International Drive, Orlando, Florida 32821, (407)352-1100

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Teacher Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this hearing, he or she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information may be obtained by writing: Education Practices Commission, Room 224-E, Turlington Building, 325 W. Gaines Street, Tallahassee, Florida 32399-0400.

SPECIAL ACCOMMODATION: Any person requiring a special impairment accommodation should contact Kathleen M. Richards, (850)488-0547, at least five calendar days prior to the hearing. Persons who are hearing or speech impaired can

contact the Commission using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The Board of Trustees of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 7, 2001, 1:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop relating to matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by writing: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799 or by calling (904)827-2000.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance from the aforementioned address.

The Board of Trustees of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, December 8, 2001, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by writing: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799 or by calling (904)827-2000.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance from the aforementioned address.

The **Gulf Coast Community College**, District Board of Trustees will hold its monthly meeting as follows.

DATE AND TIME: December 13, 2001, 10:00 a.m., (CDT)

PLACE: Gardner Seminar Room

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Regular monthly meeting.

Contact person for the meeting is: Dr. Robert L. McSpadden,
President.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission** announces the following meetings to which all persons are invited. The meetings will be held at:

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

DATE AND TIMES: December 3, 2001, 8:00 a.m., University of Florida Building Code Training Program, Quality Management Task Force; 8:00 a.m., Electrical Technical Advisory Committee; 9:00 a.m., Meeting of the Building/Structural Technical Advisory Committee; 10:00 a.m., Meeting of the Rehab Code Ad Hoc Committee; 1:00 p.m., Meeting of the Education Ad Hoc Committee; 2:00 p.m., Meeting of the Elevator Emergency Access Ad Hoc Committee; 3:00 p.m., Meeting of the Product Approval Ad Hoc Committee; 3:00 p.m., Accessibility Technical Advisory Committee

DATE AND TIME: December 3, 2001, 9:00 a.m.,
Accessibility Advisory Council

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider the following accessibility waiver applications: Florida Army National Guard, Cecil Field Naval Air Station, Jacksonville; Cocoa Beach Health and Fitness, 1355 North Atlantic Avenue, Cocoa Beach; Ponce de Leon Warehouse Showroom Addition, 4203 Ponce de Leon Boulevard, Coral Gables; Belen Jesuit Preparatory School, 500 S. W. 127th Avenue, Miami; Rahn Thai Restaurant, 1319 South Monroe Street, Tallahassee; Brownes and Company Apothecary, 841 Lincoln Road, Miami Beach; Kids in Distress, Inc., 819 Northeast 26th Street, Fort Lauderdale; Miami Seaquarium Replacement Marine Stadium, 4400 Rickenbacker Causeway, Miami

DATE AND TIME: December 4, 2001, 8:30 a.m., Meeting of the Florida Building Commission

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and take necessary actions on the November 2001 Commission meeting minutes, and the December 2001 Commission agenda; Hearing on Accessibility Code Amendments Notice of Change (Rule 9B-7) (if requested); Rehab Code Ad Hoc Committee Report and Recommendations; Education Ad Hoc Report and Recommendations; Elevator Emergency Ad Hoc Committee Report and Recommendations; Prototype Buildings Ad Hoc Report and Recommendations; Product Approval Ad Hoc Committee Report and Recommendations; Additional Rule Adoption Hearing on Product Approval System (9B-72); Accessibility Technical Advisory Committee Report and

Recommendations; Building/Structural Technical Advisory Committee Report and Recommendations; Electrical Technical Advisory Committee Report and Recommendations; Overview of Report to the Legislature; Legal Staff Report; Consideration of Turnpike Facility Permitting and Code Enforcement; Consideration of Accessibility Waiver Applications (Florida Army National Guard, Cecil Field Naval Air Station, Jacksonville; Cocoa Beach Health and Fitness, 1355 North Atlantic Avenue, Cocoa Beach; Ponce de Leon Warehouse Showroom Addition, 4203 Ponce de Leon Boulevard, Coral Gables; Belen Jesuit Preparatory School, 500 S. W. 127th Avenue, Miami; Rahn Thai Restaurant, 1319 South Monroe Street, Tallahassee; Brownes and Company Apothecary, 841 Lincoln Road, Miami Beach; Kids in Distress, Inc., 819 Northeast 26th Street, Fort Lauderdale; Miami Seaquarium Replacement Marine Stadium, 4400 Rickenbacker Causeway, Miami); and receive public comment.

A copy of the Committee and Commission meeting agendas may be obtained by sending a request in writing: Betty Stevens, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436 or from the website at www.floridabuilding.org.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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

The **Department of Community Affairs, Division of Housing and Community Development** announces the following public meeting:

COMMITTEE: RCMP Advisory Council

DATE AND TIME: November 28, 2001, 10:00 a.m.

PLACE: Florida Department of Community Affairs Center, Room 220N, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, Conference Call: Suncom 291-2591 or for all others (850)921-2591

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a Residential Construction Mitigation Program (RCMP) Advisory Council meeting pursuant to Section 215.559, Florida Statutes.

For more information, please contact: Keith Delhomme, Planning Manager, Division of Housing and Community Development, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100, (850)410-1562.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will be taped by the Division of Housing and Community Development.

Any person requiring special accommodation at the meeting because of a disability or physical impairment should contact Keith Delhomme, Department of Community Affairs, (850)410-1562, at least ten (10) days prior to the meeting. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Community Affairs** announces a meeting of the State Energy Program (SEP) Clean Fuel Florida Advisory Board (CFF) to which all interested parties are invited.

SEP CFF MEETING

DATE AND TIME: November 29, 2001, 10:00 a.m. – 3:00 p.m.

PLACE: Holiday Inn Capital, 1355 Apalachee Parkway, Tallahassee, Florida 32301

ACTIONS TO BE TAKEN: The CFF will consider the following items:

1. Report on Executive Order
2. Legislative Initiative Report
3. State EPACT Compliance
4. Staffing Updates
5. State Energy Program Report
6. Long Range Plan
7. Energy 2020 Study Commission Update

APPEAL INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public meeting he or she may need a record or transcript of the proceeding, and for such purposes he or she may need to ensure that a record of the proceeding is made, which record may include testimony and evidence relevant to the appeal.

Anyone who wants a copy of the agenda or additional information on this meeting may write or call: Emily Cook, Administrative Assistant, Department of Community Affairs, 2255 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-2475.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the SEP, (850)488-2475, at least five calendar days prior to the

meeting. If you are hearing impaired, please contact the SEP using the Florida Dual Party System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Coastal Management Program** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Tuesday, December 11, 2001, 9:00 a.m.

PLACE: Department of Community Affairs, Room 320Q, The Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Coastal Partnerships Initiative Application Evaluation Committee to evaluate and score all applications already received for fiscal year 2002-2003 funding through the Florida Coastal Management Program.

Any person requiring special accommodation at the meeting because of a disability or physical impairment should contact L. Christine McCay, Environmental Administrator, Florida Coastal Management Program, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)414-6562, Suncom 994-6562, 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).

DEPARTMENT OF LAW ENFORCEMENT

The **Florida Domestic Security Advisory Panel** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 29, 2001, 9:00 a.m. – 12:00 Noon

PLACE: Orlando Emergency Operations Center, 110 North Andes Avenue, Orlando, Florida 32807

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Domestic Security Advisory Panel and any other interested individuals will meet to hear presentations and discuss issues relating to domestic security efforts in Florida.

A copy of the agenda may be obtained by writing: Denise Reeder, Florida Department of Law Enforcement, Office of Executive Direction, Post Office Box 1489, Tallahassee, Florida 32302 or by telephoning (850)410-7019.

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 **Department of Law Enforcement**, Florida Crime Laboratory Council announces a Meeting.

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

PLACE: Embassy Suites Hotel, 555 North Westshore Boulevard, Tampa, Florida 33609, (813)875-1555

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Crime Laboratory Council Meeting.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the Crime Laboratory Council Office, (850)410-8600, at least five (5) working days prior to the meeting.

If a person decides to appeal any decision made by the Council with respect to any matter considered during this meeting, such person is responsible for ensuring that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information or a copy of the agenda may be obtained by contacting: Mr. Dale H. Heideman, Forensic Coordinator, Criminal Justice Professionalism Program, Florida Crime Laboratory Council, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-8600.

The Florida **Department of Transportation**, District 7 announces a Public Hearing to which all persons are invited.

DATE AND TIME: Tuesday, December 11, 2001, 4:30 p.m. – 7:30 p.m. (with formal presentation beginning at 6:00 p.m.)

PLACE: Mission Outreach Church, 12306 State Road 52, Hudson, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of Work Program Item Segment Number: 256243 1; Federal Aid Project Number: 1851-108; The Project Development and Environment (PD&E) Study Reevaluation for SR 52 from Moon Lake Road to US 41 in Pasco County, Florida.

Anyone needing project information or special accommodations under the Americans with Disabilities Act of 1990 should write: Kenneth A. Hartmann, P. E., District Seven Secretary, Attn: Jeraldo Comellas, District EMO Engineer, Florida Department of Transportation, 11201 N. McKinley Drive, Tampa, Florida 33612-6456.

DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public meeting of the Blue Ribbon Committee to which all persons are invited.

DATE AND TIME: Tuesday, December 11, 2001, 1:30 p.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Blue Ribbon Committee will meet to continue strategic planning. The Committee will also discuss any other issues that may properly come before the Committee.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone, (863)499-2510.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 19, 2001, 9:00 a.m.

PLACE: Florida Parole Commission, Third Floor, Bldg. C, 2601 Blairstone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980). A copy of the agenda may be obtained by writing: Florida Parole Commission, Building C, 2601 Blairstone Road, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than two working days prior to the proceeding at the address given on the notice, (850)488-3417.

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 21, 2001, 9:00 a.m.

PLACE: Florida Parole Commission, Third Floor, Bldg. C, 2601 Blairstone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980). A copy of the agenda may be obtained by writing: Florida Parole Commission, Building C, 2601 Blairstone Road, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than two working days prior to the proceeding at the address given on the notice, (850)488-3417.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** will consider at its December 4, 2001 Agenda Conference, Docket No. 011384-EI, Gulf Power Company's application for authority to receive common equity contributions and issue and sell securities during the 12 months ending December 31, 2002. Pursuant to Section 366.04, Florida Statutes and Chapter 25-8, Florida Administrative Code, Gulf seeks authority to receive equity funds from the Southern Company (Southern), Gulf's parent company, to issue and sell long term debt and equity securities and to issue and sell short term securities. The maximum amount of common equity contributions received from Southern, the maximum amount of securities issued and the maximum principal amount of long-term debt securities issued will total not more than \$300 million. The maximum principal amount of short-term debt at any one time will total not more than \$220 million.

DATE AND TIME: December 4, 2001, 9:30 a.m., although the specific time at which this item will be heard cannot be determined at this time

PLACE: Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take final action on Docket No. 011384-EI.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing.

Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

For additional information, please contact: Linda Dodson, Division of Legal Services, (850)413-6216.

The Florida **Public Service Commission** will consider at its December 4, 2001 Agenda Conference, Docket No. 011377-EI, Application of Florida Power Corporation for authority to issue and sell securities pursuant to Section 366.04, Florida Statutes and Chapter 25-8, Florida Administrative Code. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, to issue, sell, or otherwise incur during 2002 any combination of additional equity securities and long-term debt securities and obligations, consisting of (1) up to \$400 million outstanding at any time of commercial paper backed by, or borrowings under, the

Company's long-term credit agreements, and (2) \$1.24 billion of any combination of equity securities and other long-term debt securities and obligations. The Company also seeks authority to enter into forward interest rate hedging contracts during 2002 in connection with possible refunding of long-term debt. In addition, the Company seeks permission to issue, sell and have outstanding at any given time during 2002 short-term unsecured securities and debt obligations, including commercial paper classified as short-term debt for accounting purposes, in an aggregate amount not in excess of \$500 million, which amount shall be in addition to and in excess of the authority conferred on the Company by Section 366.04, Florida Statutes, to issue short-term securities aggregating not more than five percent of the par value of the Company's other outstanding securities.

DATE AND TIME: December 9, 2001, 9:30 a.m., although the time at which this item will be heard cannot be determined at this time

PLACE: Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take final action on Docket No. 011377-EI.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

For additional information, please contact Linda Dodson, Division of Legal Services, (850)413-6216.

The Florida **Public Service Commission** announces a customer service hearings in the following docket, to which all interested persons are invited.

Docket No. 001148-EI – Review of the retail rates of Florida Power & Light Company.

DATE AND TIME: December 11, 2001, 12:00 p.m.

PLACE: Terrace Building, Room 1001, 10th Floor, Sarasota, Florida

DATE AND TIME: December 11, 2001, 6:00 p.m.

PLACE: Radisson Inn, Manatee Room, 12635 South Cleveland Avenue, Ft. Myers, Florida

DATE AND TIME: December 12, 2001, 12:00 p.m. and 6:00 p.m.

PLACE: Crowne Plaza Hotel – Miami International Airport, 950 N. W. LeJeune Road, Miami, Florida

DATE AND TIME: December 13, 2001, 12:00 p.m.

PLACE: Palm Beach County Governmental Center, Jane Thompson Memorial Chambers, 301 N. Olive Avenue, West Palm Beach, Florida

DATE AND TIME: December 13, 2001, 6:00 p.m. (This hearing will begin as scheduled and will continue until all witnesses have been heard. If no witnesses are present, the hearing may be adjourned. All persons desiring to present testimony are urged to appear at the beginning of the hearing.)

PLACE: Broward County School Board, Board Room, 600 Southeast 3rd Avenue, Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit members of the public to give testimony regarding the review of the retail rates of Florida Power & Light Company. All witnesses shall be subject to cross-examination at the conclusion of their testimony. Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (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 customer service hearings in the following docket, to which all interested persons are invited.

Docket No.: 000824-EI – Review of Florida Power Corporation's earnings, including effects of proposed acquisition of Florida Power Corporation by Carolina Power & Light

DATE AND TIME: January 7, 2002, 1:30 p.m.

PLACE: Florida Public Service Commission, Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

DATE AND TIME: January 23, 2002, 12:00 Noon

PLACE: Harborview Center, Rooms 2 and 3, 300 Cleveland Street, Clearwater, Florida

DATE AND TIME: January 23, 2002, 6:00 p.m. (This hearing will begin as scheduled and will continue until all witnesses have been heard. If no witnesses are present, the hearing may be adjourned. All persons desiring to present testimony are urged to appear at the beginning of the hearing.)

PLACE: City Council Chambers, 2nd Floor, City Hall, 175 5th Street, North, St. Petersburg, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit members of the public to give testimony regarding the review of Florida Power Corporation's earnings, including effects of the proposed acquisition of Florida Power Corporation by Carolina Power & Light. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

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).

For further information, contact: Mary Anne Helton, Division of Legal Services, (850)413-6096 or Adrienne Vining, Division of Legal Services, (850)413-6183.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Executive Office of the Governor** announces a meeting of the Florida Black Business Investment Board, its loan and transition committees to which all interested persons are invited.

DATE AND TIME: December 4, 2001, 10:00 a.m.

PLACE: DoubleTree Hotel, 101 S. Adams St., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To further discuss the Board's business plan to identify areas for future Board priorities, loan committee discussion/review/approval of loan related issues, transition committee discussion and approve actions taken by the Chairman under delegated authority.

A copy of the agenda may be obtained by contacting: The Florida Black Business Investment Board, 1711 South Gadsden Street, Tallahassee, FL 32301, (850)487-4850.

If a person decides to take an appeal with respect to any matter considered at these meetings, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability in order to attend these meeting, please notify the FBBIB Office, (850)487-4850, at least seven (7) days prior to the meetings. If you are hearing or speech impaired, please contact the Office of the Governor by using the Citizen Service Office, (850)488-4441.

The **Florida Black Business Support Corporation** announces a meeting of its board of directors, loan and transition committees to which all interested persons are invited.

DATE AND TIME: December 4, 2001, 1:00 p.m.

PLACE: DoubleTree Hotel, 101 S. Adams St., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To plan and discuss the Board's business plan to identify areas for future Board priorities, loan committee discussion/review/approval of loan related issues, transition committee discussion and approve actions taken by the Chairman under delegated authority.

A copy of the agenda may be obtained by contacting: The Florida Black Business Support Corporation, 1713 South Gadsden Street, Tallahassee, FL 32301, (850)487-4850.

If a person decides to take an appeal with respect to any matter considered at these meetings, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability in order to attend these meeting, please notify the FBBSC Office, (850)487-4850, at least seven (7) days prior to the meetings.

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive Committee

DATE AND TIME: December 6, 2001, 6:00 p.m.

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

MEETING: Regional Planning Committee

DATE AND TIME: December 6, 2001, 6:00 p.m.

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

MEETING: Clearinghouse Committee

DATE AND TIME: December 6, 2001, 6:30 p.m.

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

MEETING: North Central Florida Regional Planning Council

DATE AND TIME: December 6, 2001, 8:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

PLACE: Holiday Inn Restaurant, I-75 and U.S. 90, Lake City, Florida

Any person deciding to appeal decisions of the Council or its committees with respect to any matter considered at the meeting, may need to make a verbatim record of the proceedings.

A copy of any of these agendas may be obtained by writing: NCFRPC, 2009 N. W. 67th Place, Suite A, Gainesville, Florida 32653.

Persons with disabilities who need assistance may contact us, (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **Withlacoochee Regional Planning Council** announces its Annual Meeting to which all persons are invited.

DATE AND TIMES: Thursday, December 13, 2001, Open House, 6:00 p.m.; Meeting, 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 including election of Council Officers for 2002.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Monday, December 10, 2001, 10:00 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, Suite 219, 9455 Koger Boulevard, St. Petersburg, FL 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tampa Bay Regional Planning Council.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Monday, December 10, 2001, 8:30 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, Suite 219, 9455 Koger Boulevard, St. Petersburg, FL 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive/Budget Committee.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Thursday, December 13, 2001, 9:00 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, Suite 219, 9455 Koger Blvd., St. Petersburg, FL 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Agency on Bay Management Committee Meeting(s).

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **South Florida Regional Planning Council**, Institute for Community Collaboration announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 13, 2001, 8:00 a.m. – 4:30 p.m.

PLACE: Miami Dade Community College, Community Room A114, 500 College Terrace, Homestead, Florida 33030

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Fourth meeting of the South Miami-Dade Watershed Study Advisory Committee to continue the process of gathering information, looking at goals and objectives and developing a scope of work for plan consultants.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, Suite 140, 3440 Hollywood Boulevard, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the South Miami-Dade Watershed Study Advisory 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.

REGIONAL TRANSPORTATION 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: December 3, 2001, 8:30 a.m.

PLACE: County Center, Board of County Commissioners Board Room, 2nd Floor, 601 E Kennedy Boulevard, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Regularly Scheduled Board Meeting

AGENDA:

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, Suite 900, 201 E. Kennedy Boulevard, Tampa, FL 33602, (813)223-6831, Ext. 2111.

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).

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces the following Projects Committee tour:

DINNER

DATE AND TIME: December 5, 2001, 6:30 p.m.

PLACE: Ocean Grille, 1050 Beachland Blvd., Vero Beach, FL
BRIEFING AND AIRBOAT TOUR OF THE UPPER BASIN

DATE AND TIME: Thursday, December 6, 2001, 8:15 a.m. – 3:45 p.m. (approximately)

PLACE: beginning at SR512 Recreation boat ramp site, Vero Beach, FL ending at US 192 near Melbourne

GENERAL SUBJECT MATTER TO BE CONSIDERED:
This tour is for project information only.

For a copy of the itinerary write: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or call Sonia Kuecker, Business Resource Specialist IV, Department of Water Resources, (904)312-2330.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Mrs. Linda Lorenzen, (904)329-4262. If you are hearing or speech impaired, please contact the agency by calling (904)329-4450 (TDD).

The **St. Johns River Water Management District** announces a Land Acquisition and Management Committee Meeting and tour to which all persons are invited. The meeting is scheduled for:

DATE AND TIME: Friday, December 7, 2001, 9:00 a.m. – 3:30 p.m.

MEETING

DATE AND TIME: Friday, December 7, 2001 9:00 a.m. – 12:00 p.m.

PLACE: Lakeside Inn, 100 N. Alexander Street, Mt. Dora, FL 32757, (352)383-4101

TOUR

DATE AND TIME: Friday, December 7, 2001 1:30 p.m. – 3:30 p.m.

PLACE: Boat Tour of Lake Norris

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review land management and land acquisition activities.

If any person decides to appeal any decision with respect to any matter considered at the above listed meeting such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise Linda Lorenzen, (386)329-4262 or (386)329-4450 (TDD) at least five work days before the date of the meeting.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meeting(s):

HOWARD F. CURREN WASTEWATER TREATMENT PLANT SITE VISIT

DATE AND TIME: Friday, November 30, 2001, 9:30 a.m.

PLACE: Howard F. Curren Treatment Plant, 2700 Maritime Boulevard, Tampa, FL, (813)247-3451

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tampa City Council, SWFWMD, Governing and Basin Board members will meet to tour the facility and discuss reclaimed water options.

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 **Southwest Florida Water Management District** announces the following public hearing to which all interested persons are invited:

DATES AND TIMES: December 18, 2001, 9:00 a.m. and may be continued December 19, 2001, 9:00 a.m.

PLACE: Southwest Florida Water Management District, Governing Board Room, 2379 Broad Street, Brooksville, Florida 34609-6899

GENERAL SUBJECT MATTER TO BE CONSIDERED: Added Item to the Agenda.

Part of the R. V. Griffin Reserve project comprised of one parcel referred to as SWF Parcel No. 21-599-102C to be acquired by a conservation easement consisting of approximately 3,800 acres. The parcel is located south of State Road 72. Subject parcel lies in Sections 24, 25, 33, 34, 35 and 36, Township 38 South, Range 22 East in Sarasota County.

Any person deciding to appeal any decision made by the District Governing Board concerning the above-referenced hearing will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal may be based.

A copy of the agenda or a more specific legal description of the lands proposed for acquisition may be obtained by contacting Fritz H. Musselmann, Land Resources Director, Southwest Florida Water Management District, at the above address.

The District does not discriminate based on disability status. Anyone requiring reasonable accommodations under the ADA should call 1(800)423-1476 (Florida only), Extension 4452, Fax: (352)754-6877, TTD only 1(800)231-6103.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, November 27, 2001, 6:30 p.m. – 9:00 p.m.

PLACE: The South Florida Water Management Headquarters, Auditorium, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review the new License Agreement for the Arthur R. Marshall Loxahatchee National Wildlife Refuge.

A copy of the agreement may be obtained: (1) District Website http://www.sfwmd.gov/gover//wrac/ref_mat/draft_agre.pdf or (2) by writing to the South Florida Water Management District, Mail Stop #5720, P. O. Box 24680, West Palm Beach, FL 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 Paula Moree, Assistant District Clerk, (561)682-6447, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Fred Davis, Land Stewardship Division, District Headquarters, 3301 Gun Club Road, Mail Stop Code #5720, West Palm Beach, FL 33406, (561)682-6636.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: December 5, 2001, 2:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To acknowledge a major milestone regarding restoration work on the Loxahatchee Mitigation Bank site.

PLACE: West of Delray Beach in Palm Beach County; exact location TBD

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 5720, P. O. Box 24680, West Palm Beach, FL 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 want more information, please contact Marjorie Moore, Land Stewardship Department, Phone Number (561)682-6104, District Headquarters, 3301 Gun Club Road, Mail Stop Code 5720, West Palm Beach, FL 33406.

The **South Florida Water Management District** announces a public workshop to which all interested parties are invited:

DATE AND TIME: December 5, 2001, 7:00 p.m.

PLACE: The South Florida Water Management Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the progress of the North Palm Beach County CERP (Comprehensive Everglades Restoration Plan) Project Management Plan and future actions.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 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 want more information, please contact Jim Jackson, phone number (561)682-6334, District Headquarters, 3301 Gun Club Road, Mail Stop Code 4350, West Palm Beach, FL 33406.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: December 6, 2001, 8:30 a.m.

PLACE: Fort Myers Service Center, South Florida Water Management District, 2301 McGregor Boulevard, Fort Myers, FL 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Water Resources Advisory Commission Meeting.

A no host reception will be held on December 5, 2001, 6:00 p.m., Ramada Inn & Suites, 2500 Edwards Drive, Fort Myers, FL 33901.

A copy of the agenda may be obtained at the District's Website <http://www.sfwmd.gov/gover/wrac/agendas.html> or by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact 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 Julio Fanjul, (561)682-2769 or Paula Moree, (561)682-6447 in the Governing Board Operations Division, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406.

The Big Cypress Basin, **South Florida Water Management District** announces a public meeting which may be conducted by means of, or in conjunction with, communications media technology, specifically by telephonic conference to which all interested persons are invited.

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

PLACE: Big Cypress Basin, Mary Ellen Hawkins Building, 6089 Janes Lane, Naples, Florida (The above address shall be the designated access point for public attendance of the meeting.)

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. REGULAR MEETING to conduct Basin business, and
2. RETREAT for general discussion of long-term planning and water resource issues affecting the Big Cypress Basin.

A copy of the agenda may be obtained by writing: Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109 or by calling Ann Christian, (941)597-1505.

Appeals from any Big Cypress Basin Board decision require a record of the proceedings. Although Basin Board meetings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Ann Christian, (941)597-1505, at least forty-eight (48) hours before the meeting to make appropriate arrangements. If you are hearing or speech impaired, please contact the Big Cypress Basin, (561)697-2574.

Those persons who desire more information, or those wishing to submit written or physical evidence may contact Ann Christian, Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, (941)597-1505.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces Conference Committee Meeting to which all persons are invited.

DATE AND TIME: Thursday, December 6, 2001, 10:00 a.m. – Completion

PLACE: Suite 1A, Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss plans for 2002 TD conference.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Tiffany McNabb at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

REGIONAL UTILITY AUTHORITIES

The **Peace River/Manasota Regional Water Supply Authority** announces the following public meeting to which all interested parties are invited:

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

PLACE: County Commission Chambers, 18500 Murdock Circle, Port Charlotte, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Peace River Manasota Regional Water Supply Authority, Suite A, 1645 Barber Road, Sarasota, Florida 34240.

Although Authority board meetings are normally recorded, affected persons are advised it may be necessary for them to ensure a verbatim record of the meeting is made, including testimony and evidence upon which an appeal is to be based.

Persons with disabilities who need assistance may call (941)316-1776, at least two business days in advance to make appropriate arrangements.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

AMENDED NOTICE – This is to announce a change in the meeting date for the Florida **Electrical Contractors' Licensing Board**. All interested parties are invited to attend the Official Board Meeting.

DATE AND TIME: December 12, 2001, 9:00 a.m. or soon thereafter

PLACE: Meet Me Number: (850)488-5778, Suncom 278-5778, Department of Business and Professional Regulation, Electrical Contractor's Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771, (850)488-3109, Fax (850)922-2918

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting via Telephone Conference Call.

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 Florida **Pilotage Rate Review Board** announces the following telephone conference call meeting to which all parties are invited to participate.

DATE AND TIME: December 4, 2001, 12:00 Noon

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida, (850)488-5776 or Suncom 278-5776

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Pilotage Rate Review, 1940 N. Monroe St., Tallahassee, Florida 32399-0773.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)488-0698, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 TDD).

The Florida **Board of Pilot Commissioners** announces the following meeting via telephone conference, to which all persons are invited to attend.

DATE AND TIME: December 3, 2001, 10:00 a.m.

PLACE: Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)488-0698

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot advancements in Florida port training programs. Agenda available upon request.

ACCESS PHONE# (850)488-8295 Suncom 278-8295

To obtain a copy of the agenda, further information, or submit written or other Physical evidence, contact in writing: Board of Pilot Commissioners, 1940 N. Monroe Street, Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)488-0698, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Pilot Commissioners** announces the following meetings, to which all persons are invited to attend.

DATE AND TIME: January 17, 2002, 1:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rules Committee Meeting, Finance Committee Meeting, immediately followed by Probable Cause Panel meeting, which portions may be closed to the public. Agenda available on request.

DATE AND TIME: January 18, 2002, 9:00 a.m.

PLACE: Hyatt Regency Tampa, Two Tampa City Center, Tampa, FL 33602, (813)225-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, Florida 32399

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)488-0698, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Professional Engineers** announces a Probable Cause Panel meeting. Although this meeting is open to the public, portions of the Probable Cause Panel meeting may be closed consistent with law.

DATE AND TIME: Monday, December 3, 2001, 1:00 p.m. – conclusion of meeting

PLACE: Florida Board of Professional Engineers, Suite 200, 2507 Callaway Road, Tallahassee, Florida 32303

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 purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

The **Department of Business and Professional Regulation** announces the following meeting to be conducted by the **Building Code Administrators and Inspectors Board** (Board) to which all persons are invited to attend:

PLACE: The Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, FL 32399, (850)921-6500

MEETING: Building Code Administrators and Inspectors Board, BCAIB Application Committee

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

MEETING: Building Code Administrators and Inspectors Board

DATE AND TIME: December 7, 2001, 9:00 a.m.

MEETING: Building Code Administrators and Inspectors Board

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct an official meeting of the Building Code Administrators and Inspectors Board (Board).

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by writing: Board Office, 1940 North Monroe Street, Tallahassee, Florida 32399-2211.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Gregory Spence, (850)921-4847, Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board, at least forty eight (48) hours prior to the meeting. If you are hearing or speech impaired, please call Elise Rice, Building Code Administrators and Inspectors Board using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Business and Professional Regulation** announces the following meeting to be conducted by the Building Code Administrators and Inspectors Board (Board) via telephone conference call to which all persons are invited to attend:

PLACE: The Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board Office, 1940 North Monroe Street, Tallahassee, FL 32399-2211

MEETING: Building Code Administrators and Inspectors Board

DATE AND TIME: November 29, 2001, 10:00 a.m.

ACCESS NUMBER: (850)410-0961 or Suncom 210-0961

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct an official meeting of the Building Code Administrators and Inspectors Board (Board).

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by writing: Board Office at 1940 North Monroe Street, Tallahassee, Florida 32399-2211.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Gregory Spence, Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board, (850)921-4847, at least forty eight (48) hours prior to the meeting. If you are hearing or speech impaired, please call Elise Rice at the Building Code Administrators and Inspectors Board using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

NOTICE OF CORRECTION – The Department of Business and Professional Regulation, Florida Real Estate Commission announces an incorrect date was given for the rule development workshop regarding Rule 61J2-17.012, School Records; Class Roster, which was published in Vol. 27, No. 43, October 26, 2001, issue of the Florida Administrative Weekly. The correct workshop information reads as follows:

DATE AND TIME: December 19, 2001, 8:30 a.m. or as soon thereafter as possible

PLACE: Division of Real Estate, Commission Meeting Room, Room 301, North Tower, Hurston Building, 400 West Robinson Street, Orlando, Florida 32801

The remainder of the notice will read as published.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection** announces a one-day public meeting. The purpose of the meeting is to convene environmental insurance professionals, lenders, developers, environmental contractors and the public sector in a forum atmosphere to discuss and share information about environmental insurance as a possible incentive to enhance redevelopment and clean up of Brownfield sites (areas). All persons are invited to participate.

DATE AND TIME: December 4, 2001, 9:30 a.m. – not later than 5:30 p.m.

PLACE: Orange County Public Library, 101 E. Central Boulevard, Orlando, Florida 32801, (407)835-7323, Ext. 7481

GENERAL SUBJECT MATTER TO BE CONSIDERED: The one-day meeting will provide opportunities for interested parties to evaluate Florida's environmental insurance market in regards to Brownfield redevelopment and for a possible future Brownfields economic incentive.

A copy of directions to the meeting room may be obtained by calling or writing: Roger B. Register, Department of Environmental Protection, Bureau of Waste Cleanup, M.S. #4505, Room 309A, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)413-0062. Electronic requests for information may be sent to roger.register@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting the Personnel Services Specialist, Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the Florida Relay Service by calling 1(800)955-8771 (TDD).

The **Department of Environmental Protection**, Division of Water Resource Management, as staff to the Board of Trustees of the Internal Improvement Trust Fund, announces a public workshop to which all person are invited:

DATE AND TIME: Friday, December 7, 2001, 9:30 a.m.

PLACE: Department of Environmental Protection, Rooms 153 and 4, Carr Building, 3800 Commonwealth Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and receive public comment on proposed draft rule amendments regarding "Forms of Authorization." This rule has been revised following public workshops on May 24, July 14 and November 14, 2000. The current workshop is intended to receive additional public comments on the revised rule draft.

The purpose of the rulemaking is to provide more clarity so that the appropriate form of authorization for persons to conduct activities on sovereignty submerged lands can be more easily determined. This will include clarifying and amending the existing provisions and thresholds used in determining the appropriate form of authorization; definitions; management policies, standards, and criteria, including general consent conditions that would apply to all forms of authorization; and provisions related to riparian rights.

Rulemaking on this topic follows deliberations of a Technical Advisory Committee formed by the Department of Environmental Protection in July 1999. In addition, the "Forms of Authorization" rulemaking is required by the Board of Trustees' action on March 14, 2000, to settle a rule challenge filed against the Board by Catalpa Cove Property Owners' Association. (Docket No. 00-10R).

A copy of the draft rule and the agenda for the workshop will be mailed to those on the bureau's interested parties mailing list to coincide with publication of this notice in the FAW. Copies also may be obtained from: Jeanese McCree,

Department of Environmental Protection, 2600 Blair Stone Road, MS #2500, Tallahassee, Florida 32399-2400, (850)921-9901 or by e-mail at Jeanese.McCree@dep.state.fl.us. A copy of the draft rule also is available on the Internet

at: <http://www.dep.state.fl.us/water/wetlands/erp/rules/draft.htm>.

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 Bureau of Personnel Services, (850)488-2996. If you are hearing or speech impaired, please contact the Florida Relay Service by calling 1(800)955-8771 (TDD).

The **Department of Environmental Protection** announces a public meeting to which all interested persons are invited.

DATE AND TIME: December 12, 2001, 9:00 a.m. – 4:00 p.m.

PLACE: Room A204, Twin Towers, Lab Complex, 2600 Blair Stone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This public meeting is the first meeting of the Technical Advisory Committee which was formed to provide technical assistance to the Department of Environmental Protection during development of proposed revisions to Rule 62-620, Florida Administrative Code (F.A.C.), Wastewater Facilities and Activities Permitting. This rulemaking implements specific provisions of Section 403.0882, Florida Statutes (F.S.) regarding Demineralization Concentrate Disposal. The legislation directs the Department to conduct rulemaking to develop permit applications for concentrate disposal, options and requirements for concentrate disposal, requirements and methods for evaluating effluent mixing in receiving waters, and toxicity provisions.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation to participate in the meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Personnel Services Specialist, Bureau of Personnel, (850)488-2996 or 1(800)955-8771 (TDD). If you are speech or hearing impaired, please contact the Florida Relay Service by calling 1(800)955-8771.

A copy of the agenda for the public meeting may be obtained by writing: Department of Environmental Protection, Bureau of Water Facilities Regulation, MS #3545, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or by calling Shirley Shields, (850)488-4522.

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, December 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 a presentation by GTMNERR Graduate Research Fellow, John Baker, MAG member reports, 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, Town of Marineland, 9741 Ocean Shore Blvd., St. Augustine, 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 a public workshop on proposed amendments to Chapter 62-531, Water Well Contractors, to which all persons are invited.

DATE AND TIME: December 13, 2001, 5:00 p.m. (Eastern Standard Time)

PLACE: South Florida Water Management District, Fort Myers Service Center, 2301 McGregor Boulevard, Fort Myers, Florida 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: Update the points and monetary matrix of the Water Well Contractor Disciplinary Guidelines and Procedures Manual in order to provide more stringent disciplinary action for violations during the construction, repair or abandonment of water wells. Proposed amendments will also require approved

course work be completed prior to becoming a licensed water well contractor and continuing education be completed for each renewal cycle of a license.

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 Bureau of Personnel Services, (850)488-2996. If you are hearing or speech impaired, please contact the Florida Relay Service by calling 1(800)955-8771 (TDD).

A copy of the draft rule and workshop agenda may be obtained by contacting: Donnie McClagherty, Department of Environmental Protection, Ground Water Protection Section, 2600 Blair Stone Road, MS #3575, Tallahassee, Florida 32399-2400, (850)921-9438.

The **Department of Environmental Protection** announces three public workshops on the draft Florida Water Conservation Initiative Report to which all persons are invited:

DATE AND TIME: December 14, 2001, 10:00 a.m.

PLACE: Stavros Institute, Enterprise Village, 12100 Starke Road, Largo, Florida

DATE AND TIME: December 18, 2001, 10:00 a.m.

PLACE: South Florida Water Management District Governing Board Room, 3301 Gun Club Road, West Palm Beach, Florida

DATE AND TIME: December 19, 2001, 1:00 p.m.

PLACE: Department of Environmental Protection, Room 609 Twin Towers Building, 2600 Blair Stone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive comments on the public review draft of the Florida Water Conservation Initiative Report that was developed by the Department of Environmental Protection in coordination with the five water management districts, the Department of Agriculture and Consumer Services, the Public Service Commission, and six Work Groups comprised of interested citizens, business interests, environmental groups, water supply utilities, agriculture interests, government representatives, and others. The primary goal of the workshops is to continue gathering information in preparation for completing the draft Department report on ways to increase water use efficiency. The recommendations in the draft report are intended to improve the efficient use of water (including reclaimed water) throughout the state. The recommendations cover six broad areas of interest including: Non-Agricultural Irrigation; Indoor Water Use and Water Features; Agricultural Irrigation; Industrial, Commercial and Institutional Use; Water Pricing to Promote Conservation; and Reuse of Reclaimed Water. Participants are invited to comment on any aspect of the draft recommendations, addressing the following topics would be especially valuable: 1) views on which are the most worthwhile alternatives, or good ideas that may have been overlooked; 2) specific changes to individual alternatives that

would cause them to save more water, be more cost effective, or easier to implement; 3) how to ensure that the recommendations in the report are implemented, and keep the focus on water conservation. No registration for the meeting is necessary.

To receive a copy of draft report and the agenda for the workshops, please contact: Yvonne Zola, Florida Department of Environmental Protection, 2600 Blair Stone Road, Mail Station #46, Tallahassee, Florida 32399-2400, (850)488-0784, email Yvonne.Zola@dep.state.fl.us. The report and related information are also available on-line at: <http://www.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 Bureau of Personnel Services, (850)488-2996. If you are hearing or speech impaired, please contact the Florida Relay Service by calling 1(800)955-8771 (TDD).

The **Department of Environmental Protection**, Office of Greenways and Trails announces a meeting of the Florida Greenways and Trails Council's Outreach Committee to which all interested parties are invited.

DATE AND TIME: December 11, 2001, 2:00 p.m.

PLACE: Office of Greenways and Trails, Conference Room, 8th Floor, Douglas Building, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000, Voice Conference (850)921-6513 or Suncom 291-6513

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the committee to discuss public outreach programs.

For additional information contact: Dianne Redd, Department of Environmental Protection, Office of Greenways and Trails, DEP MS 795, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000, (850)488-3701 or 1(800)955-8871 (TDD), email: dianne.redd@dep.state.fl.us.

NOTE: If you need special accommodation in order to attend this meeting because of a disability, please contact Dianne Redd, at the address or telephone number above prior to December 7, 2001.

DEPARTMENT OF HEALTH

The **Board of Acupuncture** announces a meeting to be held by way of conference telephone hookup at:

DATE AND TIME: December 7, 2001, 9:00 a.m.

PLACE: Room 345K, 4042 Bald Cypress Way, Tallahassee, Florida 32399, Phone number (850)921-6623, Suncom 291-6623

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/she will need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by writing: Ms. Karen Eaton, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256 or you may call (850)245-4161.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Audie B. Wilson, (850)245-4586, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Audie B. Wilson using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

NOTICE OF CANCELLATION – The Florida **Board of Acupuncture** and Committees has cancelled the following Meeting:

DATE AND TIME: Friday, December 7, 2001, 9:00 a.m.

PLACE: The Radisson Hotel, 415 North Monroe Street, Tallahassee, Florida 32301, (850)224-6000

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 includes the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Ms. Karen Eaton, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256 or you may call (850)245-4161. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Audie Wilson, (850)245-4586, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Audie Wilson using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Chiropractic Medicine** will hold a duly noticed meeting to which all persons are invited to attend.

DATE AND TIME: Friday, December 7, 2001, 9:00 a.m.

PLACE: Hawthorne Suites, 7450 Augusta National Drive, Orlando, FL, (407)438-2121

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Chiropractic Medicine, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board using the Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Sherra W. Causey, Board of Chiropractic Medicine, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The Florida **Board of Medicine**, Probable Cause Panel (North) announces a telephone conference call to be held via meet me number.

DATE AND TIME: December 7, 2001, 2:00 p.m.

PLACE: Meet Me Number (850)921-2530, Suncom 291-2530

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: 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 **Department of Health, Board of Physical Therapy Practice** announces a conference call meeting to which all persons are invited:

DATE AND TIME: December 4, 2001, 8:30 a.m. or soon thereafter

PLACE: NUMBER – (850)921-5470, Suncom 291-5470

GENERAL SUBJECT MATTER TO BE CONSIDERED: Full Board Quorum Call

A copy of the agenda may be obtained by writing: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, BIN #C05, Tallahassee, FL 32399-3255 or by calling (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office at (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health**, Bureau of Emergency Medical Services announces a public meeting to which all persons are invited.

DATES AND TIME: December 3-6, 2001, 8:30 a.m. each day and ending at varied times, depending upon the pace of business accomplished. Specific information on the schedule will be presented each day during the meeting.

PLACE: Embassy Suites Hotel, 555 Westshore Boulevard, Tampa, FL 33607, (813)875-1555

GENERAL SUBJECT MATTER TO BE CONSIDERED: To assess Emergency Medical Service grant applications submitted to the Department of Health, Bureau of Emergency Medical Services to determine which applications should be recommended for funding. The applications assessed will be those which have been received September 14, 2001 through November 26, 2001, 5:00 p.m. (EST), and which meet the state mandatory criteria.

An agenda can be obtained by writing: Karen Harvey, Department of Health, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, BIN #C-18, Tallahassee, Florida 32399-1738. You may also request the agenda by contacting Ms. Harvey, (850)245-4440, Fax (850)488-2512 and e-mail Karen_Harvey@doh.state.fl.us.

SPECIAL ACCOMMODATIONS: Any person who requires special accommodations at these meetings because of a disability or physical impairment must contact this agency at least 48 hours prior to the date of attendance by contacting Ms. Harvey, at the above address and telephone number. If you are hearing or speech impaired, you may use the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

P. O. #G10454

The **Department of Health** announces the following meetings of the Variance Review and Advisory Committee for Onsite Sewage Treatment and Disposal Systems to examine variance applications received by the 15th of the previous month.

DATE AND TIME: Thursday, January 3, 2002, 10:00 a.m.

PLACE: Betty Easley Conference Center, Conference Room 182, 4075 Esplanade Way, Tallahassee, Florida

DATE AND TIME: Thursday, February 7, 2002, 10:00 a.m.

PLACE: Osceola County Administration Building, Suite 4700, 1 Courthouse Square, Kissimmee, Florida

DATE AND TIME: Thursday, March 7, 2002, 10:00 a.m.

PLACE: Broward County Health Department, 2nd Floor Auditorium, 2421 S. W. 6th Avenue, Fort Lauderdale, Florida

DATE AND TIME: Thursday, April 4, 2002, 10:00 a.m.

PLACE: Betty Easley Conference Center, Conference Room 182, 4075 Esplanade Way, Tallahassee, Florida

DATE AND TIME: Thursday, May 2, 2002, 10:00 a.m.

PLACE: Osceola County Administration Building, Suite 4700, 1 Courthouse Square, Kissimmee, Florida

DATE AND TIME: Thursday, June 6, 2002, 10:00 a.m.

PLACE: Betty Easley Conference Center, Conference Room 182, 4075 Esplanade Way, Tallahassee, Florida

DATE AND TIME: Thursday, July 11, 2002, 10:00 a.m.

PLACE: Osceola County Administration Building, Suite 4700, 1 Courthouse Square, Kissimmee, Florida

DATE AND TIME: Thursday, August 1, 2002, 10:00 a.m.

PLACE: Betty Easley Conference Center, Conference Room 182, 4075 Esplanade Way, Tallahassee, Florida

DATE AND TIME: Thursday, September 5, 2002, 10:00 a.m.

PLACE: Osceola County Administration Building, Suite 4700, 1 Courthouse Square, Kissimmee, Florida

DATE AND TIME: Thursday, October 3, 2002, 10:00 a.m.

PLACE: Marion County Health Department, Auditorium, 1801 S. E. 32nd Avenue, Ocala, Florida

DATE AND TIME: Thursday, November 7, 2002, 10:00 a.m.

PLACE: Betty Easley Conference Center, Conference Room 182, 4075 Esplanade Way, Tallahassee, Florida

DATE AND TIME: Thursday, December 5, 2002, 10:00 a.m.

PLACE: Osceola County Administration Building, Suite 4700, 1 Courthouse Square, Kissimmee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To examine applications for variance from the requirements of Chapter 64E-6, Florida Administrative Code, entitled "Standards for Onsite Sewage Treatment and Disposal Systems" pursuant to Section 381.0065(3)(d), Florida Statutes.

A copy of the agenda may be obtained ten days prior to each meeting date by writing: Gerald R. Briggs, Chief, Bureau of Onsite Sewage Programs, Department of Health, 4052 Bald Cypress Way, BIN #A08, Tallahassee, Florida 32399-1713.

Any person requiring a special accommodation at one of these meetings because of disability or physical impairment should contact Shirley Kugler, (850)245-4070, at least two weeks prior to the meeting.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Council on Homelessness** announces their meeting by telephone conference call which all persons are invited.

DATE AND TIME: Friday, December 14, 2001, 9:00 a.m. – 10:00 a.m.

PLACE: Call (850)921-5230 or Suncom 291-5230

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will review and adopt the Council's 2001 Annual Report to the Governor and Legislature.

A copy of the agenda may be obtained by contacting: Tom Pierce, State Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)922-9850, Tom_Pierce@dcf.state.fl.us.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to participate in this telephone conference call, needs to request any special assistance from this office at least 48 hours in advance of the meeting.

FLORIDA INLAND NAVIGATION DISTRICTS

The Board of Commissioners of the **Florida Inland Navigation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 7, 2001, 8:30 a.m.

PLACE: The Brannon Center, 105 S. Riverside Drive, New Smyrna Beach, Volusia County, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Board of Commissioners to conduct the regular business of the District. Additionally, the District's Legislative and Property Acquisition and Management Committees will meet.

Please contact the District office: 1314 Marcinski Road, Jupiter, FL 33477, (561)627-3386, for more information.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceeding, and for such purposes, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the District prior to the meeting.

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting of the Advisory Council on Environmental Education to which all interested persons are invited:

DATE AND TIME: December 5, 2001, 9:00 a.m.

PLACE: Fish and Wildlife Conservation Commission, Conference Room G52, Ground Floor, Bryant Building, 620 South Meridian Street, Tallahassee, Florida

A copy of the proposed agenda may be obtained: Florida Fish and Wildlife Conservation Commission, Office of Informational Services, ATTN: Scott Ball, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-4676.

If any person decides to challenge any decision with respect to any matter considered at the above meeting, a record of the proceeding will be needed. For this purpose, you may need to ensure that a verbatim record of the proceeding is made which includes testimony and evidence upon which the challenge is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the workshop or meeting is asked to advise the Commission at least 5 calendar days prior by calling Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency, (850)488-9542.

NORTHEAST FLORIDA AREA AGENCY ON AGING

The **Northeast Florida Area Agency on Aging** (PSA4) will hold a Public Hearing on the Goals and Objectives for the multi-year Area Plan (2002-04) on:

DATE AND TIME: November 26, 2001, 10:00 a.m. – 11:00 a.m.

PLACE: Northeast Florida Area Agency, Conference Room, 2nd Floor, 4401 Wesconnett Blvd., Jacksonville, Florida 32210

FLORIDA MOBILE HOME RELOCATION CORPORATION

The **Florida Mobile Home Relocation Corporation** announces a meeting of its Board of Directors.

DATE AND TIME: Tuesday, November 27, 2001, 10:00 a.m.

PLACE: Room 32, Senate Office Building, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation including organizational matters, operational procedures, creation of by-laws and other matters related to the operation and initial business of the corporation. The election of a chair, vice chair and any other officers of the corporation will be held, and a schedule for future meetings will be developed.

Additional information may be obtained by contacting: Robert S. Cohen, Attorney At Law, Suite 201-B, 1435 East Piedmont Drive, Tallahassee, Florida 32308, (850)385-8556.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Robert S. Cohen, Attorney At Law, (850)385-8556, at least five calendar days prior to the meeting.

FLORIDA COMMERCIAL SPACE FINANCING CORPORATION

The **Florida Commercial Space Financing Corporation** (FCSFC) announces a Board of Directors meeting and teleconference to which the public is invited.

DATE AND TIME: November 28, 2001, 10:00 a.m. – 3:30 p.m.

PLACE: Department of Transportation, The Lafayette Room, 2nd Floor, 605 Suwannee Street, Tallahassee, Florida 32399. For those attending via teleconference, the number to call in is 1(800)939-8909, participant code 665956

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors will meet to review general board business, ratification of agreements, financings, guarantees, budgets, procedures, interview candidates for the President’s position and to consider other proposed matters related to the business of the Corporation.

For more information, contact: Mr. Jim Leary or Ms. Judy Blanchard, (321)267-2877.

To obtain a copy of the agenda write: The Florida Commercial Space Financing Corporation, Florida/NASA Business Incubation Center, Suite 129, 1311 N. Highway U.S. 1, 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.

NATIONAL COUNCIL ON COMPENSATION INSURANCE

The **Florida Workers Compensation Appeals Board** announces a teleconference meeting to which all persons are invited.

DATE AND TIME: November 29, 2001, 9:00 a.m. – 12:00 Noon

PLACE: Dial In Number: Local participants call (561)893-1345, Long Distance participants, call 1(800)622-4123, Ext. 1345

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide a mechanism by which aggrieved parties may obtain a review of the application of the rules of the workers compensation system to their individual workers compensation policies.

Contact: Michelle Baker, National Council on Compensation Insurance, Inc., 901 Peninsula Corporate Circle, Boca Raton, Florida 33487, (561)893-3195.

FLORIDA MUNICIPAL INVESTMENT TRUST

NOTICE OF RESCHEDULING – The **Florida Municipal Investment Trust** (FMIvT) announces a public meeting to which all persons are invited. This meeting was rescheduled from the noticed meeting day and time of November 29, 2001, 2:00 p.m. to:

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

PLACE: The Colony, 155 Hammon Avenue, Palm Beach, FL 33480, (561)655-5430

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Florida Municipal Investment Trust (FMIvT) to discuss general business of the Trust.

A copy of the meeting agenda may be obtained by contacting: Jeannie Hagan, Director of Financial Services, Florida League of Cities, Inc., Post Office Box 1757, Tallahassee, Florida 32302-1757, 1(800)616-1513, Ext. 277.

NOTICE OF RESCHEDULING – The **Florida Municipal Loan Council** announces a public meeting to which all persons are invited. This meeting was rescheduled from the noticed meeting day and time of November 29, 2001, immediately upon adjournment of the FMIvT meeting to:

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

PLACE: The Colony, 155 Hammon Avenue, Palm Beach, FL 33480, (561)655-5430

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Board of Directors for the Florida Municipal Loan Council to discuss general business of the Council.

A copy of the meeting agenda may be obtained by contacting: Jeannie Hagan, Director of Financial Services, Florida League of Cities, Inc., Post Office Box 1757, Tallahassee, Florida 32302-1757, 1(800)616-1513, Ext. 277.

FLORIDA PORTS COUNCIL

The **Seaport Environmental Management Committee** announces a public meeting in which all interested persons are invited to participate.

DATE AND TIME: November 29, 2001, 10:00 a.m. – 3:00 p.m.

PLACE: Office of US Army Corps of Engineers, 400 West Bay, Room 930, Jacksonville, FL 32232, (904)232-1213

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Toy Keller, Florida Ports Council, Suite 712, 315 South Calhoun Street, Tallahassee, FL 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise Toy Keller, (850)222-8028.

CRIMINAL JUSTICE TRAINING STANDARDS AND TRAINING COMMISSION

The **Criminal Justice Training Standards and Training Commission**, Region VIII Training Council announces a public meeting to which all persons are invited.

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

PLACE: Polk Community College, Criminal Justice Training Center, 999 Avenue H, N. E., Winter Haven, FL 33881

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Old Business.
2. New Business.
 - A. Approval of Region VIII 2002/2003 Budget.
 - B. Region VIII Course Offerings
 - January – June 2002 (Anti-Terrorist Training Initiative).
 - C. Trust Fund Budget Update.
 - D. Signature for Trust Fund Documents.
3. Contracted Courses.
4. Training Issues.
5. Other Items from Members.

A copy of the agenda may be obtained by writing: Captain Paul Hinman, Chairman, Highlands County Sheriff’s Office, Post Office Box 71, 434 Fernleaf Avenue, Sebring, Florida 33871.

SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION

The **Sunshine State Governmental Financing Commission** announces a public meeting where all interested parties are invited:

DATE AND TIME: Friday, November 30, 2001, 10:00 a.m.

PLACE: City Hall, Conference Room R, Second Floor, 400 South Orange Avenue, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors Meeting.

NOTE: A copy of the agenda may be obtained by contacting: Mr. Richard C. Dowdy, Program Administrator, (850)878-1874.

NORTHEAST FLORIDA CRIMINAL JUSTICE TRAINING AND EDUCATION CENTER

The **Region V, Training Council** will hold its Bi-Annual Advisory Meeting:

DATE AND TIME: December 6, 2001, 2:00 p.m.

PLACE: St. Johns River Community College, Conference Room, 2990 College St., St. Augustine, FL

For an advance copy of the agenda, contact: Frank Heinze, Northeast Florida Criminal Justice Training and Education Center, (904)713-4828, Fax (904)713-4900.

FLORIDA RESIDENTIAL PROPERTY AND CASUALTY JOINT UNDERWRITING ASSOCIATION

The **Florida Residential Property and Casualty Joint Underwriting Association** announces a meeting of its Producer Committee.

DATE AND TIME: Thursday, December 6, 2001, 10:00 a.m. – 3:00 p.m. (EST)

PLACE: The Hilton Miami Airport, 5101 Blue Lagoon Drive, Miami, FL, (305)262-1000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, ePAS implementation and training for agents, CAP changes and underwriting changes.

FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION

The **Florida Automobile Joint Underwriting Association** announces the following meetings to which all persons are invited:

CLAIM REVIEW COMMITTEE

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

PLACE: York, STB, 2277 Lee Road, Winter Park, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Claim file processing review.

CLAIM REVIEW COMMITTEE

DATE AND TIME: December 11, 2001, 9:00 a.m.

PLACE: York, STB, 1211 N. Westshore Boulevard, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Claim file processing review.

Additional information may be obtained from: Lisa Blackwell Stoutamire, FAJUA, Suite 401, 1113 E. Tennessee St., Tallahassee, FL 32308, fajua@aol.com.

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited:

DATE AND TIME: December 12, 2001, 8:00 a.m.

PLACE: Lowndes, Drosdick, Doster, Kantor & Reed, 215 North Eola, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request filed September 19, 2001, from Richard Holstein, President, SmartPool, Inc. The request was assigned the number DCA01-DEC-144. This Declaratory Statement was issued November 7, 2001, and provides that the Section 515.27(1)(c), F.S., does not require that each opening be equipped with a separate individual alarm device, provided that the system sounds an audible continuous alarm meeting the required sound pressure rating when any door or window providing access to the pool is opened or left ajar.

A copy of the Declaratory Statement may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

**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:

Bristol-Myers Squibb Company vs. Department of Health, Board of Pharmacy and Department of Health, Board of Medicine; Case No.: 01-4269RE; Rule No.: 64B16ER1-2

Florida Electric Power Coordinating Group, Inc. vs. Department of Environmental Protection; Case No.: 01-4257RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Holnam, Inc. and Cemex, Inc. vs. Department of Insurance, Division of State Fire Marshall; Case No.: 01-2762RP; Rule No.: 4A-2.024; Closed

Osceola Fish Farmers Association, Inc. vs. South Florida Water Management District; Case No.: 01-2900RP; Rule No.: 40E-2.041; Invalid

HHCI Limited Partnership, d/b/a Harborside Healthcare-Pinebrook, d/b/a Harborside Healthcare-Sarasota, d/b/a Harborside Healthcare-Naples vs. Agency for Health Care Administration; Case No.: 01-3935RU; Closed

Section IX

Notices of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

Section X

Announcements and Objection Reports of the Joint Administrative Procedures Committee

NONE

Section XI

Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF EDUCATION

REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: 02L-86, W/O 509413, Newell and Center Drive Culvert Replacement, estimated budget: \$250,000-\$270,000, to be opened December 13, 2001, 2:00 p.m. (Local Time), in Purchasing, Elmore Hall, Radio Road, Gainesville, FL. Scope of work: Replacement of an existing 6' x 3' box culvert on Center Drive with a double 10' x 4' box culvert (Base Bid). Or the addition of two 58" x 91" elliptical pipes and a 36" RCP (Alternate 1). Or the addition of a 14' x 5' concrete box culvert (Alternate 2). Or the addition of a 'Contech' or equal aluminum box culvert 14'10" x 4'10" (Alternate 3). The project includes all work needed for maintenance and control of traffic, demolition and disposal, utility protection and relocation, culvert replacement, road reconstruction, and compliance with all University requirements. Specifications and Plans will be available in Purchasing, Elmore Hall, Radio Road, Gainesville, FL, (352)392-1331.

A Mandatory Pre-bid Meeting will be held November 28, 2001, 1:15 p.m., in the Physical Plant Division Architecture/Engineering Conference Room, Building 700, Radio Road, Gainesville, FL. All questions should be directed to: A. J. Sontag, Assistant Director, UF Purchasing, (352)392-1331, Ext. 306.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-bid or Bid opening, contact Emily J. Hamby, (352)392-1331, Ext. 303, within three (3) days of the event.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF INVITATION TO BID

BID NO. BDRS 62-01/02

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: Fort Zachary Taylor State Park Ranger Residences

SCOPE OF WORK: The contractor shall supply two (2) Mobil Homes with elevated platforms for Ranger Residences and provide the necessary labor, supervision, equipment and materials to completely set up the homes for occupancy.

PARK LOCATION: Fort Zachary Taylor State Park Southard Street on Truman Annex Key West, Monroe County, FL 33041

PROJECT MANAGER: Efrain Prado Bureau of Design and Recreation Services Telephone Number (850)488-5372 Fax Number (850)488-1141

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

INSTRUCTIONS: Chapter 399, 489 and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

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, November 23, 2001 at:

Fort Zachary Taylor State Park
P. O. Box 6560
Key West, FL 33041
Attention: Robert Rahberg,
Park Manager
Telephone Number (305)292-6713

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., Wednesday, December 18, 2001, to the below address:

Florida Department of Environmental Protection
Bureau of Design and Recreation Services
3540 Thomasville Road
Tallahassee, Florida 32309

The Department reserves the right to reject any or all bids.
Michael Renard, Contracts Manager, Bureau of Design and Recreation Services.

NOTICE OF INVITATION TO BID
BID NO. BDRS 66-01/02

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: Bahia Honda State Park
Wastewater Facilities Improvements

SCOPE OF WORK: The contractor shall provide the necessary labor, supervision, equipment and materials to construct new collection/transmission systems (3-total) with associated work.

PARK LOCATION: Bahia Honda State Park
12 miles South of Marathon
Big Pine Key (Monroe), FL

PROJECT MANAGER: Fred Hand
Bureau of Design and Recreation Services
Telephone Number (850)488-5372
Fax Number (850)488-1141

MINORITY BUSINESS REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PRE-QUALIFICATION: When the total bid price including alternates exceeds \$200,000.00, each bidder whose field is governed by Chapter 399, 489 and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Plans and specifications will be available on Friday, November 21, 2001 at:

Bahia Honda State Park
36850 Overseas Highway
Big Pine Key, FL 33043-3517
Attention: Gary McKee, Park Manager
Telephone Number (305)872-2353

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 2:00 p.m., Tuesday, December 18, 2001, to the below address:
Florida Department of Environmental Protection
Bureau of Design and Recreation Services
3540 Thomasville Road
Tallahassee, Florida 32309

The Department reserves the right to reject any or all bids.
Michael Renard, Contracts Manager, Bureau of Design and Recreation Services.

NOTICE OF INVITATION TO BID
STATE OF FLORIDA

DEPARTMENT OF ENVIRONMENTAL PROTECTION
BID NO. BDRS 67-01/02

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: St. Lucie Inlet/Seabranh Preserve
State Park
(REBID)

SCOPE OF

WORK: The contractor shall provide the necessary labor, supervision, equipment and materials to demolish existing water desalinization plant and replace with new/larger plant. Construct a new shop maintenance building with access road, stabilized yard and associated utilities.

PARK

LOCATION: St. Lucie Inlet Preserve State Park
16450 S.E. Federal Hwy.
Hobe Sound (Martin County), Florida

PROJECT

MANAGER: Jim Ross
Bureau of Design and Recreation Services
Telephone Number: (850)488-5372
Fax Number: (850)488-1141

MINORITY
BUSINESS

REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PRE-

QUALIFICATION: When the total bid price including alternates exceeds \$200,000.00, each bidder whose field is governed by Chapter 399, 489, and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Plans and specifications will be available on Friday, November 23, 2001 at:
St. Lucie Inlet Preserve State Park
16450 S.E. Federal Highway
Hobe Sound, FL 33455
Attention: John Griner, Park Manager
Telephone Number: (561)744-7603

ADA

REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Bureau of Design and Recreation Services at (850)488-5372 at least five (5) workdays prior to openings.

BID SUBMITTAL

DUE DATE: No later than 3:30 p.m., Thursday, December 27, 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 Proposals

2001/10 Rehabilitation of Farmworker Housing

The Florida Housing Finance Corporation invites all qualified and interested parties wishing to rehabilitate farmworker housing to submit proposals for consideration. Written, sealed proposals shall be accepted until 12:00 p.m., Eastern Time, January 18, 2002, to the attention of Robin Grantham, Contracts Analyst, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. For questions or additional information, please contact Robin Grantham, (850)488-4197 or robin.grantham@floridahousing.org.

To obtain a copy of the Request for Proposals, which outlines selection criteria and offeror's responsibilities, please submit your request to the attention of Robin Grantham, or you can download the Request for Proposals from the Florida Housing Finance Corporation web site at <http://www.floridahousing.org/rfps.html>. Any modifications that occur to the Request for Proposals will be posted at the web site and may result in an extension of the deadline.

FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION

The Florida Automobile Joint Underwriting Association is soliciting proposals from firms to provide legal services to the Association.

A copy of the Invitation may be obtained from the Association by contacting: Lisa Stoutamire, 1113 East Tennessee Street, Suite 401, Tallahassee, FL 32308, (850)681-2003, Fax (850)681-7802.

Proposals are due by 4:30 p.m., December 14, 2001.

**Section XII
 Miscellaneous**

DEPARTMENT OF BANKING AND FINANCE

NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following applications and/or other notice. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Chapter 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., December 12, 2001):

APPLICATION FOR A NEW FINANCIAL INSTITUTION

Applicant and Proposed Location: Bank of Florida, 110 East Broward Boulevard, Ft. Lauderdale, Florida 33301

Correspondent: A. George Iglar and Richard Pearlman, Iglar & Dougherty, P.A., Attorneys at Law, 1501 Park Avenue East, Tallahassee, Florida 32301

Received: November 9, 2001

APPLICATION FOR AN INTERNATIONAL BANK AGENCY OFFICE

Application and Location: Banco de Credito del Peru, Calle Centenario 156, Las Laderas de Melgarejo, La Molina, Lima 12, Peru

Proposed Florida Location: 801 Brickell Avenue, PH-2 Miami-Dade County, Miami, Florida 33131

Received: November 13, 2001

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: Tropical Financial Credit Union, 8000 N. W. 7th Street, Miami, Florida 33126

Expansion Includes: Persons who live and work in Miami-Dade County, Florida.

Received: November 9, 2001

IN RE:

Claim of James D. Belt and

Anne E. Belt

Against

CHARLES R. VARNEKE, Jr.

Administrative Proceeding

No. 3260-S-5/01

NOTICE OF INTENT TO ENTER A
FINAL ORDER APPROVING RECOVERY
FROM THE SECURITIES GUARANTY FUND

The State of Florida Department of Banking and Finance, Division of Securities and Investor Protection (the "Department"), being authorized and directed to administer and to accept and pay claims against the Securities Guaranty Fund (the "Fund"), codified in Sections 517.131 and 517.141, Florida Statutes, does hereby give Notice of its intention to enter a Final Order approving the application of James D. Belt and Anne E. Belt (hereinafter "Belts" and "Claimant") for payment from the Fund for violations of the Florida Securities and Investor Protection Act by Respondent Charles R. Varneke, Jr.

The Securities Guaranty Fund is disbursed as provided in Section 517.141, Florida Statutes, to a person who is adjudged by a court of competent jurisdiction to have suffered monetary damages as a result of a dealer, investment advisor, or associated person having violated Sections 517.07 or 517.301, Florida Statutes.

STATEMENT OF FACTS

1. Under the provisions of the Florida Securities and Investor Protection Act (the "Act"), the Department is charged with the responsibility and duty of administering the fund, which includes the duty to approve or deny applications for payment from the Fund, as set forth in Section 517.141 (3) (a), Florida Statutes.
2. At all times material hereto, Charles R. Varneke, Jr., ("Varneke") was registered pursuant to Chapter 517, Florida Statutes (CRD No. 453605).
3. On May 14, 2001, the Department received a letter from Steele T. Williams, the Belt's attorney, providing notice to the Department that the Claimant was making a claim against the Securities Guaranty Fund for acts committed by Varneke. With the letter and a subsequent letter, the Department was provided with the following:
 - a. A copy of an Affidavit of Damages in Support of Judgment on Arbitration Award stating that Steel Williams has been unable to locate any significant assets owned by Varneke;
 - b. A copy of a writ of execution to levy on Varneke's property from the Clerk of the Court in and for the Twelfth Judicial Circuit, in and for Sarasota County, Florida and the receipt for the writ from the Sarasota County Sheriff's Office;
 - c. A copy of the Final Judgment on Arbitration Award from the Circuit Court in and for the Twelfth Judicial Circuit in and for Sarasota County, Florida, Case No. 98-5584-CA in which the Belts were awarded \$70,418.34 in compensatory damages and \$19,717.14 in pre-judgment interest;
 - d. A copy of the Award in N.A.S.D. arbitration No. 95-03439 in which the Belt's were awarded \$70,418.34 in compensatory damages and \$19,717.14 in pre-judgment interest; and
- e. A copy of the Amended Statement of Claim filed in N.A.S.D. arbitration No. 95-03439 in which the Belts essentially alleged the sale of unsuitable securities, unauthorized trading, and false statements and omissions in connection with the sale of a security.

CONCLUSIONS OF LAW

4. The requirements for perfecting a claim to the Fund are found in Sections 517.131 and 517.141, Florida Statutes.
5. Based upon the foregoing Statement of Facts, the Department concludes that the Claimant satisfied the requirements in Section 517.131, Florida Statutes, in that:
 - a. The Belts have been adjudged by the Circuit Court in and for the Twelfth Judicial Circuit in and for Sarasota County, Florida, Case No. 98-5584-CA in which the Belts were adjudged to have suffered \$90,135.48 in damages resulting from Varneke's actions in violation of Section 517.301, Florida Statutes
 - b. The Belts have attempted to collect from the judgement debtor, but they have not recovered any amount from Varneke, or any other source in satisfaction of these damages;
 - c. At all times material hereto, Varneke was licensed under Chapter 517, Florida Statutes; and
 - d. The act for which the Belts seek recovery occurred after January 1, 1979.
6. Each Claimant is limited to recovering the amount equal to the unsatisfied portion of his or her judgment or \$10,000, whichever is less, as set forth in Section 517.141(1), Florida Statutes.
7. The total claims may not exceed \$100,000, and all claims will be prorated based upon the ratio that the person's claim bears to the total claims filed, as set forth in Section 517.141 (2), Florida Statutes.
8. Section 517.141(3), Florida Statutes, provides that no payment from the Fund shall be made until 2 years after the first claim has been determined by the Department to be eligible for payment from the Fund. This subsection further provides that any additional claims or potential claims filed with or approved by the Department during the two year period shall also be considered by the Department and provision made for further prorations concerning such additional claims, if any, two years hence.
9. It is the conclusion of the Department that no payment shall be made in connection with the Belt's claim until two years from the date of the first Final Order regarding Varneke.

PROPOSED FINAL ORDER

Upon due consideration of the factual statement set forth above and the law applicable thereto, NOTICE is hereby given that the Department intends to and will issue a Final Order substantially as follows, subject only to the Notice of Rights attached hereto and made a part hereof:

1. The Department hereby approves the Belt's claim in the amount of \$10,000;

2. James D. Belt and Anne E. Belt shall assign any right, title and interest in the debt to the Department to the extent of and prior to any payment by the Department from the Fund.

NOTICE OF RIGHTS

Notice is hereby given that the Respondent may request a hearing on the Notice of Intent to enter a Final Order Approving Recovery from the Securities Guaranty Fund to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. Requests for such a hearing must comply with the provisions of Florida Administrative Code 28-106.201, and must be filed with:

Clerk
Office of the Comptroller
Department of Banking and Finance
Legal Section
101 East Gaines Street
The Fletcher Building, Room 526
Tallahassee, Florida 32399-0350

within twenty-one (21) days after Respondent receives a copy of this Notice of Intent to enter a Final Order Approving Recovery from the Securities Guaranty Fund and Notice of Rights, otherwise Respondent shall be deemed to have waived all rights to such hearing. Should Respondent request such a hearing, it is further advised that at such hearing it will have the right to offer testimony, either written or oral; to call and cross-examine witnesses; and to have subpoena and subpoenas duces tecum issued on his behalf.

/s/
Thomas Cibula
Assistant General Counsel
Office of the Comptroller
101 East Gaines Street
The Fletcher Building, Suite 526
Tallahassee, Florida 32399-0350
(850)410-9896

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to subsection 380.06(4)(a), Florida Statutes.

FILE NO.: BLIVR-1102-004
DATE RECEIVED: November 13, 2001
DEVELOPMENT NAME: CAPRI PROJECT SITE
DEVELOPER/AGENT: Sable Resorts, Inc./
DEVELOPMENT TYPE: 28-24.026, 28-24.020, F.A.C.
COUNTY LOCATION: Broward
LOCAL GOVERNMENT: Fort Lauderdale City

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, Series P10 funding cycle. The project plans listed below were approved by the Executive Director under authority delegated from the governing body. The Executive Director is authorized to execute the agreements for acquisition of the project sites and all other documents necessary to close the projects and that funds be released as follows:

Project: 00-105-P10/Matanzas Estuary Geopark
Grantee: City of Marineland
Amount of Approved Funds: the lesser of 100% of the final total project costs or \$1,578,500.00

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, F.A.C. A petition is filed when it is received by the Trust Clerk, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing

if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

NOTICE OF CONCEPTUAL APPROVAL

The Florida Communities Trust (Trust) has conceptually approved funding applications submitted under the Florida Communities Trust Preservation 2000 Program, Series P10 funding cycle. On October 5-6, 2000 applications were scored, ranked and selected for funding according to the criteria and procedures set forth in Rule Chapter 9K-4, F.A.C. The Board authorized Florida Communities Trust to fund additional projects as funds became available. Funds are now available and the Trust approved the grant contracts that impose all conditions on the project awards. In accordance with Rule 9K-4.010, F.A.C., the projects are considered to have received conceptual approval for funding. The funds awarded derive from the sale of Preservation 2000 bonds.

Those applications conceptually approved for funding and the amount of funding conceptually approved are listed below. The conceptual approval is subject to appeal and may change following the appeals process. For this reason, final conceptual approval of awards cannot be made until any appeals have been resolved.

The following projects were approved for funding with funds currently already available:

Selected/Funded Project No.	Project Name	Applicant	Amount
00-067-P10	Miracle Strip Park on the Sound	City of Fort Walton Beach	\$1,797,945.00

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, F.A.C. A petition is filed when it is received by the Trust Clerk, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Indian Motorcycle Corporation, intends to allow the establishment of Tombstone Cycles, d/b/a Indian Motorcycle Palm Beach, as a dealership for the sale of Indian motorcycles, at 1890 S. Military Trail, West Palm Beach, Florida 33415, on or after October 2, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Tombstone Cycles, d/b/a Indian Motorcycle Palm Beach are dealer operator: Fred Campagnuolo, 1890 S. Military Trail, West Palm Beach, Florida 33145 and principal investor(s): Fred Campagnuolo, 1890 S. Military Trail, West Palm Beach, Florida 33145.

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: Ethan B. Bing, Dealer Development, Indian Motorcycle Corporation, 200 East Tenth Street, Gilroy, California 95020.

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 WALA Corporation d/b/a Vespa Jacksonville, as a dealership for the sale of Vespa ET2 and ET4 motor scooters, at 1128 N. 3rd Street, Jacksonville Beach (Duval County) Florida 32250, on or after November 15, 2001.

The name and address of the dealer operator(s) and principal investor(s) of WALA Corporation d/b/a Vespa Jacksonville are: dealer operator and principal investor(s): Tom Bolc, 1128 N. 3rd Street, Jacksonville Beach, Florida 32250.

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, California 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, Big Dog Motorcycles, LLC, intends to allow the establishment of Ernie Haire Ford, Inc., d/b/a Indian Motorcycle Tampa as a dealership for the sale of Big Dog Motorcycles, at 9528 North Florida Avenue, Tampa (Hillsborough County), Florida 33612 on or after November 5, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Ernie Haire Ford, Inc., d/b/a Indian Motorcycle Tampa are: dealer operator(s) Ernie Haire Ford, Inc., d/b/a Indian Motorcycle Tampa and principal investor(s): Ernest B. Haire, III, 9545 North Florida Avenue, Tampa, Florida 33612.

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: Lori Brands, Sales Office Manager, Big Dog Motorcycles, LLC, 1520 East Douglas, Wichita, Kansas 67214.

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, Hyundai Motor America, intends to allow the establishment of Hyundai of New Port Richey, LLC d/b/a Hyundai of New Port Richey, as a dealership for the sale of Accent Sonata, Tiburon, Elantra, XG300 and Santa Fe, at 3920 U.S. Highway 19, New Port Richey, Florida, on or after January 1, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Hyundai of New Port Richey, LLC d/b/a Hyundai of New Port Richey are: dealer operator: Scott

Fink, 3030 Turtle Brooke, Clearwater, Florida 33761; principal investor(s): Scott Fink, 3030 Turtle Brooke, Clearwater, Florida 33761.

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: Marty Vaughn, Market Representation Manager, Hyundai Motor America, 270 Riverside Parkway, Suite A, Austell, Georgia 30168.

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 Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Indian Motorcycle Corporation, intends to allow the establishment of Ironworks Powersports d/b/a Indian Motorcycle Bradenton, as a dealership for the sale of Indian motorcycles, at 525 Eighth Street West, Bradenton (Manatee County), Florida 34205, on or after October 15, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Ironworks Powersports d/b/a Indian Motorcycle Bradenton are dealer operator: Reed Mapes, 525 Eighth Street, West, Bradenton, Florida 34205; principal investor(s): Reed Mapes, 525 Eighth Street, West, Bradenton, Florida 34205

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Ethan B. Bing, Dealer Development, Indian Motorcycle, 200 East Tenth Street, Gilroy, California 95020.

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 WALA Corporation d/b/a Vespa Daytona, as a dealership for the sale of Vespa ET2 and ET4 motor scooters, at 1930 South Ridgewood Avenue, South Daytona (Volusia County), Florida 32119 on or after November 1, 2001.

The name and address of the dealer operator(s) and principal investor(s) WALA Corporation d/b/a Vespa Daytona are: dealer operator(s) and principal investor(s): Tom Bolc, 1903 South Ridgewood Avenue, South Daytona, Florida 32119.

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, California 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.

DEPARTMENT OF HEALTH

On November 7, 2001, John O. Agwunobi, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Gregory D. Blackman, D.C., license number CH 4390. Blackman's last known address is 322 South East River Vista Drive, Port St. Lucie, Florida 34952. 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 November 7, 2001, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Kerri M. Kern, C.N.A. Kern holds certificate number 1100000013070. Kern's last known address is 2207 South 34th Street, Ft. Pierce, Florida 34947. 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.

FISH AND WILDLIFE CONSERVATION COMMISSION

Request for Written Comments on Biological Status

The Florida Fish and Wildlife Conservation Commission has been petitioned to reclassify the Panama City crayfish (*Procambarus [Leconticambarus] econfina*) from State of Florida species of special concern status to threatened status. The Commission hereby requests written comments on the biological status of the Panama City crayfish pursuant to Section 68A-27.0012, Florida Administrative Code.

Written comments should be send to: Dr. Brad Gruver, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600. Written comments will be accepted until 5:00 p.m., January 7, 2002.

TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY

CALL FOR PARTICIPATION

The Technological Research and Development Authority (TRDA) seeks participation from traditional and non-traditional teacher training entities, including public and private universities, museums, research installations, large and small businesses, aquariums and zoos, not-for-profit organizations, for-profit organizations and individuals to participate as course providers for The Endeavour Academy, an organization dedicated to innovative math and science content-focused teacher professional development programs. The academy has been established with funding from the United States Department of Education Fund for the Improvement of Education and the Florida Department of Education.

The program goal is to retain science and math teachers and enhance student interest and performance in science and mathematics disciplines by expanding the knowledge base of teachers in mathematics and science subjects, stimulating the use of innovative and hands-on methods of teaching mathematics and science and supplying teachers with turnkey systems to use in the classroom.

This is not a grant program. Workshop providers will offer programs through The Academy and receive compensation based on fees and the number of registrants. The Endeavour Academy will provide financial support to schools and teachers wishing to participate in courses to ensure that teachers and schools have access to the quality programs offered through The Academy. Depending on the course costs, materials requirements and other incidental costs, support may include reduced workshop rates, stipends and travel.

The complete Call for Participation and workshop guidelines are available on the TRDA website at www.trda.org or from Michelle Peters, Director of Education, (321)269-6330 or at mpeters@trda.org.

The following proposal submission schedule applies to all proposals for the 2002 calendar year catalogs for The Endeavour Academy:

Submission Date	Workshop Selection Date	First Quarter <u>Workshop Offered</u>
November 26, 2001	December 10, 2001	Spring, 2002
February 11, 2002	March 1, 2002	Summer, 2002
June 3, 2002	June 21, 2002	Fall, 2002

The TRDA is an independent special district of the state of Florida created to promote technology education and economic development programs. More information about the agency can be found at www.TRDA.org. The TRDA presents this opportunity as part of contracts with the Florida Department of Education and the United States Department of Education.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN November 5, 2001
 and November 9, 2001**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF BANKING AND FINANCE
Division of Securities and Finance

3E-500.017	11/5/01	11/25/01	27/29	27/41
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DEPARTMENT OF INSURANCE
Division of State Fire Marshal

4A-2.024	11/5/01	11/25/01	27/23	27/40
4A-3.009	11/7/01	11/27/01	27/12	
4A-3.011	11/7/01	11/27/01	27/12	
4A-3.012	11/7/01	11/27/01	27/12	27/26
4A-57.002	11/9/01	11/29/01	27/35	
4A-57.003	11/9/01	11/29/01	27/35	
4A-57.005	11/9/01	11/29/01	27/35	
4A-57.007	11/9/01	11/29/01	27/35	

DEPARTMENT OF CITRUS

20-9.001	11/7/01	11/27/01	27/24	
20-9.002	11/7/01	11/27/01	27/24	
20-9.003	11/7/01	11/27/01	27/24	
20-9.004	11/7/01	11/27/01	27/24	27/40
20-9.005	11/7/01	11/27/01	27/24	27/40
20-9.006	11/7/01	11/27/01	27/24	27/40
20-9.007	11/7/01	11/27/01	27/24	
20-9.008	11/7/01	11/27/01	27/24	27/40

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF CORRECTIONS

33-302.111	11/6/01	11/26/01	27/29	27/39
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DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

Division of Workers' Compensation

38F-24.0231	11/8/01	11/28/01	27/40	
38F-68.001	11/8/01	11/28/01	27/40	
38F-68.006	11/8/01	11/28/01	27/40	

AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid Program Office

59G-4.025	11/8/01	11/28/01	27/32	
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

61G8-17.0034	11/9/01	11/29/01	27/40	
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-550.102	11/7/01	11/27/01	27/38	
62-550.200	11/7/01	11/27/01	27/38	
62-550.300	11/7/01	11/27/01	27/38	
62-550.310	11/7/01	11/27/01	27/38	
62-550.315	11/7/01	11/27/01	27/38	
62-550.320	11/7/01	11/27/01	27/38	
62-550.325	11/7/01	11/27/01	27/38	
62-550.500	11/7/01	11/27/01	27/38	
62-550.512	11/7/01	11/27/01	27/38	
62-550.513	11/7/01	11/27/01	27/38	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
62-550.514	11/7/01	11/27/01	27/38		62-560.545	11/7/01	11/27/01	27/38	
62-550.515	11/7/01	11/27/01	27/38		62-560.546	11/7/01	11/27/01	27/38	
62-550.516	11/7/01	11/27/01	27/38		62-560.550	11/7/01	11/27/01	27/38	
62-550.517	11/7/01	11/27/01	27/38		62-560.560	11/7/01	11/27/01	27/38	
62-550.518	11/7/01	11/27/01	27/38		62-560.600	11/7/01	11/27/01	27/38	
62-550.519	11/7/01	11/27/01	27/38		62-560.610	11/7/01	11/27/01	27/38	
62-550.540	11/7/01	11/27/01	27/38		62-560.620	11/7/01	11/27/01	27/38	
62-550.550	11/7/01	11/27/01	27/38						
62-550.590	11/7/01	11/27/01	27/38		DEPARTMENT OF HEALTH				
62-550.720	11/7/01	11/27/01	27/38		64-2.001	11/5/01	11/25/01	27/36	27/40
62-550.730	11/7/01	11/27/01	27/38		Board of Opticianry				
62-550.800	11/7/01	11/27/01	27/38		64B12-12.008	11/7/01	11/27/01	26/40	27/41
62-550.821	11/7/01	11/27/01	27/38		Board of Osteopathic Medicine				
62-550.824	11/7/01	11/27/01	27/38		64B15-14.007	11/9/01	11/29/01	27/31	27/41
62-560.310	11/7/01	11/27/01	27/38		DEPARTMENT OF CHILDREN AND FAMILY SERVICES				
62-560.400	11/7/01	11/27/01	27/38		Economic Self Sufficiency Program				
62-560.410	11/7/01	11/27/01	27/38		65A-1.716	11/5/01	11/25/01	27/33	
62-560.420	11/7/01	11/27/01	27/38						
62-560.430	11/7/01	11/27/01	27/38						
62-560.510	11/7/01	11/27/01	27/38						
62-560.520	11/7/01	11/27/01	27/38						
62-560.530	11/7/01	11/27/01	27/38						
62-560.540	11/7/01	11/27/01	27/38						