

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Voting System Equipment Regulations
 RULE NO.: 1S-5.001

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is update the current rule that establishes minimum standards for hardware and software for electronic and electromechanical voting systems pursuant to Section 101.015(2), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Florida Voting Systems Standards.

SPECIFIC AUTHORITY: 101.015 FS.

LAW IMPLEMENTED: 101.015 FS.

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

TIME AND DATE: 3:00 p.m., December 19, 2002

PLACE: The Collins Building, 107 West Gaines Street, Room 102, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Paul Craft, Division of Elections, 107 West Gaines Street, Room 231, Tallahassee, Florida 32399-0250, pcraft@mail.dos.state.fl.us, (850)245-6220

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Paul Craft, (850)245-6220, at least three days in advance of the meeting.

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

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE TITLE: Campus/Security Police Department
 RULE NO.: 6D-12.002

PURPOSE AND EFFECT: This rule establishes the guidelines for the Campus Security/Police Department of the Florida School for the Deaf and the Blind and shows that the Policies and Procedures Manual of the Department have been revised.

SUBJECT AREA TO BE ADDRESSED: Florida School for the Deaf and the Blind Campus Security/Police Policies and Procedures Manual.

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4),(8)(f) FS.

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

TIME AND DATE: 9:00 a.m., December 14, 2002

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

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

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

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE TITLE: Transportation Policies and Procedures
 RULE NO.: 6D-14.002

PURPOSE AND EFFECT: The purpose of this Rule is to establish written Polices and Procedures that will be followed by the Transportation Department of the Florida School for the Deaf and the Blind.

SUBJECT AREA TO BE ADDRESSED: Policies and Procedures Manual of the Transportation Department of the Florida School for the Deaf and the Blind.

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4) FS.

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

TIME AND DATE: 9:00 a.m., December 14, 2002

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

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

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DEPARTMENT OF REVENUE

Sales and Use Tax

RULE CHAPTER TITLE: Communications Services Tax
 RULE CHAPTER NO.: 12A-19

RULE TITLE: Taxable Services; Exclusions
 RULE NO.: 12A-19.002

PURPOSE AND EFFECT: The purpose and effect of the rule development is to amend Rule Chapter 12A-19, F.A.C., by creating a new rule section addressing the application of communications services taxes to digital subscriber line services.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is whether digital subscriber line services are subject to the communications services tax provided in Chapter 202, F.S.

SPECIFIC AUTHORITY: 202.26(2), 213.06 FS.
 LAW IMPLEMENTED: 202.11(3),(7) FS.
 A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 10:00 a.m., December 4, 2002
 PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0100
 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 Nancy Purvis, (850)488-0712. Persons with hearing or speech impairments may contact the Department using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Jennifer Silvey, Senior Attorney, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4727 or e-mail: silveyj@dor.state.fl.us
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

DOCKET NO.: 02-50R
 RULE CHAPTER TITLE: State Buffer Preserves
 RULE CHAPTER NO.: 18-23
 PURPOSE AND EFFECT: The Office of Coastal and Aquatic Managed Areas (CAMA) will amend the Rules of Chapter 18-23, Florida Administrative Code to ensure that the State Buffer Preserves and natural islands within the State Aquatic Preserves are appropriately managed for today’s citizens and for future generations. CAMA is seeking public input in the development of these rule amendments.
 SUBJECT AREA TO BE ADDRESSED: The properties under CAMA authority for which rulemaking will proceed are the state-owned buffer preserve uplands, adjacent to the aquatic preserves, leased to CAMA for management and the natural islands located within the boundaries of the state’s aquatic preserves and/or leased to CAMA for management. The natural islands are managed under the authority of the statutes and rules applicable to state-owned uplands. Spoil islands will not be within the jurisdiction of this rule.
 CAMA has experienced a variety of issues requiring effective management and will address those management issues in the amendments to Chapter 18-23, including but not limited to:
 Encouraging public access that is sustainable and protective of the long-term health of the resources;
 Preventing boundary encroachments (private fences, trash dumping, mowing, etc.);

Protecting cultural artifacts;
 Preventing structural damage or destruction of facilities by vandals;
 Protecting habitat;
 Preventing wildfires;
 Preventing plant and animal harvesting;
 Protecting wildlife from excessive disturbance;
 Preventing the introductions of non-indigenous animals and plants;
 Protecting the hydrology of the preserves;
 Enacting a prescribed fire maintenance program;
 Preventing resource degradation from excessive use;
 Protecting seasonal habitat (e.g. nesting birds); and,
 Addressing conflicting uses.

Additionally, CAMA will implement Section 253.086, Fla. Stat., which provides for fines for persons who violate this rule.
 SPECIFIC AUTHORITY: 253.86(1) FS.
 LAW IMPLEMENTED: 253.86(1),(2) FS.
 A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:
 TIME AND DATE: 6:00 p.m. – 9:00 p.m., December 2, 2002
 PLACE: Florida Marine Research Institute, 100 Eighth Ave., East, Room 3001, St. Petersburg, Florida
 TIME AND DATE: 6:00 p.m. – 9:00 p.m., December 3, 2002
 PLACE: DEP South District Office, 2295 Victoria Avenue, Room 165 C & D, Ft. Myers, Florida
 TIME AND DATE: 6:00 p.m. – 9:00 p.m., December 4, 2002
 PLACE: DEP Southeast District Office, 400 North Congress Avenue, Second Floor Public Meeting Conference Room, West Palm Beach, Florida
 TIME AND DATE: 6:00 p.m. – 9:00 p.m., December 5, 2002
 PLACE: West Melbourne Public Library, 2755 Wingate Boulevard, West Melbourne, Florida
 TIME AND DATE: 6:00 p.m. – 9:00 p.m., December 6, 2002
 PLACE: Black Hammock Island Park, 15770 Sawpit Road, Jacksonville, Florida
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these workshops is asked to advise the agency at least 48 hours before the workshop by contacting the Bureau of Personnel Services, (850)245-2511. If you are hearing or speech impaired, please contact the Florida Relay Service by calling 1(800)955-8771 (TDD).
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Danny Riley, Assistant Director, Office of Coastal and Aquatic Managed Areas, 3900 Commonwealth Blvd., M.S. 235, Tallahassee, Florida 32399-3000, (850)245-2094 or SC 205-2094, Fax (850)245-2110 or SC 205-2110, E-mail: danny.riley@dep.state.fl.us

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

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: RULE CHAPTER NO.:
 Market Classification, Maturity
 Standards and Processing
 or Packing Restrictions
 for Hybrids 20-13

RULE TITLE: RULE NO.:
 Oranges: 2002-2003 Anhydrous Acid
 Maturity Standards 20-13.0011

PURPOSE AND EFFECT: Lowering minimum acid requirement for fresh oranges by 10% as allowed by statute.

SUBJECT AREA TO BE ADDRESSED: Lowering minimum acid requirement for fresh oranges.

SPECIFIC AUTHORITY: 601.10(1),(7), 601.11, 601.19 FS.

LAW IMPLEMENTED: 601.111, 601.19 FS.

IF REQUESTED 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: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

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

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: RULE CHAPTER NO.:
 Ownership and Use of "Florida Citrus
 Growers" Certification Mark 20-109

RULE TITLE: RULE NO.:
 Standards for Citrus Fruit and Citrus
 Products Bearing the Mark 20-109.005

PURPOSE AND EFFECT: Modifying standards for use of the "Florida Citrus Growers" symbol to allow products exceeding maximum ratio Grade A limitations to qualify.

SUBJECT AREA TO BE ADDRESSED: Modifying standards for use of the mark.

SPECIFIC AUTHORITY: 601.10(1), 601.11, 601.15(10)(a) FS.

LAW IMPLEMENTED: 601.101, 601.9918, 601.15(2) FS.

IF REQUESTED 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: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

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

REGIONAL PLANNING COUNCILS

North Central Florida Regional Planning Council

RULE TITLE: RULE NO.:
 Strategic Regional Policy Plan 29C-9.001

PURPOSE AND EFFECT: The Council proposes to amend the North Central Florida Strategic Regional Policy.

SUBJECT AREA TO BE ADDRESSED: The Council proposes to amend the North Central Florida Strategic Regional Policy Plan to incorporate the recommendations of its evaluation and appraisal report (EAR) completed in accordance with Section 186.511, Florida Statutes.

SPECIFIC AUTHORITY: 186.505, 186.507, 186.511, 120.54 FS.

LAW IMPLEMENTED: 186.511 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: 8:00 p.m., December 5, 2002

PLACE: Holiday Inn, U.S. 90 and I-75, Lake City, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Charles F. Justice, Executive Director, North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Suite A, Gainesville, FL 32653-1603

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

29C-9.001 Strategic Regional Policy Plan.

There is hereby adopted, for the North Central Florida Region, the Strategic Regional Policy Plan of the North Central Florida Regional Planning Council, dated ~~October 16, 1997~~ May 23, 1996, amended ~~October 16, 1997~~, which is incorporated herein by reference and copies of which are kept at the Council office at: 2009 N. W. 67 Place, Suite A, Gainesville, FL 32653-1603.

Specific Authority 186.508(1), 186.511 FS. Law Implemented 120.535(1), 186.507, 185.501(1), 186.511 FS. History--New 7-14-96, Amended 10-16-97, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: RULE NO.:
 Inmate Grievances – Training Requirements 33-103.003

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to correct an office title and provide a cross-reference for a previously incorporated form.

SUBJECT AREA TO BE ADDRESSED: Inmate grievance procedure staff training.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-103.003 Inmate Grievances – Training Requirements.

(1) Staff Training. The staff development section within the Bureau of Human Resources Staff Development shall develop and implement a standardized plan to train staff in the use of the inmate grievance procedure. The training shall be designed to familiarize staff with the provisions of Chapter 33-103, F.A.C., and the standardized forms utilized in the grievance procedure. Staff training is governed by Chapter 33-209, F.A.C.

(a) through (b) No change.

(c) The provision of training shall be documented on Form DC2-901, Training Attendance Report. Form DC2-901 is incorporated by reference in Rule 33-103.019, F.A.C.

(2) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History--New 10-12-89, Amended 1-15-92, 4-10-95, 12-7-97, Formerly 33-29.003, Amended 8-1-00, 10-11-00,_____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

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

PURPOSE AND EFFECT: The purpose and effect of the rule development is to modify and update the District's forms and application processing fees.

SUBJECT AREA TO BE ADDRESSED: Amend the water use compliance forms, water use permit application, and supporting information forms and amend the application processing fees for individual public water supply permits, individual irrigation permits, individual mining (dewatering) permits, individual industrial permits, and minor permit modifications.

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

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

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

TIME AND DATE: 10:00 a.m. – 12:00 p.m., Tuesday, December 3, 2002

PLACE: Orlando Service Center, Shingle Creek Conference Room, 1707 Orlando Central Parkway, Suite 200, Orlando, FL, (407)858-6100

TIME AND DATE: 1:00 p.m. – 4:00 p.m., Wednesday, December 4, 2002

PLACE: Ft. Myers Service Center, 2301 McGregor Boulevard, Ft. Myers, FL 33901, (239)338-2929

TIME AND DATE: 9:00 a.m. – 12:00 p.m., Friday, December 6, 2002

PLACE: South Florida Water Management District, B-1 Storch Room, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)686-8800 or 1(800)432-2045

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

Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE DISTRICT'S WEBSITE AT http://www.sfwmd.gov/org/wsd/wateruse/b_list.html OR CONTACT RUFINO OSORIO, (561)682-6261, rosorio@sfwmd.gov.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

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

PURPOSE AND EFFECT: The purpose and effect of the rule development is to create Mandatory Year Round Landscape Irrigation Measures for Lee and Collier counties and that portion of Charlotte county within the South Florida Water Management District.

SUBJECT AREA TO BE ADDRESSED: Proposed measures include regulations, procedures, and specific day of the week and time of day irrigation restrictions for residential and commercial landscape irrigation uses, golf courses, and recreation areas.

SPECIFIC AUTHORITY: 120.54, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 120.54, 373.042, 373.0421, 373.103, 373.117, 373.223, 373.609 FS.

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

TIME AND DATE: 3:00 p.m., December 3, 2002

PLACE: Big Cypress Basin, 6089 Janes Lane, Naples, FL 34109

TIME AND DATE: 6:30 p.m., December 3, 2002

PLACE: South County Regional Library, 21100 Three Oaks Parkway, Estero, FL 33928

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: For technical issues: Bruce Adams, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6785 or (561)682-6785 (badams@sfwmd.gov). For procedural issues: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (jjenniso@sfwmd.gov).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE DISTRICT'S WEBSITE OR BY CONTACTING NILENE PERRY, (561)682-6273.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

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

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

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

Supplemental irrigation requirement, pollution remediation; interference with existing legal uses; offsite land use impacts; pasture irrigation; use of reclaimed water; wellfield operational plans; diversion/impoundment allocation; permit duration; permit renewal process; impact evaluations; local sources first; aquifer storage and recovery; wetland protection; areas with maximum developable limits; year round water conservation measures, including those for the Lower West Coast region; water conservation, water shortage plan; fees and forms. The changes will also correct citations and make changes to clarify language currently in the rule.

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

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

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

TIME AND DATE: 10:00 a.m. – 12:00 p.m., Tuesday, December 3, 2002

PLACE: Orlando Service Center, Shingle Creek Conference Room, 1707 Orlando Central Parkway, Suite 200, Orlando, FL, (407)858-6100

TIME AND DATE: 1:00 p.m. – 4:00 p.m., Wednesday, December 4, 2002

PLACE: Ft. Myers Service Center, 2301 McGregor Boulevard, Ft. Myers, FL 33901, (239)338-2929

TIME AND DATE: 9:00 a.m. – 12:00 p.m., Friday, December 6, 2002

PLACE: South Florida Water Management District, B-1 Storch Room, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)686-8800 or 1(800)432-2045

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

Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Regarding procedural questions: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (internet:jjenniso@sfwmd.gov); regarding substantive questions: Scott Burns, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6817 or (561)682-6817.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE DISTRICT'S WEBSITE AT http://www.sfwmd.gov/org/wsd/wateruse/b_list.html OR CONTACT RUFINO OSORIO, (561)682-6261, rosorio@sfwmd.gov.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Artificial Recharge
 RULE CHAPTER NO.: 40E-5

PURPOSE AND EFFECT: The purpose and effect of the rule development is to modify and update the rules regarding artificial recharge systems pursuant to sections 373.106 and 373.219, F.S.

SUBJECT AREA TO BE ADDRESSED: Artificial recharge systems in conjunction with aquifer recharge, aquifer storage and recovery systems, and heat exchange and the intentional introduction of water into any underground formation, except activities under Chapter 377, F.S. The changes will also correct citations and make changes to clarify language currently in the rule.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.106 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 p.m., Tuesday, December 3, 2002

PLACE: Orlando Service Center, Shingle Creek Conference Room, 1707 Orlando Central Parkway, Suite 200, Orlando, FL, (407)858-6100

TIME AND DATE: 1:00 p.m. – 4:00 p.m., Wednesday, December 4, 2002

PLACE: Ft. Myers Service Center, 2301 McGregor Boulevard, Ft. Myers, FL 33901, (239)338-2929

TIME AND DATE: 9:00 a.m. – 12:00 p.m., Friday, December 6, 2002

PLACE: South Florida Water Management District, B-1 Storch Room, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)686-8800 or 1(800)432-2045

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

Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE DISTRICT'S WEBSITE AT http://www.sfwmd.gov/org/wsd/wateruse/b_list.html OR CONTACT RUFINO OSORIO, (561)682-6261, rosorio@sfwmd.gov.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

Water Use Department, Water Supply Division

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

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

SUBJECT AREA TO BE ADDRESSED: Conditions for permit issuance, conditions for permit modifications, conditions for dewatering permits, and permit durations. The changes will also correct citations and make changes to clarify language currently in the rule.

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

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

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

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PLACE: Orlando Service Center, Shingle Creek Conference Room, 1707 Orlando Central Parkway, Suite 200, Orlando, FL, (407)858-6100

TIME AND DATE: 1:00 p.m. – 4:00 p.m., Wednesday, December 4, 2002

PLACE: Ft. Myers Service Center, 2301 McGregor Boulevard, Ft. Myers, FL 33901, Phone: (239)338-2929

TIME AND DATE: 9:00 a.m. to 12:00 p.m., Friday, December 6, 2002

PLACE: South Florida Water Management District, B-1 Storch Room, 3301 Gun Club Road, West Palm Beach, FL 33406, Phone: (561)686-8800 or (800)432-2045

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6294 or (561)682-6294 (internet:jjennison@sfwmd.gov). Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is

to be based. Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, at (561)682-6371 at least two business days in advance to make appropriate arrangements.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE DISTRICT'S WEBSITE AT http://www.sfwmd.gov/org/wsd/wateruse/b_list.html OR CONTACT RUFINO OSORIO, (561)682-6261, rosorio@sfwmd.gov.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Water Shortage Plan
 RULE CHAPTER NO.: 40E-21

PURPOSE AND EFFECT: The purpose and effect of the rule development is to amend and update Chapter 40E-21 relating to the Water Shortage Plan.

SUBJECT AREA TO BE ADDRESSED: Water Shortage Restrictions and water shortage basin boundaries. The changes will also correct citations and make changes to clarify language currently in the rule.

SPECIFIC AUTHORITY: 120.54, 373.044, 373.113 FS.

LAW IMPLEMENTED: 120.54, 373.026, 373.042, 373.0421, 373.103, 373.119, 373.175, 373.246, 373.603, 373.609 FS.

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TIME AND DATE: 1:00 p.m. – 4:00 p.m., Wednesday, December 4, 2002

PLACE: Ft. Myers Service Center, 2301 McGregor Boulevard, Ft. Myers, FL 33901, (239)338-2929

TIME AND DATE: 9:00 a.m. to 12:00 p.m., Friday, December 6, 2002

PLACE: South Florida Water Management District, B-1 Storch Room, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)686-8800 or 1(800)432-2045

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

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

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE DISTRICT'S WEBSITE AT http://www.sfwmd.gov/org/wsd/wateruse/b_list.html OR CONTACT RUFINO OSORIO, (561)682-6261, rosorio@sfwmd.gov.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Regional Water Shortage Plans
 RULE CHAPTER NO.: 40E-22

PURPOSE AND EFFECT: The purpose and effect of the rule development is to amend and update the Regional Water Shortage Plans.

SUBJECT AREA TO BE ADDRESSED: Basin specific water shortage criteria for aquifers in the Lower West Coast region and basin boundaries for the Lake Istokpoga/Indian Prairie Area.

SPECIFIC AUTHORITY: 120.54, 373.044, 373.113 FS.

LAW IMPLEMENTED: 120.54, 373.026, 373.042, 373.0421, 373.103, 373.119, 373.175, 373.246, 373.603, 373.609 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 p.m., Tuesday, December 3, 2002

PLACE: Orlando Service Center, Shingle Creek Conference Room, 1707 Orlando Central Parkway, Suite 200, Orlando, FL, (407)858-6100

TIME AND DATE: 1:00 p.m. – 4:00 p.m., Wednesday, December 4, 2002

PLACE: Ft. Myers Service Center, 2301 McGregor Boulevard, Ft. Myers, FL 33901, (239)338-2929

TIME AND DATE: 9:00 a.m. – 12:00 p.m., Friday, December 6, 2002

PLACE: South Florida Water Management District, B-1 Storch Room, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)686-8800 or 1(800)432-2045

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

Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Regarding procedural questions: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West

Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (internet:jjenniso@sfwmd.gov); regarding substantive questions: Scott, Burns, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6817 or (561)682-6817.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE DISTRICT'S WEBSITE AT http://www.sfwmd.gov/org/wsd/wateruse/b_list.html OR CONTACT RUFINO OSORIO, (561)682-6261, rosorio@sfwmd.gov.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Mandatory Year Round Landscape Irrigation Measures for Lee, Collier, and Charlotte Counties

RULE CHAPTER NO.: 40E-24

PURPOSE AND EFFECT: The purpose and effect of the rule development is to create Mandatory Year Round Landscape Irrigation Measures for Lee and Collier Counties and that portion of Charlotte county within the South Florida Water Management District.

SUBJECT AREA TO BE ADDRESSED: Proposed measures include regulations, procedures, and specific day of the week and time of day irrigation restrictions for residential and commercial landscape irrigation uses, golf courses, and recreation areas.

SPECIFIC AUTHORITY: 120.54, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 120.54, 373.042, 373.0421, 373.103, 373.117, 373.223, 373.609 FS.

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

TIME AND DATE: 3:00 p.m., December 3, 2002
 PLACE: Big Cypress Basin, 6089 Janes Lane, Naples, FL 34109

TIME AND DATE: 6:30 p.m., December 3, 2002
 PLACE: South County Regional Library, 21100 Three Oaks Parkway, Estero, FL 33928

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: For technical issues: Bruce Adams, South Florida Water Management District, Post Office Box 24680, West Palm

Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6785 or (561)682-6785 (badams@sfwmd.gov). For procedural issues: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (jjenniso@sfwmd.gov).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE DISTRICT'S WEBSITE OR BY CONTACTING NILENE PERRY, (561)682-6273.

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Health Quality Assurance

RULE CHAPTER TITLE: Minimum Standards for Home Medical Equipment Providers

RULE CHAPTER NO.: 59A-25

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete the language located in paragraph 59A-25.002(5)(a), F.A.C., that states the following: AHCA will send out applications 120 to 150 days prior to the expiration of the license.

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

SPECIFIC AUTHORITY: 400.935 FS.

LAW IMPLEMENTED: Part X of Chapter 400, 400.92-.957 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. – 11:00 a.m., December 9, 2002

PLACE: Agency for Healthcare Administration, Fort Knox Boulevard, 2727 Mahan Drive, Building 3, Room 3207D, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Monteen S. Heikkila, Agency for Health Care Administration, Home Care Unit, Mail Stop 34, 2727 Mahan Drive, Tallahassee, FL 32308, (850)414-6010, E-mail: heikkilm@fdhc.state.fl.us

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE CHAPTER TITLE: Athlete Agents

RULE CHAPTER NO.: 61-24

PURPOSE AND EFFECT: The rule chapter is being amended following the 2002 legislative changes made to Section 468.453, Florida Statutes, which eliminated the examination and surety bond requirements for athlete agent licensure.

SUBJECT AREA TO BE ADDRESSED: Athlete Agent licensure.

SPECIFIC AUTHORITY: 215.405, 468.457 FS.

LAW IMPLEMENTED: 215.405, 455.203, 455.2281, 455.271, 468.453, 468.4536 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: Eric R. Hurst, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 02-38R

RULE CHAPTER TITLE: Permits RULE CHAPTER NO.: 62-4

RULE TITLES: Definitions RULE NOS.: 62-4.020

Procedures to Obtain Permits and Other Authorizations; Applications 62-4.050

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: This rulemaking will amend the fee schedule in Rule 62-4.050, F.A.C., to provide reduced permit application fees for environmental enhancement and restoration activities under the wetland resource and environmental resource permit programs (Part IV of Chapter 373, F.S.). Amendments also will be proposed in Rule 62-4.020, F.A.C., to define the enhancement and restoration activities that can qualify for the new fee. The definition will specify that such environmental enhancement and restoration activities may not be associated with activities that otherwise involve mitigation for other activities that require a permit under part IV of Chapter 373, F.S.

CONTACT: Jeanese McCree, Bureau of Beaches and Wetland Resources, Tallahassee; telephone (850)245-8486; facsimile (850)245-8499; or e-mail jeanese.mccree@dep.state.fl.us.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Technician RULE NO.: 64B3-5.004

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

SUBJECT AREA TO BE ADDRESSED: Technician.

SPECIFIC AUTHORITY: 483.805(4), 483.811(2), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS.

IF REQUESTED 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: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-5.004 Technician.

(1) through (2) No change.

(3) Qualifications for Histology Technicians. For the category of histology, applicants for technician licensure shall have one hour of Board approved HIV/AIDS continuing education, a minimum of a high school diploma or its equivalent, examination ~~certification~~ in histology by the American Society of Clinical Pathologists, and one of the following:

(a) through (d) No change.

(4) through (6) No change.

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 590-5.004, Amended 5-26-98, 9-20-98, 1-11-99, 8-31-99, 9-27-00, 12-26-00, 4-29-02, 10-29-02, _____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Renewal of Clinical Laboratory Personnel License RULE NO.: 64B3-8.001

PURPOSE AND EFFECT: The Board proposes to delete current text and add new language to the existing rule.

SUBJECT AREA TO BE ADDRESSED: Renewal of Clinical Laboratory Personnel License.

SPECIFIC AUTHORITY: 456.035, 483.805(4), 483.817(2) FS.

LAW IMPLEMENTED: 456.035, 483.817, 483.821 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 FOR A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-8.001 Renewal of Clinical Laboratory Personnel License.

~~The department shall renew a license upon receipt of the renewal fee. A licensee shall submit a signed renewal application and renewal fee to the Department. The application shall contain the following:~~

- ~~(1) Name and address of the licensee.~~
- ~~(2) A signed affidavit that the licensee has met the continuing education requirements of Chapter 64B3-11, F.A.C., or has demonstrated competency by reexamination as provided by Section 483.821, F.S.~~
- ~~(3) The type of clinical laboratory personnel license to be renewed.~~
- ~~(4) Name and address of the current employer which shall be the licensee's place of practice unless the licensee is unemployed.~~
- ~~(5) The appropriate renewal fee, as provided in Rule Chapter 64B3-9, F.A.C.~~
- ~~(6) Upon request, original or certified copy(ies) of certificate(s) of attendance from continuing education course(s) approved pursuant to Chapter 64B3-11, F.A.C., including HIV/AIDS continuing education.~~

~~Specific Authority 456.035, 483.805(4), 483.817(2) FS. Law Implemented 456.035, 483.817, 483.821 FS. History--New 2-22-94, Formerly 61F3-8.001, Amended 12-26-94, 5-3-95, 12-3-96, Formerly 59O-8.001, Amended _____.~~

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Inactive Status and Reactivation of Inactive Clinical Laboratory Personnel License

RULE NO.: 64B3-8.002

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

SUBJECT AREA TO BE ADDRESSED: Inactive Status and Reactivation of Inactive Clinical Laboratory Personnel License.

SPECIFIC AUTHORITY: 456.036, 483.805(4), 483.819 FS.

LAW IMPLEMENTED: 456.036, 483.817 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 FOR A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-8.002 Inactive Status and Reactivation of Inactive Clinical Laboratory Personnel License.

- (1) No change.
- (2) An inactive status licensee may change to active status at any time provided the licensee meets the continuing education ~~or reexamination~~ requirements ~~of subsection (3) of this rule.~~ The licensee shall be requested to provide copies of all continuing education hours, and:

- (a) through (b) No change.
- (c) Pays, if applicable, the change of status processing fee of Rule 64B3-9.010, F.A.C.; ~~and~~
- (d) ~~Pays the change of status fee of Rule 64B3-9.013, F.A.C.~~

~~(3) A licensee seeking reactivation to active status must demonstrate competency by reexamination as provided by Section 483.821, F.S.; or by documenting continuing education hours as follows:~~

- ~~(a) For the last biennium of active licensure plus up to one year of inactive status — documents 36 contact hours of Board approved continuing education; or,~~
- ~~(b) For the last biennium of active licensure plus up to two years of inactive status — documents 48 contact hours of Board approved continuing education; or,~~
- ~~(c) For the last biennium of active licensure plus up to three years of inactive status — documents 60 contact hours of Board approved continuing education; or,~~
- ~~(d) For the last biennium of active licensure plus up to four years of inactive status — documents 72 contact hours of Board approved continuing education.~~

~~(4) An inactive licensee who elects active status is not eligible to elect to return to inactive status until the next biennial licensure renewal period.~~

~~Specific Authority 456.036, 483.805(4), 483.819 FS. Law Implemented 456.036, 483.817 FS. History--New 2-22-94, Formerly 61F3-8.002, Amended 12-26-94, 5-3-95, 12-3-96, Formerly 59O-8.002, Amended 9-12-99, 5-16-00, _____.~~

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Delinquent Status License
 RULE NO.: 64B3-8.005
 PURPOSE AND EFFECT: The Board proposes to update the existing rule.
 SUBJECT AREA TO BE ADDRESSED: Delinquent Status License.
 SPECIFIC AUTHORITY: 456.036, 483.805(4) FS.
 LAW IMPLEMENTED: 456.036 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-8.005 Delinquent Status License.

(1) through (2) No change.

(3) The delinquent status licensee who applies for active or inactive license status shall ~~submit an application and:~~

(a) Pay either the active status fee of Rule 64B3-9.004, F.A.C., or the inactive status license fee of Rule 64B3-9.006, F.A.C., the delinquent status license fee of Rule 64B3-9.011, F.A.C., and, if applicable, the change of status processing fee of Rule 64B3-9.010, F.A.C., ~~and the change of status fee of Rule 64B3-9.013, F.A.C.;~~ and

(b) No change.

Specific Authority 456.036, 483.805(4) FS. Law Implemented 456.036 FS. History—New 12-26-94, Amended 12-3-96, Formerly 59O-8.005, Amended 12-21-99, _____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Continuing Education
 RULE NO.: 64B3-11.001
 PURPOSE AND EFFECT: The Board proposes to add new text to the existing rule.
 SUBJECT AREA TO BE ADDRESSED: Continuing Education.
 SPECIFIC AUTHORITY: 456.013, 483.821 FS.
 LAW IMPLEMENTED: 456.013, 483.821 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-11.001 Continuing Education.

(1) through (7) No change.

(8) Licensed clinical laboratory personnel who teach continuing education may claim three hours of continuing education credit for each hour of prepared lecture. These hours, however, may be claimed only once per biennium during which the person teaches the program. No continuing education credit shall be granted to a school faculty member merely as credit for the faculty member's regular teaching assignments.

(9) In addition to the continuing education credits authorized herein, former Board members will receive eight hours of credit per biennium for annual service on a Probable Cause Panel.

Specific Authority 456.013, 483.821 FS. Law Implemented 456.013, 483.821 FS. History—New 2-22-94, Amended 7-13-94, Formerly 61F3-11.001, Amended 12-11-94, 3-28-95, 12-4-95, 7-1-97, Formerly 59O-11.001, Amended 3-19-98, 12-13-99, 3-20-01, 10-13-02, _____.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Application for Licensure Fees
 RULE NO.: 64B7-27.002
 PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Application for licensure fees.

SPECIFIC AUTHORITY: 480.035(7), 480.044(1) FS.

LAW IMPLEMENTED: 480.044(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: RULE NO.:

Display of Licenses 64B7-28.008

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Display of licenses.

SPECIFIC AUTHORITY: 480.035(7), 480.043(1),(2),(9) FS.

LAW IMPLEMENTED: 480.043(1),(2),(9), 456.013(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: RULE NO.:

Application Fees for Physical Therapists 64B17-2.001

PURPOSE AND EFFECT: The Board proposes to add to current rule text.

SUBJECT AREA TO BE ADDRESSED: Application Fees for Physical Therapists.

SPECIFIC AUTHORITY: 486.025, 486.041(1), 486.081(2) FS.

LAW IMPLEMENTED: 486.041(1) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-2.001 Application Fees for Physical Therapists.

(1) No change.

(2) Examination – An applicant for licensure by examination shall remit an application fee of \$100. When the Board certifies the applicant to sit for the examination, it is the

applicant’s responsibility to complete the examination process with the national vendor. In compliance with the Americans with Disabilities Act, any applicant requesting special accommodations shall comply with the Department of Health’s Rule 64B-1.005, F.A.C. The initial application fee for the jurisprudence examination shall be in the amount of \$25.

Specific Authority 486.025, 486.041(1), 486.081(2) FS. Law Implemented 486.041(1), FS. History–New 12-13-83, Amended 5-29-85, Formerly 21M-7.25, Amended 6-20-89, Formerly 21M-7.025, 21MM-2.001, 61F11-2.001, 59Y-2.001, Amended 2-1-99, _____.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: RULE NO.:

Application Fees for Physical 64B17-2.003
Therapist Assistant

PURPOSE AND EFFECT: The Board proposes to add to current rule text.

SUBJECT AREA TO BE ADDRESSED: Application Fees for Physical Therapist Assistant.

SPECIFIC AUTHORITY: 486.025, 486.103(1), 486.107(2) FS.

LAW IMPLEMENTED: 486.103(1), 486.107(2) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-2.003 Application Fees for Physical Therapist Assistant.

(1) No change.

(2) Examination – An applicant for licensure by examination shall remit an application fee of \$100. When the Board certifies the applicant to sit for the examination, it is the applicant’s responsibility to complete the examination process with the national vendor. In compliance with the Americans with Disabilities Act, any applicant requesting special accommodations shall comply with the Department of Health’s Rule 64B-1.005, F.A.C. The initial application fee for the jurisprudence examination shall be in the amount of \$25.

Specific Authority 486.025, 486.103(1), 486.107(2) FS. Law Implemented 486.103(1), 486.107(2) FS. History–New 12-13-83, Amended 5-29-85, Formerly 21M-10.25, Amended 6-20-89, Formerly 21M-10.025, 21MM-2.003, 61F11-2.003, 59Y-2.003, Amended 2-1-99, _____.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Examination Security and Sanctions for Subversion
 RULE NO.: 64B17-3.006

PURPOSE AND EFFECT: The Board proposes to create a new rule.

SUBJECT AREA TO BE ADDRESSED: Examination Security and Sanctions for Subversion.

SPECIFIC AUTHORITY: 486.023(4), 486.025 FS.

LAW IMPLEMENTED: 456.017(1)(d) FS.

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

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

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Examination Security and Sanctions for Subversion
 RULE NO.: 64B17-4.006

PURPOSE AND EFFECT: The Board proposes to create a new rule.

SUBJECT AREA TO BE ADDRESSED: Examination Security and Sanctions for Subversion.

SPECIFIC AUTHORITY: 486.023(4), 486.025 FS.

LAW IMPLEMENTED: 456.017(1)(d) 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 FOR A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

**Section II
 Proposed Rules**

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLES: Books and Records
 RULE NOS.: 3D-40.170

Mortgage Brokerage Files
 3D-40.175

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments to 3D-40.170 clarify that before a licensee may maintain required books, accounts, and records at a location other than the licensee's principle place of business, the Department must be notified of the location in writing. The Department's confirmation letter must be maintained at the licensee's principle place of business. When these requirements for off-site records maintenance have been met, the licensee shall have three days from the date of the Department's written request to produce the documents. In all other cases, the required documents must be maintained for inspection by the Department upon demand at the licensee's principle place of business. The proposed amendments to Rule 3D-40.175, F.A.C., clarify that, in addition to the documentation listed with specificity in subsections (2) through (7) of the rule, all other documentation originated, received, and/or related to the mortgage loan from application to final disposition must be maintained for three years from the date of origination.

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: 494.0011(2), 494.0016(4) FS.

LAW IMPLEMENTED: 494.0016, 494.0038, 494.0041, 494.0043 FS.

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

TIME AND DATE: 10:00 a.m., December 6, 2002

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

Pursuant to the American's with Disabilities Act, any person requiring special accommodations to participate in this hearing, please advise the Department at least 5 calendar days before the hearing by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bob Tedcastle, Financial Administrator, or Rick Morgan, Financial Control Analyst, Suite 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

THE FULL TEXT OF THE PROPOSED RULES IS:

3D-40.170 Books and Records.

(1) Books, accounts, and records that are required to be maintained at the principal place of business shall be made available to the Department for review, upon the Department's request.

~~(1)(a)~~(a) A licensee may maintain required books, accounts, and records at a location other than the principal place of business. The licensee must notify the Department in writing prior to said books, accounts, and records being maintained in any place other than the designated principal place of business. Such notification shall be submitted to the Department of Banking and Finance, Division of Securities and Finance, Attention: Regulatory Support, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(b) The notification shall include confirmation by the licensee that the proposed storage facilities are in a building of stationary construction wherein the books, accounts, and records will be kept in a secured location under conditions, which will not lead to the damage or destruction of the records.

~~(3)(2)~~ If the Department is notified by a licensee that it will maintain the books, accounts, and records at a location other than the principal place of business, such books ~~Books,~~ accounts, and records shall be made available to the Department for review within three (3) business days from the date of a written request by the Department and at a reasonable and convenient location in this State designated by the Department.

(4) The licensee shall maintain at the principal place of business a copy of the confirmation letter from the Department to maintain its records at a location other than the principal place of business.

~~(5)(3)~~ All books, accounts, and records must be maintained for three (3) years from the date of "original entry". For the purpose of this rule, "original entry" means the date the documentation was originated by the licensee or received by the licensee.

~~(6)(4)~~(a) The penalty for maintaining books, accounts, and records at a location other than the principal place of business, without written notification to the Department, shall be the issuance of a "notice of noncompliance" for a first offense. Any subsequent finding of a violation of this rule during an examination or investigation shall be a \$500 fine.

(b) The penalty for refusal to permit an investigation or examination of books, accounts, and records, after a reasonable request by the Department, shall be revocation of the license. This paragraph shall not apply to a proceeding governed by the rules of civil procedure of any state or federal court.

Specific Authority 494.0011(2), 494.0016(4) FS. Law Implemented 494.0016, 494.0041(2) FS. History New 2-16-92, Amended 7-25-96, 12-12-99,_____.

3D-40.175 Mortgage Brokerage Files.

(1) No change.

(2) Each file shall contain at least the following:

(a) Mortgage brokerage agreement pursuant to Section 494.0038, F.S.;

(b) Copy of signed closing statement ~~as required by Section 494.0037(3), F.S.,~~ or documentation of denial or cancellation of the loan application; and

(c) A copy of the good faith estimate of costs pursuant to Section 494.0038(2)(c), F.S.

(3) through (7) No change.

(8) In addition to the foregoing specific documentation, all ~~All~~ documentation originated, received, or related to the mortgage loan from the application through the final disposition must be maintained for three (3) years from the date of the original entry. "Original entry" means the date the documentation was originated by the mortgage brokerage business or received by the mortgage brokerage business. For each brokerage transaction, files and documentation shall be maintained and remain complete for three (3) years from the date of "original entry" of the last document in the file.

(9) through (10) No change.

Specific Authority 494.0011(2), 494.0016(4) FS. Law Implemented 494.0016, 494.0038, 494.0041, 494.0043 FS. History-New 2-16-92, Amended 7-25-96, 8-7-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bob Tedcastle, Financial Administrator, Suite 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 6, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE TITLE: Code of Student Conduct

RULE NO.: 6D-7.007

PURPOSE AND EFFECT: The purpose of this Rule is to establish the rights, responsibilities and conduct of the students enrolled in the Florida School for the Deaf and the Blind.

SUMMARY: This rule indicates that the code requires adherence to all applicable law. Indicates specific grounds for disciplinary action and procedures to be followed for acts requiring discipline.

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: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4)(d) FS.

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

TIME AND DATE: 9:00 a.m., December 14, 2002

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-7.007 Code of Student Conduct.

(1)(a) through (2)(b) No change.

(c) Suspension – The temporary removal of a student, for a period not to exceed ten school days (without an IEP, Individual Educational Plan, to review student behavior), (1) from classes and assignment to a designated staff member for supervision; or (2) temporary removal of a student from the classroom and dormitory and temporary withdrawal from extra curricular activities. The student will be remanded to the custody of the student’s parent(s)/legal guardian with specific homework assignments for the student to complete.

(d) through (j) No change.

(k) Code of Student Conduct – Those regulations of this School, found in Rules 6D-7.007, 6D-7.0072, 6D-7.0073, FAC., which regulate the conduct of students at the School.

(l) through (4) No change.

Specific Authority 1002.36(4)(c) ~~420.53(1)(b), 242.331(3)~~ FS. Law Implemented 1002.36(4)(d) ~~420.53(1)(b), 242.331(4)~~ FS. History–New 9-4-84, Formerly 6D-7.07, Amended 8-26-86, 5-5-87, 1-12-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elmer Dillingham, Jr., President, Florida School for the Deaf and the Blind

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 19, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 27, 2002

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE TITLE: Grounds for Disciplinary Action

RULE NO.: 6D-7.0072

PURPOSE AND EFFECT: The purpose of this Rule is to establish violations to the Code of Student Conduct for students enrolled in the Florida School for the Deaf and the Blind.

SUMMARY: This rule indicates what constitutes the A, B and C violations to the Code of Student Conduct.

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: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4)(d) FS.

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

TIME AND DATE: 9:00 a.m., December 14, 2002

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-7.0072 Grounds for Disciplinary Action.

Listed below are violations of the Code of Student Conduct to be utilized while the student is under the jurisdiction of the School. Notice that some violations are grounds for criminal penalties under Florida Statutes.

(1)(a) through (2)(g) No change.

~~(h) Possession of electronic pagers and/or portable telephone.~~

~~(h)(i) Repeated occurrences of Class C violations.~~

(3)(a) through (j) No change.

Specific Authority 1002.36(4)(c) ~~420.53(1)(b), 242.331(3)~~ FS. Law Implemented 1002.36(4)(d) ~~420.53(1)(b), 242.331(4), 230.23(6)(d)~~ FS. History–New 5-5-87, Amended 3-13-94,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elmer Dillingham, Jr., President, Florida School for the Deaf and the Blind

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 19, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 27, 2002

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER TITLE: Florida Building Commission –

RULE CHAPTER NO.: 9B-3

Operational Procedures

9B-3

RULE TITLE:

RULE NO.:

State Building Codes Adopted

9B-3.047

PURPOSE, EFFECT AND SUMMARY: Amendments to the Florida Building Code adopted by reference in Rule 9B-3.047, F.A.C. Copies of the proposed amendments and comments submitted are available on the Building Code Information System at www.floridabuilding.org.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 553.73(3) FS.

LAW IMPLEMENTED: 553.73(3) FS.

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

TIME AND DATE: 9:00 a.m., December 10, 2002

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-3.047 State Building Code Adopted.

(1) The Florida Building Code as revised by the Florida Building Commission on ~~November 6, 2001~~, is hereby adopted and incorporated by reference as the building code for the State of Florida.

NOTE: The following sections of the Florida Building Code are subject to proposed amendments. The text of the proposed amendments may be viewed on-line at www.floridabuilding.org.

Specific Authority 553.73(1),(2),(7),~~553.842~~ FS. Law Implemented 553.72, 553.73(2),(3),(7),(9),~~553.842~~ FS. History—New 7-18-90, Amended 3-30-93, 10-17-93, 8-28-95, 9-24-96, 12-26-96, 4-27-97, 10-5-97, 10-14-97, 9-7-00, 11-28-00, 2-7-01, 12-16-01,_____.

Volume Building:

Chapter 2, Definitions

The following section is amended in the Code:

201 (Words Not Defined): 201.3

202 (Definitions): “Dwelling Unit, Type A and Dwelling Unit, Type B” “Openings” “Registered Termicide” “Value” “Sunroom”

Chapter 3, Occupancy Classification

The following section is amended in the Code:

301 (General): 301

Chapter 4, Special Occupancy

The following section is amended in the Code:

419 (Hospitals and Intermediate Residential Treatment Facilities): 419

420 (Nursing Homes): 420

421 (Ambulatory Surgical Centers): 421

412.2 (Private Swimming Pools): 424.2.17.1.2, 424.2.17.1.9, 424.2.17.1.11, 424.2.2, 424.2.17.1.8, 424.2.17.1.13, 424.2.6.6.2, 424.2.6.6.4, 424.2.21.3, 424.2.6.6.3

427 (Mental Health Programs): 427.1.4.13.3

The following section is added in the Code: 424.2.17.1.15, 424.2.2

Chapter 5, General Building Limitations

The following section is amended in the Code:

T500 (Allowable Heights and Building Areas): “D Occupancy”

Chapter 9, Fire Protection Systems

The following section is amended in the Code:

903 (Sprinklers): 903.8.1,

Chapter 10, Means of Egress

The following section is amended in the Code:

1001 (General): 1001.2

1003 (Occupant Load and Means Of Egress Capacity): 1003.2.7

1005 (Special Exit Requirements): 1005.4, 1005.4.5, 1005.4.2

1007 (Stairway construction): 1007.3.2

1012 (Doors): 1012.1.3

1016 (Means Of Egress and Illumination And Signs): T1016

1026 (Residential): 1026.7

Chapter 13, Energy Efficiency

The following section is amended in the Code:

13-608 (Space Heating Systems): 608.1.ABC.1.3

13-610 (Air Distribution Systems): 610.2.A.2.1

13-Appendix A (Jurisdictional Data)
 13-Appendix B (Supplemental Information for Sub-Chapter 4): B5.1.3

13-Appendix D (Energy Code Compliance Forms 600A-01)
 13-Appendix C (Tables 6C-3 through 6C-5)

Chapter 15, Roof Assemblies and Roof Top Structures

The following section is amended in the Code:

- 1503 (Weather Protection): 1503.4.4
- 1504 (Performances requirements): 1504.5
- 1507 (Roof Coverings With Slopes 2:12 Or Greater): 1507.3.3, 1507.3.8.3, 1507.3.9.2, 1507.4.9, 1507.6.3, 1507.6.6, 1507.7.3, 1507.8.3, 1507.9.1.1, 1507.10.1.1, 1507.10.3, 1507.4.4, 1507.9.
- 1508 (Roof Coverings With Slopes Less Than 2:12): 1508.5.2,
- 1512 (High Velocity Hurricane Zones, General): 1512.4.2.4
- 1514 (High Velocity Hurricane Zones, Weather Protection): 1514.3

Chapter 16, Structural Loads

The following section is amended in the Code:

- F1606 (Wind-Bourne Debris Region & Basic Wind Speed): Map
- 1606 (Wind Loads): 1606.1.1, 1606.1.8.3, Table 1606.2B, 1606.1.7, Table 1606.2A, 1606.1.4
- 1609 (Load Combinations): 1609.4.3

Chapter 17, Structural Tests and Inspections

The following section is amended in the Code:

- 1707 (Materials and Assembly Tests): 1707.4.2.1, 1707.4.5.1, 1707.4.2, 1707.4.3, 1707.4.3.1, 1707.4.3.2, 1707.4.4.2,

Chapter 18, Foundations and Retaining Walls

The following section is amended in the Code:

- 1804 (Footings and Foundations): 1804.6.2.7.2
- 1816 (Termite Protection): 1816.1

Chapter 21, Masonry

The following section is amended in the Code:

- 2119 (High Velocity Hurricane Zones Quality, Tests, and Approvals): 2119.4.3.1

Chapter 23, Wood

The following section is amended in the Code:

- 2314 (High Velocity Hurricane Zones General): 2314.4.7

Chapter 25, Gypsum Board and Plaster

The following section is amended in the Code:

- T2503 (Materials) 2503

Chapter 26, Plastic

The following section is amended in the Code:

- 2605 (High Velocity Hurricane Zones Plastics): 2605.3.1.3

Chapter 27, Electrical

The following section is added in the Code:

- 2703 (Cross References * Defining Electrical Requirements of the Florida Building Code, Building)

Chapter 30, Elevators and Conveying Systems

The following section is added in the Code:

- 3001 (General): 3001.1

Chapter 31, Special Construction

The following section is amended in the Code:

- 3107 (Structures Seaward of A Coastal Construction Control Line): 3107.4.1, 3107.4.2

Chapter 34, Existing Buildings

The following section is amended in the Code:

- 3401.7 (Application to existing Buildings/Additions) 3401.7.1
- 3401.7 (Application to existing Buildings/Repairs and Alterations) 3401.7.2, 3401.7.2.4
- 3401.8 (High Velocity Hurricane Zone Application to Existing Buildings): 3401.8.3.2

Chapter 35, Reference Standards

The following section is amended in the Code:

- 3502 (Reference Standards) NFPA, HHCF, SMACNA, ASTM, AF&PA, ACI, D6222, FRSA/RTI,
- 3503 (Organizations): Added Organization

Appendix C, Standard for Mitigation of Radon in Existing Buildings

The following section is amended in the Code:

- 502 (Design Criteria): 502.1

Test Protocols for High Velocity Hurricane Zones

The following section is amended in the Code:

- RAS 120, RAS 127, RAS 128, TAS 124, TAS 125,

Volume Mechanical:

Chapter 3, General Regulations

The following section is amended in the Code:

- 301 (General): 301.13
- 304 (Installation): 304.7, 304.2
- 306 (Access and Service Space): 306.3

Chapter 4, Ventilation

The following section is amended in the Code:

- 402 (Natural Ventilation): 402.3.1
- 403 (Mechanical Ventilation): 403.2

Chapter 5, Exhaust Systems

The following section is amended in the Code:

- 504 (Clothes Dryer Exhaust): 504.3
- 507 (Commercial Kitchen Hoods): 507.13.3
- 513 (Mausoleum Relief Vent): 513.4

The following section is added in the Code:

- 505 (Domestic Kitchen Exhaust Equipment): 505.2, 505.3

Chapter 6, Duct Systems

The following section is amended in the Code:

- 601 (General): 601.4
- 606 (Smoke Detection Systems Control): 606.2, 606.1

Chapter 9, Specific Appliances, Fireplaces and Solid Fuel Burning Equipment

The following section is added in the Code:

- 925, 926, 927, 928, 929, 930

Volume Plumbing:

Chapter 2, Definitions

The following section is amended in the Code:
202 (Definitions) "grease interceptor" and "grease trap"

Chapter 3, General Regulations

The following section is amended in the Code:
305 (Protection of Pipes and Plumbing System Components):
305.6

Chapter 4, Fixtures, Faucets and Fixture Fittings

The following section is amended in the Code:
403 (Minimum Plumbing Facilities): T403.1

Chapter 5, Water Heaters

The following section is amended in the Code:
502 (Installation): 502.2

Chapter 6, Water Supply and Distribution

The following section is amended in the Code:
604 (Design of Building Water Distribution System): 604.9
610 (Disinfection of Potable Water System): 610.1
612 (Well Pumps and Tanks Used For Private Potable Water
Systems): 612.2, 612.3.1,

Chapter 10, Traps Interceptors and Separators

The following section is amended in the Code:
1003 (Interceptors and Separators): 1003.5.2

Chapter 11, Storm Drainage

The following section is amended in the Code:
1106 (Size of Conductors, Leaders and Storm Drains): T1106.6

Appendix F,

Proposed Construction Building Codes For Turf and
Landscape Irrigation Systems

The following section is amended in the Code:
Part I (General): Part I, C.1.b.

Volume Fuel Gas:

Chapter 6, Special Appliances

The following section is amended in the Code:
623 (Water Heaters): 623.6.1, 623.7

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 6, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 11, 2002

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER TITLE: Florida Building Commission –

RULE CHAPTER NO.: 9B-3

Operational Procedures

9B-3

RULE TITLE: Alternative Plans Review and Inspection

RULE NO.: 9B-3.053

Forms Adopted

9B-3.053

PURPOSE, EFFECT AND SUMMARY: This amendment is intended to adopt forms for use in conjunction with the private provider system of plan review and inspection enacted during the 2002 legislative session. The forms will be used to notify a building official of the election of the alternate procedure and an affidavit of compliance for plan reviewers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 553.791(4),(5) FS.

LAW IMPLEMENTED: 553.791(4),(5) FS.

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

TIME AND DATE: 8:55 a.m., December 10, 2002

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091

THE FULL TEXT OF THE PROPOSED RULES IS:

(NOTE: The following sections of the Florida Building Code are subject to proposed amendments. The text of the proposed amendments may be viewed on-line at www.floridabuilding.org.)

9B-3.053 Alternative Plans Review and Inspection Forms Adopted.

The following forms are adopted for use in conjunction with utilization of a private provider to perform plan review and inspection:

(1) Notice to Building Official of Use of Private Provider, Form Number 2002-01;

(2) Private Provider Plan Compliance Affidavit, Form Number 2002-02.

Specific Authority 553.791(4),(5) FS. Law Implemented 553.791(4),(5) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 4, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 13, 2002

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER TITLE: Prototype Plan Review and Approval

RULE CHAPTER NO.: 9B-74

RULE TITLES: Definitions

RULE NOS.: 9B-74.010

Administration and Fees

9B-74.020

Plan Review and Approval

9B-74.030

PURPOSE, EFFECT AND SUMMARY: The amendments to the referenced sections of Rule Chapter 9B-74, F.A.C., are to allow the prototype plan approval process to address alternative design features of one general set of plans; to limit the scope of the process to buildings that are less than a prescribed size and to make editorial corrections. The amendments are also intended to define "alternate design features" and prescribe conditions for the approval thereof; to define a size limitation for buildings subject to approval; and make editorial corrections.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 553.77(5) FS.

LAW IMPLEMENTED: 553.77(5) FS.

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

TIME AND DATE: 8:50 a.m., December 10, 2002

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-74.010 Definitions.

For the purpose of this chapter, the following words, unless the context does not permit, shall have the meanings indicated:

(1) through (7) No change.

(8) Alternate design features, commonly referred to as "Alternates," means additional options that can be substituted for original design features.

Specific Authority 553.77(5) FS. Law Implemented 553.77(5) FS. History--New 5-2-02, Amended

9B-74.020 Administration and Fees.

(1) through (c) No change.

(d) Coordinate with and make available financial records and record keeping for inspection by the Commission on a quarterly basis bases;

(e) through (3) No change.

Specific Authority 553.77(5) FS. Law Implemented 553.77(5) FS. History--New 5-2-02, Amended

9B-74.030 Plans Review and Approval.

(1) through (5) No change.

(6) Use of alternate design features shall be acceptable if the applicant indexes the alternate design features on the first sheet of the plans.

(7) Buildings subject to approval through this program shall be limited to those buildings not exceeding three stories in height or 300,000 square feet in area.

Specific Authority 553.77(5) FS. Law Implemented 553.77(5) FS. History--New 5-2-02, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Shirley Collins, Director, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 4, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 13, 2002

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Sales and Use Tax	12A-1
RULE TITLES:	RULE NOS.:
Aircraft, Boats, Mobile Homes, and Motor Vehicles	12A-1.007
Food and Drink for Human Consumption; Sales of Food or Drinks Served, Cooked, Prepared, or Sold by Restaurants or Other Like Places of Business	12A-1.011
Federal Excise Taxes, Gross Receipts Tax, and Other Fees	12A-1.022
Electric Power and Energy	12A-1.053
Fuels	12A-1.059

PURPOSE AND EFFECT: The purpose of the amendments to Rule 12A-1.007, F.A.C. (Aircraft, Boats, Mobile Homes, and Motor Vehicles), Rule 12A-1.053, F.A.C. (Electric Power and Energy), and Rule 12A-1.059, F.A.C. (Fuels), is to remove provisions regarding charges for federal excise taxes and to provide that guidelines for the imposition of sales tax on charges for federal excise taxes, gross receipts tax, and other fees are provided in Rule 12A-1.022, F.A.C., as amended.

The purpose of the proposed amendments to Rule 12A-1.011, F.A.C. (Food and Drink for Human Consumption; Sales of Food or Drinks Served, Cooked, Prepared, or Sold by Restaurants or Other Like Places of Business), is to remove obsolete guidelines regarding federal excise taxes imposed on the sale of meals.

The purpose of the proposed amendments to Rule 12A-1.022, F.A.C., is to: (1) change the title to "Federal Excise Taxes, Gross Receipts Tax, and Other Fees" to reflect the proposed changes to the rule; (2) provide guidelines on how sales tax applies to separately itemized charges for the federal manufacturers tax or for the federal retail excise taxes imposed on the retail sale of certain items; (3) provide that wholly or partially separately itemized charges for gross receipts tax are included in the amount of charges for electricity or natural or manufactured gas subject to sales tax; (4) provide that the

separately itemized charges for the new tire fee, lead-acid battery fee, motor vehicle warranty fee, and rental car surcharge are included in the sales prices subject to sales tax; (5) provide that separately itemized charges for the municipal public service taxes imposed under ss. 166.231 or 166.232, F.S., by a municipality or charter county are not subject to sales tax; and (6) provide that each and every fee imposed by a municipality or other political subdivision of the state is subject to sales tax, even when separately itemized on a customer's bill, invoice, statement, or other evidence of sale.

SUMMARY: The proposed amendments to Rule 12A-1.007, F.A.C. (Aircraft, Boats, Mobile Homes, and Motor Vehicles), remove provisions regarding charges for federal excise taxes and provide that guidelines on how sales tax applies to separately itemized charges for federal excise taxes, gross receipts tax, and other fees are provided in Rule 12A-1.022, F.A.C., as amended.

The proposed amendments to Rule 12A-1.011, F.A.C. (Food and Drink for Human Consumption; Sales of Food or Drinks Served, Cooked, Prepared, or Sold by Restaurants or Other Like Places of Business), remove obsolete provisions regarding federal excise taxes imposed on the sale of meals.

The proposed amendments to Rule 12A-1.022, F.A.C.: (1) change the title to "Federal Excise Taxes, Gross Receipts Tax, and Other Fees" to reflect the proposed changes to the rule; (2) provide guidelines on how sales tax applies to separately itemized charges for the federal manufacturers tax or charges for the federal retail excise taxes imposed on the retail sale of certain items; (3) provide that wholly or partially separately itemized charges for gross receipts tax are included in the amount of charges for electricity or natural or manufactured gas subject to sales tax; (4) provide that the separately itemized charges for the new tire fee, lead-acid battery fee, motor vehicle warranty fee, and rental car surcharge are included in the sales prices subject to sales tax; (5) provide that separately itemized charges for the municipal public service taxes imposed under ss. 166.231 or 166.232, F.S., by a municipality or charter county are not subject to sales tax; and (6) provide that each and every fee imposed by a municipality or other political subdivision of the state is subject to sales tax when separately itemized on a customer's bill, invoice, statement, or other evidence of sale.

The proposed amendments to Rule 12A-1.053, F.A.C. (Electric Power and Energy), remove provisions regarding federal excise taxes and provide that guidelines on how sales tax applies to separately itemized charges for federal excise taxes, gross receipts tax, and other fees are provided in Rule 12A-1.022, F.A.C., as amended.

The proposed amendments to Rule 12A-1.059, F.A.C. (Fuels), provide that guidelines on how sales tax applies to separately itemized charges for federal excise taxes, gross receipts tax, and other fees are provided in Rule 12A-1.022, F.A.C., as amended.

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

Any person who wishes to provide information regarding 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: 212.05(1), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.02(2),(4),(10),(14),(15),(16), (19),(20), 212.03, 212.05, 212.06(1),(2),(3),(4),(5),(7),(8), (10),(12), 212.0601, 212.0606, 212.07(2),(7), 212.08(1),(4),(5)(i),(7),(10),(11), 212.12(2),(12), 212.18(2), 213.255(1),(2),(3), 215.26(2), 403.718, 403.7185, 681.117 FS.

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

TIME AND DATE: 9:00 a.m., December 11, 2002

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0100

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 Nancy Purvis, (850)488-0712. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407 or e-mail: youngj@dor.state.fl.us

The Department's Proposed rules are available on the Department's web site: www.myflorida.com/dor/rules.

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-1.007 Aircraft, Boats, Mobile Homes, and Motor Vehicles.

(1)(a) The sale, including occasional or isolated sales, the use, consumption, or storage for use in this state of any aircraft, boat, mobile home, motor vehicle, or other vehicle of a class or type required to be registered, licensed, titled, or documented in this state or by the United States Government is taxable on the full sales price without any deduction for federal taxes, freight, handling, delivery, commission, repossessions, advertising, future free service, or any other expense or cost whatsoever. Separately stated fees or charges as a requisite to the titling, licensing, registration, transfer of ownership, or recording of lien, or operation of any automobile in this state,

mandated by the state, its subdivisions, or any state or licensed tag agency or office, shall not be included in the sales price, and as a result are not subject to tax.

(b) through (11) No change.

~~(12)(a) Federal retail excise taxes imposed on the retail sale of any aircraft, boat, mobile home, or motor vehicle are not subject to Florida sales and use tax, when separately stated on the sales invoice.~~

~~(b) Federal manufacturers' excise taxes imposed upon the manufacturer are part of the sales price of any aircraft, boat, mobile home, or motor vehicle upon which the tax is computed, whether or not separately stated.~~

(13) through (29) renumbered (12) through (28) No change.

Cross Reference: Rule 12A-1.022, F.A.C., for guidelines on federal excise taxes, gross receipts tax, and other fees; Rules 12A-1.037, 12A-1.064, and 12A-1.066, F.A.C.

Specific Authority 212.05(1), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(2),(4),(10),(14),(15),(16),(19),(20), 212.03, 212.05(1), 212.06(1),(2),(4),(5),(7),(8),(10),(12), 212.0601, 212.07(2),(7), 212.08(5)(i),(7)(0),(aa),(ee),(10),(11), 212.12(2),(12), 213.255(1),(2),(3), 215.26(2) FS. History—Revised 10-7-68, 1-7-70, Amended 1-17-71, Revised 6-16-72, 8-18-73, 12-11-74, 6-9-76, Amended 2-21-77, 5-10-77, 9-26-77, 9-28-78, 3-16-80, 12-31-81, 7-20-82, 10-13-83, Formerly 12A-1.07, Amended 1-2-89, 12-11-89, 3-17-93, 10-17-94, 3-20-96, 4-2-00, 6-19-01,_____.

12A-1.011 Food and Drink for Human Consumption; Sales of Food or Drinks Served, Cooked, Prepared, or Sold by Restaurants or Other Like Places of Business.

(1) through (13) No change.

~~(14) Any federal excise tax on meals, if separately stated, is excluded for sales tax purposes and tax is figured on the price of the meal alone.~~

(15) through (28) renumbered (14) through (27) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02, 212.07(2), 212.08(1),(4)(a)1,(7), 212.18(2) FS. History—Revised 10-7-68, 6-16-72, 9-28-78, 10-29-81, Formerly 12A-1.11, Amended 12-8-87, 1-2-89, 8-10-92, 6-19-01,_____.

12A-1.022 Federal Excise Taxes, Gross Receipts Tax, and Other Fees.

~~(1) FEDERAL EXCISE TAXES. Federal excise taxes imposed upon the retailer shall be excluded from the price of tangible personal property in computing the sales and use tax thereon and only the net sales price shall be taxable.~~

(a)(2) The federal manufacturers excise tax imposed on the manufacturer of certain items is to be included in the sales price upon which sales and use tax is computed when the federal manufacturers tax is separately itemized on a customer's bill, invoice, statement, or other evidence of sale even though the federal tax is listed as a separate item on the invoice. Examples of the federal manufacturers excise tax are the gas guzzler tax and the taxes on sporting goods, firearms, tires, gasoline, gasohol, kerosene, fuel, and coal.

(b) The federal retail excise taxes levied upon the retail sale of certain items are NOT included in the sales price upon which sales and use tax is computed when the federal tax is separately itemized on a customer's bill, invoice, statement, or other evidence of sale. Examples of the federal retail excise tax are the luxury automobile tax and the heavy truck and trailer tax.

(2) TAXES AND FEES IMPOSED BY THE STATE OF FLORIDA.

(a) The gross receipts tax imposed under the provisions of Chapter 203, F.S., on the provider of electricity or natural or manufactured gas is included in the charge upon which sales and use tax is computed when the gross receipts tax is passed on to the customer and wholly or partially separately itemized on a customer's bill, invoice, statement, or other tangible evidence of sale.

(b) The following fees levied by the State of Florida are included in the sales price upon which sales and use tax is computed when the fee is separately itemized on the customer's bill, invoice, statement, or other evidence of sale:

- 1. New tire fee levied under s. 403.718, F.S.;
- 2. Lead-acid battery fee levied under s. 403.7185, F.S.;
- 3. Rental car surcharge levied under s. 212.0606, F.S.; and
- 4. Motor vehicle warranty fee levied under s. 681.117, F.S.

(3) TAXES AND FEES IMPOSED BY POLITICAL SUBDIVISIONS OF THE STATE. Any excise or similar taxes levied by the federal government, any political subdivision of the State of Florida, or municipality, upon the purchase or sale of telephone or telegraph services or electrical power, when such tax is collected by the seller from the purchaser, shall be excluded from the price of such service when computing the sales or use tax thereon, and only the net sales shall be taxable.

(a) Any municipal public service tax imposed under ss. 166.231 or 166.232, F.S., by a municipality or a charter county on the purchase of electric power or energy, natural gas, liquefied petroleum gas, fuel oil, or kerosene is NOT included in the sales price upon which sales and use tax is computed when the municipal public service tax is separately itemized on a customer's bill, invoice, statement, or other evidence of sale.

(b) Each and every fee imposed by a municipality or other political subdivision of the State of Florida on the provider of utility services, such as a franchise fee, is included in the sales price upon which sales and use tax is computed when the fee is passed on to the customer and separately itemized on the customer's bill, invoice, statement, or other tangible evidence of sale.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(16), 212.05(3), 212.0606, 403.718, 403.7185, 681.117 FS. History-Revised 10-7-68, 6-16-72, Formerly 12A-1.22, Amended _____.

- 12A-1.053 Electric Power and Energy.
- (1) No change.

~~(2) Any excise or similar taxes levied by the federal government, any political subdivision of the State of Florida or municipality upon the purchase of electric power or energy when such tax is collected by the seller from the purchaser shall be excluded from the price of such service when computing the sales or use tax thereon and only the net sales shall be taxable.~~

(3) through (4) renumbered (2) through (3) No change.
Cross Reference: Rule 12A-1.022, F.A.C., for guidelines on federal excise taxes, gross receipts tax, and other fees.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(2),(19), 212.05(1)(e), 212.06(1)(a),(b), 212.08(4),(7)(j), 212.18(2) FS. History-Revised 10-7-68, 6-16-72, Amended 12-11-74, 10-18-78, 6-3-80, 12-23-80, 7-20-82, Formerly 12A-1.53, Amended 10-2-01, _____.

12A-1.059 Fuels.

(1) through (2) No change.
Cross Reference: Rule 12A-1.022, F.A.C., for guidelines on federal excise taxes, gross receipts tax, and other fees; Rule 12A-1.087, F.A.C., and Rule subsection 12B-5.130(2), F.A.C.

Specific Authority 212.17(6), 212.18(2), 213.06(1), FS. Law Implemented 212.05, 212.06(3), 212.08(4),(7)(b),(j), FS. History-Revised 10-7-68, 6-16-72, Amended 7-19-72, 12-11-74, 10-18-78, 7-3-79, 6-3-80, 12-23-80, 8-26-81, 12-31-81, 7-20-82, 10-13-83, Formerly 12A-1.59, Amended 12-13-88, 5-19-93, 9-14-93, 3-20-96, 10-2-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet L. Young, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4727, e-mail: youngj@dor.state.fl.us.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12A-1, F.A.C., Sales and Use Tax, were noticed for a rule development workshop in the Florida Administrative Weekly on July 12, 2002 (Vol. 28, No. 38, pp. 2953-2955). A rule development workshop was held on July 31, 2002, in Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida. No changes were made in response to oral and written comment received by the Department. Technical changes were made by the Department and included in the Notice of Proposed Rulemaking.

**DEPARTMENT OF REVENUE
Sales and Use Tax**

RULE CHAPTER TITLE: Communications Services Tax
RULE CHAPTER NO.: 12A-19

RULE TITLES:	RULE NOS.:
Registration	12A-19.010
Tax Due at Time of Sale; Tax Returns and Regulations	12A-19.020
Communications Services Tax Direct Pay Permits	12A-19.030
Religious and Educational Institutions Exemption from the Communications Services Tax	12A-19.043
Notification of Local Communication Services Tax Rate Changes and Permit Fee Elections	12A-19.050
Public Use Forms	12A-19.100

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-19.010, F.A.C. (Registration), is to: (1) provide the methods by which a person may register with the Department for communications services tax purposes; and (2) provide that forms currently used by the Department in the administration of the communications services tax are incorporated by reference in the newly created Rule 12A-19.100, F.A.C.

The purpose of the proposed amendments to Rule 12A-19.020, F.A.C. (Tax Due at Time of Sale; Tax Returns and Regulations), and to Rule 12A-19.030, F.A.C. (Communications Services Tax Direct Pay Permits), is to provide that forms currently used by the Department in the administration of the communications services tax are incorporated by reference in the newly created Rule 12A-19.100, F.A.C.

The purpose of the proposed amendments to Rule 12A-19.043, F.A.C., is to: (1) change the title to “Religious and Educational Institutions Exemption from the Communications Services Tax”; (2) change the terms “religious organization” and “educational organization” to “religious institution” and “educational institution” as those terms are defined in s. 202.125(4), F.S., as amended by s. 1, Chapter 2002-48, L.O.F.; and (3) provide that sales by certain religious institutions are exempt from communications services tax under s. 202.125(4), F.S., as amended by s. 1, Chapter 2002-48, L.O.F.

The purpose of the proposed amendments to Rule 12A-19.050, F.A.C. (Notification of Local Communication Services Tax Rate Changes and Permit Fee Elections), is to: (1) incorporate the provisions of s. 6, Chapter 2002-48, L.O.F., which amends s. 337.401(3)(j)3.b., F.S., and change the required date that a county or municipality is required to notify all communications services tax dealers in the jurisdiction that it has exercised its authority to collect permit fees to September 1; (2) provide that forms currently used by the Department in the administration of the communications services tax are incorporated by reference in the newly created Rule 12A-19.100, F.A.C.; and (3) provide guidance on how to obtain current communications service tax rates for each local taxing jurisdiction.

The effect of these proposed amendments to these rule sections will be to: (1) provide current guidelines for registration with the Department for communications services tax; (2) provide guidelines regarding “religious institutions” and “educational institutions” consistent with the provisions of s. 202.125(4), F.S., as amended by s. 1, Chapter 2002-48, L.O.F.; (3) incorporate the changes to s. 337.401(3)(j)3.b., F.S., as amended by s. 6, Chapter 2002-48, L.O.F.; and (4) provide a single administrative rule to incorporate by reference forms used by the Department in the administration of the communications services tax.

SUMMARY: The proposed amendments to Rule 12A-19.010, F.A.C. (Registration): (1) provide the methods by which a person may register with the Department for communications services tax purposes; (2) provide that form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction (Communication Services Tax), is incorporated by reference in the newly created Rule 12A-19.100, F.A.C.; and (3) remove the instructions on how to obtain forms that will be provided in the newly created Rule 12A-19.100, F.A.C.

The proposed amendments to Rule 12A-19.020, F.A.C. (Tax Due at Time of Sale; Tax Returns and Regulations): (1) provide that form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction (Communication Services Tax), and form DR-70016, Florida Communications Services Tax Return, are incorporated by reference in the newly created Rule 12A-19.100, F.A.C.; and (2) remove the instructions on how to obtain forms that will be provided in the newly created Rule 12A-19.100, F.A.C.

The proposed amendments to Rule 12A-19.030, F.A.C. (Communications Services Tax Direct Pay Permits): (1) provide that form DR-700020 and form DR-700030, Application for Self-Accrual Authority/Direct Pay Permit Communications Services Tax, are incorporated by reference in the newly created Rule 12A-19.100, F.A.C.; and (2) remove the instructions on how to obtain forms that will be provided in the newly created Rule 12A-19.100, F.A.C.

The proposed amendments to Rule 12A-19.043, F.A.C.: (1) change the title to “Religious and Educational Institutions Exemption from the Communications Services Tax”; (2) change the terms “religious organization” and “educational organization” to “religious institution” and “educational institution,” as those terms are defined in s. 202.125(4), F.S., as amended by s. 1, Chapter 2002-48, L.O.F.; and (3) provide that sales by certain religious institutions are exempt from communications services tax under s. 202.125(4), F.S., as amended by s. 1, Chapter 2002-48, L.O.F.

The proposed amendments to Rule 12A-19.050, F.A.C. (Notification of Local Communication Services Tax Rate Changes and Permit Fee Elections): (1) provide that form DR-700021, Local Communications Services Tax Notification of Tax Rate Change, is incorporated by reference in the newly created Rule 12A-19.100, F.A.C.; (2) remove the instructions

on how to obtain forms that will be provided in the newly created Rule 12A-19.100, F.A.C.; (3) change the required date that a county or municipality is required notify to all communications services tax dealers in the jurisdiction that it has exercised its authority to collect permit fees to September 1, which is consistent with the provisions of s. 6, Chapter 2002-48, L.O.F.; and (4) provide guidance on how to obtain current communications service tax rates for each local taxing jurisdiction.

The proposed creation of Rule 12A-19.100, F.A.C. (Public Use Forms), provides a single administrative rule to incorporate by reference forms used by the Department in the administration of the communications services tax and to provide instructions on how taxpayers may obtain forms from the Department.

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

Any person who wishes to provide information regarding 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: 202.15, 202.16(2), 202.21, 202.26(3)(a),(c),(d),(e),(h),(i), 202.27(6), 202.28(1)(b)2. FS.

LAW IMPLEMENTED: 92.525(2), 202.11(3),(4),(7),(9),(11), (12),(13),(14),(16), 202.12(1),(3), 202.125(4), 202.13(2), 202.15, 202.16, 202.17(1), (3)(a),(4),(6), 202.19(1),(8), 202.20(2)(a), 202.21, 202.22(6), 202.26(2), 202.27, 202.28(1),(2), 202.30, 202.33(2), 202.34(3),(4)(c), 202.35(1), 213.37, 337.401(3)(c),(j) FS.

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

TIME AND DATE: 9:00 a.m., December 11, 2002

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0100

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 Nancy Purvis at (850)488-0712. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jennifer Silvey, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4727 or e-mail: silveyj@dor.state.fl.us.

The Department's proposed rules are available on the Department's web site: www.myflorida.com/dor/rules.

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-19.010 Registration.

(1)(~~a~~) Scope of rule. This rule provides guidelines regarding ~~governs~~ the procedures and requirements for the registration of persons providing communications services, users of substitute communications systems, and persons requesting a communications services tax direct pay permit.

(2)(a)(~~b~~) With the exception of the activities described in paragraph (3)(c)(~~e~~), a person that engages in the business of providing communications services must register with the Department to obtain a Communications Services Tax Certificate of Registration (form DR-700014).

(b) Registration with the Department for communications services tax purposes is available by using one of the following methods:

1. Registering through the Department's Internet site at the address shown in the parentheses (www.myflorida.com/dor) using the Department's "e-Services"; or

2.(e)1. Filing To obtain a Communications Services Tax Certificate of Registration, a person must file an Application to Collect and/or Report Tax in Florida (form DR-1, incorporated by reference in Rule 12A-1.097, F.A.C.) with the Department, as indicated on the form.

(3)(a)2- Except as provided herein, a person registering with the Department for the communications services tax must notify the Department of the method(s) that will be employed to determine the local taxing jurisdiction in which service addresses are located. The notification to the Department shall be made using form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction (Communications Services Tax) (~~11/01, hereby~~ incorporated by reference in Rule 12A-19.100, F.A.C.). The following persons are not required to file form DR-700020 with respect to the activities listed:

a. through f. renumbered 1. through 6. No change.

(b)(~~d~~) Persons who must register for the communications services tax include persons who provide the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, including cable services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or protocol used for such transmission or conveyance, for a consideration, except as provided in paragraph (c)(~~e~~).

(e) through (f) renumbered (c) through (d) No change.

(4)(~~2~~) Persons who purchase, install, rent, or lease a substitute communications system must obtain a Communications Services Tax Certificate of Registration (form DR-700014), as provided in subsection (2). ~~To obtain a certificate, an Application to Collect and/or Report Tax in Florida (form DR-1) must be filed with the Department at the address indicated on the form.~~

(a) through (c) No change.

~~(5)(3)~~ In order to self-accrue the communications services tax, persons must obtain a Communications Service Tax Certificate of Registration (form DR-700014), as provided in subsection (2). ~~To obtain a Communications Services Tax Certificate of Registration, an Application to Collect and/or Report Tax in Florida (form DR-1) must be filed with the Department.~~ See Rule 12A-19.030, F.A.C., Communications Services Tax Direct Pay Permits.

~~(4) Form DR-1, Application to Collect and/or Report Tax in Florida, and form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction, are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168-A Blountstown Highway, Tallahassee, Florida 32399-0100; or, 2) faxing the 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 the form from the Department's Internet site at the address shown inside the parentheses (http://www.myflorida.com/dor/). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.~~

Specific Authority 202.26(3)(e),(h) FS. Law Implemented 202.11(3),(7),(9),(13),(14),(16), 202.12(1)(b), 202.15, 202.17(1),(3)(a),(4), 202.22(6)(a), 202.27(6) FS. History—New 1-31-02, Amended.

12A-19.020 Tax Due at Time of Sale; Tax Returns and Regulations.

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

(b) Except as provided herein, all communications services tax dealers must notify the Department of the method or methods the dealer will employ to determine local taxing jurisdictions in which service addresses are located. The notification to the Department shall be made using form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction (Communications Services Tax) (incorporated by reference in Rule 12A-19.100 ~~12A-19.010~~, F.A.C.). If a communications services tax dealer that is required to notify the Department of the method to be used to determine local taxing jurisdictions fails to notify the Department that the dealer will use a method described in subparagraph (a)1., the dealer will be assigned an initial collection allowance of .25 percent. If a dealer is assigned a collection allowance of .25 percent due to failure to notify the Department of use of a method described in subparagraph (a)1., the dealer will be assigned a .75 percent collection allowance upon subsequently providing a completed form DR-700020. The dealer will be entitled to a refund or credit of the difference between the .25 percent collection allowance

initially assigned and the .75 percent collection allowance during any period the dealer was using an eligible method and claiming the lower allowance prior to notifying the Department. The following persons are not responsible for collecting and remitting local communications services taxes and are not required to file form DR-700020:

a. through f. No change.

(c) No change.

(3)(a) Form DR-700016, Florida Communications Services Tax Return (~~12/01, hereby~~ incorporated by reference in Rule 12A-19.100, F.A.C.), accompanied by the applicable payment, is due on the first day of the month subsequent to the sale of communications services. A return is required to be filed with the Department even when no tax is due with the return.

(b) Form DR-700016, Florida Communications Services Tax Return, contains current tax rates for each local taxing jurisdiction. These rates are also contained on the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor/taxes/local_tax_rates.html). The Department's Internet site and form DR-700016 are revised when the tax rate in any local jurisdiction changes.

~~(c)(b)~~ No change.

(4) through (6) No change.

~~(7) Communications services tax returns are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32399-0100; 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://www.myflorida.com/dor/). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.~~

(8) through (9) renumbered (7) through (8) No change.

Specific Authority 202.15, 202.26(3)(a) FS. Law Implemented 202.12(1), 202.15, 202.16, 202.19(1), 202.22(6), 202.27, 202.28(1),(2), 202.30(3), 202.33(2), 202.35(1) FS. History—New 1-31-02, Amended.

12A-19.030 Communications Services Tax Direct Pay Permits.

(1) through (2) No change.

(3)(a) To request a Communications Services Tax Direct Pay Permit, a person must file form DR-700030, Application for Self-Accrual Authority/Direct Pay Permit Communications Services Tax (~~07/01, hereby~~ incorporated by reference in Rule 12A-19.100, F.A.C.), with the Department, in the manner provided on the form.

(b) Each permit holder must hold a valid dealer's Communications Services Tax Certificate of Registration (form DR-700014) issued by the Department. Persons that are not registered with the Department for the communications services tax must file an Application to Collect and/or Report Tax in Florida (form DR-1) with the Department. If form DR-700030, Application for Self-Accrual Authority/Direct Pay Permit Communications Services Tax accompanies form DR-1, then form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction (incorporated by reference in Rule 12A-19.100 ~~12A-19.010~~, F.A.C.), is only required to be filed if an applicant will be responsible for collecting and remitting local communications services taxes on sales of communications services.

(c) ~~These forms are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168-A Blountstown Highway, Tallahassee, Florida 32399-0100; or, 2) faxing the 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 the form from the Department's Internet site at the address shown inside the parentheses (<http://www.myflorida.com/dor/>). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.~~

(4) through (9) No change.

Specific Authority 202.26(3)(e), (i), 202.27(6) FS. Law Implemented 202.12(3), 202.16(4), 202.19(8), 202.27(6)(b), 202.30, 202.34(3) FS. History—New 1-31-02, Amended.

12A-19.043 Religious and Educational Institutions Organizations Exemption from the Communications Services Tax.

(1)(a) No change.

(b) This rule provides guidelines regarding sales by religious institutions and governs the documentation and recordkeeping requirements regarding the exemption for sales to religious or educational institutions organizations from the communications services taxes.

(2) SALES TO OR BY RELIGIOUS INSTITUTIONS ORGANIZATIONS.

(a) The sale of communications services by a religious institution is exempt from the Florida communications services tax and the local communications services tax when the religious institution:

1. Is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code; and

2. Has an established physical place for worship at which nonprofit religious services and activities are regularly conducted and carried on.

~~(b)(a)~~ The sale of communications services to a religious institution organization, as defined by s. 202.125(4), F.S. this rule, is exempt from the Florida communications services tax and the local communications services tax when the religious institution is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code and is an organization which is:-

~~(b)~~ As used in this rule, the term "religious organization" only refers to organizations that are exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code.

~~(c)~~ For purposes of this rule, "religious organizations" include:

1. An organization owning and operating an Churches, synagogues, and established physical place places for worship at which nonprofit religious services and activities are regularly conducted ~~and carried on~~;

2. A nonprofit corporation Nonprofit corporations the sole purpose of which is to provide free transportation services to religious institution church members, their families, and other religious institution church attendees;

3. A nonprofit Nonprofit state, nonprofit district, or other nonprofit governing or administrative office offices the function of which is to assist or regulate the customary activities of religious institutions;

4. A Any nonprofit corporation that owns and operates a Florida television station, at least 90 percent of the programming of which station consists of programs of a religious nature and the financial support for which, exclusive of receipts for broadcasting from other nonprofit organizations, is predominantly from contributions from the general public;

5. A Any nonprofit corporation the primary activity of which is making and distributing audio recordings of religious scriptures and teachings to blind or visually impaired persons at no charge; or ~~and~~

6. A Any nonprofit corporation the sole or primary function of which is to provide, upon invitation, nonprofit religious services, evangelistic services, religious education, administrative assistance, or missionary assistance for a religious institution church, synagogue, or established physical place of worship at which nonprofit religious services and activities are regularly conducted.

~~(c)(d)~~ DOCUMENTATION REQUIREMENTS.

1. To be entitled to exemption as a religious institution organization at the time of purchase, the purchaser must issue to the selling dealer a certificate signed by an authorized representative stating that the purchases are for a religious institution organization, as defined by s. 202.125(4), F.S. this rule, that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code. Dealers are not required to obtain copies of Internal Revenue Service determination letters granting religious organizations exemption under s. 501(c)(3) of the Internal Revenue Code.

2. The following is a suggested format to be provided by a religious ~~institution organization~~ to the selling dealer.

EXEMPTION CERTIFICATE FOR PURCHASES OF COMMUNICATIONS SERVICES BY RELIGIOUS ~~INSTITUTION ORGANIZATION~~

DATE: _____

TO: _____ (Selling Dealer's Business Name)

_____ (Selling Dealer's Address)

I, the undersigned, am a representative of the exempt religious ~~institution organization~~ identified below. The purchases of communications services made on or after _____ from the business identified above are for use by the exempt religious ~~institution organization~~ identified below.

The charges for the purchases of communications services from the dealer identified above will be billed to and paid directly by the exempt religious ~~institution organization~~ identified below. These purchases are exempt from the Florida communications services tax and the local communications services tax because the entity is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code and is a "religious ~~institution organization~~" as that term is defined by s. 202.125(4), F.S. ~~the rules of the Department of Revenue.~~

Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true.

AUTHORIZED SIGNATURE ON BEHALF OF THE EXEMPT ~~INSTITUTION ORGANIZATION~~

PRINTED NAME OF AUTHORIZED SIGNATORY AND TITLE

NAME OF THE EXEMPT ~~INSTITUTION ORGANIZATION~~

ADDRESS OF EXEMPT ~~INSTITUTION ORGANIZATION~~
(3) EDUCATIONAL INSTITUTIONS ORGANIZATIONS.

(a) The sale of communications services to an educational ~~institution organization~~, as defined by s. 202.125(4), F.S. ~~this rule~~, is exempt from the Florida communications services tax and the local communications services tax.

(b) ~~The As used in this rule, the~~ term "educational ~~institution organization~~" only refers to organizations that are exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code.

(c) "~~Educational institutions~~" ~~For purposes of this rule, "educational organizations"~~ include:

1. State-tax supported, parochial, ~~religious institution church~~, and nonprofit private schools, colleges, or universities that conduct regular classes and courses of study required for accreditation by or membership in the Southern Association of

Colleges and Schools, the Florida Council of Independent Schools, or the Florida Association of Christian Colleges and Schools, Inc.;

2. through 6. No change.

(d) A state-tax supported school, college, or university that is exempt as a governmental organization described in Rule 12A-19.042, F.A.C., and as an educational ~~institution organization~~ as described in this rule may claim either exemption.

(e) DOCUMENTATION REQUIREMENTS. To be entitled to exemption as an educational ~~institution organization~~ at the time of purchase, the purchaser must issue to the selling dealer a certificate signed by an authorized representative stating that the purchases are for an educational ~~institution organization~~, as defined by s. 202.125(4), F.S. ~~this rule~~, that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code. Dealers are not required to obtain copies of Internal Revenue Service determination letters granting educational ~~institutions organizations~~ exemption under s. 501(c)(3) of the Internal Revenue Code.

(f) The following is a suggested format to be provided by an educational ~~institution organization~~ to the selling dealer.

EXEMPTION CERTIFICATE FOR PURCHASES OF COMMUNICATIONS SERVICES BY EDUCATIONAL ~~INSTITUTIONS ORGANIZATIONS~~

DATE: _____

TO: _____ (Selling Dealer's Business Name)

_____ (Selling Dealer's Address)

I, the undersigned, am a representative of the exempt educational ~~institution organization~~ identified below. The purchases of communications services made on or after _____ from the business identified above are for use by the exempt educational ~~institution organization~~ identified below.

The charges for the purchases of communications services from the dealer identified above will be billed to and paid directly by the exempt educational ~~institution organization~~ identified below. These purchases are exempt from the Florida communications services tax and the local communications services tax because the entity is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code and is an "educational ~~institution organization~~," as defined by s. 202.125(4), F.S. ~~the rules of the Department of Revenue.~~

Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true.

AUTHORIZED SIGNATURE ON BEHALF OF THE EXEMPT ~~INSTITUTION ORGANIZATION~~

PRINTED NAME OF AUTHORIZED SIGNATORY AND TITLE

NAME OF THE EXEMPT ~~INSTITUTION ORGANIZATION~~

ADDRESS OF EXEMPT ~~INSTITUTION ORGANIZATION~~

(4) No change.

Specific Authority 202.26(3)(c) FS. Law Implemented 92.525(2), 202.125(4), 202.13(2), 202.16(4), 202.26(2), 202.34(3), 213.37 FS. History—New 1-31-02, Amended _____.

12A-19.050 Notification of Local Communications Services Tax Rate Changes and Permit Fee Elections.

(1) Any municipality or county that adopts, repeals, or changes a local communications services tax rate or changes a permit fee election must notify the Department as provided in this rule.

(a) Notification of local communications services tax rate changes and changes in permit fee elections must be made on form DR-700021, Local Communications Services Tax Notification of Tax Rate Change (~~12/01, hereby~~ incorporated by reference in Rule 12A-19.100, F.A.C.), and a copy of the applicable resolution or ordinance must be submitted with the notification.

(b) through (c) No change.

~~(2) Form DR-700021, Local Communications Services Tax Notification of Tax Rate Change, is available without cost by one or more of the following methods: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32399-0100; 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://www.myflorida.com/dor/). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.~~

~~(2)(3) Permit Fee Elections.~~

(a) No change.

(b) If any local taxing jurisdiction that initially elected to not collect permit fees subsequently elects to collect permit fees, in addition to the effective date and notification procedures set forth in subsection (1), the following special rules apply:

1. through 2. No change.

3. Any county or municipality that changes its election and exercises its authority to collect permit fees must provide written notification to all dealers of communications services in the jurisdiction by the ~~September~~ July 1 immediately preceding the January 1 effective date of the change of election.

(c) No change.

~~(3)(4)~~ No change.

(4) In addition to the methods used by the Department to notify dealers of changes in the tax rate pursuant to ss. 202.20(2) and 202.21, F.S., the Department provides the tax rates for each local taxing jurisdiction by listing the rates on the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor/taxes/local_tax_rates.html) and on form DR-700016, Florida Communications Services Tax Return (incorporated by reference in Rule 12A-19.100, F.A.C.). The Department's Internet site and form DR-700016 are revised when the tax rate in any local taxing jurisdiction changes.

Specific Authority 202.21, 202.28(1)(b)2. FS. Law Implemented 202.20(2)(a), 202.21, 337.401(3)(c),(j) FS. History—New 1-31-02, Amended _____.

12A-19.100 Public Use Forms.

(1) The Department employs the following public-use forms and instructions in the administration of Chapter 202, F.S., Communications Services Tax. These forms are hereby incorporated by reference in this rule. Copies of these forms are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32399-0100; or, 2) faxing the 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 the form from the Department's Internet site at the address shown inside the parentheses (http://www.myflorida.com/dor/). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Form Number	Title	Effective Date
<u>(2) DR-700012</u>	<u>Application for Certification of Communications Services Database (R. 07/02)</u>	_____
<u>(3)(a) DR-700016</u>	<u>Florida Communications Services Tax Return (R. 01/03)</u>	_____
<u>(b) DR-700016</u>	<u>Florida Communications Services Tax Return (R. 11/02)</u>	_____
<u>(c) DR-700016</u>	<u>Florida Communications Services Tax Return (R. 10/02)</u>	_____
<u>(d) DR-700016</u>	<u>Florida Communications Services Tax Return (R. 01/02)</u>	_____
<u>(e) DR-700016</u>	<u>Florida Communications Services Tax Return (R. 12/01)</u>	_____
<u>(4) DR-700020</u>	<u>Notification of Method Employed to Determine</u>	_____

	<u>Taxing Jurisdiction</u>	
	<u>(Communications Services</u>	
	<u>Tax) (R. 05/02)</u>	_____
<u>(5) DR-700021</u>	<u>Local Communications</u>	
	<u>Services Tax Notification of</u>	
	<u>Tax Rate Change (R. 12/01)</u>	_____
<u>(6) DR-700022</u>	<u>Local Communications</u>	
	<u>Services Tax Notification of</u>	
	<u>Jurisdiction Change (R. 04/02)</u>	_____
<u>(7) DR-700025</u>	<u>Objection to Communications</u>	
	<u>Services Tax Electronic</u>	
	<u>Database Service Address</u>	
	<u>Assignment (N. 04/02)</u>	_____
<u>(8) DR-700030</u>	<u>Application for Self-Accrual</u>	
	<u>Authority/Direct Pay</u>	
	<u>Permit Communications</u>	
	<u>Services Tax (N. 07/01)</u>	_____

Specific Authority 202.16(2), 202.26(3)(c),(d) FS. Law Implemented 202.11(4),(11),(12), 202.13(2), 202.16(2)(4), 202.17(6), 202.34(3),(4)(c) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jennifer Silvey, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4727, e-mail: silveyj@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda Bridges, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)488-7157

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rules 12A-19.010, 12A-19.020, 12A-19.030, and 12A-19.050, F.A.C., and the proposed creation of Rule 12A-19.100, F.A.C., were noticed for a rule development workshop in the Florida Administrative Weekly on April 19, 2002 (Vol. 28, No. 16, pp. 1742-1745). A rule development workshop was held on May 7, 2002. Participants attending the workshop did not provide comment. The Department has not received written comment.

The proposed amendments to Rules 12A-19.010, 12A-19.043, and 12A-19.050, F.A.C., were noticed for a rule development workshop in the Florida Administrative Weekly on July 12, 2002 (Vol. 28, No. 28, pp. 2955-2958). A rule development workshop was held on July 31, 2002. Participants attending the workshop did not provide comment. The Department has not received written comment. Changes to Rule 12A-19.100, F.A.C., have been made by the Department to include all public-use forms used by the Department in the administration of the communications services tax.

The Department combined the proposed changes presented at the rule development workshop on May 7, 2002, with the proposed changes presented at the rule development workshop conducted on July 31, 2002. All proposed changes were included in the Notice of Proposed Rulemaking. Additional changes were made to subsection (3) of Rule 12A-19.020, F.A.C., to provide where rates for local taxing jurisdictions may be found in the newly created Rule 12A-19.100, F.A.C., and to include all public-use forms currently used by the Department in the administration of the communications services tax. Technical changes to the Department’s Internet site address to obtain local communications services tax rates were also included in the proposed changes.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLES:	RULE NOS.:
Imposition of the Gross Receipts Tax	12B-6.001
Administration	12B-6.002
Registration	12B-6.0021
Rate of Tax	12B-6.003
Exemptions	12B-6.004
Payment of Tax; Reports; Public Use Forms	12B-6.005
Public Service Tax Reporting Form	12B-6.0051
Collection and Distribution	12B-6.006
Assessment and Collection	12B-6.007
Interest	12B-6.008

PURPOSE AND EFFECT: The purpose of the proposed changes to Rule Chapter 12B-6, F.A.C., is to: (1) change the title of the rule chapter to “Gross Receipts Tax”; (2) remove obsolete language and language that restates statutory provisions, as mandated by s. 120.74, F.S.; and (3) provide current guidelines regarding the Department’s administration of the gross receipts tax imposed by Chapter 203, F.S. Rule Chapter 12B-6, F.A.C. (Gross Receipts Tax), as amended, will provide current guidelines regarding the imposition of the gross receipts tax on electricity and natural or manufactured gas.

SUMMARY: The proposed amendments to Rule 12B-6.001, F.A.C.: (1) change the title to “Imposition of the Gross Receipts Tax”; (2) define the term “utility services” for purposes of the rule chapter; (3) provide that gross receipts tax is imposed at the rate of 2.5 percent of gross receipts from utility services; (4) provide that charges for liquefied petroleum gas are not subject to gross receipts tax; (5) provide guidelines regarding how gross receipts tax is levied upon the provider of utility services; (6) provide that providers of utility services include public or private utilities, municipal corporations, or agencies thereof, and rural electric cooperative associations; (7) provide that receipts from the sale within this state of natural gas or electricity to a public or private utility for the purposes of resale are not subject to tax; (8) provide guidelines for public and private utilities on how to document

sales for the purposes of resale; (9) provide that receipts from the sale of electricity as part of an electrical interchange agreement or contract between public or private utilities are not subject to tax; (10) provide that receipts for the connection, disconnection, suspension, or restoration of utility services, receipts from fees for returned checks, late payments, and interest due on late payments, and receipts from separately itemized charges for the sale, lease, rental, repair, or maintenance of customer premises equipment are not subject to gross receipts tax; (11) provide that line losses of electricity at no charge to the customer are not subject to gross receipts tax; (12) provide guidelines on how gross receipts tax is applied to charges for utility services separately itemized to customers as an amount for services based on a standard rate amount with a separate rate adjustment; (13) provide that each and every fee imposed by a municipality, charter county, or other political subdivision of the State of Florida that is passed on to the customer as a separately itemized charge is included in the gross receipts subject to tax; (14) provide that any municipal public service tax and any sales tax separately itemized to the customer is not included in the gross receipts subject to tax; and (15) provide recordkeeping requirements for providers of utility services.

The proposed repeal of Rule 12B-6.002, F.A.C. (Administration), eliminates an unnecessary rule that restates statutory provisions regarding the administration of the gross receipts tax.

The proposed amendments to Rule 12B-6.0021, F.A.C. (Registration), provide guidelines on how to register with the Department for purposes of the gross receipts tax.

The proposed repeal of Rule 12B-6.003, F.A.C. (Rate of Tax), removes obsolete provisions regarding the gross receipts tax rate.

The proposed repeal of Rule 12B-6.004, F.A.C. (Exemptions), removes guidelines for exemptions from the gross receipts tax that are provided in Rule 12B-6.001, F.A.C. (Imposition of the Gross Receipts Tax), as amended.

The proposed amendments to Rule 12B-6.005, F.A.C.: (1) change the title to "Payment of Tax; Reports; Public Use Forms"; (2) provide guidelines regarding the payment of the gross receipts tax and the filing of reports with the Department; (3) provide that taxpayers may elect to pay gross receipts tax on total billings for utility services for each month and how those taxpayers may take a credit or obtain a refund of tax paid on uncollectible amounts; and (4) incorporate by reference the public use forms used by the Department in the administration of the gross receipts tax and remove obsolete forms.

The proposed amendments to Rule 12B-6.0051, F.A.C. (Public Service Tax Reporting Forms), adopt the changes to form DR-700001, Municipal Public Service Tax Data Base.

The proposed repeal of Rule 12B-6.006, F.A.C. (Collection and Distribution), eliminates the unnecessary recitation of the constitutional provision requiring that all gross receipts tax collections be deposited into the Public Education Capital Outlay and Debt Service Trust Fund.

The proposed repeal of Rule 12B-6.007, F.A.C. (Assessment and Collection), eliminates an unnecessary rule regarding the administration of the gross receipts tax.

The proposed amendments to Rule 12B-6.008, F.A.C.: (1) change the title to "Interest"; and (2) remove provisions regarding the imposition of penalties that are clearly provided in s. 203.03, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared. Any person who wishes to provide information regarding 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: 166.233, 203.01, 203.02, 213.06(1) FS.

LAW IMPLEMENTED: 166.233, 203.01, 203.012, 203.013, 213.05, 213.235, 213.255, 213.37, 215.26 FS., Art. XII, Section 9, Subsection (2), Constitution of Florida (1968).

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

TIME AND DATE: 9:00 a.m., December 11, 2002

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

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 Nancy Purvis at (850)488-0712. Persons with hearing or speech impairments may contact the Department using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407, e-mail: youngj@dor.state.fl.us.

The Department's proposed rules are available on the Department's web site: www.myflorida.com/dor/rules.

THE FULL TEXT OF THE PROPOSED RULES IS:

12B-6.001 Imposition of the Gross Receipts Tax.

(1)(a) ~~Gross Receipts, Generally.~~ A tax is imposed on every person receiving payment for any utility service at the rate of 2.5 percent on the total amount of gross receipts derived from business done within this state or between points within

this state. Gross receipts means total payments received either in money, goods, services, or other valuable consideration by every person (including, but not limited to, municipal corporations, public service corporations and private electric utilities) for "utility services." For purposes of this rule chapter, the term "utility service" means electricity for light, heat, or power and, for natural or manufactured gas for light, heat, or power; or for telecommunication services as defined or described in Chapter 203, F.S., as amended, including, but not limited to, local telephone service, toll telephone service, telegram and telegraph service, teletypewriter or computer exchange service, private communication service, cellular mobile radio, pagers, beepers, any mobile or portable one way or two way communication, two way television, and any person who operates his own telecommunication system for his own use.

(a) Liquefied petroleum gas is sold in liquid form and transformed into gas when released from the container to be used for fuel. The term "utility services" does not include liquefied petroleum gas.

(b) The gross receipts tax is levied upon the provider of utility services. The tax may be wholly or partially separately itemized at the option of the utility provider on a customer's bill, invoice, statement, or other evidence of sale. When wholly or partially separately itemized, every person, including governmental units, charitable, and religious organizations, is liable for the payment of the tax to the service provider. The gross receipts tax is a tax imposed on the privilege of doing business and is an item of cost to the service provider. The service provider remains fully and completely liable for the payment of the tax, even when the tax is wholly or partially separately itemized on the customer's bill, invoice, statement, or other evidence of sale.

(2)(b) Gross receipts, for purposes of this rule, does NOT shall not include:

(a)1- Receipts of any person derived from the sale of natural gas to a public or private utility, including municipal corporations, or agencies thereof, and rural electric cooperative associations, either for resale or for use as fuel in the generation of electricity;

(b)2- Receipts from the The sale within this state of natural gas or electricity to a public or private utility, including a municipal corporation, an agency thereof, or rural electric cooperative association, for resale within the state, or as part of an electrical interchange agreement or contract between such utilities for the purpose of transferring more economically generated power or the sale of telecommunication services for resale of telecommunication services wholly or partially within this state; provided the person deriving gross receipts from such sale demonstrates that a resale in fact occurred and complies with the provisions of s. 203.01(3)(c), F.S.

1. A public or private electric or gas utility, including municipal corporations, or agencies thereof, and rural electric cooperative associations, that is required to report its sales for resale in an annual report filed with the Federal Energy Regulatory Commission, or the Rural Utilities Service of the U.S. Department of Agriculture (i.e., FERC Form No. 1, Electric Utility Annual Report, RUS Form 12, or equivalent) may demonstrate that a sale for resale occurred by maintaining copies of its reports in its books and records. If the annual report (FERC Form No. 1, RUS Form 12, or equivalent) has not been completed for a year under review, a taxpayer may demonstrate that the receipts are required to be reported as sales for resale on the required annual report. Receipts from sales for the purposes of resale, as reported in the applicable annual report or required to be reported when the annual report is completed, are not included in the utility's gross receipts for purposes of the tax.

2. A public or private electric or gas utility, including municipal corporations, or agencies thereof, and rural electric cooperative associations, may also document sales for resale by obtaining resale certificates obtained from customers who purchase utility services for the purposes of resale. The utility is only required to obtain one certificate for sales made for the purposes of resale from each customer making purchases for the purposes of resale. The certificate must contain the purchaser's name and address, the purchaser's gross receipts tax registration number and its effective date, a statement that the purchases are for the purpose of resale, the signature of the purchaser or an authorized representative of the purchaser, and the date of issuance. The following is a suggested format of a resale certificate:

RESALE CERTIFICATE FOR GROSS RECEIPTS TAX
ON UTILITY SERVICES

This is to certify that the electricity for light, heat, or power or the natural or manufactured gas for light, heat, or power purchased after _____ (date) from _____ (seller's name) is purchased for the purpose of resale pursuant to Chapter 203, F.S.

I understand that if I fraudulently issue this certificate to evade the payment of gross receipts tax I will be liable for payment of the tax directly to the Department and subject to the penalties imposed under s. 203.03(2), F.S.

Under the penalties of perjury, I declare that I have read the foregoing certificate and the facts stated herein are true and correct to the best of my knowledge and belief.

Purchaser's Name _____

Purchaser's Address _____

Name and Title of Purchaser's Authorized Signature _____

Certificate of Registration Number _____

Effective Date of Registration _____

By _____ (authorized signature)

Date _____

(c) Receipts from the sale of electricity to a public or private utility, including a municipal corporation, or an agency thereof, or rural electric cooperative association, as part of an electrical interchange agreement or contract between such utilities for the purpose of transferring more economically generated power.

1. The electric utility is required to maintain a copy of the agreement or contract in its books and records and is not required to meet the provisions of this rule regarding sales for resale.

2. The internal use, including interdepartmental transfers, of the purchased power is not subject to tax.

(d) Receipts from customers for separately itemized charges for the connection, disconnection, suspension, or restoration of utility services.

(e) Receipts from customers for separately itemized charges for returned checks or other forms of payment, late payments, or interest due on late payments.

(f) Receipts from customers for separately itemized charges for the sale, lease, rental, repair, or maintenance of customer premises equipment.

(g) The loss of electricity resulting from the generation, transmission, or distribution of electricity, including line losses, generation losses, and any other losses for which charges are not made to the electric utility's customers.

(e) Gross receipts for telecommunication services do not include:

1. Charges for customer premises equipment, including equipment leased or rented by the customer from any source;

2. Charges made to the public for commercial or cable television, unless it is used for two-way communication. When two-way communication services are separately billed, only the charges made for the two-way communication service will be subject to the gross receipts tax;

3.a. Charges made by hotels and motels which are required under the provisions of s. 212.03, F.S., to collect transient rentals tax from tenants and lessees, for local telephone service or toll telephone service when such charges occur incidental to the right of occupancy;

b. Charges to customers by hotels and motels for the use or access to telecommunication service are not considered incidental to the right of occupancy when such charges are separately stated, itemized, or described on the bill, invoice, or other tangible evidence of the sale of the service.

4. Connection and disconnection charges, move or change charges, suspension of service charges, and service order, number change, and restoration charges;

5. Any tax collected from customers which has been separately stated as Florida gross receipts tax on the total amount of any bill, invoice, or other tangible evidence of the provision of taxable telecommunication services; or

6. Charges for the sale or lease of equipment by providers of cellular mobile telephone or telecommunication service, specialized mobile radio service, and pager and paging services provided that the amount for sale or lease of the equipment is separately stated, itemized or described on the bill, invoice, or other tangible evidence of the sale or lease of the equipment.

7. Charges for the maintenance or repair of customer premises equipment, whether owned or leased by the customer, provided that the amount of such charges are separately stated, itemized or described on the bill, invoice, or other tangible evidence of the maintenance or repair service.

(2) Liability for Tax. The tax is levied upon the person selling or providing the taxable item or service as enumerated in subsection (1) and may not be passed on to the consumer as a direct consumer's tax provided, however, in the case of telecommunications service the tax may be wholly or partially separately stated at the option of the vendor. When separately stated, every person, including but not limited to all governmental units, charitable, and religious organizations, is liable for payment of the tax to the vendor. The gross receipts tax is a tax on the privilege of doing business and is an item of cost to the seller or vendor. The vendor remains fully and completely liable for the tax even though the tax is separately stated.

(3) When charges for utility services are separately itemized as an amount for services based on a standard rate amount with a separate rate adjustment on the same billing, invoice, statement, or other evidence of sale for services, gross receipts tax is due on the receipts for utility services after the application of the rate adjustment.

(a) Example: A customer purchases electricity from an electric utility under an energy management program. The customer is billed the standard residential rate. In addition, the customer receives load management monthly credits for allowing specified electrical equipment to be interrupted at the option of the electric utility. The charge for electric service after the load management credits are applied against the charge at the standard residential rate is the amount subject to the gross receipts tax.

(b) Example: A customer purchases electricity from an electric utility at the standard residential service rate. The electric utility charges each residential customer in this rate class an additional energy cost recovery factor, called "energy charges," on a per kilowatt hour basis. The customer is billed for electricity at the standard residential rate plus the applicable energy charges. The amount charged to the customer at the standard residential rate plus the amount of the energy charges is the amount subject to the gross receipts tax.

(4) Each and every fee imposed by a political subdivision of the State of Florida on the provider of utility services, such as a franchise fee, is included in the charge upon which the

gross receipts tax is computed, when the fees are passed on to the customer and separately itemized on a customer's bill, invoice, statement, or other evidence of sale.

(5) Any municipal public service tax imposed under ss. 166.231 or 166.232, F.S., or any sales tax imposed under Chapter 212, F.S., on the sale or purchase of electric power or energy or natural or manufactured gas is NOT included in the charge upon which the gross receipts tax is computed when the municipal tax or sales tax is separately itemized on a customer's bill, invoice, statement, or other evidence of sale.

(6) RECORDKEEPING REQUIREMENTS. A provider of utility services must maintain copies of annual reports filed with the Federal Energy Regulatory Commission or the Rural Utilities Service of the U.S. Department of Agriculture, electrical interchange agreements or contracts, resale certificates, and other documentation required under the provisions of this rule chapter in its books and records until tax imposed under Chapter 203, F.S., may no longer be determined and assessed under s. 95.091, F.S.

Specific Authority 203.01(3)(b)(e), 213.06(1) FS. Law Implemented 203.01, 203.012, 213.37 FS. History—New 11-13-78, Amended 6-5-85, Formerly 12B-6.01, Amended 10-4-89, 1-8-90, _____.

12B-6.002 Administration.

~~The administration of Chapter 203, Florida Statutes, is vested in the Florida Department of Revenue, herein referred to as the Department, which shall prescribe suitable rules and regulations for the enforcement of the provisions thereof.~~

~~The Department may enter the premises of any taxpayer during normal working hours and examine or cause to be examined by any agent or representative designated by it for that purpose, any records, books, papers, and accounts bearing upon the amount of taxes payable, and to secure other information directly or indirectly relevant to the enforcement of Chapter 203, Florida Statutes.~~

Specific Authority 203.02, 213.06(1) FS. Law Implemented 213.05 FS. History—New 11-13-78, Formerly 12B-6.02, Repealed _____.

12B-6.0021 Registration.

~~(1) Prior to engaging in the business of providing or selling utility the things or services, as provided included in Rule 12B-6.001, F.A.C., Chapter 203, F.S., as amended, every person is required to register shall become registered with the Department this department by completing Form DR-1GR. Those businesses providing or selling those things or services prior to the effective date of this rule shall register with this department on or before May 31, 1985 by completing Form DR-1GR.~~

(2) Registration with the Department for gross receipts tax purposes is available by using one of the following methods: Form DR-1GR, Application for Certificate of Registration Gross Receipts Tax, effective April 1, 1985, is hereby adopted

by reference. This form is available without cost, upon written request directed to the Department of Revenue, Supply Room, Room 44, Carlton Building, Tallahassee, Florida 32301-8002.

(a) Registering through the Department's Internet site at the address shown in the parentheses (www.myflorida.com/dor/) using the Department's "e-Services"; or

(b) Filing an Application to Collect and/or Report Tax in Florida (form DR-1, incorporated by reference in Rule 12A-1.097, F.A.C.), with the Department as indicated on the form.

Specific Authority 203.01, 213.06(1) FS. Law Implemented 203.01 FS. History—New 6-5-85, Formerly 12B-6.021, Amended _____.

12B-6.003 Rate of Tax.

~~Gross Receipts. The rate of tax shall be 1.5%.~~

Specific Authority 213.06(1) FS. Law Implemented 203.01 FS. History—New 11-13-78, Formerly 12B-6.03, Amended 10-4-89, Repealed _____.

12B-6.004 Exemptions.

~~(1) Liquefied Petroleum Gas. Tax is not required on a product which was liquid when sold, but was transformed into gas and used for fuel for cooking when released from container. (Lee v. Wood, 126 Fla. 104; 170 So. 433 (1936).)~~

~~(2) Exempt Sales.~~

~~(a) All receipts derived from the sale of any of the things or services specified in Chapter 203, F. S. shall be taxable unless specifically exempt. The exempt status of the gross receipt must be established by the vendor and the tax shall be paid by such vendor unless a valid resale certificate has been received from the vendee. However, a vendee's failure to register or to provide a valid resale certificate shall not negate the vendee's liability for the tax, in which event either the vendor or vendee shall be liable for the tax.~~

~~(b) Any taxable thing or service specified in Chapter 203, F.S., that is purchased for resale where a valid resale certificate has been supplied to the vendor and not resold within this state shall be deemed taxable to the vendee based on the purchased price of the thing or service not resold except:~~

~~1. Natural gas sold to a public or private utility either for resale or for use as fuel in the generation of electricity shall be exempt. The vendee shall be liable for the tax on any portion not resold or used as a fuel in the generation of electricity.~~

~~2. Electricity sold as part of an electrical interchange agreement or contract either to a municipal corporation, public service corporation or private electric utility or between municipal corporations, public service corporations or private electric utilities shall be exempt and a resale certificate shall not be required, provided the vendor retains a copy of the agreement or contract on file. The vendee shall be liable for the tax on any portion of the electricity purchased which is not resold. All loss of electricity resulting from the generation, transmission, or distribution thereof, including line losses,~~

generation losses, and any other losses for which no receipts or repayments are received by a vendee shall be exempt from the gross receipts tax.

3. Telecommunication services which are taxable to the vendee as prescribed in paragraph (e) hereof.

(e) Effective January 1, 1985, access charges between telecommunication carriers shall be deemed to be for resale when the vendee acquires from the vendor access or right of access to the vendor's network and the vendee resells the same as an ingredient in its final sale to the ultimate consumer. The vendee shall furnish the vendor a resale certificate thereby exempting the vendor from the tax on the amount received as access charges. Intrastate toll activity is taxable to the vendee on the total toll revenues and the vendee shall furnish a resale certificate to the vendor providing access services. Interstate tolls shall be taxable as provided in Section 203.013, F.S.

(d) The department shall accept a valid resale certificate when submitted during the protest period but shall not accept same when submitted in any proceedings instituted under the provisions of Chapter 120, F.S., or any circuit court action instituted under Chapter 72, F.S.

(e) The department shall accept as valid any certificate dated and executed by an officer or authorized representative of the vendee that contains: the name and address of the vendee, the gross receipts tax registration number and its effective date, and the vendee's statement that its purchases are for resale, and that the vendee shall pay any taxes due on the things or services not resold as provided.

(f) Suggested Resale and Exemption Certificate Form:

This is to certify that the things or services purchased after _____ (date) from _____ (name) is or was purchased for resale pursuant to the exemption under Chapter 203, F.S. It is further certified that the undersigned vendee shall pay the tax on the things or services that are not resold pursuant to the exemption under Chapter 203, F.S., based upon the purchase price of the things or services, unless otherwise provided.

Purchaser _____
Address _____
Certificate of Registration Number _____
Effective Date _____

I hereby declare that I have examined this certificate and to the best of my knowledge and belief it is true, correct and complete.

By _____ (authorized signature)
Date _____

(3) Credit for Utility on Excise Taxes. Other utility, excise, or similar taxes levied by the federal government, any political subdivision of the State of Florida, or municipality, upon the sale of utility services, when such tax is collected by the seller from the purchaser, shall be excluded from the seller's gross receipts when computing the tax thereon.

(4) When a taxpayer elects to pay the tax on total billings for a taxable period, rather than actual cash receipts, any adjustments to customers' bills and net uncollectibles may be adjusted on a subsequent return.

Specific Authority 203.01, 213.06(1) FS. Law Implemented 203.01, 203.011, 203.012, 203.013 FS. History--New 11-13-78, Amended 6-5-85, Formerly 12B-6.04, Repealed _____.

12B-6.005 Payment of Tax; Reports; Public Use Forms.

(1) Payment of Tax. All taxes imposed by Chapter 203, Florida Statutes, shall be paid at the same time the reports are filed.

(2) Reports.

(1)(a) Generally. All taxes imposed under Chapter 203, F.S., shall for each month be due the Department of Revenue on the last day of the month following date of sale or transaction and shall be delinquent thereafter. Except as provided in Rule Chapter 12-24, F.A.C., and paragraph (c) below, all taxes imposed on utility services are due to the Department in any given month must either reach the office of the Department of Revenue or be postmarked on or before the last day of the month following the date of the sale or transaction to avoid penalty and interest for late filing. The payment and return must either reach the office of the Department or be postmarked on or before the last day of the month for receipts for utility services received in the preceding calendar month for a utility provider to avoid penalty and interest for late filing. When if the last day of the month falls on Saturday, Sunday, or a federal or state legal holiday, payments accompanied by returns will shall be accepted as considered timely filed if postmarked or delivered to the Department of Revenue on the next succeeding day that which is not a Saturday, a Sunday, or a legal holiday. A tax return is required to shall be filed on or before the last day of each month even when no tax is whether or not any taxes are due. The report is required to shall be signed under oath by an officer or a representative duly authorized to act by the taxpayer. For this purpose, a legal holiday means a holiday that is observed by federal or state agencies as a legal holiday as this term is defined in Chapter 683, F.S., and Section 7503 of the 1986 Internal Revenue Code, as amended. A "legal holiday" pursuant to s. 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district. The fact that an officer has signed a return shall be prima facie evidence that the individual was authorized to sign such document on behalf of the taxpayer.

(b) When quarterly, semiannual, or annual reporting is authorized by the Department pursuant to s. 203.01(1)(f), F.S., the tax is due on or before the last day of the month following the authorized reporting period and becomes delinquent on the first day of the next succeeding month. Telecommunications Taxes and returns shall be filed in the same manner as in

paragraph (a) above, except any person who has his own telephone or telecommunication system for his own use shall report and pay the tax annually with the Department on or before January 31 for the tax year which ended December 31 of the preceding year. The provisions of Rule 12-24, F.A.C., apply to such taxpayers.

(c) Payments and returns for reporting tax must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C., when:

1. Payment of the tax is required to be made by electronic means;

2. Any return for reporting tax is required to be submitted by electronic means; or

3. No tax is due with a return for reporting tax.

(d)1. A taxpayer may elect to pay the gross receipts tax on total billings for utility services for each month or on the actual gross receipts for utility services received in that month.

2. When the utility provider elects to pay gross receipts tax on total billings for utility services, the provider may take a credit for net uncollectibles for which gross receipts tax has been previously paid to the Department. The credit must be reported on the provider's return in accordance with the timing provisions of s. 215.26(2), F.S.

3. In lieu of a credit for net uncollectibles, the provider may seek a refund of tax previously paid by filing an Application for Refund (form DR-26, incorporated by reference in Rule 12-26.008, F.A.C.) with the Department. The application for refund must be filed in accordance with the timing provisions of s. 215.26(2), F.S., and must meet the requirements of s. 213.255(2) and (3), F.S., and Rule 12-26.003, F.A.C.

4.a. Form DR-26, Application for Refund, must be filed with the Department for tax paid on or after October 1, 1994, and prior to July 1, 1999, within 5 years after the date the tax was paid. Credits for tax paid on or after October 1, 1994, and prior to July 1, 1999, must be reported on the provider's return within 5 years after the date the tax was paid.

b. Form DR-26, Application for Refund, must be filed with the Department for tax paid on or after July 1, 1999, within 3 years after the date the tax was paid. Credits for tax paid on or after July 1, 1999, must be reported on the provider's return within 3 years after the date the tax was paid.

(2)(3) The following public-use forms and instructions are employed by the Department in its dealings with the public related to the administration of utility services. These forms are hereby incorporated by reference in this rule. Copies of these forms are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the 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 (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331. Copies may be obtained by application to the Department of Revenue, Carlton Building, Tallahassee, Florida 32399-0100.

Form Number	Title	Effective Date
DR-133	Gross Receipts Tax; Quarterly Report	
DR-1GR	Application for Registration	
(a) DR-133	Gross Receipts Tax Return (R. 01/03)	_____
(b) DR-133N	Instructions for Filing Gross Receipts Tax Return (R. 01/03)	_____

Specific Authority 213.06(1) FS., Section 22, Chapter 89-356, Laws of Florida. Law Implemented 203.01, 213.255(1),(2),(3), 213.37, 215.26 FS.; Section 25, Chapter 89-356, Laws of Florida. History-New 11-13-78, Amended 7-1-80, 8-26-81, Formerly 12B-6.05, Amended 10-4-89, 12-19-89.

12B-6.0051 Public Service Tax Reporting Form.

(1)(a) The public-use form provided in this rule is to be utilized by each municipality or charter county to report to the Department services taxed under ss. 166.231 and 166.232, F.S., and to report any other required information. The following public-use form is employed by the Department of Revenue for this purpose in its dealings with the public, and it is hereby incorporated in this rule these rules by reference.

(b) Copies of this form are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the 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 (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331. This form is to be utilized by each municipality to report to the Department of Revenue the services taxed under ss. 166.231 and 166.232, F.S., and to report any other required information.

Form Number Title Effective Date
 (2) DR-700001 Municipal Public Service Tax Data Base
 (r. 10/01) (N. 8/97) 4/98

Specific Authority 166.233, 213.06(1) FS. Law Implemented 166.233 FS. History—New 4-5-98, Amended _____.

12B-6.006 Collection and Distribution.

~~All taxes collected pursuant to s. 203.01, F.S., shall be deposited into the Public Education Capital Outlay and Debt Service Trust Fund.~~

Specific Authority 213.06(1) FS. Law Implemented 203.01 FS., Art. XII, Section 9, Subsection (2), Constitution of Florida (1968). History—New 11-13-78, Formerly 12B-6.06, Amended 10-4-89, Repealed _____.

12B-6.007 Assessment and Collection.

~~The Department shall proceed to collect any delinquent taxes under Chapter 203, Florida Statutes, together with all penalties and interest due, the same as other delinquent taxes are collected.~~

Specific Authority 213.06(1) FS. Law Implemented 203.01 FS. History—New 11-13-78, Formerly 12B-6.07, Repealed _____.

12B-6.008 Penalties, Interest.

~~(1)(a) Penalties. When any person fails to make a return or report as required and pay the tax due timely, a delinquent penalty shall be added to the unpaid tax in the amount of 5 percent of any unpaid tax if the failure to pay is for less than 31 days. There shall be added an additional 5 percent delinquent penalty for each additional 30 days, or fraction thereof, until the tax is paid, but the total penalty for each month shall not exceed 25 percent. However, the penalty shall not be less than \$5 for each return even though no tax is due.~~

~~(b) Any person who is required to file and pay any tax and who falsely or fraudulently reports or unlawfully attempts to evade any tax imposed under Chapter 203, F.S., shall be liable for a penalty equal to 50 percent of any tax due in addition to any other penalties provided and is guilty of a misdemeanor of the second degree punishable as provided under s. 775.082 or s. 775.083, F.S.~~

~~(2) Interest.~~

~~(1)(a) No change.~~

~~1. through 2. renumbered (a) through (b) No change.~~

~~(2)(b) No change.~~

~~(3) The Executive Director or the Executive Director's designee may compromise or settle the penalties or interest pursuant to s. 213.21, F.S.~~

Specific Authority 213.06(1) FS. Law Implemented 203.01, 203.03, 203.06, 203.07 213.235 FS. History—New 11-13-78, Amended 6-5-85, Formerly 12B-6.08, Amended 10-4-89, 4-2-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-9407 or e-mail: youngj@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles B. Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)488-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed rule amendments to Rule Chapter 12B-6, F.A.C., Gross Receipts Tax, were published in the Florida Administrative Weekly on November 12, 1999 (Vol. 25, No. 45, pp. 5205-5209). A rule development workshop was held on December 2, 1999. Based on comments received and the 2000 legislative change to implement the communications services tax on October 1, 2001, substantial changes to the proposed rules were made by the Department. The revised changes to Rule Chapter 12B-6, F.A.C., were included in a Notice of Proposed Rule Development, as published in the Florida Administrative Weekly on April 20, 2001 (Vol. 27, No. 16, pp. 1834-1839). A second rule development workshop was held on May 8, 2001. Substantial changes were made in response to comments received and made a part of the record of the second rule development workshop conducted by the Department. The revised changes to Rule Chapter 12B-6, F.A.C., were included in the Notice of Proposed Rule Development, as published in the Florida Administrative Weekly on July 12, 2002 (Vol. 28, No. 28, pp. 2958-2965). A third rule development workshop was held on July 31, 2002, regarding the revised proposed changes to Rule Chapter 12B-6, F.A.C. Technical change were made by the Department and are included in this Notice of Proposed Rulemaking. Changes were also made to clarify the timing provisions of s. 215.26(2), F.S.

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Equalization Tax on Non-Florida, United States Juice	20-15
RULE TITLES:	RULE NOS.:
Intent	20-15.001
Definitions	20-15.002
Collection	20-15.003

PURPOSE AND EFFECT: Effectuating the collection of Equalization Taxes as required by Court order. Such taxes are owed by persons who, during the time period commencing on October 6, 1997, and ending on March 14, 2002, benefitted from the exemption for non-Florida, United States juice as set forth in the statutory provision which was ultimately severed by the Court from section 601.155(5), Florida Statutes, as unconstitutional.

SUMMARY: Effectuating the collection of Equalization Taxes as required by Court order.

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

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

SPECIFIC AUTHORITY: 601.02, 601.10, 601.15, 601.155 FS.

LAW IMPLEMENTED: 601.02, 601.10, 601.15, 601.155 FS.

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

TIME AND DATE: 9:00 a.m., December 18, 2002

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

20-15.001 Intent.

(1) The Court in Tampa Juice Service, et al v. Florida Department of Citrus in Consolidated Case Number GCG-003718 (Circuit Court in and for Polk County, Florida) severed the exemption contained in Section 601.155(5), Florida Statutes, that provided an exemption for persons who exercised one of the enumerated Equalization Tax privileges on non-Florida, United States juice. The Court had previously determined that the stricken provisions operated in a manner that violated the Commerce Clause of the United States Constitution. On August 8, 2002, the Court ordered that the Florida Department of Citrus “take appropriate steps, consistent with existing law, to assess and collect the Equalization tax from those entities which benefitted from the unconstitutional exemption.”

(2) It is the Florida Department of Citrus’ intent by promulgating the following remedial rule, 20ER02-01 and Chapter 20-15, F.A.C., to implement a non-discriminatory tax scheme, which does not impose a significant tax burden that is so harsh and oppressive as to transgress constitutional

limitations. These rules shall be applicable to those previously favored persons who received favorable tax treatment under the statutory sections cited above.

Specific Authority 601.02, 601.10, 601.15, 601.155 FS. Law Implemented 601.02, 601.10, 601.15, 601.155 FS. History—New

20-15.002 Definitions.

(1) “Previously favored persons” shall be defined as any person who exercised an enumerated Equalization Tax privilege as defined by Section 601.155, Florida Statutes, but who was exempt from payment of the Equalization Tax due to the exemption for non-Florida, United States juice set forth in the statutory provision, which was ultimately determined to be unconstitutional and severed from Section 601.155(5), Florida Statutes.

(2) The “tax period” during which the severed provisions of Section 601.155(5), Florida Statutes, were in effect shall be defined as commencing on October 6, 1997, and ending on March 14, 2002.

(3) “Tax liability” shall be defined as the total amount of taxes due to the Florida Department of Citrus during the “tax period,” at the following rates per box for each respective fiscal year:

Fiscal Year	Processed Rate	
	Orange	Grapefruit
<u>1997-1998</u>	<u>.175</u>	<u>.30</u>
<u>1998-1999</u>	<u>.17</u>	<u>.30</u>
<u>1999-2000</u>	<u>.18</u>	<u>.325</u>
<u>2000-2001</u>	<u>.175</u>	<u>.30</u>
<u>2001-2002</u>	<u>.165</u>	<u>.18</u>

Specific Authority 601.02, 601.10, 601.15, 601.155 FS. Law Implemented 601.02, 601.10, 601.15, 601.155 FS. History—New

20-15.003 Collection.

(1) The Florida Department of Citrus shall calculate the tax liability for each person or entity that exercised an enumerated Equalization Tax privilege outlined in Section 601.155, Florida Statutes, upon non-Florida, United States juice based upon inspection records maintained by Florida Department of Agriculture and Consumer Services and the United States Department of Agriculture. Additionally, the Florida Department of Citrus will provide notice of the calculation to the previously favored persons by certified mail. The notice of the calculation shall contain a statement including the following categories:

- (a) Tax liability;
- (b) Gallons;
- (c) Brix;
- (d) Type of product;
- (e) Total solids;
- (f) Conversion rate;
- (g) Total boxes;
- (h) Delineation of non-Florida, United States juice.

(2) Subsequent to adoption of this rule, the Florida Department of Citrus will provide to the previously favored persons by certified mail a Notice of Tax Liability which shall contain a demand for payment consistent with the above-referenced itemized statement. The Department will deem late payment of Equalization Taxes owed by previously favored persons to constitute good cause, and shall waive the 5% penalty authorized by Section 601.155(10), F.S., as compliance with either of the following is established by Department:

(a) Lump sum payment of the tax liability remitted with the filing of Department of Citrus Form 4R (incorporated by reference in Rule 20-100.004, F.A.C.) for the relevant years and then-applicable tax rate(s) per subsection 20-15.002(3), F.A.C., within 61 days of receiving Notice of Tax Liability; or

(b) Equal installment payments remitted with the filing of Department of Citrus Form 4R (incorporated by reference in Rule 20-100.004, F.A.C.) for the relevant years and then-applicable tax rate(s) per subsection subsection 20-15.002(3), F.A.C., over a 60-month period, the first payment being due within 61 days of receiving Notice of Tax Liability pursuant to subsection 20-15.003(2), F.A.C.; or

(c) The Good Cause provisions of 601.155(10), F.S., shall not apply to persons who do not comply with paragraph 20-15.003(2)(a), F.A.C., or paragraph 20-15.003(2)(b), F.A.C.

(d) Failure to pay the taxes or penalties due under 601.155, F.S. and Chapter 20-15, F.A.C., shall constitute grounds for revocation or suspension of a previously favored person's citrus fruit dealer's license pursuant to 601.56(4), F.S., 601.64(6), F.S., 601.64(7), F.S., and/or 601.67(1), F.S.

(3) The Florida Department of Citrus will not oppose the timely intervention of persons who previously enjoyed the subject exemption that wish to present a claim to the Court in the Tampa Juice Service, Inc., et al v. Florida Department of Citrus. However, the Florida Department of Citrus does not waive any argument regarding the validity of the calculation of the tax liability or that imposition of this tax is constitutional.

Specific Authority 601.02, 601.10, 601.15, 601.155 FS. Law Implemented 601.02, 601.10, 601.15, 601.155 FS. History--New.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ken O. Keck, General Counsel
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken O. Keck, General Counsel
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 4, 2002

DEPARTMENT OF CORRECTIONS

RULE TITLE: Chaplaincy Services
RULE NO.: 33-503.001

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the circumstances under which inmates may attend and participate in religious services.

SUMMARY: The proposed rule clarifies the circumstances under which inmates may attend and participate in religious services and corrects titles used in the chaplaincy services program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09, 944.11 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.11 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-503.001 Chaplaincy Services.

(1) Organization and Functions.

(a) The Chaplaincy Services Section of the ~~Adult Services Program~~ Office of Program, Transition and Post-Release Services is responsible for:

1. through 4. No change.

(b) The Chaplaincy Services ~~Administrator~~ ~~Coordinator~~ is the chief administrative officer of the Chaplaincy Services section and directs and coordinates all activities of the section.

(c) through (2) No change.

(3) Religious Services and Rituals.

(a) through (b) No change.

(c) In the interest of security, order or effective management of the institution, the warden may limit the number of religious services or activities inmates may attend per week. When it is considered necessary for security or good order of the institution, the warden may limit attendance at or discontinue completely a religious service or activity. The warden may not restrict or allow the religious group itself to restrict attendance at or participation in a religious service or activity on the basis of race, color, or nationality, or creed. Inmates are allowed to visit religious services other than their own so long as the services are not scheduled by call-out, the inmate visits the religious service during his own free time, and the inmate does not provoke disruption of the service. The

volunteer clergy or religious leader is authorized to limit participation in specific sacraments to members of the faith according to the faith tradition. Inmates attending a religious service or activity may be required to sign an attendance record.

(d) through (12) No change.

Specific Authority 944.09, 944.11 FS. Law Implemented 20.315, 944.09, 944.11 FS. History--New 1-6-82, Formerly 33-3.14, 33-3.014, Amended 10-18-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Alex Taylor

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 4, 2002

DEPARTMENT OF CORRECTIONS

RULE TITLE: Basic Training Program Selection Process

RULE NO.: 33-601.234

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide clarity and ensure consistency with s. 958.045, F.S.

SUMMARY: The proposed rule clarifies that those youthful offenders designated by the department must be control release eligible in order to participate in the basic training program.

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: 958.04, 958.045 FS.

LAW IMPLEMENTED: 946.40, 958.04, 958.045 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.234 Basic Training Program Selection Process.

(1) In order to participate in the program, a youthful offender as defined by chapter 958, F.S. shall meet the following criteria:

(a) No change.

(b) If designated by the department as a youthful offender, must be eligible for Meets control release pursuant to criteria identified in s. 947.146(3), F.S.;

(c) through (3) No change.

Specific Authority 958.04, 958.045 FS. Law Implemented 946.40, 958.04, 958.045 FS. History--New 2-26-89, Amended 11-2-90, 1-25-96, 10-23-97, Formerly 33-27.004, Amended 3-13-01, Formerly 33-506.204, Amended 1-17-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jerry Vaughan

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 1, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 18, 2002

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Chiropractic Services

RULE NO.: 59G-4.040

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Chiropractic Services Coverage and Limitations Handbook, January 2002 and April 2002. The effect will be to incorporate by reference in the rule the current Florida Medicaid Chiropractic Services Coverage and Limitations Handbook.

SUMMARY: The purpose of the rule is to incorporate by reference the revised Florida Medicaid Chiropractic Services Coverage and Limitations Handbook, January 2002 and April 2002. The Handbook revisions include an updated fee schedule effective for the months of January through March 2002 and another updated fee schedule beginning April 1, 2002.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m., December 11, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Jackson, Medicaid Health Systems Development, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7314

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.040 Chiropractic Services.

(1) No change.

(2) All chiropractic services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Chiropractic Services Coverage and Limitations Handbook, January 2002 and April 2002 ~~January 2001~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.9081 FS. History--New 6-1-89, Amended 7-1-91, 12-31-91, 3-17-92, 4-21-92, 11-9-92, 7-5-93, 1-19-94, Formerly 10C-7.066, Amended 10-10-94, 5-25-95, 1-9-96, 10-21-97, 5-24-99, 4-23-00, 7-5-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Karen Jackson

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Rhonda M. Medows, M.D.

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: October 17, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: June 21, 2002

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Hearing Services
RULE NO.: 59G-4.110

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Hearing Services Coverage and Limitations Handbook, January 2002. The effect will be to incorporate by reference in the rule the current Florida Medicaid Hearing Services Coverage and Limitations Handbook, January 2002.

SUMMARY: The purpose of the rule is to incorporate by reference the revised Florida Medicaid Hearing Services Coverage and Limitations Handbook, January 2002.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

TIME AND DATE: 9:00 a.m., December 11, 2002

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Jackson, Agency for Health Care Administration, Medicaid Health Systems Development, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7314

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.110 Hearing Services.

(1) No change.

(2) All physicians, audiologists and hearing aid specialists enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Hearing Services Coverage and Limitations Handbook, January 2002 ~~January 2001~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA 1500 and Child Health Check-Up 221, which is incorporated by reference in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History--New 8-3-80, Amended 7-21-83, Formerly 10C-7.522, Amended 4-13-93, Formerly 10C-7.0522, Amended 12-21-97, 10-13-98, 5-7-00, 7-5-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Karen Jackson

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Rhonda M. Medows, MD

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: October 17, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: June 21, 2002

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Optometric Services
RULE NO.: 59G-4.210

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Optometric Services Coverage and Limitations Handbook, January 2002 and April 2002. The effect will be to incorporate by reference in the rule the current Florida Medicaid Optometric Services Coverage and Limitations Handbook, January 2002 and April 2002.

SUMMARY: The purpose of the rule is to incorporate by reference the revised Florida Medicaid Optometric Services Coverage and Limitations Handbook, January 2002 and April 2002. The Handbook revisions include and updated fee schedule effective for the months of January through March 2002 and another updated fee schedule beginning April 1, 2002.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.9081 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NO HEARING IS REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m., December 11, 2002

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Jackson, Agency for Health Care Administration, Medicaid Health Systems Development, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7314

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.210 Optometric Services.

(1) No change.

(2) All optometry practitioners enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Optometric Services Coverage and Limitations Handbook, January 2002 and April 2002 ~~January 2001~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA 1500 and Child Health Check-Up 221, which is incorporated by reference in Chapter 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.9081 FS. History—New 4-13-93, Amended 7-1-93, Formerly 10C-7.069, Amended 12-21-97, 10-13-98, 5-24-99, 4-23-00, 7-5-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Karen Jackson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, MD

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 21, 2002

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Podiatry Services
RULE NO.: 59G-4.220

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Podiatry Services Coverage and Limitations Handbook, January 2002 AND April 2002. The effect will be to incorporate by reference in the rule the current Florida Medicaid Podiatry Services Coverage and Limitations Handbook, January 2002 and April 2002.

SUMMARY: The purpose of the rule is to incorporate by reference the revised Florida Medicaid Podiatry Services Coverage and Limitations Handbook, January 2002 and April 2002. The Handbook revisions include an updated fee schedule effective for the months of January through March 2002 and another fee schedule beginning April 1, 2002.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m., December 11, 2002

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Jackson, Agency for Health Care Administration, Medicaid Health Systems Development, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7314

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.220 Podiatry Services.

(1) No change.

(2) All podiatry providers enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Podiatry Services Coverage and Limitations Handbook, January 2002 and April 2002 ~~January 2001~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA 1500 and Child Health Check-Up 221, which is incorporated in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.9081 FS. History--New 1-23-84, Amended 10-25-84, Formerly 10C-7.529, Amended 4-21-92, 11-9-92, 7-1-93, Formerly 10C-7.0529, 10P-4.220, Amended 1-7-96, 3-11-98 10-13-98, 5-24-99, 4-23-00, 7-5-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen Jackson
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, MD
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 21, 2002

**AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid**

RULE TITLE: Registered Nurse First Assistant Services
RULE NO.: 59G-4.270

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Registered Nurse First Assistant Coverage and Limitations Handbook, January 2002 and April 2002. The effect will be to incorporate by reference in the rule the current Florida Medicaid Registered Nurse First Assistant Coverage and Limitations Handbook, January 2002 and April 2002.

SUMMARY: The purpose of the rule is to incorporate by reference the revised Florida Medicaid Registered Nurse First Assistant Coverage and Limitations Handbook, January 2002 and April 2002. The Handbook revisions include an updated fee schedule effective for the months of January through March 2002 and another fee schedule beginning April 1, 2002.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.
LAW IMPLEMENTED: 409.906, 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m., December 11, 2002
PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Madeleine Nobles, Agency for Health Care Administration, Medicaid Health Systems Development, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7326

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.270 Registered Nurse First Assistant Services.
(1) No change.

(2) All registered nurse first assistant services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Registered Nurse First Assistant Coverage and Limitations Handbook, January 2002 and April 2002 ~~January 2001~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA 1500 and Child Health Check-Up 221, which is incorporated in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.9081 FS. History--New 3-11-98, Amended 10-13-98, 5-24-99, 4-23-00, 7-5-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Madeleine Nobles
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, MD
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 21, 2002

**AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid**

RULE TITLE: Visual Services
RULE NO.: 59G-4.340

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Visual Services Coverage and Limitations Handbook, January 2002. The effect will be to incorporate by reference in the rule the current Florida Medicaid Visual Services Coverage and Limitations Handbook, January 2002.

SUMMARY: The purpose of the rule is to incorporate by reference the revised Florida Medicaid Visual Services Coverage and Limitations Handbook, January 2002. The Handbook revision includes an updated fee schedule.

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

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

SPECIFIC AUTHORITY: 409.919 FS.
LAW IMPLEMENTED: 409.906, 409.908 FS.

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

TIME AND DATE: 9:00 a.m., December 11, 2002

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, MS 20, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Jackson, Agency for Health Care Administration, Medicaid Health Systems Development, 2727 Mahan Drive, Building #3, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7314

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.340 Visual Services.

(1) No change.

(2) All visual services practitioners enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Visual Services Coverage and Limitations Handbook, January 2002 ~~January 2001~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA 1500 and Child Health Check-Up 221, which is incorporated in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 7-30-80, Formerly 10C-7.521, Amended 4-20-93, 8-25-93, Formerly 10C-7.0521, Amended 12-21-97, 10-13-98, 6-10-99, 1-23-02,

NAME OF PERSON ORIGINATING PROPOSED RULE:

Karen Jackson

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Rhonda M. Medows, MD

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: October 17, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: June 21, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE TITLE:

Disciplinary Guidelines

RULE NO.:

61-20.010

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

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

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 455.2273(1) FS.

LAW IMPLEMENTED: 455.2273 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61-20.010 Disciplinary Guidelines.

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

(2) AGGRAVATING AND MITIGATING CIRCUMSTANCES. The department shall be entitled to deviate from the disciplinary guidelines provided by this rule upon a showing of aggravating or mitigating circumstances by clear and convincing evidence presented to the department prior to the imposition of a final penalty. The department must make a specific finding of mitigating or aggravating 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.

(3) PENALTIES CUMULATIVE AND CONSECUTIVE.

Where several violations occur in one or several cases being considered together, the penalties shall normally be cumulative and consecutive.

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

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

VIOLATION:	PENALTY RANGE	
	MINIMUM	MAXIMUM
<u>(a) Section 468.436(1)(b)1., F.S.</u> – Violating any provision of this part, if not otherwise delineated in this rule.		
First Offense	Reprimand	\$1000 fine; costs
Second Offense	\$500 fine	Probation; \$2500 fine; costs
Third Offense	Probation; \$2500 fine	One year suspension; \$5000 fine; costs
<u>(b) Section 468.436(1)(b)2., F.S.</u> – Violating any lawful order or rule, if not otherwise delineated in this rule.		
First Offense	Reprimand	\$1000 fine; costs
Second Offense	\$500 fine	Probation; \$2500 fine; costs
Third Offense	Probation; \$2500 fine	One year suspension; \$5000 fine; costs
<u>(c) Section 468.436(1)(b)3., F.S.</u> – Being convicted of or pleading nolo contendere to a felony.		
First Offense	Reprimand; \$500 fine	Revocation; \$5000 fine; costs
Second Offense	One year suspension; \$1000 fine; costs	Revocation; \$5000 fine; costs
Third Offense	Two years suspension; \$1000 fine	Revocation; \$5000 fine; costs
<u>(d) Section 468.436(1)(b)4., F.S.</u> – Obtaining a license or certification or any other order, ruling, or authorization by means of fraud, misrepresentation, or concealment of material facts.		
First Offense	\$1000 fine; costs	Revocation; \$5000 fine; costs
Second Offense	One year suspension; \$1000 fine; costs	Revocation; \$5000 fine; costs
Third Offense	Revocation	Revocation; \$5000 fine; costs

(e) Section 468.436(1)(b)5., F.S.

– Committing acts of gross misconduct or gross negligence in connection with the profession.

First Offense	\$500 fine	Revocation; \$5000 fine; costs
Second Offense	\$2500 fine; costs	Revocation; \$5000 fine; costs
Third Offense	One year suspension; one year probation; \$2500 fine	Revocation; \$5000 fine; costs

(f) Subsection 61-20.002(1), F.A.C. –

Change of address, notification, license renewal.

First Offense	Reprimand	\$500 fine; costs
Second Offense	Reprimand	\$1000 fine; costs
Third Offense	Reprimand	\$2000 fine; costs

(g) Paragraph 61-20.002(3)(c), F.A.C. –

Legal name change, notification.

First Offense	Reprimand	\$500 fine; costs
Second Offense	Reprimand	\$1000 fine; costs
Third Offense	Reprimand	\$2000 fine; costs

(h) Subsection 61-20.503(2), F.A.C. –

A licensee or registrant shall not make an untrue statement of a material fact or fail to state a material fact.

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

(i) Subsection 61-20.503(3), F.A.C. –

A licensee or registrant shall perform only those services which he or she can reasonably expect to complete with professional competence.

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

(j) Paragraph 61-20.503(4)(a), F.A.C. –

A licensee or registrant shall exercise due professional care.

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

(k) Paragraph 61-20.503(4)(b), F.A.C. –

A licensee or registrant shall not knowingly fail to comply with the requirements of the documents by which the association is created or operated.

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

(l) Subsection 61-20.503(5), F.A.C. –

A licensee or registrant shall not permit others to commit certain acts or omissions.

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

(m) Paragraph 61-20.503(6)(a), F.A.C. –

- A licensee or registrant shall not withhold possession of records.

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

(n) Paragraph 61-20.503(6)(b), F.A.C. –

A licensee or registrant shall not deny access to association records.

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

(o) Paragraph 61-20.503(6)(c), F.A.C. –

A licensee or registrant shall not create false records.

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

(p) Paragraph 61-20.503(6)(d), F.A.C. –

A licensee or registrant shall not fail to maintain records.

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

(q) Subsection 61-20.503(7), F.A.C. –

Use funds for intended purpose.

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

(r) Paragraph 61-20.503(8)(a), F.A.C. –

other license suspended, revoked, misconduct.

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

(s) Paragraph 61-20.503(8)(b), F.A.C. –

Perform services requiring licensure without requisite licensure.

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

(t) Paragraph 61-20.503(8)(c), F.A.C. –

Other licenses, reveal.

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

(u) Subsection 61-20.508(1), F.A.C. –

Continuing Education.

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

(v) Subsection 61-20.5083(5), F.A.C. –

Continuing education audit, failure to respond.

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

(w) Subsection 61-20.003(2), F.A.C. –

Practice through unregistered entity 3 months or less.

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

(x) Section 455.271(1), F.S. –

Practice on delinquent, inactive license.

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

(y) Section 455.227(1)(c), F.S. –

Being convicted or found guilty of a crime related to the practice of a licensee's or registrant's profession.

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

(z) Section 455.227(1)(g), F.S. –

Filing a false report or complaint with the department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kim Binkley-Seyer, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 18, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE TITLE: Written Examination; Passing Grade;
 Review Process; Reexamination

RULE NO.: 61-24.013

PURPOSE AND EFFECT: The rule is being repealed following the 2002 legislative changes made to Section 468.453(2)(c), Florida Statutes, which eliminated the examination and surety bond requirements for athlete agent licensure.

SUMMARY: The rule describes the requirements, now repealed, that a written examination must be taken and a passing grade achieved for licensure as an athlete agent; the grading criteria; the review process; and the reexamination procedure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 455.217(1)(b), 468.457 FS.

LAW IMPLEMENTED: 455.217, 468.453 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: Eric R. Hurst, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

THE FULL TEXT OF THE PROPOSED RULE IS:

61-24.013 Written Examination; Passing Grade; Review Process; Reexamination.

Specific Authority 455.217(1)(b), 468.457 FS. Law Implemented 455.217, 468.453 FS. History—New 5-29-96, Repealed.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kim Binkley-Seyer, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 1, 2002

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 02-21R

RULE CHAPTER TITLE: Permits RULE CHAPTER NO.: 62-4

RULE TITLE: Procedure to Obtain Permits and Other Authorizations; Application RULE NO.: 62-4.050

PURPOSE, EFFECT AND SUMMARY: The proposed rulemaking will amend Rule 62-4.050, F.A.C., to reflect a new fee for proposed formal determinations for single-family residences of properties five acres or less in the DEP South Florida District. This fee is proposed as part of concurrent rulemaking involving amendments to Rule 62-343.040 and .900, F.A.C.

CONTACT: Jeanese McCree, Bureau of Beaches and Wetland Resources, Tallahassee, Florida, (850)245-8474, facsimile (850)245-8499 or e-mail: jeanese.mccree@dep.state.fl.us.

The full text of this notice is published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-57R

RULE CHAPTER TITLE: Permits RULE CHAPTER NO.: 62-4

RULE TITLE: Procedure to Obtain Permits and Other Authorizations, Application RULE NO.: 62-4.050

The Department of Environmental Protection has proposed language, amending Rule 62-4.050, F.A.C., which establishes fees to be paid by operators of MS4 facilities regulated under the Department’s Phase II MS4 generic permit.

The full text of this notice is published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button entitled “Official Notices.” The person to be contacted regarding the propose rule is: Fred Noble, P.E., NPDES Stormwater Section, Florida Department of Environmental Protection, Mail Station 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO: 02-47R

RULE CHAPTER TITLE: Air Pollution Control – General Provisions RULE CHAPTER NO.: 62-204

RULE TITLE: Federal Regulations Adopted by Reference RULE NO.: 62-204.800

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments update through September 30, 2002, the adoptions by reference of air pollution regulations promulgated by the U.S. Environmental Protection Agency (EPA) at 40 CFR Parts 52, 63, 72, 75, and 93.

The full text of this notice is published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices”.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Docket No.: 00-55R

RULE CHAPTER TITLE: Noticed General Environmental Resource Permits RULE CHAPTER NO.: 62-343

RULE TITLES: Formal Determinations of the Landward Extent of Wetlands and Other Surface Waters RULE NOS.: 62-343.040

Environmental Resource Permit Forms 62-343.900

PURPOSE, EFFECT AND SUMMARY: The proposed rule will amend Rule 62-343.040, of the Florida Administrative Code, to establish new criteria and procedures for petitions for formal determinations of the landward extent of wetlands and other surface waters for private single-family residential parcels of up to five acres in size within the geographic territory of the DEP South Florida District conducted under subsection 62-343.040(3), F.A.C. The procedures will include provisions for the following: (1) petition content and submittal requirements; (2) processing timeframes; (3) verification

provisions; (4) timeframes for agency action; and (4) noticing. Form 62-343.900(2), which is used to petition for a formal determination, also is being amended to address the streamlined procedures. The fee for petitioning for these determinations will be set through concurrent rulemaking amendments to Rule 62-4.050, F.A.C., at \$250. The proposed amendments also will change the requirement for persons to initially delineate the boundaries of wetlands and other surface waters for other parcels of ten or fewer acres before Department staff conduct their evaluation of the boundaries.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jeanese McCree, Florida Department of Environmental Protection, Bureau of Beaches and Wetland Resources, MS 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8474, or e-mail: jeanese.mccree@dep.state.fl.us.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Re-examination RULE NO.: 64B7-27.004

PURPOSE AND EFFECT: To address re-examination fees.

SUMMARY: The Board proposes to update and clarify the fees for the national and colonics examinations.

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: 480.035(7), 480.044(1) FS.

LAW IMPLEMENTED: 480.044(1)(g) 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: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-27.004 Re-examination.

The re-examination fees shall be:

(1) The fee to retake the Board approved national examination shall be the same fee as the original examination \$190 to retake the Board approved national examination which includes a \$25 non-refundable application fee.

(2) The fee to retake the colonics examination shall be the same fee as the original colonics examination \$75 to retake the colonics examination which includes a \$25 non-refundable application fee.

Specific Authority 480.035(7), 480.044(1) FS. Law Implemented 480.044(1)(g) FS. History--New 11-27-79, Formerly 21L-27.04, Amended 6-17-86, 5-17-90, Formerly 21L-27.004, Amended 12-12-94, 9-18-95, 9-9-96, Formerly 61G11-27.004, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Massage Therapy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 4, 2002

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE: Inactive and Delinquent Status Fees RULE NO.: 64B11-5.006

PURPOSE AND EFFECT: To update inactive and delinquent status fees.

SUMMARY: After a review of the fees in this rule, the Board determined to make necessary adjustments.

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: 468.221 FS.

LAW IMPLEMENTED: 468.221 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: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-5.006 Inactive and Delinquent Status Fees.

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

- (1) The fee for an inactive status license shall be ~~\$75.00~~ \$55.00.
- (2) The fee for delinquent status as set forth in subsection 456.036(7), F.S., shall be ~~\$100.~~ \$55.00.
- (3) The fee for reactivation of an inactive license shall be ~~\$200.00.~~ \$100.00.
- (4) The fee for renewal of an inactive license shall be ~~\$75.00.~~ \$55.00.

Specific Authority 468.221 FS. Law Implemented 468.221 FS. History--New 4-17-95, Formerly 59R-64.040, Amended 2-7-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Occupational Therapy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Occupational Therapy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 1, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 18, 2002

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Examination for Licensure
RULE NO.: 64B12-9.001

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

SUMMARY: The proposed amendments are intended to update the rule text regarding examination for licensure and to strike unnecessary language.

SPECIFIC AUTHORITY: 456.017(1),(5), 484.005 FS.

LAW IMPLEMENTED: 456.017(1),(5) 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: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-9.001 Examination for Licensure.

~~(1) An applicant who has completed all requirements for examination and has been certified eligible by the board will be admitted to the examination for licensure.~~

~~(1)(2) There shall be three five parts to the examination for Florida licensure in opticianry: a national written opticianry competency examination portion; a national written contact lens examination; and a neutralization portion; a practical examination portion; and a written portion based upon Chapter 484, Part I, F.S., and rules promulgated pursuant thereto.~~

~~(2)(3) The national written opticianry competency examination portion of the examination shall be the National Opticianry Competency Examination developed by the American Board of Opticianry. This portion of the licensure examination shall be completed through the American Board of Opticianry, and proof of successful completion shall be required prior to a candidate's taking of the practical examination in the three subject areas administered by the Department.~~

~~(3)(4) The national written contact lens examination portion of the examination shall be the Contact Lens Registry Examination developed by the National Contact Lens Examiners. This portion of the licensure examination shall be completed through the National Contact Lens Examiners, and proof of successful completion shall be required prior to a candidate's taking of the practical examination in the three subject areas administered by the Agency.~~

~~(4)(5) No change.~~

~~(5)(6) Proof of having successfully completed the national portions of the examination shall consist of certification of the candidate's scores from the testing body directly to the Board. It is the candidate's responsibility to arrange for transfer of scores. The scores shall reflect that the candidate successfully completed the examinations within the three two years preceding application for licensure or that the candidate successfully completed the examinations after August, 1979 and has maintained a current certificate since having successfully completed the examinations by having completed continuing education courses. The Board shall accept a copy of the original certificate of National Certification as evidence of successful completion.~~

~~(6) An applicant who has completed all requirements for the practical examination and who has been certified eligible by the Board will be admitted to the practical examination.~~

~~(7) The neutralization portion of the practical examination for opticianry licensure shall require candidates to neutralize lenses within the tolerances set out in the American National Standard (Z80.1-1987) which is incorporated herein by reference to achieve a score of seventy percent (70%).~~

~~(8) The practical portion remainder of the practical examination for opticianry licensure shall consist of and be graded as to each part as follows, as relates to all optical devices:~~

Measuring and Calipering	20%
Taking a P.D., Lens I.D., and Fitting and Adjustments	40%
Practical Dispensing	40%

For each section of the practical, grading tolerances shall be as follows:

Measuring and Calipering thickness	± .2mm
base curve	± .25 diopters
length	± 2mm
mechanical	± 1mm
width	± 1mm
decentration	± 1mm

~~The candidates' median answer shall establish the correct answer for each measurement made in the measuring and calipering section.~~

- Fitting and Adjustment, Taking a P.D.
- Fitting – Examiner’s judgment of pantoscopic tilt and symmetrical angling
- Monocular Distance
- P.D. Binocular P.D.
- Left ± 1mm Distance ± 2mm
- Right ± 1mm Near ± 2mm

~~The candidates' median answer shall establish the correct answer for each of the above P.D. measurements.~~

- Practical Dispensing
- The transposition, decentration, prism, slaboff and vertex shall be exact.
- A score of at least seventy percent (70%) shall be required in order to pass the practical portion of the examination.

~~(9) The written portion based upon the Opticianry Practice Act, Chapter 484, F.S., and the rules promulgated pursuant thereto shall consist of written multiple choice questions of equal weight. A score of at least seventy percent (70%) shall be required in order to pass the written portion of the examination based on the Florida law and rules.~~

(9)(10) In arriving at a final score for each part of the examination ~~that~~ ^{which} uses percentage scores, any percentage score which contains a fractional part of a point of one-half (.5) or higher will be raised to the next highest whole number.

(10)(11) No change.

Specific Authority 456.017(1), (5), 484.005 FS. Law Implemented 456.017(1),(5) FS. History—New 12-6-79, Amended 8-10-80, 3-11-81, 10-29-81, 6-30-82, 8-11-82, 2-2-83, 8-29-85, Formerly 21P-9.01, Amended 9-17-87, 3-30-89, 2-18-93, Formerly 21P-9.001, Amended 5-2-94, Formerly 61G13-9.001, Amended 5-4-97, Formerly 59U-9.001, Amended 4-20-98, 9-12-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Opticianry
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Opticianry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 21, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 23, 2002

Section III

Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE
Division of Library and Information Services
RULE NO.: RULE TITLE:
1B-2.011 Library Grant Programs
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 which was published in the Florida Administrative Weekly, Vol. 28, No. 37, on September 13, 2002.

The rule incorporates by reference guidelines and forms relating to the Public Library Construction grant program. Changes have been made to the guidelines and forms for the Public Library Construction grant program to reflect comments made by the Joint Administrative Procedures Committee (JAPC) and in response to comments received.

Copies of the full text of the changes may be obtained by contacting: Barratt Wilkins, Director, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6600, Suncom 205-6600.

DEPARTMENT OF STATE
Division of Cultural Affairs
RULE NO.: RULE TITLE:
1T-1.001 Division of Cultural Affairs
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 the Vol. 28, No. 34, August 23, 2002, issue of the Florida Administrative Weekly.

(20) Regional Cultural Facilities Program. The purpose of this program is to accept and administer funds to provide grants for the renovation, construction, or acquisition of regional cultural facilities. It is not intended to fund project planning, such as feasibility studies and architectural drawings, or operational support.

(a) Administrative and Legal Eligibility. The applicant for a regional cultural facilities grant must:

1. Be a ~~public entity governed by either a~~ municipality, county, or qualified corporation as defined in section 265.702(2), Florida Statutes.

2. Own an interest in the land upon which the regional cultural facility is to be built. Any entity that owns ~~owning an interest in the land upon which the regional cultural facility is to be built~~ Have ownership of the land and building. In the cases where either the land or building is not owned, fee simple, by the applicant, all underlying owners must also meet the requirements in subsection 1.

3. Retain ownership of all improvements made under the grant.

4. Have satisfied the administrative requirements of previous grants received from the Division.

(b) Program Eligibility. All eligible applications shall consist of the following documents and information:

1. A completed and signed Regional Cultural Facilities Program Application Form (#CA2E101, eff. 12/02), available from the Division and incorporated by reference, including the number of required application copies, submitted to the Division on or before the announced postmark deadline.

2. A description of the Project Scope of Work which shall include a project narrative.

3. Project Budgets including a summary and detail, a matching funds statement, and match summary chart.

4. A description of educational and cultural programs as required by 265.702(5)(a) and (5)(b), Florida Statutes.

5. Documentation of a 150-mile service area as described in 265.702(5)(c).

6. Documentation of a proposed acquisition, renovation, or construction cost of at least \$50 million.

7. Documentation that the applicant owns an interest in the land upon which the regional cultural facility is to be built ~~of unrestricted ownership of the land and building.~~

8. An independent certified audit of the applicant's financial records.

9. Cost Benefit Analysis/Feasibility Study.

10. An 8 1/2" x 11" reduction of current architectural plans.

11. Letters of Support: Submit letters or list of local officials lending support to this project.

(c) Funding

1. The annual amount of the grant shall not exceed the amount permitted in 265.702(7), Florida Statutes. There is no minimum amount.

2. An applicant from the same organization shall not submit 2 or more applications under a single application deadline for the same facility, project, site, or phase.

(d) Time Limits and Funding Cap. The total amount of grants awarded shall not exceed the amount permitted in 265.702(7). "Awarded" means July 1 of the fiscal year in which grant funds were appropriated by the Florida Legislature.

(e) Matching Funds.

1. Eligible matching funds provided by the grantee or third parties shall be on at least a two-to-one match of the amount requested, except for eligible Rural Economic Development Initiative (REDI) applicants.

2. Eligible matching funds provided by eligible REDI applicants shall be at least a one-to-one match of the amount requested.

3. At least 50% of the required match must be in cash. For the purposes of this program, cash shall include cash-on-hand, and cash expenditures made on the project during the three years immediately preceding the award of the grant.

4. At least 50% of the cash match must be cash-on-hand and dedicated to the project.

5. In-kind contributions of goods and services shall be subject to the restrictions of Section 265.702(6), Florida Statutes.

6. Municipalities and counties must submit a copy of the approved resolution or minutes from the commission meeting, with the original application, which includes the dollar amount dedicated and available to the project if the grant is awarded and the date the funds will be available. Resolutions that have not been approved by the application deadline can not be used as match documentation. Local funding, as indicated by the resolution, must be made available within 90 days of state award notification.

(f) Application Review Panel.

1. The Florida Arts Council shall review each eligible application based on the following criteria: Scope of Work, up to 20 points; Project Budget and Matching Funds, up to 25 points; Educational and Cultural Programs, up to 30 points; and Service Area, up to 25 points.

2. All applications that receive an average score of at least 75 out of 100 possible points will be recommended for funding.

3. The panel shall develop a priority list based on the average score for each application.

4. The Florida Art Council shall submit a priority list of all projects that are recommended for funding to the Secretary of State.

(g) The Secretary of State shall review the recommendations of the Council and provide the Legislature with an approved priority list with funding recommendations.

(h) Retaining Projects on the next grant cycle priority list.

1. Projects that are approved and recommended by the Secretary but are not funded by the Legislature shall be retained on the priority list for the next grant cycle only.

2. All projects that are retained shall be required by the Division to submit the information in section (b)1-3 above in order to reflect the most current status of the project.

3. The deadline for the receipt of updated information shall be the rollover deadline as published in the Florida Administrative Weekly.

4. Rollover updates will not be re-scored, but rather merged with the new applications using the original scores and recommended funding.

5. Rollover updates that are determined by the Division to be incomplete or ineligible, changed in scope or venue, or increased the funding request shall be removed from the priority list.

(i) No changes in project scope or venue will be permitted.

(j) Grant Award Agreement. The Grant Award Agreement (CA2E102, eff. 12/02) incorporated by reference and available from the Division is the document by which the organization enters into a contract with the State of Florida for the management of grant funds which shall include:

1. An update of the application project narrative and budget.

2. A completed Assurance of Compliance and Signature Authorization Form (Form CA2E059, eff. 6/02) incorporated by reference in subparagraph IT-1.001(17)(k)2., F.A.C., and available from the Division.

3. Other provisions that shall be agreed to by both the grantee and the state.

(k) Reporting Requirements.

1. Interim Reports shall be submitted at six-month intervals until the project is complete. For the purpose of this program, a project is considered complete when all grant and match funds have been expended. The first Interim Report is due on January 31 of the fiscal year in which the grant was awarded.

2. Final Report. A Final Report shall be submitted 45 days after the completion of the project.

3. All reports shall include the following information:

(a) A description of the work completed.

(b) A financial statement showing the expenditure of grant and match.

(c) A state grant expenditure log that includes check number, amount of check, date of check, name of payee, and a description of the expenditure.

Specific Authority 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.286(2)(b), 265.286(6), 265.51, 265.605(1), 265.608, 265.609(1),(4),(6), 265.701(4) FS. Law Implemented 215.97, 255.043, 265.284, 265.285, 265.286, 265.286(1), 265.286(5), 265.51-56, 265.601-607, 265.608, 265.609, 265.701, 286.011, 286.012, 286.25 FS. History—New 11-23-82, Formerly IT-1.01, Amended 10-1-96, 10-31-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, 8-17-99, 8-1-02,_____.

DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-204.001	Purpose and Scope
4-204.002	Definitions
4-204.004	Form Filings
4-204.006	Forms Review
4-204.010	Viatical Settlement Contracts and Forms Related Thereto
4-204.012	Viatical Settlement Purchase Agreements
4-204.022	Required Business Records in General
4-204.025	Department forms

NOTICE OF ADDITIONAL PUBLIC HEARING

The Department of Insurance hereby gives notice of an additional public hearing on the above-referenced rules to be held on December 17, 2002, at 9:30 a.m. at Larson Building, 200 East Gaines Street, Tallahassee, Florida.

The rules were originally published in Vol. 27, No. 45, November 9, 2001, Florida Administrative Weekly. A notice of change was published in Vol. 28, No. 39, of the September 27, 2002, Florida Administrative Weekly.

DEPARTMENT OF INSURANCE

RULE NO.:	RULE TITLE:
4-220.001	Prequalification and Licensure of Emergency Adjusters

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 21, May 24, 2004, of the Florida Administrative Weekly. A Notice of Change was published in Vol. 28, No. 29, July 19, 2002. These changes are being made to address concerns expressed Paragraph (8): "6/02" is changed to read "10/02". After the word "reference" the following is added: "A copy of Form DI4-1297 may be obtained from the state of Florida, Department of Insurance, Bureau of Agent and Agency Licensing, 200 East Gaines Street, Tallahassee, Florida 32399-0319, phone (850)413-3137."

The remainder of the reads as previously published.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE NO.:	RULE TITLE:
12D-1.009	Mapping Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 28, No. 40, October 4, 2002, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF REVENUE

The **Department of Revenue** announces a public Cabinet Hearing to which all persons are invited.

DATE AND TIME: November 26, 2002, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

PLACE: The Capitol, Lower Level, Cabinet Meeting Room, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of adoption of amendments to Rules 12D-7.003, 12D-7.0143, 12D-8.006, 12D-8.008, 12D-8.011, 12D-10.004, 12D-13.009, 12D-13.011, 12D-13.024, 12D-13.052, 12D-16.002, Florida Administrative Code, and new Rule 12D-51.003, Florida Administrative Code.

Notice of this proposed adoption was published in the Florida Administrative Weekly, October 4, 2002, Vol. 28, No. 40, pp. 4212-4223. A notice of change to Rules 12D-13.009 and 12D-16.002, Florida Administrative Code, is published in the Florida Administrative Weekly, November 15, 2002, Vol. 28, No. 46.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE NO.: RULE TITLE:
12D-13.009 Refunds

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to this proposed rule, as published in Vol. 28, No. 40 October 4, 2002, issue of the Florida Administrative Weekly. These changes are in accordance with s. 120.54(3)(d)1., F.S.

Subparagraph 2. of paragraph (a) and paragraph (b) of subsection (7) and paragraph (d) of subsection (8) of Rule 12D-13.009, F.A.C., will be changed so that, when adopted, these paragraphs will read:

2. Where funds are available from current receipts, a taxpayer is entitled to receive an approved refund within 100 days after the claim for refund is made. This time limitation may be extended for a maximum of 60 days if good cause is shown by the property appraiser, tax collector, or the Department. Good cause shall mean inability to comply not due to any action of the local official or the Department. The procedures set forth in subsection (9) of this rule apply where funds are not available from current receipts.

(b) A certificate of correction from the property appraiser is not necessary to file an application for refund. Where a property appraiser has not made a certificate of correction, the tax collector shall forward the refund application to the property appraiser within 30 days after receipt of the application. The property appraiser has 30 days after receipt of the application to make a correction to the tax roll if the property appraiser agrees that an error has been made which can be corrected under Rules 12D-8.021 or 12D-13.006, F.A.C., and other applicable rules. After 30 days, the property

appraiser shall return the refund application, with a signed Certificate of Correction, Form DR-409, to the tax collector or provide a written statement of the reason the tax roll has not been corrected. The times stated in this rule paragraph may be extended by a maximum of 60 days if good cause is stated. Good cause shall mean inability to comply not due to any action of the local official or the Department.

(8)(d) The Department must approve or deny the refund claim within 30 days after receipt. However, where good cause is stated for delaying the approval or denial of a refund, the Department may extend such approval or denial for a maximum of 60 additional days. Good cause shall mean inability to comply not due to any action of the local official or the Department.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE NO.: RULE TITLE:
12D-16.002 Index to Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to this proposed rule, as published in Vol. 28, No. 40 October 4, 2002, issue of the Florida Administrative Weekly. These changes are in accordance with Section 120.54(3)(d)1., F.S.

Paragraph (c) of subsection (7) and paragraph (b) of subsection (33) will be changed and paragraph (d) of subsection (33) will be added so that, when adopted, these paragraphs will read:

(7)(c) No change.

(33)(b) No change.

(d) DR-499C Renewal and Certification of Agricultural Classification of Lands (n. 12/02) 12/02

PUBLIC SERVICE COMMISSION

DOCKET NO. 000154-SU

RULE NO.: RULE TITLE:
25-30.432 Wastewater Treatment Plant Used and Useful Calculations

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. 28, No. 30, July 26, 2002, issue of the Florida Administrative Weekly:

25-30.432 Wastewater Treatment Plant Used and Useful Calculations.

The flow data to be used in the numerator of the equation for calculating the used and useful percentage of a wastewater treatment plant shall be the same period or basis (such as annual average daily flow, three-month average daily flow, maximum month average daily flow) as the period or basis stated for the permitted capacity on the most recent operating

permit issued by the Florida Department of Environmental Protection (DEP). The DEP permitted capacity shall be used in the denominator of the equation. ~~If there are differences between the capacities of the individual components of the wastewater treatment plant, the Commission may calculate a used and useful percentage for each individual component of the treatment plant using the actual capacity of the component in the denominator.~~ In determining the used and useful amount, the Commission will also consider other factors such as the allowance for growth pursuant to Section 367.081(2)(a)2., F.S., infiltration and inflow, the extent to which the area served by the plant is built out, whether the permitted capacity differs from the design capacity, whether there are differences between the actual capacities of the individual components of the wastewater treatment plant and the permitted capacity of the plant, and whether flows have decreased due to conservation or a reduction in the number of customers. This rule does not apply to reuse projects pursuant to Section 367.0817(3), F.S., or investment for environmental compliance pursuant to Section 367.081(2)(a)2.c., F.S.

Specific Authority 350.127(2), 367.121(1)(f) FS. Law Implemented 367.081(2) FS. History—New _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
 40D-2.091 Publications Incorporated by
 Reference
 NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that changes have been made to the Subsection WATER-CONSERVING CREDITS WITHIN THE SWUCA, proposed to be added to Section 3.3, AGRICULTURE, in Chapter 3.0, Reasonable Water Needs, of the Basis of Review which is incorporated by reference in Rule 40D-2.091, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, as follows:

The date “October 1, 1999”, is changed to “January 1, 2003” throughout the Subsection..

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
 40D-2.091 Publications Incorporated by
 Reference

NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that changes have been made to the Subsection REPORTING REQUIREMENTS FOR IRRIGATION WATER USE WITHIN THE SWUCA, proposed to be added to Section 3.3, AGRICULTURE, in Chapter 3.0, Reasonable Water Needs, of the Basis of Review which is incorporated by reference in Rule 40D-2.091, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, as follows:

The first paragraph under REPORTING REQUIREMENTS FOR IRRIGATION WATER USE WITHIN THE SWUCA is changed as follows:

To ensure compliance with the total allocated acre-inches per acre per season per crop or plant and the assigned efficiency standards, the District requires the following data to be submitted.

The paragraph titled Irrigation Water Use Reports is changed as follows:

Crop Irrigation Water Use Reports – All Permittees whose annual average daily permitted use is equal to or exceeds 100,000 gpd shall record for each permitted withdrawal the following information for all seasonal crops (example: vegetables) and nurseries; Annual crops and plants (example: citrus, pasture, golf courses, lawn & landscape) may omit items 5. and 6.:

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
 40D-2.091 Publications Incorporated by
 Reference
 NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001), comments by the Joint Administrative Procedures Commission and associated subsequent public hearings, notice is hereby given that changes have been made to Subsection IRRIGATION – AGRICULTURE AND SELF-PROVIDED NON-PUBLIC SUPPLY WITHIN THE SWUCA, proposed to be added to Section 3.3, AGRICULTURE, in Chapter 3.0, Reasonable Water Needs, of the Basis of Review which is incorporated by reference in Rule 40D-2.091, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, as follows:

The term “acre-inches” is substituted for the term “inches” throughout.

The second sentence of the Subsection that reads “These standards are listed in Tables 3-1 and 3-2.” is deleted.

The paragraph titled “Irrigation Water Use Allocations Within the SWUCA” is corrected as follows:

Irrigation Water Use Allocations Within The SWUCA – Within the SWUCA, the District allocates irrigation-related water use based on AGMOD and other methods as described below. For each individual crop or plant type, the permittee shall not exceed the quantity determined by multiplying the total irrigated acres by the total allocated acre-inches per irrigated acre per season. Allocated acre-inches per irrigated acre per season are determined separately for three ~~four~~ major categories of water use (supplemental, field preparation/crop or plant establishment, and other water uses), and their ~~the~~ sum equals the total allocated acre-inches per irrigated acre per season. An irrigated acre, hereafter referred to as “acre,” is defined as the gross acreage under cultivation, including areas such as roads and internal ditches, but excluding uncultivated areas such as wetlands, retention ponds, and perimeter drainage ditches. Acreage submitted with applications or crop reports shall be based on planimetered measurements rather than other measurements such as rolls of plastic. Other non-irrigation related water uses shall be permitted in accordance with this Chapter 3.0, Basis of Review.

The paragraph titled “Irrigation Water Use Allocations Within the SWUCA” is corrected as follows:

Compliance with Efficiency Standards Within The SWUCA – Permit conditions for issuance identified in Rule 40D-2.301 include the requirements that the use shall incorporate water conservation measures, not cause water waste and not cause harm to the water resource. The District shall ~~may~~ consider these criteria in relation to the quantities permitted. If the permittee uses no more than the quantity that the District permits for the acreage and plant or crop actually irrigated, then it will be presumed that the permittee is in compliance with the efficiency standards set forth in Table 3-2. Proposed Table 3-2 is changed as follows:

Table 3-2. Efficiency Standards and Rainfall Bases For Irrigation Permits Located In The SWUCA. Effective 1-1-2003, 10-1-1999, Except Pasture Effective Upon Adoption. Credits Begin 1-1-2003 ~~1999~~.

Crop/Plant	Supplemental Allocation Efficiency	Credit Calculation Efficiency	Supplemental Allocation Effective Rainfall Basis	Credit Calculation Drought Basis
Citrus ¹	75%	75% at <u>2003</u> 1999 80% at <u>2005</u> 2004	Annual, 5 in 10	Annual, 2 in 10
Row Crops With Mulch	75% 80% at <u>2005</u> 2004	N/A	Zero	N/A
Row Crops w/o Mulch	75% 80% at <u>2005</u> 2004	75% at <u>2003</u> 1999 80% at <u>2005</u> 2004	Seasonal, 5 in 10	Seasonal, 2 in 10
Nursery-Container	75%	75% at <u>2003</u> 1999 80% at <u>2005</u> 2004	Annual, 5 in 10	Annual, 2 in 10
Nursery-Field Grown	75%	75% at <u>2003</u> 1999 80% at <u>2005</u> 2004	Annual, 5 in 10	Annual, 2 in 10
Pasture	75%	N/A	3 months ² , 5 in 10	N/A
Sod/Turf	75%	75% at <u>2003</u> 1999 80% at <u>2005</u> 2004	Annual, 5 in 10	Annual, 2 in 10
Field Crops	75%	75% at <u>2003</u> 80% at <u>2005</u> 2004	Seasonal, 5 in 10	Seasonal, 2 in 10
Golf Courses, Playing, Fields, Cemeteries	75%	75% at <u>2003</u> 80% at <u>2005</u> 2004	Annual, 5 in 10	Annual, 2 in 10

¹Based on 74% shaded area, equivalent to 89.4% of gross acreage once lateral movement of applied water is accounted for.

²April, May and October

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-2.091
 RULE TITLE: Publications Incorporated by Reference

NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that changes have been made to the Subsection CONSERVATION PLANS FOR MINING AND DEWATERING USES WITHIN THE SWUCA, proposed to be added to Section 3.5, MINING OR DEWATERING, in Chapter 3.0, Reasonable Water Needs, of the Basis of Review which is incorporated by reference in Rule 40D-2.091, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, as follows:

The date “January 1, 1999” is changed to the date “January 1, 2003”.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-2.091
 RULE TITLE: Publications Incorporated by Reference

NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that changes have been made to the Subsection and paragraphs proposed to be added to Section 3.6, PUBLIC SUPPLY after the subsection PER CAPITA DAILY WATER USE, in Chapter 3.0, Reasonable Water Needs, of the Basis of Review which is incorporated by reference in Rule 40D-2.091, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, as follows:

The paragraph titled “Adjusted Gross Per Capita” shall read as follows:

Adjusted Gross Per Capita Within the SWUCA – Adjusted Gross per capita daily water use is defined as withdrawals associated with residential, business, institutional, industrial, miscellaneous metered, and unaccounted uses. Permittees with per-capita daily water use which is skewed by the demands of significant water uses can deduct these uses provided that these uses are separately accounted. However, they must be reported. The formula used for determining adjusted gross per capita is as follows:

$$\frac{WD + IM - EX - TL - SU - EM}{\text{Population}}$$

Where:

- WD = ground water and surface water withdrawals
- IM = water imported/bought from another supplier
- EX = water exported/sold to other suppliers
- TL = treatment loss (typically R/O or sand filtration)
- SU = significant uses
- EM = environmental mitigation, if required as a District permit condition

Population = functional population

The paragraph titled “Reporting Adjusted Gross and Compliance Per Capita Within the SWUCA” is changed to read as follows:

Reporting Adjusted Gross and Compliance Per Capita Within the SWUCA – All permittees shall calculate and report adjusted gross per capita water usage as outlined above.

The Subsection titled “WHOLESALE CUSTOMERS WITHIN THE SWUCA” is changed as follows:

WHOLESALE CUSTOMERS WITHIN THE SWUCA

A wholesale public supply customer within the SWUCA shall be required to obtain a separate permit to effect the conservation requirements set forth in this section, unless the quantity obtained by the wholesale public supply customer is less than 100,000 gallons per day on an annual average basis and per capita daily water use of the wholesale public supply customer is less than the applicable per capita daily water use requirement outlined in Section 3.6 in the subsection titled ~~“PERMIT QUANTITIES AND COMPLIANCE PER CAPITA WATER USE WITHIN THE SWUCA”~~.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-2.091
 RULE TITLE: Publications Incorporated by Reference

NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that changes have been made to Subsection proposed to be added to Section 3.6, PUBLIC SUPPLY after the proposed paragraph “Residential Water Use Reports”, in Chapter 3.0, Reasonable Water Needs, of the Basis of Review which is incorporated by reference in Rule 40D-2.091, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, as follows:

The Subsection titled Annual Reports is changed as follows:

Annual Reports – Public supply permittees with a withdrawal point in Southern Water Use Caution Area shall submit the information below in an annual report covering the preceding ~~calendar year, period of October 1 through September 30, due on April 1~~ January 1. Those public supply permittees with a permit for less than 100,000 gpd annual average quantities and who meet the applicable per capita requirements are required to submit items 1 through ~~6~~ 7 and item ~~12~~ 13 only.

1. Functional population served and methodology for determining functional population;
2. Significant deducted uses, the associated quantity, and conservation measures applied to these uses;
3. Total withdrawals (the permittee may use data from a master meter for this item);
4. Treatment losses;
5. Environmental mitigation quantities;
6. Sources and quantities of incoming and outgoing transfers of water and wholesale purchases and sales of water, with quantities determined at supplier’s departure point;
- ~~7. Ground Water Withdrawal Credit if applied;~~

- ~~7.8~~: A description of the current water rate structure;
 - ~~8.9~~: Water audit report, if applicable;
 - ~~9.10~~: The number of single family units served and their total water use;
 - ~~10.11~~: The number of multi-family units served and their total water use;
 - ~~11.12~~: The number of mobile homes served and their total water use;
 - ~~12.13~~: The quantity of total reclaimed water or stormwater provided by the permittee for use on both a total annual average daily and monthly basis;
 - ~~13.14~~: For all individual customer reuse connections with line sizes of four inches or greater:
 - a. Account name and address;
 - b. Location of connection by latitude-longitude;
 - c. Line size;
 - d. Whether metered; and
 - e. Metered quantities if metered; and
 - ~~14.15~~: Annual average daily quantity of unaccounted water and the percentage of unaccounted water relative to total withdrawals.
- Permit Condition – This requirement shall be implemented by applying a permit condition to all public supply permits within the SWUCA.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-2.091
 RULE TITLE: Publications Incorporated by Reference

NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that changes have been made to Section 1.9.9, Permit Duration Within The SWUCA, of the Basis of Review which is incorporated by reference in Rule 40D-2.091, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, as follows:

The Paragraphs numbered 1. and 3. are deleted and paragraph 2 is changed as follows:

~~Reclaimed Water~~ Standby Alternative Source Permits shall have a duration of 20 years except that, when all or part is permanently reactivated, the portions reactivated shall have a duration in accordance with 40D-2.321(~~1~~) (2), (3) and (4), F.A.C.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-2.091
 RULE TITLE: Publications Incorporated by Reference

NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001), comments from the Joint Administrative Procedures Committee, and associated subsequent public hearings, notice is hereby given that changes have been made to those proposed for Section 7.2 EASTERN TAMPA BAY WATER USE CAUTION AREA in Chapter 7.0, WATER USE CAUTION AREAS, of the Basis of Review that is incorporated by reference in Rule 40D-2.091, F.A.C., (the “Eastern Tampa Bay Basis”) in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, as follows:

Subsection 7.2 2. 2.2 2. is changed as follows:

~~2. All Permittees whose average daily permitted use is equal to or exceeds 100,000 gpd shall record the following information on an annual basis for all perennial crops (example: citrus):~~

- ~~a. crop type;~~
- ~~b. irrigated acres per crop;~~
- ~~e. the dominant soil type; and;~~
- ~~d. irrigation method(s);~~

~~Irrigation for field preparation/crop establishment and supplemental irrigation shall be documented separately by noting the beginning and ending dates for these activities. Additionally, quantities for frost freeze protection shall be documented separately by noting the beginning and ending hour and date. The permittee shall note whether tailwater recovery is used. This information shall be submitted to the District by March 1 of each year. Following December 31, 1992, if the Permittees who exceeds the allocated quantities, which are determined by multiplying the total irrigated acres by the total allocated inches per acre per season per crop, the permittee shall submit a report to the District which shall include reasons why the allotted quantities were exceeded, measures taken to attempt meeting the allocated quantities, and a plan to bring the permit into compliance. Allocated quantities are determined by multiplying the total irrigated acres by the total allocated inches per acre per season per crop. Reports for Permittees not achieving the allotted quantities are subject to District approval. If the report is not approved, the Permittee is in violation of the Water Use Permit.~~

Only those provisions of the Eastern Tampa Bay Basis set forth below will be repealed. The previously proposed repeal of any provision not set forth below is hereby deleted, except that Subsection 7.2 2. 2.2 2 is changed as set forth above.

1. Public Supply

A wholesale public supply customer shall be required to obtain a separate permit to effect the following conservation requirements unless the quantity obtained by the wholesale public supply customer is less than 100,000 gallons per day on an annual average basis and the per capita daily water use of the wholesale public supply customer is less than the applicable per capita daily water use requirement outlined in Section 7.2 1. 1.1.

1.1 Per-Capita Use

Per-capita daily water use is defined as population-related withdrawals associated with residential, business, institutional, industrial, miscellaneous metered, and unaccounted uses. Permittees with per-capita daily water use which is skewed by the demands of significant water uses can deduct these uses provided that these uses are separately accounted. Generally, the formula used for determining gallons per day per capita is as follows: total withdrawal minus significant uses, environmental mitigation, and treatment losses, divided by the population served (adjusted for seasonal and tourist populations, if appropriate). For interconnected systems, incoming transfers and wholesale purchases of water shall be added to withdrawals; outgoing transfers and wholesale sales of water shall be deducted from withdrawals.

A significant use, which may be deducted, is defined as an individual non-residential customer using 25,000 gallons per day or greater on an annual average basis, or an individual non-residential customer whose use represents greater than five percent of the utility's annual water use.

Any uses which are deducted from the per-capita daily water use based on the above guidelines shall be supported with documentation demonstrating that they are significant uses, and shall include documentation of usage quantities. Additionally, all deducted uses must be accounted for in a water conservation plan developed by the applicant/permittee which includes specific water conservation goals for each use or type of use. Environmental mitigation quantities permitted by the District and treatment losses such as desalination reject water and sand filtration backwash water shall be identified and reported separately, and shall not be included in the calculation of per-capita use. Water supplied to wholesale public supply customers shall be identified and reported separately, with a separate per-capita use calculated for each customer in addition to the wholesaler.

2. By April 1 of each year for the preceding calendar year, the permittee shall submit a report detailing:

- a. The population served;
- b. Deducted uses, the associated quantity, and conservation measures applied to these uses;
- c. Total withdrawals;
- d. Treatment losses;
- e. Environmental mitigation quantities.

f. Sources and quantities of incoming and outgoing transfers of water and wholesale purchases and sales of water, with quantities determined at the supplier's departure point.

1.2 Water Conserving Rate Structure

Each water supply utility within the Water Use Caution Area shall adopt a water-conserving rate structure by January 1, 1993. This requirement shall be implemented by applying the following permit condition to all existing public supply permits:

The Permittee shall adopt a water conservation oriented rate structure no later than January 1, 1993. If the Permittee already has a water conservation oriented rate structure, a description of the structure, any supporting documentation, and a report on the effectiveness of the rate structure shall be submitted by January 1, 1993. Permittees that adopt a water conservation oriented rate structure pursuant to this rule shall submit the above-listed information by July 1, 1993.

New public supply permits shall receive the following permit condition:

The Permittee shall adopt a water conservation oriented rate structure no later than two years from the date of permit issuance. The Permittee shall submit a report describing the rate structure and its estimated effectiveness within 60 days following adoption.

1.3 Water Audit

All water supply utilities shall implement water audit programs by January 1, 1993. A thorough water audit can identify what is causing unaccounted water and alert the utility to the possibility of significant losses in the distribution system. Unaccounted water can be attributed to a variety of causes, including unauthorized uses, authorized unmetered uses, under registration of meters, fire flows, and leaks.

This requirement shall be implemented by applying the following permit condition to all existing Public Supply permits:

The permittee shall conduct water audits of the water supply system during each management period. The initial audit shall be conducted no later than January 1, 1993. Water audits which identify a greater than 12 percent unaccounted for water shall be followed by appropriate remedial actions. Audits shall be completed and reports documenting the results of the audit shall be submitted as an element of the report required in the per capita condition to the District by the following dates: February 1, 1993; February 1, 1997; February 1, 2001; and February 1, 2011. Water audit reports shall include a schedule for remedial action if needed.

Large, complex water supply systems may conduct the audit in phases, with prior approval by the District. A modified version shall be applied to new permits, replacing the initial audit date with a date two years forward from the permit issuance date. Prior to each management period, the District will reassess the unaccounted for water standard of 12%, and may adjust this standard upward or downward through rulemaking.

1.4 Residential Water Use Reports

Beginning April 1, 1993, public supply permittees shall be required to annually report residential water use by type of dwelling unit. Residential dwelling units shall be classified into single family, multi-family (two or more dwelling units), and mobile homes. Residential water use consists of the indoor and outdoor water uses associated with these classes of dwelling units, including irrigation uses, whether separately metered or not. The permittee shall document the methodology used to determine the number of dwelling units by type and their quantities used. Estimates of water use based upon meter size may be inaccurate and will not be accepted.

This requirement shall be implemented by applying the following permit condition to all public supply permits:

Beginning in 1993, by April 1 of each year for the preceding calendar year, the permittee shall submit a residential water use report detailing:

- a. The number of single family dwelling units served and their total water use;
- b. The number of multi-family dwelling units served and their total water use;
- c. The number of mobile homes served and their total water use.

Residential water use quantities shall include both the indoor and outdoor water uses associated with the dwelling units, including irrigation water.

2. Agriculture

2.1 Irrigation Water Use Allotments

The District allocates agricultural irrigation related water use based on a modified Blaney Criddle model and other methods as described below. For each individual crop type, the permittee shall not exceed the quantity determined by multiplying the total irrigated acres by the total allocated inches per irrigated acre per season. Allocated inches per irrigated acre per season are determined separately for three major categories of water use, and the sum equals the total allocated inches per irrigated acre per season. An irrigated acre, hereafter referred to as "acre," is defined as the gross acreage under cultivation, including areas used for water conveyance such as ditches, but excluding uncultivated areas such as wetlands, retention ponds, and perimeter drainage ditches. Other non-irrigation related water uses shall be permitted in accordance with section 3.3, Basis of Review.

As a guide for permit applicants and permittees, total allocated inches per acre per season for citrus in the Eastern Tampa Bay WUCA are listed in tables provided in Design Aid 4, Part C, Water Use Permit Information Manual. For crops, soil types, planting dates, and length of growing season not listed in those tables, an applicant or permittee may obtain the total allocated inches per acre per season utilizing procedures described in Design Aid 4 or complete the Agricultural Water Allotment Form and submit it to the District. The District will complete and return the form calculating total allocated inches per acre

per season per crop based on the information provided. A permit applicant or permittee may use alternative methods for calculating water use needs subject to District approval.

A key component in calculating total allocated inches per acre per season is the assigned "irrigation water use efficiency," hereafter referred to as "efficiency". Efficiency is defined as the ratio of the volume of water beneficially used to the volume delivered from the irrigation system. For many crops, it is common for different irrigation systems and practices to be employed for different water uses (e.g. a tomato grower may use seepage irrigation for field preparation and drip irrigation for supplemental irrigation). In recognition of these differences, the District applies separate assigned efficiencies to different water irrigation-related water uses.

The three major categories of agricultural irrigation-related water use are: 1) supplemental irrigation (the water delivered to satisfy the evapotranspirational need of the crop); 2) field preparation/crop establishment (the water delivered for tilling, bedding, fumigation, and planting); and 3) other water uses (i.e. frost and freeze protection, heat stress relief, chemical application, irrigation system flushing and maintenance, and leaching of salts from the root zone). The District has assigned minimum efficiency standards for supplemental and field preparation/crop establishment irrigation requirements. These standards are listed later in this section. Design Aid 4, Part C, Water Use Permit Information Manual, describes in detail a methodology for calculating allotted inches per acre per season for supplemental irrigation (supplemental irrigation requirements divided by the assigned efficiency standard) and the allocated inches per acre per season for field preparation/crop establishment (field preparation/crop establishment irrigation requirements divided by the assigned efficiency standard). As specified in section 3.3 of the Basis, other information and methods may be considered as supported by the facts in individual cases.

Other water uses are permitted on an individual basis as follows:

1. Chemigation, irrigation system flushing and maintenance, heat stress relief, and leaching of salts — the total allocated inches per acre per season for these uses is equal to ten (10) percent of the allocated inches per acre per season of the supplemental irrigation requirement for crops irrigated with a micro-irrigation system, and five (5) percent of the allocated inches per acre per season of the supplemental irrigation requirement for crops irrigated with all other irrigation systems.

2. Frost/freezing protection — The District allows irrigation for frost/freezing protection provided that: 1) the maximum daily quantity listed on the permit is not exceeded; 2) irrigation for this purpose will not cause water to go to waste; and, 3) permittees whose annual average daily permitted water use is

equal to or exceeds 100,000 gpd shall document and report the beginning and ending hours and dates, and inches per acre applied for such purpose.

The allocated inches per acre per season per crop for supplemental and field preparation/crop establishment for the January 1, 1993, management period will be based on the following minimum assigned efficiency standards. These standards shall remain in effect until modified by rule. However, for planning purposes, also listed are assigned efficiency standard goals for future management periods.

January 1, 1993 Management Period

Citrus — the total allocated inches per acre per season for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 75 percent.

Strawberries — the total allocated inches per acre per season for field preparation/crop establishment shall be 14 inches. The total inches per acre per season for supplemental irrigation shall be based on a minimum assigned efficiency standard of 75 percent.

Row crops irrigated with a drip system or row crops that are unmulched and not grown with a seepage system — the total allocated inches per acre per season for field preparation/ crop establishment shall be based on a minimum assigned efficiency standard of 60 percent and 75 percent for supplemental irrigation requirements.

Nurseries — the total allocated inches per acre shall be based on the type of nursery, production factors, plant types, and irrigation method.

Other crops — the total allocated inches per acre per season for both field preparation/crop establishment and supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 60 percent.

These minimum assigned efficiencies shall remain in effect until modified by rule.

January 1, 1997 Management Period

Based on information collected for the period 1990-1992, different efficiency standards may be developed for the January 1, 1997 management period. These efficiencies may be adopted by rule with sufficient time to allow users to prepare for implementation. The following efficiency goals are based on current information:

Citrus — the total allocated inches per acre per season for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 80 percent.

Strawberries — the total allocated inches per acre per season for field preparation/crop establishment shall be 14 inches. The total inches per acre per season for supplemental irrigation shall be based on a minimum assigned efficiency standard of 80 percent.

Row crops irrigated with a drip system or row crops that are unmulched and not grown with a seepage system — the total allocated inches per acre per season for field preparation/ crop

establishment shall be based on a minimum assigned efficiency standard of 60 percent and 80 percent for supplemental irrigation requirements.

Nurseries — the total allocated inches per acre shall be based on the type of nursery, production factors, plant types, and irrigation method.

Other crops — the total allocated inches per acre per season for field preparation/crop establishment irrigation requirements shall be based on a minimum assigned efficiency standard of 60 percent, and for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 65 percent.

January 1, 2001 Management Period

Based on information collected for the period 1993-1996, different efficiency standards may be developed for the January 1, 2001 management period. These efficiencies may be adopted by rule with sufficient time to allow users to prepare for implementation. The following efficiency goals are based on current information:

Citrus — the total allocated inches per acre per season for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 85 percent.

Strawberries — the total allocated inches per acre per season for field preparation/crop establishment shall be 14 inches. The total inches per acre per season for supplemental irrigation shall be based on a minimum assigned efficiency standard of 85 percent.

Row crops irrigated with a drip system or row crops that are unmulched and not grown with a seepage system — the total allocated inches per acre per season for field preparation/ crop establishment shall be based on a minimum assigned efficiency standard of 60 percent and 85 percent for supplemental irrigation requirements.

Nurseries — the total allocated inches per acre shall be based on the type of nursery, production factors, plant types, and irrigation method.

Other crops — the total allocated inches per acre per season for field preparation/crop establishment irrigation requirements shall be based on a minimum assigned efficiency standard of 60 percent, and for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 70 percent.

January 1, 2011 Management Period

Based on information collected for the period 1996-2005, different efficiency standards may be developed for the January 1, 2011 management period. These efficiencies may be adopted by rule with sufficient time to allow users to prepare for implementation. The following efficiency goals are based on current information:

Citrus — the total allocated inches per acre per season for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 85 percent.

Strawberries — the total allocated inches per acre per season for field preparation/crop establishment shall be 14 inches. The total inches per acre per season for supplemental irrigation shall be based on a minimum assigned efficiency standard of 85 percent.

Row crops irrigated with a drip system or row crops that are unmulched and not grown with a seepage system — the total allocated inches per acre per season for field preparation/ crop establishment shall be based on a minimum assigned efficiency standard of 60 percent and 85 percent for supplemental irrigation requirements.

Nurseries — the total allocated inches per acre shall be based on the type of nursery, production factors, plant types, and irrigation method.

Other crops — the total allocated inches per acre per season for field preparation/crop establishment irrigation requirements shall be based on a minimum assigned efficiency standard of 60 percent, and for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 70 percent.

These requirements shall be implemented by applying the following permit conditions to all agricultural permits, as applicable:

Effective January 1, 1993, the Permittee shall not exceed the quantity determined by multiplying the total irrigated acres by the total allocated inches per irrigated acre per season for each crop type. An irrigated acre, hereafter referred to as “acre,” is defined as the gross acreage under cultivation, including areas used for water conveyance such as ditches, but excluding uncultivated areas such as wetlands, retention ponds, and perimeter drainage ditches.

Allocated inches per irrigated acre per season are determined separately for three major categories of water use: field preparation/crop establishment; supplemental irrigation; and, other uses (i.e., frost/freeze protection, heat stress relief, chemical application, irrigation system flushing and maintenance, and leaching of salts). Once these three separate quantities are calculated, they are added and the sum equals the total allocated inches per irrigated acre per season, for each individual crop type.

These allocated inches per acre per season per crop for field preparation/crop establishment and supplemental irrigation (excluding nurseries, which are permitted on a case-by-case basis) are based on the minimum assigned efficiency standards listed in Table 7.2-1 below. These minimum standards shall remain in effect until modified by rule. However, for planning purposes, also listed are assigned efficiency goals for future management periods:

Table 7.2-1. Minimum Assigned Efficiency Standards and Goals:

Crop Type	Eff. Req. 1993	Supplemental Irrigation Efficiency Goals			Eff. Req. 1993	Field Preparation/ Crop Establishment Efficiency Goals		
		1997	2001	2011		1997	2001	2011
Citrus								
Existing Permits	75%	80%	85%	85%	na	na	na	na
New Permits	80%	80%	85%	85%	na	na	na	na
Strawberries								
Existing Permits	75%	80%	85%	85%	na	na	na	na
New Permits	80%	80%	85%	85%	na	na	na	na
Row Crops (with drip or unmulched, non-seepage irrigated)								
Existing Permits	75%	80%	85%	85%	60%	60%	60%	60%
New Permits	80%	80%	85%	85%	60%	60%	60%	60%
Other Crops								
Existing Permits	60%	65%	70%	70%	60%	60%	60%	60%
New Permits	70%	70%	70%	70%	60%	60%	60%	60%

In addition to the allotted quantities for field preparation/ crop establishment and supplemental irrigation requirements, the Permittee’s total allotted inches per acre per season per crop will include the following quantities for other water uses:

1. Chemigation, irrigation system flushing and maintenance, heat stress relief, and leaching of salts — the total allocated inches per acre per season for these uses is equal to ten (10) percent of the allocated inches per acre per season of the supplemental irrigation requirement for crops irrigated with a micro irrigation system, and five (5) percent of the allocated inches per acre per season of the supplemental irrigation requirement for crops irrigated with all other irrigation systems.

2. Frost/freeze protection — Although there are no specific quantities permitted for frost/freeze protection, the District allows irrigation for frost/freeze protection provided that: 1) the maximum daily quantity listed on the permit is not exceeded; 2) irrigation for this purpose will not cause water to go to waste; and, 3) permittees whose annual average daily permitted water use is equal to or exceeds 100,000 gpd shall document and report the beginning and ending hours and dates, and inches per acre applied for such purpose.

As a guide for the Permittee, total allocated inches per acre per season for citrus in the Eastern Tampa Bay WUCA are listed in tables provided in Design Aid 4, Part C, Water Use Permit Information Manual. For crops, soil types, planting dates, and lengths of growing season not listed in those tables, an applicant or Permittee can obtain the total allocated inches per acre per season utilizing procedures described in Design Aid 4, or complete the Agricultural Water Allotment Form and submit it to the District. The District will complete and return the form calculating total allocated inches per acre per season based on the information provided. A permit applicant or permittee may use alternative methods for calculating water use needs subject to District approval.

2.2 Monitoring Requirements for Agricultural Water Use

To ensure compliance with the total allocated inches per acre per season per crop, the District requires the following data to be submitted. Although the permittee is not required to be in compliance with allocation requirements until January 1, 1993, the permittee is required to submit these data beginning with the first appropriate date in 1991, as specified in the permit conditions below:

1. All Permittees whose average daily permitted use is equal to or exceeds 100,000 gpd shall record the following information for all seasonal crops (example: vegetables) and nurseries:

- a. crop type;
- b. monthly irrigated acres per crop;
- c. the dominant soil type;
- d. irrigation method(s);
- e. planting dates; and;
- f. season length.

Irrigation for field preparation/crop establishment and supplemental irrigation shall be documented separately by noting the beginning and ending dates for these activities. Additionally, quantities for frost freeze protection shall be documented separately by noting the beginning and ending hour and date. The permittee shall note whether tailwater recovery is used. This information shall be submitted to the District on the Agricultural Water Use Form within 60 days following the crop season. Following December 31, 1992, if the Permittee exceeds the allocated quantities, which are determined by multiplying the total irrigated acres by the total allocated inches per acre per season per crop, the permittee shall submit a report to the District which shall include reasons why the allotted quantities were exceeded, measures taken to attempt meeting the allocated quantities, and a plan to bring the permit into compliance. Reports for Permittees not achieving the allotted quantities are subject to District approval. If the report is not approved, the Permittee is in violation of the Water Use Permit.

The District will reassess the efficiency goals prior to implementation. As a result of this reassessment, these goals may be adjusted upward or downward through rulemaking.

2.3 Other Agricultural Water Uses

Quantities for other uses not related to plant preparation and irrigation demand shall be documented separately. Such uses may include filling of spray tanks, livestock needs, cleaning, and frost freeze protection.

3. Recreational, Industrial, and Mining

3.1 Conservation Plan

All permit applicants for recreational/aesthetic, industrial/commercial, and mining/dewatering uses are required to submit a water conservation plan specifically addressing recycling, reuse and landscaping to the District at time of application. Existing permittees shall submit a conservation

plan by July 31, 1992. The following condition shall be placed on all appropriate permits, and the elements listed in the condition below shall be addressed in all new applications:

The permittee shall submit to the District a conservation plan by July 31, 1992. This plan shall include documentation and assessment of current and potential internal reuse, as well as external reuse sources. This plan shall also address reducing irrigation withdrawals through evaluation of the use of drought tolerant landscaping for landscaped areas, where present.

3.2 Golf Courses Conservation Plan

All permit applicants for golf course irrigation are required to submit a water conservation plan specifically addressing conversion to low volume irrigation methods, increased system management, limiting frequent irrigation to water-critical areas, and limiting irrigation of other areas, to the District at time of application. Existing permittees shall submit a conservation plan by July 31, 1992. In addition to the permit condition listed in 3.1, above, the following permit condition shall be applied to all existing golf course permits, and the elements listed in the condition below shall be addressed in all new golf course permit applications:

The permittee shall submit a report to the District by July 31, 1992, detailing how and when the following items shall be implemented, and the expected reduction in withdrawals to be achieved through implementation:

1. Increasing efficiency of water application through conversion to low volume irrigation methods.
 2. Increased system management, including the use of devices such as tensiometers to determine application frequency and duration, and measures to eliminate overspray.
 3. Limiting high-frequency irrigation to water-critical areas, such as tees and greens.
 4. Reducing the frequency of irrigation for fairways.
 5. Elimination of irrigation of roughs.
- ### 4. Augmentation

Augmentation means using one source of water to supplement another. Typically, augmentation involves using ground water to supplement the surface water levels of lakes, ponds and wetlands. Augmentation may be required by the District to mitigate the impacts of withdrawals, or it may be requested by an applicant who wishes to raise surface water levels. Augmentation is permissible provided that the benefits outweigh any adverse impacts to ground or surface water resources, depending on the specific situation.

Augmentation for maintenance of lake and wetland natural habitat can be permitted as long as no significant adverse impacts result from the withdrawal. Augmentation may be allowed provided that (1) alternative solutions have been addressed, (2) the need for such augmentation has been established, (3) withdrawals for augmentation do not cause significant adverse impacts, and (4) measures are taken to allow the surface water level to fluctuate seasonally as described in Section 4.12.2.d. of the Basis of Review.

Augmentation above District-established applicable minimum water levels is prohibited. Maximum ground-water augmentation levels for lakes currently below established minimum water levels will be based on recent historical levels. Augmentation for purely aesthetic purposes, such as for creating and maintaining water levels in constructed ponds shall not be permitted. Existing permits which include aesthetic augmentation may be renewed only if the criteria of Section 4.12.2.c. through i. are implemented. Reuse of water through tail-water recovery ponds in efficiently managed systems is encouraged and is not considered augmentation.

6.2 Reuse

Investigation of the feasibility of reuse may be required for all appropriate uses, and reuse shall be required where feasible. Reuse of treated wastewater as an alternate, replacement, or supplemental water source for irrigation, industrial process, cleaning, or other non-potable use shall be investigated by all appropriate applicants or permittees. This item shall be implemented through inclusion of the following condition on all applicable permits with agricultural irrigation, recreational or aesthetic irrigation, industrial or commercial, or mining or dewatering uses:

The Permittee shall investigate the feasibility of using reuse as a water source and submit a report describing the feasibility to the District by (date specified). The report shall contain an analysis of reuse sources for the area, including the relative location of these sources to the Permittee's property, the quantity and timing of reuse water available, costs associated with obtaining the reuse water, and an implementation schedule for reuse. Infeasibility shall be supported with a detailed explanation.

6.3 Reporting Reuse Quantities

1. Reclaimed Water Generators

Governmental or other entities holding Water Use Permits and which generate treated wastewater effluent shall submit an annual report listing the disposition of the effluent. This report shall list the number of homes, golf courses, industrial, commercial, and landscaping users supplied with effluent, and the total annual average daily quantity supplied as reuse. This report shall also list the annual average daily quantity of treated wastewater effluent disposed, and the methods and locations of disposal. This requirement will be implemented by applying the following condition to all applicable permits:

The Permittee shall submit an annual report listing the disposition of the effluent. This report shall list the number of homes, golf courses, industrial, commercial, and landscaping users supplied with effluent, and the total annual average daily quantity supplied as reuse. This report shall also list the annual average daily quantity of treated wastewater effluent disposed, and the methods and locations of disposal. This report shall be an addendum to the annual per-capita and other supplied uses report.

2. Reclaimed Water Receivers

All permitted uses which receive reclaimed water (e.g. golf courses, industrial/commercial uses, etc.) shall be required to record and report reuse quantities and sources on a monthly basis. This requirement shall be implemented by applying the following permit condition to all applicable permits:

The Permittee shall report to the District existing connections to reclaimed water by November 1, 1990. New connections to reclaimed water shall be reported to the District within 30 days of connection to the reuse source. The Permittee shall list the source name, location, and quantities obtained in gallons per day, annual average, for each source, and submit this information to the District by the 10th day of each month for the preceding month, in conjunction with the monthly pumpage report.

The following condition shall be applied to applicable permits for new use:

The Permittee shall report connection to reclaimed water to the District within 30 days of connection to the reuse source. The Permittee shall list the source name, location, and reclaimed quantities obtained in gallons per day, annual average, for each source, and submit this information to the District by the 10th day of each month for the preceding month, in conjunction with the monthly pumpage report.

6.4 Investigate Desalination

All industrial and public supply applicants for new quantities shall be required to investigate the feasibility of desalination to provide all or a portion of requested quantities. The requirement shall be implemented by applying the following permit condition to all applicable permits:

The Permittee shall investigate the feasibility of desalination to provide all or a portion of the requested quantities and to implement desalination if feasible. The report of this investigation shall be submitted with any application for new quantities, and shall include a detailed economic analysis of desalination, including disposal costs, versus development of fresh water supplies, including land acquisition and transmission costs.

7. Metering of Withdrawals

All permitted withdrawal points, on permits at or above 100,000 gallons per day annual average daily withdrawal, shall be metered and the Permittee shall be required to record and submit withdrawal information. Withdrawal points on permits existing as of the effective date of this rule, shall be metered at the permittee's expense by July 31, 1995, except as provided below.

The following permit condition shall be applied to all active permits with quantities at or above 500,000 gpd which shall have meters provided by the District under the provisions of Section 5.1, Basis of Review, for withdrawal points existing prior to October 1, 1989:

At such time as the District completes installation of meter(s) on all applicable withdrawal points, the Permittee shall record the total withdrawal for each metered withdrawal point.

~~Withdrawal points constructed after September 30, 1989 shall be metered within 90 days of construction, at Permittee's expense. Total withdrawals shall be reported to the District (using District format) on or before the tenth day of the following month.~~

~~Withdrawal points existing prior to the effective date of this rule, on permits granted for quantities at or above 100,000 gpd, which will not receive District-supplied meters under the provisions of Section 5.1, Basis of Review, shall receive the following condition:~~

~~The following withdrawal points (District ID numbers) shall be equipped with totalizing flow meters or other measuring devices as approved in writing by the Director, Resource Regulation Department. Such devices shall have and maintain an accuracy within five percent of the actual flow. Those designated withdrawal points not equipped with such devices on the date of permit issuance shall be equipped by July 31, 1995.~~

~~Total withdrawal from each metered withdrawal point shall be recorded on a monthly basis and reported to the District (using District format) on or before the tenth day of the following month.~~

~~Permits granted for quantities at or above 100,000 gpd, which have withdrawal points constructed after the effective date of this rule, shall receive the following condition:~~

~~The following withdrawal points (District ID numbers) shall be equipped with totalizing flow meters or other measuring devices as approved in writing by the Director, Resource Regulation Department. Such devices shall have and maintain an accuracy within five percent of the actual flow. Those designated withdrawal points not equipped with such devices on the date of permit issuance shall be equipped within 90 days of completion of construction of the withdrawal facility, unless an extension is granted by the Director, Resource Regulation.~~

~~Total withdrawal from each monitored source shall be recorded on a monthly basis and reported to the District (using District format) on or before the tenth day of the following month.~~

~~All permits with reporting requirements shall receive the following condition:~~

~~All reports and data required by the permit shall be submitted to the District and shall be addressed to:~~

~~Permits Data
Southwest Florida Water Management District
2379 Broad Street
Brooksville, Florida 34609-6899~~

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-2.091
RULE TITLE: Publications Incorporated by Reference

NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, and will now read as follows:

40D-2.091 Publications Incorporated by Reference.

The "Basis of Review for Water Use Permit Applications" [effective date], "Standby Alternative Source" Form 48.10-009 (10/01) WUP-9, "Irrigation Water Use Form – Annual Crops" Form 46.20-010 WUP-10 (10/01), "Irrigation Water Use – Annual Recreational/Aesthetic/Golf" Form 46.20-009 WUP-11 (10/01), "Irrigation Water Use – Summer & Fall Seasonal", 46.20-012 WUP-12 (10/01), and "Irrigation Water Use – Winter & Spring Seasonal", 46.20-011 Form WUP-13 (10/01) are hereby incorporated by reference into this Chapter and are available from the District upon request.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.229, 373.239, 373.243 FS. History—New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-2.091
RULE TITLE: Publications Incorporated by Reference

NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001), comments from the Joint Administrative Procedures Committee, and associated subsequent public hearings, notice is hereby given that changes have been made to those proposed for Section 7.1 HIGHLANDS RIDGE WATER USE CAUTION AREA in Chapter 7.0, WATER USE CAUTION AREAS, of the Basis of Review that is incorporated by reference in Rule 40D-2.091, F.A.C., (the "Highlands Ridge Basis") in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, as follows:

Subsection 7.1 2. 2.2 2. is changed as follows:

~~2. All Permittees whose average daily permitted use is equal to or exceeds 100,000 gpd shall record the following information on an annual basis for all perennial crops (example: citrus):~~

- a. crop type;
- b. irrigated acres per crop;
- c. the dominant soil type; and,
- d. irrigation method(s);

~~Irrigation for field preparation/crop establishment and supplemental irrigation shall be documented separately by noting the beginning and ending dates for these activities. Additionally, quantities for frost freeze protection shall be documented separately by noting the beginning and ending hour and date. The permittee shall note whether tailwater recovery is used. This information shall be submitted to the District by March 1 of each year. Following December 31, 1992, if the Permittees who exceeds the allocated quantities, which are determined by multiplying the total irrigated acres by the total allocated inches per acre per season per crop, the permittee shall submit a report to the District which shall include reasons why the allotted quantities were exceeded, measures taken to attempt meeting the allocated quantities, and a plan to bring the permit into compliance. Allocated quantities are determined by multiplying the total irrigated acres by the total allocated inches per acre per season per crop. Reports for Permittees not achieving the allotted quantities are subject to District approval. If the report is not approved, the Permittee is in violation of the Water Use Permit~~

Only those provisions of the Highlands Ridge Basis set forth below will be repealed. The previously proposed repeal of any provision not set forth below is hereby deleted, except that Subsection 7.1 2. 2.2 2 is changed as set forth above.

1. Public Supply

~~A wholesale public supply customer shall be required to obtain a separate permit to effect the following conservation requirements unless the quantity obtained by the wholesale public supply customer is less than 100,000 gallons per day on an annual average basis and the per capita daily water use of the wholesale public supply customer is less than the applicable per capita daily water use requirement outlined in Section 7.1 1. 1.1~~

1.1 Per-Capita Use

~~Per capita daily water use is defined as population-related withdrawals associated with residential, business, institutional, industrial, miscellaneous metered, and unaccounted uses. Permittees with per capita daily water use which is skewed by the demands of significant water uses can deduct these uses provided that these uses are separately accounted. Generally, the formula used for determining gallons per day per capita is as follows: total withdrawal minus significant uses, environmental mitigation, and treatment losses, divided by the population served (adjusted for seasonal and tourist populations, if appropriate). For interconnected systems, incoming transfers and wholesale purchases of water shall be added to withdrawals; outgoing transfers and wholesale sales of water shall be deducted from withdrawals.~~

~~A significant use, which may be deducted, is defined as an individual non-residential customer using 25,000 gallons per day or greater on an annual average basis, or an individual non-residential customer whose use represents greater than five percent of the utility's annual water use.~~

~~Any uses which are deducted from the per capita daily water use based on the above guidelines shall be supported with documentation demonstrating that they are significant uses, and shall include documentation of usage quantities. Additionally, all deducted uses must be accounted for in a water conservation plan developed by the applicant/permittee which includes specific water conservation goals for each use or type of use. Environmental mitigation quantities permitted by the District and treatment losses such as desalination reject water and sand filtration backwash water shall be identified and reported separately, and shall not be included in the calculation of per capita use. Water supplied to wholesale public supply customers shall be identified and reported separately, with a separate per capita use calculated for each customer in addition to the wholesaler.~~

~~2. By April 1 of each year for the preceding calendar year, the permittee shall submit a report detailing:~~

- ~~a. The population served;~~
- ~~b. Deducted uses, the associated quantity, and conservation measures applied to these uses;~~
- ~~c. Total withdrawals;~~
- ~~d. Treatment losses;~~
- ~~e. Environmental mitigation quantities;~~
- ~~f. Sources and quantities of incoming and outgoing transfers of water and wholesale purchases and sales of water, with quantities determined at the supplier's departure point.~~

1.2 Water Conserving Rate Structure

~~Each water supply utility within the Water Use Caution Area shall adopt a water conserving rate structure by January 1, 1993. This requirement shall be implemented by applying the following permit condition to all existing public supply permits:~~

~~The Permittee shall adopt a water conservation oriented rate structure no later than January 1, 1993. If the Permittee already has a water conservation oriented rate structure, a description of the structure, any supporting documentation, and a report on the effectiveness of the rate structure shall be submitted by January 1, 1993. Permittees that adopt a water conservation oriented rate structure pursuant to this rule shall submit the above listed information by July 1, 1993.~~

~~New public supply permits shall receive the following permit condition:~~

~~The Permittee shall adopt a water conservation oriented rate structure no later than two years from the date of permit issuance. The Permittee shall submit a report describing the rate structure and its estimated effectiveness within 60 days following adoption.~~

1.3 Water Audit

All water supply utilities shall implement water audit programs by January 1, 1993. A thorough water audit can identify what is causing unaccounted water and alert the utility to the possibility of significant losses in the distribution system. Unaccounted water can be attributed to a variety of causes, including unauthorized uses, authorized unmetered uses, under registration of meters, fire flows, and leaks.

This requirement shall be implemented by applying the following permit condition to all existing Public Supply permits:

The permittee shall conduct water audits of the water supply system during each management period. The initial audit shall be conducted no later than January 1, 1993. Water audits which identify a greater than 12 percent unaccounted for water shall be followed by appropriate remedial actions. Audits shall be completed and reports documenting the results of the audit shall be submitted as an element of the report required in the per capita condition to the District by the following dates: February 1, 1993; February 1, 1997; February 1, 2001; and February 1, 2011. Water audit reports shall include a schedule for remedial action if needed.

Large, complex water supply systems may conduct the audit in phases, with prior approval by the District. A modified version shall be applied to new permits, replacing the initial audit date with a date two years forward from the permit issuance date. Prior to each management period, the District will reassess the unaccounted for water standard of 12%, and may adjust this standard upward or downward through rulemaking.

1.4 Residential Water Use Reports

Beginning April 1, 1993, public supply permittees shall be required to annually report residential water use by type of dwelling unit. Residential dwelling units shall be classified into single family, multi-family (two or more dwelling units), and mobile homes. Residential water use consists of the indoor and outdoor water uses associated with these classes of dwelling units, including irrigation uses, whether separately metered or not. The permittee shall document the methodology used to determine the number of dwelling units by type and their quantities used. Estimates of water use based upon meter size may be inaccurate and will not be accepted.

This requirement shall be implemented by applying the following permit condition to all public supply permits:

Beginning in 1993, by April 1 of each year for the preceding calendar year, the permittee shall submit a residential water use report detailing:

- a. The number of single family dwelling units served and their total water use;
- b. The number of multi-family dwelling units served and their total water use;
- c. The number of mobile homes served and their total water use.

Residential water use quantities shall include both the indoor and outdoor water uses associated with the dwelling units, including irrigation water.

2. Agriculture

2.1 Irrigation Water Use Allotments

The District allocates agricultural irrigation-related water use based on a modified Blaney-Criddle model and other methods as described below. For each individual crop type, the permittee shall not exceed the quantity determined by multiplying the total irrigated acres by the total allocated inches per irrigated acre per season. Allocated inches per irrigated acre per season are determined separately for three major categories of water use, and the sum equals the total allocated inches per irrigated acre per season. An irrigated acre, hereafter referred to as "acre," is defined as the gross acreage under cultivation, including areas used for water conveyance such as ditches, but excluding uncultivated areas such as wetlands, retention ponds, and perimeter drainage ditches. Other non-irrigation related water uses shall be permitted in accordance with section 3.3, Basis of Review.

As a guide for permit applicants and permittees, total allocated inches per acre per season for citrus in the Highlands Ridge WUCA are listed in tables provided in Design Aid 4, Part C, Water Use Permit Information Manual. For crops, soil types, planting dates, and length of growing season not listed in those tables, an applicant or permittee may obtain the total allocated inches per acre per season utilizing procedures described in Design Aid 4 or complete the Agricultural Water Allotment Form and submit it to the District. The District will complete and return the form calculating total allocated inches per acre per season per crop based on the information provided. A permit applicant or permittee may use alternative methods for calculating water use needs subject to District approval.

A key component in calculating total allocated inches per acre per season is the assigned "irrigation water use efficiency," hereafter referred to as "efficiency." Efficiency is defined as the ratio of the volume of water beneficially used to the volume delivered from the irrigation system. For many crops, it is common for different irrigation systems and practices to be employed for different water uses (e.g. a tomato grower may use seepage irrigation for field preparation and drip irrigation for supplemental irrigation). In recognition of these differences, the District applies separate assigned efficiencies to different water irrigation-related water uses.

The three major categories of agricultural irrigation-related water use are: 1) supplemental irrigation (the water delivered to satisfy the evapotranspirational need of the crop); 2) field preparation/crop establishment (the water delivered for tilling, bedding, fumigation, and planting); and 3) other water uses (i.e. frost and freeze protection, heat stress relief, chemical application, irrigation system flushing and maintenance, and leaching of salts from the root zone). The District has assigned minimum efficiency standards for supplemental and field

preparation/crop establishment irrigation requirements. These standards are listed later in this section. Design Aid 4, Part C, Water Use Permit Information Manual, describes in detail a methodology for calculating allotted inches per acre per season for supplemental irrigation (supplemental irrigation requirements divided by the assigned efficiency standard) and the allocated inches per acre per season for field preparation/crop establishment (field preparation/crop establishment irrigation requirements divided by the assigned efficiency standard). As specified in section 3.3 of the Basis, other information and methods may be considered as supported by the facts in individual cases.

Other water uses are permitted on an individual basis as follows:

1. Chemigation, irrigation system flushing and maintenance, heat stress relief, and leaching of salts – the total allocated inches per acre per season for these uses is equal to ten (10) percent of the allocated inches per acre per season of the supplemental irrigation requirement for crops irrigated with a micro irrigation system, and five (5) percent of the allocated inches per acre per season of the supplemental irrigation requirement for crops irrigated with all other irrigation systems.

2. Frost/freeze protection – The District allows irrigation for frost/freeze protection provided that: 1) the maximum daily quantity listed on the permit is not exceeded; 2) irrigation for this purpose will not cause water to go to waste; and, 3) permittees whose annual average daily permitted water use is equal to or exceeds 100,000 gpd shall document and report the beginning and ending hours and dates, and inches per acre applied for such purpose.

The allocated inches per acre per season per crop for supplemental and field preparation/crop establishment for the January 1, 1993, management period will be based on the following minimum assigned efficiency standards. These standards shall remain in effect until modified by rule. However, for planning purposes, also listed are assigned efficiency standard goals for future management periods.

January 1, 1993 Management Period

Citrus – the total allocated inches per acre per season for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 75 percent.

Strawberries – the total allocated inches per acre per season for field preparation/crop establishment shall be 14 inches. The total inches per acre per season for supplemental irrigation shall be based on a minimum assigned efficiency standard of 75 percent.

Row crops irrigated with a drip system or row crops that are unmulched and not grown with a seepage system – the total allocated inches per acre per season for field preparation/crop establishment shall be based on a minimum assigned efficiency standard of 60 percent and 75 percent for supplemental irrigation requirements.

Nurseries – the total allocated inches per acre shall be based on the type of nursery, production factors, plant types, and irrigation method.

Other crops – the total allocated inches per acre per season for both field preparation/crop establishment and supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 60 percent.

These minimum assigned efficiencies shall remain in effect until modified by rule.

January 1, 1997 Management Period

Based on information collected for the period 1990-1992, different efficiency standards may be developed for the January 1, 1997 management period. These efficiencies may be adopted by rule with sufficient time to allow users to prepare for implementation. The following efficiency goals are based on current information.

Citrus – the total allocated inches per acre per season for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 80 percent.

Strawberries – the total allocated inches per acre per season for field preparation/crop establishment shall be 14 inches. The total inches per acre per season for supplemental irrigation shall be based on a minimum assigned efficiency standard of 80 percent.

Row crops irrigated with a drip system or row crops that are unmulched and not grown with a seepage system – the total allocated inches per acre per season for field preparation/crop establishment shall be based on a minimum assigned efficiency standard of 60 percent and 80 percent for supplemental irrigation requirements.

Nurseries – the total allocated inches per acre shall be based on the type of nursery, production factors, plant types, and irrigation method.

Other crops – the total allocated inches per acre per season for field preparation/crop establishment irrigation requirements shall be based on a minimum assigned efficiency standard of 60 percent, and for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 65 percent.

January 1, 2001 Management Period

Based on information collected for the period 1993-1996, different efficiency standards may be developed for the January 1, 2001 management period. These efficiencies may be adopted by rule with sufficient time to allow users to prepare for implementation. The following efficiency goals are based on current information.

Citrus – the total allocated inches per acre per season for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 85 percent.

Strawberries – the total allocated inches per acre per season for field preparation/crop establishment shall be 14 inches. The total inches per acre per season for supplemental irrigation shall be based on a minimum assigned efficiency standard of 85 percent.

Row crops irrigated with a drip system or row crops that are unmulched and not grown with a seepage system – the total allocated inches per acre per season for field preparation/ crop establishment shall be based on a minimum assigned efficiency standard of 60 percent and 85 percent for supplemental irrigation requirements.

Nurseries – the total allocated inches per acre shall be based on the type of nursery, production factors, plant types, and irrigation method.

Other crops – the total allocated inches per acre per season for field preparation/crop establishment irrigation requirements shall be based on a minimum assigned efficiency standard of 60 percent, and for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 70 percent.

January 1, 2011 Management Period

Based on information collected for the period 1996-2005, different efficiency standards may be developed for the January 1, 2011 management period. These efficiencies may be adopted by rule with sufficient time to allow users to prepare for implementation. The following efficiency goals are based on current information.

Citrus – the total allocated inches per acre per season for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 85 percent.

Strawberries – the total allocated inches per acre per season for field preparation/crop establishment shall be 14 inches. The total inches per acre per season for supplemental irrigation shall be based on a minimum assigned efficiency standard of 85 percent.

Row crops irrigated with a drip system or row crops that are unmulched and not grown with a seepage system – the total allocated inches per acre per season for field preparation/ crop establishment shall be based on a minimum assigned efficiency standard of 60 percent and 85 percent for supplemental irrigation requirements.

Nurseries – the total allocated inches per acre shall be based on the type of nursery, production factors, plant types, and irrigation method.

Other crops – the total allocated inches per acre per season for field preparation/crop establishment irrigation requirements shall be based on a minimum assigned efficiency standard of 60 percent, and for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 70 percent.

These requirements shall be implemented by applying the following permit conditions to all agricultural permits, as applicable:

Effective January 1, 1993, the Permittee shall not exceed the quantity determined by multiplying the total irrigated acres by the total allocated inches per irrigated acre per season for each crop type. An irrigated acre, hereafter referred to as “acre,” is defined as the gross acreage under cultivation, including areas used for water conveyance such as ditches, but excluding uncultivated areas such as wetlands, retention ponds, and perimeter drainage ditches.

Allocated inches per irrigated acre per season are determined separately for three major categories of water use: field preparation/crop establishment; supplemental irrigation; and, other uses (i.e., frost/freeze protection, heat stress relief, chemical application, irrigation system flushing and maintenance, and leaching of salts). Once these three separate quantities are calculated, they are added and the sum equals the total allocated inches per irrigated acre per season, for each individual crop type.

These allocated inches per acre per season per crop for field preparation/crop establishment and supplemental irrigation (excluding nurseries, which are permitted on a case-by-case basis) are based on the minimum assigned efficiency standards listed in Table 7.1-1 below. These minimum standards shall remain in effect until modified by rule. However, for planning purposes, also listed are assigned efficiency goals for future management periods.

Table 7.1-1. Minimum Assigned Efficiency Standards and Goals

Crop Type	Supplemental Irrigation Efficiency Goals				Field-Preparation/ Crop-Establishment Efficiency Goals			
	Eff. Req:		Efficiency Goals		Eff. Req:		Efficiency Goals	
	1993	1997	2001	2011	1993	1997	2001	2011
Citrus								
Existing Permits	75%	80%	85%	85%	na	na	na	na
New Permits	80%	80%	85%	85%	na	na	na	na
Strawberries								
Existing Permits	75%	80%	85%	85%	na	na	na	na
New Permits	80%	80%	85%	85%	na	na	na	na
Row Crops (with drip or unmulched, non-seepage irrigated)								
Existing Permits	75%	80%	85%	85%	60%	60%	60%	60%
New Permits	80%	80%	85%	85%	60%	60%	60%	60%
Other Crops								
Existing Permits	60%	65%	70%	70%	60%	60%	60%	60%
New Permits	70%	70%	70%	70%	60%	60%	60%	60%

In addition to the allotted quantities for field preparation/ crop establishment and supplemental irrigation requirements, the Permittee’s total allotted inches per acre per season per crop will include the following quantities for other water uses:

1. Chemigation, irrigation system flushing and maintenance, heat stress relief, and leaching of salts – the total allocated inches per acre per season for these uses is equal to ten (10) percent of the allocated inches per acre per season of the supplemental irrigation requirement for crops irrigated with a micro irrigation system, and five (5) percent of the allocated

inches per acre per season of the supplemental irrigation requirement for crops irrigated with all other irrigation systems.

2. Frost/freeze protection—Although there are no specific quantities permitted for frost/freeze protection, the District allows irrigation for frost/freeze protection provided that: 1) the maximum daily quantity listed on the permit is not exceeded; 2) irrigation for this purpose will not cause water to go to waste; and, 3) permittees whose annual average daily permitted water use is equal to or exceeds 100,000 gpd shall document and report the beginning and ending hours and dates, and inches per acre applied for such purpose.

As a guide for the Permittee, total allocated inches per acre per season for citrus in the Highlands Ridge WUCA are listed in tables provided in Design Aid 4, Part C, Water Use Permit Information Manual. For crops, soil types, planting dates, and lengths of growing season not listed in those tables, an applicant or Permittee can obtain the total allocated inches per acre per season utilizing procedures described in Design Aid 4, or complete the Agricultural Water Allotment Form and submit it to the District. The District will complete and return the form calculating total allocated inches per acre per season based on the information provided. A permit applicant or permittee may use alternative methods for calculating water use needs subject to District approval.

2.2 Monitoring Requirements for Agricultural Water Use

To ensure compliance with the total allocated inches per acre per season per crop, the District requires the following data to be submitted. Although the permittee is not required to be in compliance with allocation requirements until January 1, 1993, the permittee is required to submit these data beginning with the first appropriate date in 1991, as specified in the permit conditions below:

1. All Permittees whose average daily permitted use is equal to or exceeds 100,000 gpd shall record the following information for all seasonal crops (example: vegetables) and nurseries:

- a. crop type;
- b. monthly irrigated acres per crop;
- c. the dominant soil type;
- d. irrigation method(s);
- e. planting dates; and,
- f. season length.

Irrigation for field preparation/crop establishment and supplemental irrigation shall be documented separately by noting the beginning and ending dates for these activities. Additionally, quantities for frost freeze protection shall be documented separately by noting the beginning and ending hour and date. The permittee shall note whether tailwater recovery is used. This information shall be submitted to the District on the Agricultural Water Use Form within 60 days following the crop season. Following December 31, 1992, if the Permittee exceeds the allocated quantities, which are

determined by multiplying the total irrigated acres by the total allocated inches per acre per season per crop, the permittee shall submit a report to the District which shall include reasons why the allotted quantities were exceeded, measures taken to attempt meeting the allocated quantities, and a plan to bring the permit into compliance. Reports for Permittees not achieving the allotted quantities are subject to District approval. If the report is not approved, the Permittee is in violation of the Water Use Permit.

The District will reassess the efficiency goals prior to implementation. As a result of this reassessment, these goals may be adjusted upward or downward through rulemaking.

2.3 Other Agricultural Water Uses

Quantities for other uses not related to plant preparation and irrigation demand shall be documented separately. Such uses may include filling of spray tanks, livestock needs, cleaning, and frost freeze protection.

3. Recreational, Industrial, and Mining

3.1 Conservation Plan

All permit applicants for recreational/aesthetic, industrial/commercial, and mining/dewatering uses are required to submit a water conservation plan specifically addressing recycling, reuse and landscaping to the District at time of application. Existing permittees shall submit a conservation plan by July 31, 1992. The following condition shall be placed on all appropriate permits, and the elements listed in the condition below shall be addressed in all new applications:

The permittee shall submit to the District a conservation plan by July 31, 1992. This plan shall include documentation and assessment of current and potential internal reuse, as well as external reuse sources. This plan shall also address reducing irrigation withdrawals through evaluation of the use of drought tolerant landscaping for landscaped areas, where present.

3.2 Golf Courses Conservation Plan

All permit applicants for golf course irrigation are required to submit a water conservation plan specifically addressing conversion to low volume irrigation methods, increased system management, limiting frequent irrigation to water critical areas, and limiting irrigation of other areas, to the District at time of application. Existing permittees shall submit a conservation plan by July 31, 1992. In addition to the permit condition listed in 3.1, above, the following permit condition shall be applied to all existing golf course permits, and the elements listed in the condition below shall be addressed in all new golf course permit applications:

The permittee shall submit a report to the District by July 31, 1992, detailing how and when the following items shall be implemented, and the expected reduction in withdrawals to be achieved through implementation:

1. Increasing efficiency of water application through conversion to low volume irrigation methods:

2. Increased system management, including the use of devices such as tensiometers to determine application frequency and duration, and measures to eliminate overspray.

3. Limiting high frequency irrigation to water-critical areas, such as tees and greens.

4. Reducing the frequency of irrigation for fairways.

5. Elimination of irrigation of roughs.

4. Augmentation

Augmentation means using one source of water to supplement another. Typically, augmentation involves using ground water to supplement the surface water levels of lakes, ponds and wetlands. Augmentation may be required by the District to mitigate the impacts of withdrawals, or it may be requested by an applicant who wishes to raise surface water levels. Augmentation is permissible provided that the benefits outweigh any adverse impacts to ground or surface water resources, depending on the specific situation.

Augmentation for maintenance of lake and wetland natural habitat can be permitted as long as no significant adverse impacts result from the withdrawal. Augmentation may be allowed provided that (1) alternative solutions have been addressed, (2) the need for such augmentation has been established, (3) withdrawals for augmentation do not cause significant adverse impacts, and (4) measures are taken to allow the surface water level to fluctuate seasonally as described in Section 4.12.2.d. of the Basis of Review. Augmentation above District-established applicable minimum water levels is prohibited. Maximum ground water augmentation levels for lakes currently below established minimum water levels will be based on recent historical levels. Augmentation for purely aesthetic purposes, such as for creating and maintaining water levels in constructed ponds shall not be permitted. Existing permits which include aesthetic augmentation may be renewed only if the criteria of Section 4.12.2.c. through i. are implemented. Reuse of water through tail water recovery ponds in efficiently managed systems is encouraged and is not considered augmentation.

5.1 Stressed Lakes — New Withdrawals

Due to cumulative ground water and surface water withdrawal impacts, new withdrawals from stressed lakes shall not be permitted.

5.2 Stressed Lakes — Existing Withdrawals

Existing permitted surface withdrawals from stressed lakes shall be abandoned or replaced with an alternate source by September 30, 1993. Existing and new permitted withdrawals from lakes which are determined by the District to be stressed following the implementation of the Highlands Ridge WUCA Rule shall abandon or replace these withdrawals with alternate sources within three years of the designation of the stressed lake.

This requirement shall be implemented for all existing permits which include surface water withdrawals from stressed lakes by applying the following permit condition:

All existing surface water withdrawals from stressed lakes shall be abandoned or replaced with a surficial or Floridan aquifer ground water source, or a reuse source, by September 30, 1993. Such replacement shall require a modification of the Water Use Permit.

This requirement shall be implemented for all existing and new permits which include surface water withdrawals from lakes that may be designated stressed in the future by applying the following permit condition to all permits within the WUCA which have surface water withdrawals from lakes:

Within 3 years from notification by the District that the lake from which the Permittee is withdrawing is stressed, all surface water withdrawals from this lake shall be abandoned or replaced with a surficial or Floridan aquifer ground water source, or a reuse source. Such replacement shall require a modification of the Water Use Permit.

Water users with existing surface withdrawals on stressed lakes shall be allowed some impact on the lake from the proposed replacement well as long as the quantities withdrawn do not increase.

5.3 Stressed Lakes — New Ground Water Withdrawals

New ground water withdrawals which adversely impact stressed lakes, or which would cause a lake to become stressed, shall not be permitted.

7.2 Reuse

Investigation of the feasibility of reuse may be required for all appropriate uses, and reuse shall be required where feasible. Reuse of treated wastewater as an alternate, replacement, or supplemental water source for irrigation, industrial process, cleaning, or other non-potable use shall be investigated by all appropriate applicants or permittees. This item shall be implemented through inclusion of the following condition on all applicable permits with agricultural irrigation, recreational or aesthetic irrigation, industrial or commercial, or mining or dewatering uses:

The Permittee shall investigate the feasibility of using reuse as a water source and submit a report describing the feasibility to the District by (date specified). The report shall contain an analysis of reuse sources for the area, including the relative location of these sources to the Permittee's property, the quantity and timing of reuse water available, costs associated with obtaining the reuse water, and an implementation schedule for reuse. Infeasibility shall be supported with a detailed explanation.

7.3 Reporting Reuse Quantities

1. Reclaimed Water Generators

Governmental or other entities holding Water Use Permits and which generate treated wastewater effluent shall submit an annual report listing the disposition of the effluent. This report shall list the number of homes, golf courses, industrial, commercial, and landscaping users supplied with effluent, and the total annual average daily quantity supplied as reuse. This report shall also list the annual average daily quantity of treated

wastewater effluent disposed, and the methods and locations of disposal. This requirement will be implemented by applying the following condition to all applicable permits:

The Permittee shall submit an annual report listing the disposition of the effluent. This report shall list the number of homes, golf courses, industrial, commercial, and landscaping users supplied with effluent, and the total annual average daily quantity supplied as reuse. This report shall also list the annual average daily quantity of treated wastewater effluent disposed, and the methods and locations of disposal. This report shall be an addendum to the annual per-capita and other supplied uses report.

2. Reclaimed Water Receivers

All permitted uses which receive reclaimed water (e.g. golf courses, industrial/commercial uses, etc.) shall be required to record and report reuse quantities and sources on a monthly basis. This requirement shall be implemented by applying the following permit condition to all applicable permits:

The Permittee shall report to the District existing connections to reclaimed water by November 1, 1990. New connections to reclaimed water shall be reported to the District within 30 days of connection to the reuse source. The Permittee shall list the source name, location, and quantities obtained in gallons per day, annual average, for each source, and submit this information to the District by the 10th day of each month for the preceding month, in conjunction with the monthly pumpage report.

The following condition shall be applied to applicable permits for new use:

The Permittee shall report connection to reclaimed water to the District within 30 days of connection to the reuse source. The Permittee shall list the source name, location, and reclaimed quantities obtained in gallons per day, annual average, for each source, and submit this information to the District by the 10th day of each month for the preceding month, in conjunction with the monthly pumpage report.

8. Metering of Withdrawals

All permitted withdrawal points, on permits at or above 100,000 gallons per day annual average daily withdrawal, shall be metered and the Permittee shall be required to record and submit withdrawal information. Withdrawal points on permits existing as of the effective date of this rule, shall be metered at the permittee's expense by July 31, 1995, except as provided below:

The following permit condition shall be applied to all active permits with quantities at or above 500,000 gpd which shall have meters provided by the District under the provisions of Section 5.1, Basis of Review, for withdrawal points existing prior to October 1, 1989:

At such time as the District completes installation of meter(s) on all applicable withdrawal points, the Permittee shall record the total withdrawal for each metered withdrawal point. Withdrawal points constructed after September 30, 1989 shall

be metered within 90 days of construction, at Permittee's expense. Total withdrawals shall be reported to the District (using District format) on or before the tenth day of the following month.

Withdrawal points existing prior to the effective date of this rule, on permits granted for quantities at or above 100,000 gpd, which will not receive District-supplied meters under the provisions of Section 5.1, Basis of Review, shall receive the following condition:

The following withdrawal points (District ID numbers) shall be equipped with totalizing flow meters or other measuring devices as approved in writing by the Director, Resource Regulation Department. Such devices shall have and maintain an accuracy within five percent of the actual flow. Those designated withdrawal points not equipped with such devices on the date of permit issuance shall be equipped by July 31, 1995.

Total withdrawal from each metered withdrawal point shall be recorded on a monthly basis and reported to the District (using District format) on or before the tenth day of the following month.

Permits granted for quantities at or above 100,000 gpd, which have withdrawal points constructed after the effective date of this rule, shall receive the following condition:

The following withdrawal points (District ID numbers) shall be equipped with totalizing flow meters or other measuring devices as approved in writing by the Director, Resource Regulation Department. Such devices shall have and maintain an accuracy within five percent of the actual flow. Those designated withdrawal points not equipped with such devices on the date of permit issuance shall be equipped within 90 days of completion of construction of the withdrawal facility, unless an extension is granted by the Director, Resource Regulation.

Total withdrawal from each monitored source shall be recorded on a monthly basis and reported to the District (using District format) on or before the tenth day of the following month.

All permits with reporting requirements shall receive the following condition:

All reports and data required by the permit shall be submitted to the District and shall be addressed to:

Permits Data
 Southwest Florida Water Management District
 2379 Broad Street
 Brooksville, Florida 34609-6899

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-2.091
 RULE TITLE: Publications Incorporated by Reference

NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that changes have been made to Section 1.4, Application Forms, in Chapter 1.0, Permitting Procedures, of the Basis of Review which is incorporated by reference in Rule 40D-2.091, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, and will read as follows:

1.4 APPLICATION FORMS

Permit Applicants should submit the Individual Permit Application and the Information Supplement applicable to their water use type, or the General Permit Application or the modification short form, as appropriate. Information supplements include the following:

1. Agriculture, Form WUP-4
2. Industrial or Commercial, Form WUP-5
3. Mining or Dewatering, Form WUP-6
4. Public Supply, Form WUP-7
5. Recreation or Aesthetic, Form WUP-8-
6. Standby Alternative Source, Form 48.10-009 Form WUP-9, (10/01)
7. Irrigation Water Use Form – Annual Crops Form 46.20-010 WUP-10 (10/01),
8. Irrigation Water Use – Annual Recreational/Aesthetic/Golf Form 46.20-009 WUP-11 (10/01),
9. Irrigation Water Use – Summer & Fall Seasonal, 46.20-012 WUP-12 (10/01), and
10. Irrigation Water Use – Winter & Spring Seasonal, 46.20-011 Form WUP-13 (10/01)

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-2.091	Publications Incorporated by Reference

NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001), and associated subsequent public hearings, notice is hereby given that changes have been made to Section 3.1, Determining Reasonable Quantities, in Chapter 3.0, Reasonable Water Needs, of the Basis of Review which is incorporated by reference in Rule 40D-2.091, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, as follows:

The section titled REACTIVATION OF STANDBY QUANTITIES WITHIN THE SWUCA and paragraph 5. Alternative Source Standby Permit of the Section titled USE OF RECLAIMED WATER AND STORMWATER WITHIN THE SWUCA are moved to and combined with the Section titled STANDBY QUANTITIES WITHIN THE SWUCA. The Section titled STANDBY QUANTITIES WITHIN THE SWUCA that was proposed to appear after the paragraph titled Treatment Effects is moved as combined so that it will follow the proposed Section titled INVESTIGATE DESALINATION WITHIN THE SWUCA. and will now read as follows:

STANDBY ALTERNATIVE SOURCE PERMIT

An Alternative Source Permit will only be issued where all water use permit permitting criteria for the primary source are met, but the applicant elects to use an alternative source for all or part of its demand.

1. New Primary Alternate Source Permit: A New Primary Alternate Source (NPAS) permit will be issued in lieu of a water use permit where the applicant has an alternate source (e.g., reclaimed water or stormwater) available at the time of application and only needs a primary source (ground water or surface water withdrawals from natural water bodies) permitted in the event of the loss of the alternate source.

2. Existing Primary Alternate Source Permit: The water use permit, under which any or all withdrawals have been discontinued from the ground water or natural surface water body (primary source) due to use of an alternate source (e.g. reclaimed water or stormwater), shall be modified to be an Existing Primary Alternate Source (EPAS) permit. The primary quantities replaced on the water use permit shall no longer be withdrawn except as provided in 3. below.

a. Activation of NPAS and Reactivation of EPAS Primary Source Withdrawals.

1) Permanent Loss – If the NPAS or EPAS Permittee permanently loses the use of the alternative source, authorization to use the primary source shall be obtained from the District prior to withdrawals being made.

2) NPAS Permittees shall submit an application for a water use permit to permanently activate, in whole or in part, the previously unused primary source. The application shall be supported by evidence of permanent loss of the alternative source and shall be submitted to the District within two weeks of learning of the non-availability of the alternative source. If only a portion of the alternative source is lost, the Permittee shall also submit an application to eliminate the activated primary source quantities that were on the NPAS Permit.

3) EPAS Permittees shall submit a written request to reactivate, in whole or in part, the primary source within two weeks of learning of the non-availability of the alternative source. The request shall be supported by evidence of permanent loss. If all of the alternative source is lost, the District will issue a water use permit for withdrawal from the primary source in the same quantities and same use as was

previously permitted on their water use permit. Any changes from the previous water use permit, including the expiration date, must be done via a modification or renewal of the water use permit. If only a part of the alternative source is lost, the Permittee shall submit an application to modify their Existing Primary Alternative Source permit to reflect the new operation.

b. 30 Days or Less Temporary Loss – If the Alternative Source Permittee loses the use of the alternative source for 30 days or less, the Alternative Source Permittee is hereby authorized to active the primary source provided that the District is notified in writing within 48 hours after withdrawal begins. The Alternative Source Permittee shall notify the District within 48 hours of the re-availability of the alternative source, and the withdrawals from the primary source shall cease. Alternative Source Permittees may activate the primary source for crop protection or when the alternative source is not available at sufficient quantities or pressures so long as the cumulative number of days of such activation does not exceed 30 days in one calendar year. Activation of the primary source for crop protection or due to insufficient quantity or pressure need not be reported to the District within 48 hours of activation but shall be reported on the monthly pumpage report.

c. More than 30 days Temporary Loss – If the Alternative Source Permittee loses the use of the alternative source for more than 30 days, the Alternative Source Permittee is hereby authorized to activate the primary source quantities provided that the District is notified in writing within 48 hours after withdrawal begins. The District will evaluate the circumstances of and length of time for which the alternative source will be unavailable and notify the Alternative Source Permittee whether the pumping of the primary source under the existing NPAS or EPAS can continue to be made.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
40D-2.091 Publications Incorporated by
 Reference

NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that changes have been made to the Subsection CONSERVATION PLANS FOR MINING AND DEWATERING USES WITHIN THE SWUCA, proposed to be added to Section 3.4, INDUSTRIAL OR COMMERCIAL, in Chapter 3.0, Reasonable Water Needs, of the Basis of Review which is incorporated by reference in Rule 40D-2.091,

F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, as follows:

The title of the Subsection is changed to “CONSERVATION PLANS FOR INDUSTRIAL AND COMMERCIAL USES WITH THE SWUCA”

The date “January 1, 1999” is changed to the date “January 1, 2003”.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
40D-2.091 Publications Incorporated by
 Reference

NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that changes have been made to Subsections proposed to be added to Section 3.6, PUBLIC SUPPLY after the proposed subsection SERVICE AREA POPULATION ESTIMATES AND PROJECTION WITHIN THE SWUCA, in Chapter 3.0, Reasonable Water Needs, of the Basis of Review which is incorporated by reference in Rule 40D-2.091, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, as follows:

The Subsection titled “WATER-CONSERVING RATE STRUCTURE” is changed as follows:

WATER CONSERVING RATE STRUCTURE

Each water supply utility within the Southern Water Use Caution Area shall adopt a water-conserving rate structure by ~~January 1, 2004~~ ~~January 1, 1997~~. If the Permittee already has a water conservation oriented rate structure, a description of the structure, any supporting documentation, and a report on the effectiveness of the rate structure shall be submitted by ~~January 1, 2003~~ ~~January 1, 1996~~. Permittees that adopt a water conservation oriented rate structure pursuant to this rule shall submit the above listed information by ~~July 1, 2004~~ ~~July 1, 1997~~. New public supply permits shall adopt a water conservation oriented rate structure no later than two years from the date of permit issuance and shall submit a report describing the rate structure and its estimated effectiveness within one year following adoption.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
40D-2.091 Publications Incorporated by
 Reference

NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that changes have been made to Subsection proposed to be added to Section 3.6, PUBLIC SUPPLY after the proposed subsection CUSTOMER BILLING AND METER READING CRITERIA WITHIN THE SWUCA, in Chapter 3.0, Reasonable Water Needs, of the Basis of Review which is incorporated by reference in Rule 40D-2.091, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, as follows:

The paragraph titled "Residential Water Use Reports" is changed as follows:

Residential Water Use Reports – Beginning [effective date of this Basis provision] public supply permittees in Southern Water Use Caution Area shall be required to annually report residential water use by type of dwelling unit, as required in "Annual Reports," items 10, 11 and 12 ~~9, 10 and 11~~, below. Residential dwelling units shall be classified into single family, multi-family (two or more dwelling units), and mobile homes. Residential water use consists of the indoor and outdoor water uses associated with these classes of dwelling units, including irrigation uses, whether separately metered or not. The permittee shall document the methodology used to determine the number of dwelling units by type and their quantities used. Estimates of water use based upon meter size may be inaccurate and will not be accepted.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
40D-2.091 Publications Incorporated by Reference

NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that changes have been made to the proposed paragraphs titled "Irrigation of Roughs" and "Submittal of Plans" included in the subsection "GOLF COURSE CONSERVATION WITHIN THE SWUCA" proposed to be added to the end of Section 3.7, RECREATION OR AESTHETIC, after the proposed subsection "CONSERVATION PLANS FOR USES WITHIN THE SWUCA", all within Chapter 3.0, Reasonable Water Needs, of the Basis of Review which is incorporated by reference in Rule 40D-2.091, F.A.C., in accordance with

subparagraph 120.54(3)(d)1., F.S., published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, as follows:

GOLF COURSE CONSERVATION WITHIN THE SWUCA Paragraph "Irrigation of Roughs" will now read as follows:

Irrigation of Roughs – Irrigation of roughs shall be eliminated for all golf courses with withdrawal points within the Southern Water Use Caution Area but not previously in the Eastern Tampa Bay Water Use Caution Area or the Highlands Ridge Water Use Caution Area by (three years from effective date of this Basis provision). If a permittee demonstrates that drought-tolerant landscaping has been utilized in the roughs, the permittee may irrigate the roughs using quantities permitted for the tees, greens, and fairways. Separate quantities for rough irrigation will not be allocated. However, an applicant may request prior approval from the District to use roughs as wet weather reclaimed water disposal sites.

The paragraph titled "Submittal of Plans" will now read as follows;

Submittal of Plans – Applicants for new permits shall submit this plan to the District at the time of application. Existing permittees with ground water withdrawals not previously located within the Eastern Tampa Bay Water Use Caution Area or the Highlands Ridge Water Use Caution Area shall submit a conservation plan by January 1, 2003. The District publishes a document titled Golf Course Conservation Guidelines which may be consulted in order to prepare the conservation plan required by this provision. The Guidelines are available from the District upon request.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
40D-2.091 Publications Incorporated by Reference

NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that changes have been made to the subsection "CONSERVATION PLANS FOR USES WITHIN THE SWUCA" proposed to be added to the end of Section 3.7, RECREATION OR AESTHETIC in Chapter 3.0, Reasonable Water Needs, of the Basis of Review which is incorporated by reference in Rule 40D-2.091, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, and it will now read as follows:

CONSERVATION PLANS FOR USES WITHIN THE SWUCA

All permit applicants for ground water withdrawals within the SWUCA for recreation or aesthetic uses are required to submit a water conservation plan describing where and when water savings can be reasonably achieved and specifically addressing all components of use and loss in the water balance, including but not limited to recycling, reuse, landscaping, and an implementation schedule to the District at time of application. Existing permittees with ground water withdrawals not previously within the Eastern Tampa Bay Water Use Caution Area or the Highlands Ridge Water Use Caution Area shall submit a conservation plan by January 1, 2003.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-2.091
 RULE TITLE: Publications Incorporated by Reference

NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that changes have been made to proposed subparagraph 3.d. under, Lake Impacts Within SWUCA, contained within Section 4.2 ENVIRONMENTAL IMPACTS, which is incorporated by reference in Rule 40D-2.091, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, as follows:

d. Stressed Lakes, Existing Withdrawals – Existing permitted surface withdrawals from stressed lakes within the SWUCA shall be abandoned or replaced with alternative sources within three years from [the effective date of this Basis provision] if the withdrawal was not previously located within the Highlands Ridge Water Use Caution Area ~~the SWUCA~~.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-2.091
 RULE TITLE: Publications Incorporated by Reference

NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that changes have been made to the proposed paragraph titled “Meter Installation Within The SWUCA” proposed to be added to Section 5.1 WITHDRAWAL QUANTITY in Chapter 5.0, monitoring Requirements, of the Basis of Review which is

incorporated by reference in Rule 40D-2.091, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, as follows:

Meter Installation Within The SWUCA – New withdrawals within the SWUCA that are required to be metered shall be metered within 90 days after construction of the withdrawal facility is completed. Existing withdrawals not previously required to be metered shall be metered by January 1, ~~2003~~ 1996. ~~Existing withdrawals in the area formerly known as the Highlands Ridge or Eastern Tampa Bay Water Use Caution Areas shall be metered by July 31, 1995.~~ Once a withdrawal point is required to be metered, it shall remain so, and pumpage shall continue to be reported, even if the withdrawal point is later associated with a permit below metering thresholds. Typically, individual withdrawal points permitted for less than 10,000 gpd are not required to be metered.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-2.101
 RULE TITLE: Content of Application

NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that changes have been made to the above reference rule in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, as follows:

Subsection 40D-2.101(2), F.A.C., will read as follows:

(2) Information required on the appropriate Water Use Permit Application and supplemental forms numbered WUP-1 through WUP-168.

The proposed change to subsection 40D-2.101(6), F.A.C., is deleted.

Specific Authority 373.044, 373.113, 373.171, F.S. Law Implemented 373.216, 373.229, F.S. History—Readopted 10-5-74, Amended 10-24-76, 1-6-82, 2-14-82, Formerly 16J-2.06, Amended 10-1-89, 10-23-89, 2-10-93, 7-15-99.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-2.321
 RULE TITLE: Duration of Permits

NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby

given that changes have been made to the above reference rule in accordance with subparagraph 120.54(3)(d)1., F.S., as published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, as follow:

Proposed subsection 40D-2.321(4), F.A.C., and associated renumbering is deleted.

Proposed subsection 40D-2.321(6), F.A.C., (now subsection 40D-2.321(5), F.A.C.), is changed as follows:

The duration of a Standby Alternative Source ~~Standby~~ Permit pursuant to Section 1.9.9 of the Basis of Review, which is incorporated by reference in Rule 40D-2.091, F.A.C., and available upon request to the District, Rule 40D-2.601, F.A.C., shall be 20 years, except that, when all or part is permanently reactivated, the portions reactivated shall have a duration in accordance with subsections 40D-2.321(2), (3) and (4), F.A.C., above.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.171, 373.236 FS. History-Readopted 10-5-74, Amended 12-31-74, 10-24-76, 1-6-82, 3-11-82, Formerly 16J-2.13, Amended 10-1-89, 7-28-98, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
40D-2.381 Standard Permit Conditions
 NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that in accordance with subparagraph 120.54(3)(d)1., F.S., the proposed change to paragraph 40D-2.381(3)(i), F.A.C., and associated renumbering published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, has been deleted.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
40D-2.501 Permit Classification
 NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that proposed Rule 40D-2.501(7), F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S., published December 2, 1994, in the Florida Administrative Weekly Vol. 20, No. 48, pages 8905-8953 at page 8908, has been withdrawn.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
40D-2.621 Water Conserving Credits
 NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly:

40D-2.621 Water-Conserving Credits.

(1) On January 1, 2003, ~~October 1, 1999~~, permits authorizing a ~~ground~~ water withdrawal within the Southern Water Use Caution Area as described in 40D-2.801(3)(d)(b) for irrigation shall be assigned a credit by the District for a quantity of water as set forth in Chapter 3 of the Basis of Review referenced in Rule 40D-2.091, F.A.C..

(2) Beginning on January 1, 2003, ~~October 1, 1999~~, all permittees with a permit authorizing a ~~ground~~ water withdrawal within the SWUCA as described in Section 40D-2.801(3)(d)(b) for irrigation may earn Water Conserving Credits to withdraw additional quantities of ground water for use at the site at which they were earned if less than the allowable amount is applied to actual, planted acreage as set forth in Chapter 3 of the Basis of Review described in Rule 40D-2.091, F.A.C..

(3) Withdrawals under the Water Conserving Credits shall meet the Conditions for Issuance set forth in 40D-2.301(1)(2).

Specific Authority 373.044, 373.113, 373.171 F.S. Law Implemented 373.171, 373.216, 373.219, 373.223, 373.239 F.S. History-New _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
40D-2.801 Water Use Caution Areas
 NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, Vol. 21, No. 44, November 3, 1995, Vol 24, No. 7, February 13, 1998, and Vol 28, No. 5, February 1, 2002 issue of the Florida Administrative Weekly, as follows:

The proposed repeal of paragraphs 40D-2.801(3)(a) and 40D-2.801(3)(b), F.A.C., has been deleted.

Proposed subparagraph 40D-2.801(3)(b)5. has been deleted.
 Proposed Rule paragraph 40D-2.801(3)(b) is numbered as 40D-2.801(3)(d), F.A.C.

The last sentence in proposed subparagraph 40D-2.801(3)(b)2. (now 40D-2.801(3)(d)2.) has been deleted so that subparagraph 40D-2.801(3)(d)2. now reads as follows:

2. Regulations applicable to this Water Use Caution Area are specified in this Chapter and in the Basis described in Rule 40D-2.091, F.A.C. and are incorporated into this Rule. Regulations relating to SWUCA effective [_____] are not intended to affect, and shall not be construed to affect, any water use permit that does not have a withdrawal point within the SWUCA.

References are corrected in subparagraph 40D-2.801(3)(b)4. (now 40D-2.801(3)(d)4.) so that it now reads as follows:

4. All Water Use Permits with withdrawal points within the Water Use Caution Area are hereby modified to conform with this subparagraph 40D-2.801(3)(d), F.A.C., and the applicable SWUCA criteria specified in Chapters 3, 4, 5, and 6 of the Basis described in Rule 40D-2.091, F.A.C. are incorporated into all such Water Use Permits.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.: 61G17-3.003
 RULE TITLE: Foreign Degree Evaluation
 NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 28, No. 34, August 23, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments from the Joint Administrative Procedures Committee and from the Board meeting held on October 10, 2002.

The changes are as follows:

61G17-3.003 shall now read:

“either by Engineering Credentials Evaluation International, P. O. Box 13084, Baltimore, Maryland 21203-3084, or Joseph Silny & Associates, Inc., P. O. Box 248233, Coral Gables, Florida 33124” instead of the phrase “by an evaluation agency approved by the Board.”

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-2.005
 RULE TITLE: Inactive Registration

NOTICE OF CORRECTION

Notice of correction is hereby given to proposed rule changes as published in Vol. 28, No. 41, October 11, 2002, issue of the Florida Administrative Weekly. The correction is for the purpose of effectuating the changes to the rules as amended and proposed by the Florida Real Estate Appraisal Board.

The hearing will be held during the Florida Real Estate Appraisal Board General meeting on:

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, Tuesday, December 3, 2002

PLACE: Division of Real Estate, Conference Room 901N, North Tower, 400 West Robinson Street, Orlando, Florida 32801

The correct language is as follows:

61J1-2.005 Inactive Registration.

(1) An applicant for registration as an appraiser, who has otherwise met the registration requirements, may obtain the registration without the necessity of having designated a licensed or certified appraiser as a primary supervisor. The registration shall automatically be designated inactive upon being issued.

(2) At any time after obtaining registration as an appraiser, the registrant may request inactive status whenever the registrant has no primary supervising licensed or certified appraiser. ~~The request may be made on Form 501.5, Request for Appraiser Status Change, effective July 1991 and incorporated herein by reference. The form may be obtained through the Department of Business and Professional Regulation at 400 W. Robinson St., Orlando, FL. 32801. Forms may be obtained from the Department.~~

(3) At any time after obtaining registration as an appraiser the registrant does not have on record with the Department of Business and Professional Regulation the name of a licensed or certified appraiser as a primary supervisor, the registration shall automatically be designated inactive.

(4) Pursuant to s. 475.618(3), F.S., any registration not renewed at the end of the registration period shall automatically be designated inactive.

(5) A registered appraiser, whose registration is designated inactive pursuant to Paragraphs 1, 2 or 3, may request an active registration in such manner as provided by the Department ~~on Form 501.5~~. If the inactive duration is less than 2 years and does not extend beyond 1 biennial renewal cycle (registration period), no additional education or fee is required.

(6) A registered appraiser, whose registration is designated inactive pursuant to Paragraph 4, or whose inactive status extends beyond the biennial renewal cycle, shall comply with the education and fee requirements of Rule 61J1-4.007 in order to request an active registration.

(7) Any registration which exceeds 4 years in the inactive status shall automatically expire, and the person must meet all the then applicable requirements for initial registration.

Specific Authority 475.614, 475.619 FS. Law Implemented 475.613(2), 475.618, 475.619 FS. History—New 9-22-93, Amended 7-5-94, _____ .

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

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

NOTICE OF CORRECTION

Notice of correction is hereby given to proposed rule changes as published in Vol. 28, No. 41, October 11, 2002, issue of the Florida Administrative Weekly. The correction is for the purpose of effectuating the changes to the rules as amended and proposed by the Florida Real Estate Appraisal Board.

The hearing will be held during the Florida Real Estate Appraisal Board General meeting on:

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, Tuesday, December 3, 2002

PLACE: Division of Real Estate, Conference Room 901N, North Tower, 400 West Robinson Street, Orlando, Florida 32801

The correct language is as follows:

61J1-3.001 Application by Individuals.

(1) An applicant for registration, licensure or certification as an appraiser shall submit an application in such manner as provided by the Department. ~~on form numbers 501.1 or 501.1A, Real Estate Appraiser Application, effective July, 1991, incorporated herein by reference, which may be obtained through the department at 400 West Robinson Street, Orlando, Florida 32801.~~

(2) The applicant must show that the applicant has the necessary qualifications as follows:

- (a) That the applicant is 18 years of age or older.
- (b) That the applicant holds a high school diploma or its equivalent.

(3) The applicant shall indicate whether the applicant is seeking registration, licensure or certification.

(4) At the time of application, the applicant must furnish evidence of successful completion of the required education and experience, if any, pursuant to Rules 61J1-4.001 or 61J1-4.002, Florida Administrative Code and evidence of the required experience, if any.

(5) At the time of filing the application for registration, licensure or certification, the applicant must sign a pledge to comply with the Uniform Standards of Professional Appraisal Practice as defined in s. 475.611(1)(m), Florida Statutes, and must indicate in writing that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated.

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

(a) By disclosing whether the applicant has ever been convicted or found guilty, or entered a plea of guilty or nolo contendere (no contest) to, regardless of adjudication, of a crime in any jurisdiction which directly relates to the activities of an appraiser, or which involves moral turpitude or fraudulent or dishonest conduct; and

(b) By disclosing any civil proceedings pending against the applicant or if any civil judgment has been rendered against the applicant in a case wherein the pleadings charged the applicant with fraudulent or dishonest dealings; and

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

~~(c)(d)~~ By disclosing if the applicant has had a registration, license, or certification to practice any regulated profession, business, or vocation revoked, suspended, disbarred or otherwise acted against by this or any other state, any nation, or any possession or district of the United States, or has had an application for such registration, licensure or certification to practice or conduct any regulated profession, business or vocation denied by this or any other state, any nation, or any possession or district of the United States.

(7) If the applicant fails to take the examination or fails to successfully complete the examination within 1 year of the department receiving the application, the application shall expire and a new application must be filed.

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

61J1-3.002 Where to Apply.

Completed applications for registration, licensure or certification shall be submitted in such a manner as provided by the Department. ~~to the Division of Real Estate, 400 West Robinson Street, Orlando, Florida 32801.~~

Specific Authority 475.614 FS. Law Implemented 475.615 FS. History—New 10-15-91, Formerly 21VV-3.002, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.:	RULE TITLE:
61J1-4.005	Notice of Satisfactory Course Completion

NOTICE OF CORRECTION

Notice of correction is hereby given to proposed rule changes as published in Vol. 28, No. 41, October 11, 2002, issue of the Florida Administrative Weekly. The correction is for the purpose of effectuating the changes to the rules as amended and proposed by the Florida Real Estate Appraisal Board.

The hearing will be held during the Florida Real Estate Appraisal Board General meeting on:

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, Tuesday, December 3, 2002

PLACE: Division of Real Estate, Conference Room 901N, North Tower, 400 West Robinson Street, Orlando, Florida 32801

The correct language is as follows:

61J1-4.005 Notice of Satisfactory Course Completion.

(1) Applicants must submit, with the application for registration, licensure or certification a grade report as proof to the Department that they have satisfactorily completed the applicable course(s) prescribed in Rule 61J1-4.001 or 4.002, Florida Administrative Code.

(2) An application for renewal of an existing designation shall contain an affirmation by the individual of having satisfactorily completed the applicable Florida Real Estate Appraisal Board prescribed, conducted or board approved course(s). The Department may perform random audits of at least 10% of the registrants, licensees, certificate holders and instructors to verify compliance with continuing education requirements. Each registrant, licensee, certificate holder and instructor shall retain the grade report as proof of successful completion of continuing education requirements for at least two years following the end of the renewal period for which the education is claimed. Failing to provide evidence of compliance with continuing education requirements as prescribed in Rules 61J1-4.003, 61J1-4.007 and 61J1-4.008, Florida Administrative Code, or the furnishing of false or misleading information regarding compliance with said requirements shall be grounds for disciplinary action against the registrant, licensee, certificate holder or instructor.

(3) The grade report must be typed or printed in ink and must be completely filled out by the institution, school or entity certifying successful course completion. The grade report must also include the authorized signature of the school permit holder, chief administrative person or entity.

(4) The grade reports shall contain the following information for the type of course being completed:

(a) Preregistration, Prelicensing or Precertification Course For Appraiser

- Name of School, Institution or Entity
- Address of School, Institution or Entity
- Course Title
- Course Hours
- Start Date

- Finish Date
- Exam Date
- Student's Name
- Student's Address
- Authorized Signature for the School, Institution or Entity

(b) Appraisers Continuing Education

- Name of School, Institution or Entity
- Address of School, Institution or Entity
- Course Title
- Course Hours
- Start Date
- Finish Date

- Registration, License or Certificate Number
- Student's Name

Student's Address

Authorized Signature for the School, Institution or Entity

(c) Instructor Continuing Education

- Name of School, Institution or Entity
- Address of School, Institution or Entity
- Course Title
- Course Hours
- Start Date
- Finish Date

Permit Number

Student's Name

Student's Address

Authorized Signature for the School, Institution or Entity

(5) Each grade report shall state:

The student named in this report has completed the referenced course in accordance with the requirements of the Florida Real Estate Appraisal Board.

(6) The original grade report is to be given to the student and a copy retained by the school.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617, 475.618 FS. History—New 10-15-91, Formerly 21VV-4.005, Amended 7-19-95, 4-6-98.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NOS.:	RULE TITLES:
61J1-7.004	Office
61J1-7.005	Temporary Practice

NOTICE OF CORRECTION

Notice of correction is hereby given to proposed rule changes as published in Vol. 28, No. 41, October 11, 2002, issue of the Florida Administrative Weekly. The correction is for the purpose of effectuating the changes to the rules as amended and proposed by the Florida Real Estate Appraisal Board.

The hearing will be held during the Florida Real Estate Appraisal Board General meeting on:

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, Tuesday, December 3, 2002

PLACE: Division of Real Estate, Conference Room 901N, North Tower, 400 West Robinson Street, Orlando, Florida 32801

The correct language is as follows:

61J1-7.004 Office.

(1) All appraisers who have an active registration, license or certification pursuant to Part II, Chapter 475, Florida Statutes, shall furnish in writing to the Department of Business and Professional Regulation each business address from which he operates in the performance of appraisal services.

(2) Each such appraiser must notify the department of any change of address within 10 days of the change of address ~~on form 501.5, Request For Appraiser Status Change, effective July, 1991, and incorporated herein by reference, in such a manner as provided by the Department, which may be obtained through the department at 400 West Robinson Street, Orlando, Florida 32801.~~

Specific Authority 475.614 FS. Law Implemented 475.623 FS. History—New 10-15-91, Formerly 21VV-7.004, Amended_____.

61J1-7.005 Temporary Practice.

(1) Pursuant to the provisions of Section 475.630, Florida Statutes, the ~~B~~board shall recognize, on a temporary basis, the license or certification of an appraiser issued by another state, if:

(a) The property to be appraised is part of a federally related transaction, as that term is defined in Section 475.611(1)(j), Florida Statutes.

(b) The appraiser’s business is of a temporary nature. Temporary nature shall be defined to mean a single appraisal assignment for the time necessary to perform the appraisal assignment.

(c) The appraiser registers with the ~~B~~board. Registration shall be in such manner as provided by the Department ~~on form 501.6, Application For Non-Resident Temporary Practice Permit, effective August, 1991, and incorporated by reference, which may be obtained through the department at 400 West Robinson Street, Orlando, Florida 32801.~~

(d) The person requesting recognition of a license or certification as an appraiser issued by another state is a nonresident of Florida.

(2) In order to register with the ~~B~~board, the appraiser must:

(a) Pay the fee as established in Rule 61J1-2.001, Florida Administrative Code.

(b) Provide certified copies of proof of licensure or certification in another state and certified copies of the records of any disciplinary action taken against the appraiser’s license or certification in that or any other jurisdiction. If no disciplinary action has taken place, then a certification of no action must be provided.

(c) Agree in writing to cooperate with any investigation initiated under Part II, Chapter 475, Florida Statutes, as provided in Section 475.630(2)(c), Florida Statutes.

(d) Sign a notarized statement that the appraiser has read Part II, Chapter 475, Florida Statutes and Rules 61J1, Florida Administrative Code, and agrees to abide by these provisions in all appraisal activities.

(3) The ~~D~~department shall issue a numbered temporary permit and the number shall be used in the appraisal report performed under the permit.

Specific Authority 475.614 FS. Law Implemented 475.630 FS. History—New 10-15-91, Formerly 21VV-7.005, Amended_____.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: 64B7-28.008 RULE TITLE: Display of Licenses
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 22, May 31, 2002, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-7.001 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 the Vol. 28, No. 34, August 23, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on November 1, 2002.

Subsection (1)(w) of proposed Rule 64B17-7.001, F.A.C., shall now read as follows:

(w) 456.072(1)(u), F.S.: Sexual misconduct – from a minimum 6 months probation reprimand and/or a PRN referral for evaluation, up to a maximum fine of \$10,000 and/or revocation. After the first offense, a minimum of probation for three years and a referral to PRN for evaluation, up to a maximum fine of \$10,000 and/or revocation.

(x) through (z) No change.

Section (2) of proposed Rule 64B17-7.001, F.A.C., shall now read as follows:

(2) In determining what action is appropriate, the Board firstly shall consider what sanctions are necessary to protect the public or to compensate the patient. Secondly, the Board shall consider mitigating or aggravating circumstances in applying a penalty that is outside of the range provided for in the disciplinary guidelines including: ~~For initial and repeat offenses the Board may consider:~~

~~(a) The severity of the offense;~~

(a) through (l) renumbered (b) through (k) No change.

Specific Authority 456.072, 456.079, 486.025 FS. Law Implemented 456.072, 456.073, 456.079, 486.125 FS. History--New 2-10-87, Formerly 21M-9.023, Amended 8-2-90, 10-14-91, 12-6-92, 3-24-93, Formerly 21MM-7.002, 61F11-7.002, 59Y-7.002, Amended 1-8-98, 8-3-00,_____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-9.001
 RULE TITLE: Continuing Education
 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 the Vol. 28, No. 42, October 18, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on November 1, 2002.

Section (3) of proposed Rule 64B17-9.001, F.A.C., shall now read as follows:

(3) Acceptable subject areas for physical therapy continuing education include professional ethics, clinical education, clinical practice, clinical research, clinical management, clinical science, Florida law relating to physical therapy, basic sciences, risk management, and HIV/AIDS. No more than five contact hours of courses in risk management shall be accepted within a biennium. Up to three contact hours in HIV/AIDS education pursuant to Rule Chapter 64B17-8, F.A.C., may be included in the 24 ~~twenty-four~~ contact hours. Up to three contact hours in prevention of medical errors education pursuant to Rule Chapter 64B17-8, F.A.C., may be included by the licensee in the 24 ~~twenty-four~~ contact hours.

Specific Authority 486.025 FS. Law Implemented 486.109(2) FS. History--New 4-6-92, Formerly 21MM-9.001, Amended 3-7-94, Formerly 61F11-9.001, Amended 12-5-95, Formerly 59Y-9.001, Amended 2-14-02, 4-21-02,_____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

**Section IV
 Emergency Rules**

DEPARTMENT OF CITRUS

RULE TITLE: Oranges: 2002-03 Anhydrous Acid Maturity Standards
 RULE NO.: 20ER02-9

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Section 120.54(4)(b), Florida Statutes, states that those rules pertaining to perishable agricultural commodities shall be included in the definition of rules relating to the public health, safety, or welfare.

Citric acid content in an orange is indicative of the “bite” that is a flavor characteristic. Due to adverse climactic conditions through periods of this growing season significant amounts of the Florida citrus crop in the 2002-2003 season will have an acid content below the 0.4 minimum established in Section 601.19, Florida Statutes. Strict enforcement of the anhydrous acid content requirements, which were adopted largely to control abuse of plant growth regulators which are no longer in use, could cause economic waste by causing good and safe food to be ruled immature.

After taking testimony and discussing the matter at a public meeting and hearing in Lakeland, Florida on October 30, 2002, the Florida Citrus Commission found that there exists unusual growing conditions that could cause a substantial portion of the orange crop to fail minimum acid requirements. They voted to adopt Emergency Rule 20ER02-9, adjusting the percentage of anhydrous citric acid requirement for oranges for fresh and processed use from .40 to .36.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Adequate notice procedures were used by the Department of Citrus to inform the public and the Florida citrus industry of the pending adoption of Emergency Rule 20ER02-9, F.A.C., adjusting the percentage of anhydrous citric acid requirements for oranges, in that notice was made via mailing of the meeting notice on October 26, 2002, to members of the Florida Citrus Commission, all industry organizations, the Florida Press Corp and other interested persons.

SUMMARY OF RULE: Emergency rule 20ER02-9 adjusts the percentage of anhydrous citric acid requirement for oranges from .40 to .36.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

20ER02-9 (20-13.0011) Oranges: 2002-03 ~~2001-2002~~ Anhydrous Acid Maturity Standards.

(1) During the period beginning November 1, 2002 ~~December 21, 2001~~ up to and including January 30, 2003 ~~July 31, 2002~~, oranges shall be deemed mature when the juice sample contains not less than .36 percent of anhydrous citric acid.

(2) No change.

Specific Authority 601.10(1),(7), 601.11, 601.19 FS. Law Implemented 601.111, 601.19 FS. History--New 3-14-93, Amended 2-12-95, 1-17-96, 5-1-02, 11-1-02.

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

EFFECTIVE DATE: November 1, 2002

DEPARTMENT OF THE LOTTERY

RULE TITLE:

RULE NO.:

Instant Game Number 455, HOLIDAY TREASURES

53ER02-56

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 455, "HOLIDAY TREASURES," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; and the estimated odds of winning, value, number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-56 Instant Game Number 455, HOLIDAY TREASURES.

(1) Name of Game. Instant Game Number 455, "HOLIDAY TREASURES."

(2) Price. HOLIDAY TREASURES lottery tickets sell for \$5.00 per ticket.

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

(4) Design of Ticket. There are 5 different games in Instant Game Number 455, HOLIDAY TREASURES. For purposes of this rule, each of the five games is identified by number as follows:

INSERT SYMBOLS

(5) The "YOUR SYMBOLS" play symbols and play symbol captions in Game 1 are as follows:

INSERT SYMBOLS

(6) The "LUCKY SYMBOLS" play symbols and play symbol captions in Game 1 are as follows:

INSERT SYMBOLS

(7) The prize symbols and prize symbol captions in Game 1 are as follows:

INSERT SYMBOLS

(8) The legends in Game 1 are as follows:

INSERT SYMBOLS

(9) The prize and play symbols and prize and play symbol captions in Game 2 are as follows:

INSERT SYMBOLS

(10) The play symbols and play symbol captions in Game 3 are as follows:

INSERT SYMBOLS



(11) The prize symbols and prize symbol captions in Game 3 are as follows:

INSERT SYMBOLS

(12) The legend in Game 3 is as follows:

INSERT SYMBOLS

(13) The prize and play symbols and prize and play symbol captions in Game 4 are as follows:

INSERT SYMBOLS

(14) The “YOUR NUMBERS” play symbols and play symbol captions in Game 5 are as follows:

INSERT SYMBOLS

(15) The “LUCKY NUMBERS” play symbols and play symbol captions in Game 5 are as follows:

INSERT SYMBOLS

(16) The prize symbols and prize symbol captions in Game 5 are as follows:

INSERT SYMBOLS

(17) The legends in Game 5 are as follows:

INSERT SYMBOLS

(18) Determination of Prize Winners. The determination of prizewinners for each of the five games in Instant Game Number 455 HOLIDAY TREASURES is as follows:

(a) In Game 1, a ticket having a symbol in the “YOUR SYMBOLS” play area that matches either symbol in the “LUCKY SYMBOLS” play area shall entitle the claimant to the corresponding prize shown for that symbol.

(b) In Game 2, a ticket having three like amounts in the play area shall entitle the claimant to a prize of that amount.

(c) In Game 3, a ticket having three “ GIFT ” symbols in the play area in any one row, column or diagonal shall entitle the claimant to the prize shown in the “PRIZE BOX.”

(d) In Game 4, a ticket having three like amounts in the play area shall entitle the claimant to a prize of that amount.

(e) In Game 5, a ticket having a number in the “YOUR NUMBERS” play area that matches either number in the “LUCKY NUMBERS” play area shall entitle the claimant to the corresponding prize shown for that number.

(f) The prizes in games 1 through 5 are \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$15.00, \$25.00, \$50.00, \$75.00, \$100, \$200, \$250, \$500, \$1,000, \$5,000, \$10,000, and \$100,000.

(19) The estimated odds of winning, value, and number of prizes in Instant Game Number 455 are as follows:

<u>GAME PLAY</u>	<u>WIN</u>	<u>ODDS OF 1 IN</u>	<u>NUMBER OF WINNERS IN 34 POOLS OF 120,000 TICKETS PER POOL</u>
\$1 x 5	\$5	30.00	136,000
(\$1 x 3) + \$2	\$5	30.00	136,000
\$1 + (\$2 x 2)	\$5	30.00	136,000
\$5	\$5	30.00	136,000
\$1 x 10	\$10	30.00	136,000
\$2 + (\$4 x 2)	\$10	60.00	68,000
(\$1 x 4) + (\$2 x 3)	\$10	60.00	68,000
\$1 + (\$2 x 2) + \$5	\$10	120.00	34,000
\$10	\$10	120.00	34,000
\$5 + \$10	\$15	60.00	68,000
\$5 x 3	\$15	60.00	68,000
\$15	\$15	60.00	68,000
\$5 x 5	\$25	300.00	13,600
(\$5 x 3) + \$10	\$25	300.00	13,600
\$5 + (\$10 x 2)	\$25	240.00	17,000
(\$2 x 5) + \$5 + \$10	\$25	240.00	17,000
(\$2 x 10) + \$5	\$25	300.00	13,600
\$25	\$25	600.00	6,800
\$50	\$50	120.00	34,000
(\$5 x 5) + (\$10 x 5)	\$75	20,000.00	204
\$5 + (\$10 x 7)	\$75	20,000.00	204
(\$5 x 5) + \$50	\$75	20,000.00	204
(\$10 x 5) + \$25	\$75	20,000.00	204
\$75	\$75	20,000.00	204
\$10 + (\$15 x 6)	\$100	2,666.67	1,530
\$10 x 10	\$100	2,666.67	1,530
\$25 x 4	\$100	2,400.00	1,700
(\$25 x 2) + \$50	\$100	3,000.00	1,360
\$100	\$100	4,444.44	918
\$50 x 10	\$500	204,000.00	20
(\$50 x 8) + \$100	\$500	204,000.00	20
\$500	\$500	272,000.00	15
\$100 x 10	\$1,000	340,000.00	12
\$200 x 5	\$1,000	408,000.00	10
\$250 x 4	\$1,000	408,000.00	10

\$500 x 2	\$1,000	408,000.00	10
\$1,000	\$1,000	408,000.00	10
\$1,000 x 10	\$10,000	1,020,000.00	4
\$5,000 x 2	\$10,000	1,360,000.00	3
\$10,000	\$10,000	1,360,000.00	3
\$100,000	\$100,000	2,040,000.00	2

(20) The overall odds of winning some prize in Instant Game Number 455 are 1 in 3.37. Some prizes, including the top prizes, may be sold out at time of ticket purchase.

(21) For reorders of Instant Game Number 455, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

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

(23) Payment of prizes for HOLIDAY TREASURES lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 10-30-02.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.
EFFECTIVE DATE: October 30, 2002

DEPARTMENT OF THE LOTTERY

RULE TITLE: RULE NO.:

Instant Game Number 456, 53ER02-57
HOLIDAY CASH

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 456, "HOLIDAY CASH," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; and the estimated odds of winning, value, number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-57 Instant Game Number 456, HOLIDAY CASH.

(1) Name of Game. Instant Game Number 456, "HOLIDAY CASH."

(2) Price. HOLIDAY CASH lottery tickets sell for \$2.00 per ticket.

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

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

INSERT SYMBOLS

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

INSERT SYMBOLS

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


INSERT SYMBOLS

(7) The legends are as follows:

INSERT SYMBOLS

(8) Determination of Prize Winners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches any number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to ten matching sets of numbers. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$25.00, \$100, \$1,000, and \$10,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that totals \$2.00, except as follows. A person who submits by mail a HOLIDAY CASH lottery ticket which entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(b) A ticket having a "  " symbol in the "YOUR NUMBERS" play area shall entitle the claimant to a prize of \$25.00.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 456 are as follows:

<u>GAME PLAY</u> <u>TICKET</u>	<u>WIN</u> <u>TICKET</u>	<u>ODDS OF</u> <u>1 IN</u>	<u>NUMBER OF</u> <u>WINNERS IN</u> <u>56 POOLS OF</u> <u>180,000 TICKETS</u> <u>PER POOL</u>
\$2	\$2	21.43	470,400
\$2 + \$2	\$4	37.50	268,800
\$1 + (\$2 x 2)	\$5	21.43	470,400
\$5	\$5	21.43	470,400
\$1 + (\$2 x 2) + \$5	\$10	75.00	134,400
\$10	\$10	75.00	134,400
\$25 "GIFT"	\$25	120.00	84,000
\$5 x 10	\$50	1,200.00	8,400
\$10 x 5	\$50	1,200.00	8,400
(\$5 x 2) + (\$10 x 4)	\$50	1,565.22	6,440
\$10 x 10	\$100	45,000.00	224
(\$10 x 5) + (\$25 x 2)	\$100	180,000.00	56
\$100	\$100	180,000.00	56
\$25 x 8	\$200	252,000.00	40
\$100 x 10	\$1,000	504,000.00	20
\$1,000	\$1,000	1,008,000.00	10
\$1,000 x 10	\$10,000	5,040,000.00	2
\$10,000	\$10,000	5,040,000.00	2

(10) The estimated overall odds of winning some prize in Instant Game Number 456 are 1 in 3.89. Some prizes, including the top prizes, may be sold out at the time of ticket purchase.

(11) For reorders of Instant Game Number 456, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

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

(13) Payment of prizes for HOLIDAY CASH lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History--New 10-30-02.

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

EFFECTIVE DATE: October 30, 2002

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 457,
HOLIDAY BUCKS

RULE NO.: 53ER02-58

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 457, "HOLIDAY BUCKS," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-58 Instant Game Number 457, HOLIDAY BUCKS.

(1) Name of Game. Instant Game Number 457, "HOLIDAY BUCKS."

(2) Price. HOLIDAY BUCKS lottery tickets sell for \$1.00 per ticket.

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

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

INSERT SYMBOLS

(5) Determination of Prize Winners. A ticket having three like amounts in the play area shall entitle the claimant to a prize of that amount. The prizes are: \$1.00, \$2.00, \$5.00, \$10.00, \$15.00, \$20.00, \$25.00, \$50.00, \$100, \$500 and \$2,000. A ticket having three "TICKET" symbols in the play area shall entitle the claimant to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a HOLIDAY BUCKS lottery ticket which entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(6) The estimated odds of winning, value, and number of prizes in Instant Game Number 457 are as follows:

<u>GAME PLAY</u>	<u>WIN</u>	<u>ODDS OF</u>	<u>NUMBER OF</u>
<u>TICKET</u>	<u>\$1 TICKET</u>	<u>1 IN</u>	<u>WINNERS IN</u>
			<u>56 POOLS OF</u>
			<u>180,000 TICKETS</u>
			<u>PER POOL</u>
\$1	\$1	10.00	1,008,000
\$2	\$2	8.82	1,142,400
\$5	\$5	30.00	336,000
\$10	\$5	75.00	134,400
\$15	\$10	150.00	67,200
\$20	\$15	300.00	33,600
\$25	\$20	300.00	33,600
\$50	\$25	600.00	16,800
\$100	\$50	1,058.82	9,520
\$500	\$100	96,000.00	105
\$2,000	\$500	403,200.00	25
	\$2,000	2,520,000.00	4

(7) The estimated overall odds of winning some prize in Instant Game Number 457 are 1 in 3.62. Some prizes, including the top prizes, may be sold out at time of ticket purchase.

(8) For reorders of Instant Game Number 457, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

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

(10) Payment of prizes for HOLIDAY BUCKS lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 10-30-02.

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

EFFECTIVE DATE: October 30, 2002

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

ADMINISTRATION COMMISSION

NOTICE IS HEREBY GIVEN THAT the Administration Commission has received a petition for variance from and/or waiver of Florida Administrative Code Rule 28-106.104,

Filing. Lonny Ohlfest filed the petition on October 16, 2002, pursuant to 120.542, Florida Statutes, and Rule 28-104.002, Florida Administrative Code. Petitioner seeks a variance from and/or waiver of Florida Administrative Code Rule 28-106.104, Filing, that addresses content and filing of documents related to Decisions Determining Substantial Interests, Rule Chapter 28-106, Florida Administrative Code.

Copies of the petition may be obtained by contacting: Barbara Leighty, Administration Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884.

Interested persons or other agencies may submit written comments on the petition within 14 days after the date of this publication. Comments should be sent to the address noted above.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on October 7, 2002, South Florida Water Management District (District) received a petition for waiver from Mark Yaffey, associated with Application No. 02-1004-2 for a Right of Way Occupancy Permit, for utilization of Works or Lands of the District known as the C-100A, Miami-Dade County. The petition seeks relief from subsections 40E-6.011(4),(6) and (7), and 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 provide that a 40 foot wide strip of right of way, measured from the top of the canal bank landward, shall be unencumbered by permanent and/or semi-permanent above ground structures within Works or Lands of the District. Petitioner requests a waiver of this rule to allow an existing fence enclosure to remain within the District's right of way along the C-100A canal.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail at 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.

DEPARTMENT OF THE LOTTERY

NOTICE IS HEREBY GIVEN THAT the Department of the Lottery has received a Petition for Waiver of Rule 53ER02-12(5), F.A.C., *Procedures for Awarding Prizes*, from the following petitioner:

Petitioner	Date Filed
Frank E. Conney, Gulfport, Florida	October 30, 2002

Emergency Rule 53ER02-12, F.A.C., sets forth the provisions for payment of prizes to players.

A copy of the Petition can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

NOTICE IS HEREBY GIVEN THAT the Department of the Lottery has received a Petition for Waiver of Rule 53ER02-12(5), F.A.C., *Procedures for Awarding Prizes*, from the following petitioner:

Petitioner	Date Filed
Carmela P. Evensgaard, Daytona Beach, Florida	November 4, 2002

Emergency Rule 53ER02-12, F.A.C., sets forth the provisions for payment of prizes to players.

A copy of the Petition can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP received on June 10, 2002, a petition from Bank of America (Linder Truck Center), for a waiver pursuant to subsection 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S. On October 25, 2002, the Department denied this petition.

The full text of this notice is published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEP received on October 25, 2002, a petition from Halliburton KBR a/k/a Brown & Root Environmental (Circle K #7460) for a waiver pursuant to subsection 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S.

The full text of this notice is published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEP received on October 25, 2002, a petition from Halliburton KBR a/k/a Brown & Root Environmental (Jet Store #9066) for a waiver pursuant to subsection 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S.

The full text of this notice is published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEP received on October 25, 2002, a petition from Halliburton KBR a/k/a Brown & Root Environmental (Jet Convenience Store #9001) for a waiver pursuant to subsection 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S.

The full text of this notice is published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEP received on October 25, 2002, a petition from Halliburton KBR a/k/a Brown & Root Environmental (Jet Convenience Store #9037) for a waiver pursuant to subsection 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S.

The full text of this notice is published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEP received on October 25, 2002, a petition from Halliburton KBR a/k/a Brown & Root Environmental (TOC #426-08) for a waiver pursuant to subsection 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S.

The full text of this notice is published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF HEALTH

The Board of Medicine hereby gives notice that it has received a petition filed on October 29, 2002, on behalf of Naila A. Ahmad, M.D., seeking a waiver from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for passage of the USMLE.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

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

The Board of Medicine hereby gives notice that it has received a request to reconsider the granting to the American Association of Physician Specialists, Inc. (AAPS), of a waiver from subparagraph 64B8-11.001(2)(f)4., F.A.C., with regard to requiring each physician to receive ABMS certification in order to be certified by AAPS and to grant approval pursuant to §458.3312, Florida Statutes.

Comments on this request should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice. The Board will consider the request at its next meeting to be held on December 7, 2002, at 8:00 a.m., or as soon thereafter as can be heard, at the Tampa Airport Marriott, Tampa International, Tampa, Florida, and if the Board wishes to reconsider, a hearing on the matter may commence immediately thereafter.

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

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Health, Bureau of Emergency Medical Services, received a Petition for Waiver October 29, 2002 from the City of Boynton Beach, Boynton Beach, Florida
Applicable Rule: Subsection 64E-2.013(14), F.A.C.

Requested Action: To grant the City of Boynton Beach a temporary waiver until January 1, 2003 to subsection 64E-2.013(14), F.A.C., which requires submission of patient care data to the department within a specified timeframe. The waiver is being requested on the basis of substantial hardship.

Any interested person or agency may submit written comments on this petition until close of business November 29, 2002. Comments on or requests for copies of the petition must be addressed to: Ms. Pam Lesley, Government Analyst, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738.
P.O. B00829

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on November 5, 2002, Florida Housing Finance Corporation received a Petition for Variance from or Waiver of Rule 67-50.060 and Rule 67-44.100, Fla. Admin. Code, from the Ocala Housing Authority. Petitioner is requesting a waiver of Rule 67-50.060, Fla. Admin. Code, which states "the Application may not be changed or altered after submission...." Petitioner is also requesting a waiver of Rule 67-44.100, Fla. Admin. Code, which states "...Once the application has been accepted by the corporation, no additions, deletions or changes will be accepted." Petitioner seeks to change the Development Name and the site of the proposed development homes from one property owned by the Petitioner to another property owned by the Petitioner.

A copy of the Petition can be obtained from Sherry Green, 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.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Department of State, Division of Library and Information Services** announces the meeting of a Recruitment Task Force.

DATE AND TIME: Monday, December 2, 2002, 10:00 a.m. – 3:00 p.m. (Eastern Standard Time)

PLACE: The State Library of Florida, R. A. Gray Building, Third Floor, Training Room, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Recruitment Task Force will advise the Division on issues relating to developing a statewide librarian recruitment program.

For additional information contact: Barratt Wilkins, State Librarian, (850)245-6600 or Suncom 205-6600.

Any person requiring special accommodations due to a disability or physical impairment should contact the agency at least five days prior to the meeting in order to request any special assistance by calling (850)245-6600 or TDD (850)922-4085.

The **Department of State, Division of Library and Information Services** announces the Florida Library Youth Program (FLYP) 2003 Planning Committee Meeting.

DATES AND TIME: December 4-5, 2002, 9:00 a.m. – 4:30 p.m.

PLACE: The State Library of Florida, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the FLYP 2003 Program workshops to improve youth programs for representatives from libraries and partner organizations.

For additional information contact: Barratt Wilkins, State Librarian, (850)245-6600 or Suncom 205-6600.

Any person requiring special accommodations due to a disability or physical impairment should contact the agency at least five days prior to the meeting in order to request any special assistance by calling (850)245-6600 or TDD (850)922-4085.

DEPARTMENT OF BANKING AND FINANCE

NOTICE OF CANCELLATION – The telephone conference meeting of the Florida **Board of Funeral and Cemetery Services**, originally scheduled for November 19, 2002, has been cancelled. The next meeting of the Florida Board of Funeral and Cemetery Services will be held on December 12, 2002, at the separately announced time and place.

To obtain further information contact: Frances Restifo, Administrative Assistant II, Division of Securities and Finance, 101 East Gaines St., Fletcher Bldg., Room 649B, Tallahassee, FL 32399-0350, (850)410-9853.

NOTICE OF CANCELLATION – The Rules Committee Meeting of the Florida **Board of Funeral and Cemetery Services** originally scheduled for November 19, 2002, has been cancelled, and will be rescheduled at a later date.

To obtain further information contact: Frances Restifo, Administrative Assistant II, Division of Securities and Finance, 101 East Gaines St., Fletcher Bldg., Room 649B, Tallahassee, FL 32399-0350, (850)410-9853.

DEPARTMENT OF INSURANCE

The **Governor's Commission on Workers' Compensation Reform** announces the following public meeting to which all persons are invited.

DATE AND TIME: December 6, 2002, 9:00 a.m. – 5:00 p.m.

PLACE: Hillsborough Community College, Dale Mabry Campus, Tampa, Florida, (813)253-7000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workers' Compensation Reform.

Any person requiring special accommodations to participate in this meeting is asked to advise staff at least 48 hours prior to the meeting by contacting: Jacki Lawhon, (850)922-8062.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a regular business meeting of the Florida Coordinating Council on Mosquito Control to which all persons are invited.

DATE AND TIME: November 22, 2002, 1:00 p.m. – 5:00 p.m.

PLACE: Lee County Mosquito Control District, 15191 Homestead Road, Lehigh Acres, Florida 33971. Mailing address: Post Office Box 60005, Fort Myers, Florida 33906

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Welcome and Introductions.
2. Approval of Minutes from Previous Meeting.
3. General Comments and Business Items, to include:
 - Report from the Subcommittee on Fenthion Usage.
 - Other items to be announced.

Questions and Comments may be directed to: T. Wayne Gale, Chairman, (850)922-6877 or email galet@doac.state.fl.us.

The Florida **Department of Agriculture and Consumer Services, Division of Forestry** announces a meeting of the Off Highway Recreation Advisory Committee which is open to all interested persons.

DATE AND TIME: Tuesday, November 19, 2002, 10:00 a.m.

PLACE: Florida Center for Wildfire and Forest Resources Management Training, 24059 Childs Road, Brooksville, FL 34601

GENERAL SUBJECT MATTER TO BE CONSIDERED: Initial meeting of the newly appointed Off Highway Recreation Advisory Committee.

A copy of the agenda may be obtained by contacting: L. Earl Peterson, Director, Division of Forestry, 3125 Conner Boulevard, Tallahassee, FL 32399-1650, (850)488-4274.

DEPARTMENT OF EDUCATION

The State of Florida, **Education Practices Commission** announces a Teacher Hearing Panel to which all persons are invited.

Teacher Hearing Panel

DATE AND TIME: December 6, 2002, 8:30 a.m. or as soon thereafter as can be heard

PLACE: The Embassy Suites Tampa Airport/Westshore, 555 North Westshore Boulevard, Tampa, Florida 33609, (813)875-1555

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, 325 W. Gaines Street, Room 224, Turlington Building, 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 at 711.

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 14, 2002, 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 including a Rule Development workshop on Rules 6D-12.002, F.A.C., Campus Security/Police Department, and 6D-14.002, F.A.C., Transportation Policies and Procedures, as well as a Public Hearing on Rules 6D-7.007, F.A.C., Code of Student Conduct and 6D-7.0072, F.A.C., Grounds For Disciplinary Action.

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 **State Apprenticeship Council** announces meetings of the Council Planning/Rules Committee, the Council Marketing Committee, the Council Expansion Committee, and a regular Council meeting to which all interested parties are invited.

DATES AND TIMES: November 21, 2002, 1:00 p.m., Rules/Planning Committee meeting; 2:00 p.m., Marketing Committee meeting; 3:00 p.m., Expansion Committee meeting; November 22, 2002, 8:30 a.m., State Apprenticeship Advisory Council meeting

PLACE: Hyatt Orlando, Near Walt Disney World Resorts, 6375 W. Irlo Bronson Memorial Highway, Kissimmee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues and concerns that affect Florida's registered apprenticeship program sponsors and the apprenticeship community. Council Committees report to the full Council. The Council, which represents both employees and management, considers issues and makes recommendations to the Florida Department of Education, Division of Workforce Development, Apprenticeship Section, regarding apprenticeship matters.

If you have an issue or a concern that needs to be addressed to the Council, there will be a general discussion time prior to the end of the Council meeting. A list of Council members can be obtained from the Division's Apprenticeship Section.

Requests for information should be faxed to: Division of Workforce Development, Apprenticeship Section, (850)488-3192 or mailed Florida Department of Education, Division of Workforce Development, Apprenticeship Section,

325 W. Gaines Street, Room 754, Tallahassee, Florida 32399-0400. An agenda will be available on Friday, November 8, 2002.

The **Florida Rehabilitation Council** announces a meeting to which all persons are invited.

DATE AND TIME: December 19, 2002, 10:00 a.m. – 11:00 a.m.

PLACE: Headquarters, Building A, 2002 Old Saint Augustine Road, Tallahassee, FL 32301-4862

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call for the Coordination committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, Building A, 2002 Old Saint Augustine Road, Tallahassee, FL 32301-4862, (850)487-3431.

Any interested parties that need further information may contact: Yolanda Manning, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitative Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address, at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning, at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Florida Rehabilitation Council** announces a meeting to which all persons are invited.

DATES AND TIME: January 14-16, 2003, 8:00 a.m. – 5:00 p.m.

PLACE: Holiday Inn, 1355 Apalachee Parkway, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct meeting/rule development including members of the Florida Rehabilitation Council.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, Building A, 2002 Old Saint Augustine Road, Tallahassee, FL 32301-4862, (850)487-3431.

Any interested parties that need further information may contact: Yolanda Manning, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitative Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning, at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces the schedule of public meetings of the Wekiva Basin Area Task Force to which all persons are invited.

DATES AND TIMES: Monday, November 25, 2002, 10:00 a.m. – Until conclusion; Tuesday, November 26, 9:00 a.m. – Until conclusion; Monday, December 16, 2002, 10:00 a.m. – Until conclusion; Tuesday, December 17, 2002, 9:00 a.m. – Until conclusion; Thursday, January 9, 2003, 10:00 a.m. – Until conclusion; Friday, January 10, 2003, 9:00 a.m. – Until conclusion

PLACE: East Central Florida Regional Planning Council, Suite 100, 631 North Wymore Road, Maitland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The task force is created by Executive Order 2002-259 and charged with making recommendations concerning (1) the most appropriate location for a highway route that connects SR 429 to I-4, and which causes the least disruption and provides the greatest protection to the Wekiva Basin ecosystem, while also connecting the two routes; and (2) a transportation plan that evaluates the diverse considerations associated with the potential expansion of roads or corridors within the Wekiva Basin Area. At the November and December meetings, the task force will receive information and continue discussions related to its charges. At the January meeting, the task force will consider adoption of its final report and recommendations. The task force will receive public comment at each meeting.

ACTION TO BE TAKEN: Consideration of above-stated business. Meeting agendas will be available at <http://www.dca.state.fl.us/fdcp/DCP/wekiva/wekivariver.htm> or by calling Tracy Suber, (850)922-1819.

Persons requiring a special accommodation for a disability or physical impairment should contact Nancy Blum, East Central Florida Regional Planning Council, (407)626-1075, at least five days prior to the meeting. If hearing or speech impaired, contact Nancy Blum, East Central Florida Regional Planning Council using the Florida Dual Party Relay System 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: December 18, 2002, 9:00 a.m. – 4:30 p.m.

PLACE: University of South Florida, Center for Urban Transportation Research, Room CUT-100, 4202 East Fowler Avenue, Tampa, Florida 33620-5375

ACTIONS TO BE TAKEN: The CFF will consider the following items:

- 1) Review of Progress on the CFFAB "Cornerstone Report".
- 2) Overview of the Status of, and comments on the draft report.
- 3) Consideration of final recommendations of the CFFAB for inclusion in the Cornerstone Report.
- 4) Report on State Energy Initiatives.
- 5) Legislative Outreach Committee Report.
- 6) Education and Outreach Committee Report.

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: Essie Turner, 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, (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).

DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement** announces a public meeting to which all persons are invited.

DATES AND TIMES: Tuesday, December 3, 2002, 1:00 p.m. – 5:00 p.m.; Wednesday, December 4, 2002, 8:30 a.m. – 5:00 p.m.

PLACE: The Sawgrass Marriott Resort & Beach Club, 1000 PGA Tour Boulevard, Ponte Vedra Beach, Florida 32082, (904)285-7777

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Violent Crime and Drug Control Council and any other interested individuals will meet to hear presentations and discuss issues relating to violent crime, and multi-agency or statewide drug control or illicit money laundering investigative or task force efforts.

A copy of the agenda may be obtained by writing: Government Analyst Joyce Gainous-Harris, Florida Department of Law Enforcement, Division of Criminal Investigations and Forensic Science Services, Office of Statewide Intelligence, Post Office Box 1489, Tallahassee, Florida 32302, or by telephoning (850)410-7096.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT – Persons needing an accommodation to participate in any proceeding should call (850)410-7900, (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

The **Criminal Justice Professionalism Program** announces a public meeting for a Probable Cause Determination to which all persons are invited to attend.

DATE AND TIME: December 3, 2002, 10:00 a.m. – Open

PLACE: Broward Community College, Criminal Justice Institute, 3501 Southwest Davie Road, Fort Lauderdale, Florida 33314

GENERAL SUBJECT MATTER TO BE CONSIDERED: To determine if probable cause exists to proceed with possible disciplinary action.

A copy of the Probable Cause Case agenda can be obtained by calling: Brenda S. Presnell, Florida Department of Law Enforcement, Criminal Justice Professionalism Program Bureau of Standards, Officer Discipline Section, Post Office Box 1489, Tallahassee, Florida 32302-1489, (850)410-8648.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Donna Hunt, (850)410-8615, at least 2 weeks prior to the meeting.

DEPARTMENT OF TRANSPORTATION

The **Department of Transportation**, District Two announces public hearings (Tentative Work Program for Fiscal Years beginning July 1, 2003, through June 30, 2008) to which all persons are invited to attend and be heard.

1. Jacksonville Hearing: Specific notice is provided to the First Coast Metropolitan Planning Organization (FCMPO) and the County Commissions for Putnam, St. Johns, Nassau, Baker, Clay and Duval counties serving as MPO for their respective counties.

DATE AND TIME: Monday, December 2, 2002, 5:30 p.m.

PLACE: Jacksonville Urban Office, Training Facility, 2250 Irene Street, Jacksonville, Florida

2. Lake City Hearing: Specific notice is provided to the Gainesville Metropolitan Transportation Planning Organization (MTPO) and the County Commissions for Dixie, Levy, Gilchrist, Bradford, Alachua and Union counties serving as MPO for their respective counties.

DATE AND TIME: Tuesday, December 3, 2002, 5:30 p.m.

PLACE: Lake City District Office, Madison Room, 1109 South Marion Avenue, Lake City, Florida

3. Live Oak Hearing: Specific notice is provided to the County Commissions for Taylor, Lafayette, Madison, Columbia, Hamilton and Suwannee counties serving as MPO for their respective counties.

DATE AND TIME: Thursday, December 5, 2002, 5:30 p.m.

PLACE: Suwannee River Water Management District, Board Room, 9225 County Road 49, Live Oak, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: These public hearings are being conducted pursuant to Section 339.135(4)(c), Florida Statutes, to consider the Department's Tentative Work Program for the period 2003-04 through 2007-08, and to consider the necessity of making any changes to the Program. Written comments from the Commissions and other interested parties will be received by the Department at the Public Hearings and within ten days thereafter.

The proposed improvements have been developed in accordance with the Civil Rights Act of 1964, and the Civil Rights Act of 1968. Under Title VI and Title VIII of the United States Civil Rights Act any person(s) or beneficiary who believes they have been subjected to discrimination because of race, color, religion, sex, age, national origin, disability or familial status may file a written complaint to the Florida Department of Transportation's Equal Opportunity Office in Tallahassee or contact the District's Title VI and Title VIII Coordinator.

Central Office: Florida Department of Transportation, Equal Opportunity Office, 605 Suwannee Street, MS #65, Tallahassee, Florida 32399-0450

District Office: Florida Department of Transportation, District 2, District Contract Compliance Office, Post Office Box 669, MS #2809, Jacksonville, FL 32276-6669

Comments should be addressed to: Aage G. Schroder III, District Secretary, Florida Department of Transportation, District 2, 1109 S. Marion, Lake City, Florida 32025-5874, 1(800)749-2967.

Assistance for disabled persons may be arranged by contacting Mr. James Dees, District Planning Manager, Lake City District Office, 1(800)749-2967, at least ten (10) days in advance of the Public Hearings.

The **Florida Transportation Commission** announces public meetings to which all persons are invited.

DATE AND TIME: December 2, 2002, 1:00 p.m. – 5:00 p.m.

PLACE: Department of Transportation, Executive Conference Room 585, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Briefing of the Florida Transportation Commission.

DATE AND TIME: December 3, 2002, 8:00 a.m. – 2:00 p.m.

PLACE: Department of Transportation, Executive Conference Room 585, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Florida Transportation Commission.

Information may be obtained by contacting: Florida Transportation Commission, Room 176, M.S. 9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings are asked to advise the Commission at least 48 hours before the meetings by contacting Cathy Goodman, (850)414-4105.

The **Department of Transportation, Florida's Turnpike** announces a Public Hearing to which all persons are invited.

DATE AND TIME: December 3, 2002; Open House 6:00 p.m., Formal Presentation 6:30 p.m.

PLACE: Palm Beach Gardens High School Auditorium, 4245 Holly Drive, Palm Beach Gardens, Florida

PURPOSE: This hearing is being conducted pursuant to the provisions of Rule Chapter 14-97, Florida Administrative Code, and Section 335.18, Florida Statutes. This hearing is being held in accordance with Federal-Aid Highway Act of 1968, as amended, 23 U.S.C. 128, 40 C.F.R., 1500-1508 C.F.R. 771, and Section 339.155, Florida Statutes, and is also consistent with the Americans With Disabilities Act of 1990. This hearing is also in compliance with Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968, as amended. This hearing is being held to afford interested persons the opportunity to express their views concerning the proposed project Financial Project Number 232074 2 32 01 otherwise known as the design of the new State Road 710 Interchange with Florida's Turnpike, with project limits from south of State Road 710 to Northlake Boulevard.

Potential encroachment on wetlands and floodplains may be given special consideration under Executive Orders 11990 and 11988. A Toll Rate Public Hearing will be held as part of this Design Public Hearing to allow the public an opportunity to comment on the development of proposed toll rates for the SR 710 Turnpike interchange.

Anyone needing project or public hearing information may contact Mr. Tim Linder, P.E., Project Manager, at Florida's Turnpike Enterprise at (407)532-3999, extension 3432 or by writing to Mr. Linder at Florida's Turnpike Enterprise, P. O. Box 613069, Ocoee, Florida 34761-3069.

Anyone requesting special accommodations under the Americans with Disabilities Act of 1990 should contact Catherine Bradley, P.E. by telephone at (407)532-3999, extension 3802 or by writing to Ms. Bradley at Florida's Turnpike Enterprise, P. O. Box 613069, Ocoee, Florida 34761-3069. Special accommodation requests under the Americans with Disabilities Act should be made at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing to: Mr. Tim Linder, P.E., Project Manager, Florida's Turnpike Enterprise, P.O. Box 613069, Ocoee, Florida 34761-3069.

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the Florida **State Board of Administration** of a meeting of the Investment Advisory Council (IAC) and the Public Employee Optional Retirement Advisory Committee (PEORPAC) to which all persons are invited. Note that both these groups will meet concurrently.

DATE AND TIME: Thursday, December 12, 2002, 9:00 a.m. – Until conclusion

PLACE: Hermitage Centre, Hermitage Room, 1801 Hermitage Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a joint business meeting of the IAC and PEORPAC. The two groups will discuss issues relating to the implementation of the Public Employee Optional Retirement Program. Although this meeting will be primarily in person, anyone wishing to participate by telephone is free to use the following conference call number: (850)921-2583.

Anyone wishing further information should contact: Joan Haseman, Defined Contribution Program, Florida State Board of Administration, P. O. Drawer 13300, Tallahassee, FL 32317-3300 or via e-mail at: haseman_joan@fsba.state.fl.us.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend the meeting is requested to call Joan Haseman, (850)413-1492, five days prior to the meeting so that appropriate arrangements can be made.

DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public meeting of the Fresh Grapefruit Advisory Council to which all persons are invited.

DATE AND TIME: Wednesday, December 4, 2002, 10:00 a.m.

PLACE: Indian River Citrus League, 7925 20th Street, Vero Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will finalize the program elements for the Peak Season Grapefruit test and any other business that might come before the Council for consideration.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson, (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 4, 2002, 9:00 a.m.

PLACE: Florida Parole Commission, Bldg. C, Third Floor, 2601 Blairstone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

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, 2601 Blairstone Road, Building C, 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 five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces it's regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: Monday, December 2, 2002, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy. (\$1.00 per copy, Statement of Agency Organization and Operations), by contacting: Division of the Commission Clerk and Administrative Services, (850)413-6770 or writing Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.florida.psc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: Monday, December 2, 2002, Immediately following the Commission Conference which commences at 9:30 a.m. in Commission Hearing Room 148

PLACE: The Betty Easley Conference Center, Conference Room 140, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the meeting. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Executive Office of the Governor**, Governor's Select Task Force on Healthcare Professional Liability Insurance announces telephone conference meetings to which all persons are invited. The calls will be on an as needed basis. Please call for verification that the Task Force is meeting.

DATE AND TIME: Monday, November 18, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Call Toll Free 1(888)816-1123, Suncom 291-5230, Tallahassee only 921-5230

DATE AND TIME: Wednesday, November 20, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Call Toll Free 1(800)416-4254, Suncom 292-2903, Tallahassee only 922-2903

DATE AND TIME: Monday, November 25, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Call Toll Free 1(888)816-1123, Suncom 291-5230, Tallahassee only 921-5230

DATE AND TIME: Wednesday, November 27, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Call Toll Free 1(888)816-1123, Suncom 291-5230, Tallahassee only 921-5230

DATE AND TIME: Friday, November 29, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Call Toll Free 1(888)816-1123, Suncom 291-5230, Tallahassee only 921-5230

DATE AND TIME: Monday, December 2, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Call Toll Free 1(888)816-1123, Suncom 291-5230, Tallahassee only 921-5230

DATE AND TIME: Wednesday, December 4, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Call Toll Free 1(800)416-4254, Suncom 292-2903, Tallahassee only 922-2903

DATE AND TIME: Friday, December 6, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Call Toll Free 1(888)816-1123, Suncom 291-5230, Tallahassee only 921-5230

DATE AND TIME: Monday, December 9, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Call Toll Free 1(888)816-1123, Suncom 291-5230, Tallahassee only 921-5230

GENERAL SUBJECT MATTER TO BE CONSIDERED: Task Force issues.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact Mary Pater or Faith Schneider, Florida Department of

Health, General Counsel's Office, (850)245-4444, at least five (5) calendar days prior to the hearing. If you are hearing or speech impaired, please contact Ms. Pater or Ms. Schneider using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Executive Office of the Governor**, Governor's Select Task Force on Healthcare Professional Liability Insurance announces a Conference to which all persons are invited.

DATE AND TIME: Friday, November 22, 2002, 9:00 a.m. – 6:00 p.m.

PLACE: Hyatt Regency Orlando International Airport, 4th Floor, The Briefing Room, 9300 Airport Boulevard, Orlando, Florida 32827, (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: The work of the Governor's Select Task Force will make recommendations to protect Floridians' access to high-quality and affordable healthcare. The Governor's Select Task Force shall study the relevant issues and make written recommendations and/or propose legislation. The work product of the Governor's Select Task Force should include, but need not be limited to, the following: (1) findings from an examination of the Florida healthcare liability insurance market, pertinent tort laws, claims and premium data compared to other states of similar size and diversity; (2) an assessment of the impact of the cost, accessibility and availability of healthcare liability insurance on the cost, accessibility and availability of high quality healthcare in this state; and (3) specific strategies to ease the healthcare liability insurance crisis faced by physicians, hospitals and other healthcare providers in the state. A report of such recommendations and/or proposed legislation shall be submitted by January 31, 2003, to the Governor, the President of the Florida Senate and the Speaker of the House of Representatives. To aid its study of the issues and the development of its recommendations, the Governor's Select Task Force shall take public testimony from experts and stakeholders. In addition, the Governor's Select Task Force is encouraged to take whatever other steps are necessary to gain a full understanding of the medical, legal, insurance and other issues involved.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact Mary Pater or Faith Schneider, Florida Department of Health, General Counsel's Office, (850)245-4444, at least five (5) calendar days prior to the hearing. If you are hearing or speech impaired, please contact Ms. Pater or Ms. Schneider using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

REGIONAL PLANNING COUNCILS

The **Tampa Bay Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive/Budget Committee

DATE AND TIME: Monday, December 9, 2002, 8:30 a.m.

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

MEETING: Tampa Bay Regional Planning Council

DATE AND TIME: Monday, December 9, 2002, 10:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.

MEETING: TBRPC Legislative Committee

DATE AND TIME: Monday, December 9, 2002, 11:30 a.m.

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

MEETING: Agency on Bay Management

DATE AND TIME: Thursday, December 12, 2002, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency On Bay Management.

MEETING: Clearinghouse Review Committee

DATE AND TIME: Monday, December 23, 2002, 9:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee

PLACE: Suite 219, 9455 Koger Blvd., St. Petersburg, FL 33702 (Please call to confirm date, time and location)

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 Region IX, **Local Emergency Planning Committee (LEPC)** announces a public meeting to which all persons are invited.

DATE AND TIME: December 6, 2002, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council, 4th Floor, 4980 Bayline Drive, North Fort Myers, FL 33917

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and implement provisions of the Emergency Planning and Community Right to Know Act.

A copy of the agenda may be obtained by contacting: Executive Director, David Y. Burr, Southwest Florida Regional Planning Council, Post Office Box 3455, North Fort Myers, FL 33918-3455.

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, December 2, 2002, 10:30 a.m.

PLACE: South Florida Regional Planning Council, Suite 140, 3440 Hollywood Boulevard, Hollywood, FL 33134

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Proposed Local Government Comprehensive Plan Amendments for North Miami and Hallandale Beach; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Adopted Local Government Comprehensive Plan Amendment for Miami-Dade County; Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting; Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m. at the above location.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the board with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices, (954)985-4416 (Broward).

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

The **Treasure Coast Regional Planning Council** announces a meeting of its Budget/Personnel Committee.

DATE AND TIME: December 2, 2002, 11:00 a.m.

PLACE: Treasure Coast Regional Planning Council, Suite 300, 301 East Ocean Boulevard, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Council's Budget/Personnel Committee.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

The **Treasure Coast Regional Planning Council** announces a meeting of its Nominating Committee.

DATE AND TIME: December 20, 2002, 9:00 a.m.

PLACE: Ramada Inn, 1200 South Federal Highway, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Council's Nominating Committee. The Committee will develop a recommendation for the Year 2003 Officers.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

DEPARTMENT OF CORRECTIONS

The **Florida Corrections Commission** announces the following public conference call to which all interested persons are invited to participate.

DATE AND TIME: Thursday, November 22, 2002, 9:00 a.m. – 3:00 p.m.

PLACE: Florida Corrections Commission, William D. Bloxham Building, Room 109, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will discuss issues to be included in the 2002 Annual Report.

A copy of the agenda may be obtained by writing: Mr. John Fuller, Executive Director, Florida Corrections Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500 or call (850)413-9330.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

COMMISSION ON ETHICS

The **Commission on Ethics** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Thursday, December 5, 2002, 8:00 a.m.

PLACE: Department of Transportation, Burns Building, Auditorium, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by writing: Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709.

Meeting materials also will be available from 8:00 a.m. to 5:00 p.m., Monday through Friday, at 2822 Remington Green Circle, Suite 101, prior to the meeting.

If a person decides to appeal any decision made by the Commission with respect to a matter considered at this meeting, he will need a record of the proceeding, and for such purpose he may need to ensure that a verbatim record of this proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Commission at least 48 hours before the meeting by contacting the Commission on Ethics, (850)488-7864. If you are hearing or speech impaired, please contact the Commission by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

WATER MANAGEMENT DISTRICTS

The **Southwest Florida Water Management District** (SWFMWD) announces the following public meeting to which all interested persons are invited.

BOARD MEMBER BRIEFING

DATE AND TIME: Tuesday, November 26, 2002, 9:30 a.m.

PLACE: SWFMWD, District Headquarters, Executive Conference Room, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss Lower Withlacoochee River and Inglis Dam issues.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida) or (352)796-7211, Extension 4609, Fax (352)754-6874, TDD ONLY 1(800)231-6103 (Florida).

The **Southwest Florida Water Management District** announces the following public hearing to which all interested persons are invited.

DATES AND TIMES: December 17, 2002, 9:00 a.m. and may be continued; December 18, 2002, 9:00 a.m.

PLACE: Southwest Florida Water Management District, Governing Board Room, 2379 Broad Street, Brooksville, Florida 34604-6899

GENERAL SUBJECT MATTER TO BE CONSIDERED: The acquisition of certain lands eligible to be considered for funding from the Florida Forever Trust Fund which lands are further described as follows:

Part of the Tampa Bay Estuarine Ecosystem project comprised of one parcel referred to SWF Parcel No. 11-728-108 consisting of approximately 14.8 acres lying in Section 25, Township 30 South, Range 19 East in Hillsborough County, Florida; and

Part of the Tampa Bay Estuarine Ecosystem project comprised of one parcel referred to as SWF Parcel No. 21-728-117 consisting of approximately 86 acres and lying in Section 2, Township 35 South, Range 16 East located on the south side of Cortez Road, east of its intersection with Sarasota Bay in Manatee County, Florida; and

Part of the Tampa Bay Estuarine Ecosystem project comprised of one parcel referred to as SWF Parcel No. 21-728-121 consisting of approximately 128 acres and lying in Section 19, Township 33 South, Range 18 East located on the south side of Rock Payne Road, north of Frog Creek in Manatee County, Florida; and

Part of the Pasco 1 project comprised of one parcel referred to as SWF Parcel No. 15-704-102 consisting of approximately 2,980.56 acres. The parcel is located on the south side of State Road 52, east of US Highway 41 and west of Interstate 75 in Sections 7, 8, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 30 and 35, Township 25 South, Ranges 18 and 19 East in Pasco County, Florida; and

Part of the Lake Panasoffkee project comprised of one parcel referred to SWF Parcel No. 19-528-135 consisting of approximately 6,078 acres lying in Sections 16, 19, 20, 21, 28, 29, 30, 31 and 32, Township 20 South, Range 22 East; Sections 25 and 36, Township 20 South, Range 21 East; Sections 5 and 6, Township 21 South, Range 22 East and Section 1, Township 21 South, Range 21 East. Subject property located on the west side of Interstate 75, south of County Road 470 in Sumter County; and

Part of the Lake Manatee Lower Watershed project comprised of one parcel referred to as SWF Parcel No. 21-601-109 A, B and C consisting of approximately 1,764 acres and lying in Sections 14, 15, 22, 23, 26, 27, 28 and 35, Township 34 South, Range 20 East, located east of Interstate 75, north of State Road 64 at its intersection with County Road 675 in Manatee County, Florida; and

Part of the Lower Cypress Creek project comprised of one parcel referred to as SWF Parcel No. 13-782-101 consisting of approximately 297.53 acres, lying in Section 4, Township 27 South, Range 19 East. The parcel abuts to and is bisected by Interstate 275, east of Livingston Road and south of County Line Road in Hillsborough County, Florida.

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: December 2, 2002, 9:00 a.m.

PLACE: South Florida Water Management, B2, 1 North Lake Okeechobee Conference Room, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission Pre-CERP Baseline Committee Workshop.

If you're planning to attend this meeting, please call the staff identified in this notice prior to the meeting date, to ensure that a meeting has not been cancelled.

A copy of the agenda may be obtained at the: District Website seven (7) prior to the meeting at <http://www.sfwmd.gov/gover/wrac/agendas.html> or by writing to the South Florida Water Management District, Mail Stop 6115, 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 Paula Moree, Deputy District Clerk, (561)682-6447, 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, District Clerk's Office, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: November 25, 2002, 9:00 a.m.

PLACE: South Florida Water Management, B2, 1 North Lake Okeechobee Conference Room, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission Pre-CERP Baseline Committee Workshop.

If you're planning to attend this meeting, please call the staff identified in this notice prior to the meeting date, to ensure that a meeting has not been cancelled.

A copy of the agenda may be obtained at the: District Website seven (7) prior to the meeting at <http://www.sfwmd.gov/gover/wrac/agendas.html> or by writing to the South Florida Water Management District, Mail Stop 6115, 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 Paula Moree, Deputy District Clerk, (561)682-6447, 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, District Clerk's Office, 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 5, 2002, 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, (239)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, (239)597-1505, at least forty-eight (48) hours before the meeting to make appropriate arrangements. If you are hearing or speech impaired, please contact the Big Cypress Basin by calling (561)697-2574.

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, (239)597-1505.

DEPARTMENT OF ELDER AFFAIRS

The Florida **Department of Elder Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 25, 2002, 1:30 p.m. – 3:30 p.m.

PLACE: Pensacola Airport, Hampton Inn, 2187 Airport Boulevard, Pensacola, FL 32504, (850)478-1123

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Destination Florida Commission will convene for its meeting to discuss and evaluate Florida's competitive position in attracting retirees and to make recommendations for the future that would make Florida more retiree friendly. Public input will be taken at this meeting.

A copy of the agenda may be obtained by writing: Mrs. Eloise Williams, Department of Elder Affairs, 4040 Esplanade Way, Suite 270D, Tallahassee, Florida 32399-7000, or by calling Mrs. Williams, (850)414-2080.

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 Mr. Eloise Williams, (850)414-2080. If you are hearing or speech impaired, please contact the Department by calling (850)414-2001.

The **Department of Elder Affairs** announces a meeting to which all persons are invited.

Alzheimer's Disease Advisory Committee

DATE AND TIME: December 6, 2002, 9:00 a.m. – 2:30 p.m.

PLACE: The Courtyard at Lake Lucerne, Orlando, FL 32801, Contact: Lesley Shufflebotham, (850)414-2339
GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss various issues regarding the Alzheimer's Disease Initiative.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Board of Auctioneers** announces the following general business meeting to which all persons are invited.

DATE AND TIME: Saturday, December 7, 2002, 10:00 a.m. (EST)

PLACE: Holiday Inn, Riverfront Kennedy Space Center, 4951 S. Washington Avenue (US 1), Titusville, Florida 32780

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

A copy of the agenda may be obtained by writing: Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762 or by calling Krista Woodard, (850)922-6096.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting Krista Woodard, (850)922-6096. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

The Florida **Board of Veterinary Medicine** announces the following meeting to which all parties are invited to attend.

DATE AND TIME: December 4, 2002, 8:00 a.m.

PLACE: The Colony Hotel, 155 Hammon Avenue, Palm Beach, FL 33480, (561)655-5430

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business meeting.

To obtain a copy of the agenda, further information or submit written or other physical evidence, contact in writing: Board of Veterinary Medicine, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board Office, (850)922-2404, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Building Code Administrators and Inspectors Board** announces the following meetings to which all persons are invited to attend.

DATES AND TIME: December 12-13, 2002, 9:00 a.m.

PLACE: Doubletree Hotel, 101 South Adams Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

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.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board, (850)922-5012, at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the Board Office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection** announces a meeting to which all interested persons are invited.

DATES AND TIMES: December 5, 2002, 2:00 p.m., Field Trip to Stormwater Treatment Area 1; December 6, 2002, 8:30 a.m., Council Meeting

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Greenways and Trails Council will meet to discuss council business.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the button titled "Official Notices."

The Florida **Department of Environmental Protection** announces a one-day rule workshop on rule Chapter 62-761, Florida Administrative Code, Petroleum Storage Systems. All persons are invited to participate.
DATE AND TIME: December 11, 2002, 9:00 a.m. – 5:00 p.m.

PLACE: Ramada Inn Tallahassee, 2900 North Monroe Street, Tallahassee, Florida 32303

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

The Florida **Board of Medicine** announces a meeting to which all persons are invited.

DATES AND TIME: December 6-7, 2002, 8:00 a.m.

PLACE: Tampa International Airport, Tampa Airport Marriott, Tampa, Florida, (813)872-5811

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131 at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The Florida **Board of Medicine**, Expert Witness Credentials Committee announces a meeting to which all persons are invited.

DATE AND TIME: December 6, 2002, Immediately following the Full Board meeting

PLACE: Tampa International Airport, Tampa Airport Marriott, Tampa, Florida, (813)872-5811

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

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the committee with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The Florida **Board of Medicine**, Dietetics-Nutrition/Electrolysis Committee announces a meeting to which all persons are invited.

DATE AND TIME: December 6, 2002, Immediately following the Full Board meeting

PLACE: Tampa International Airport, Tampa Airport Marriott, Tampa, Florida, (813)872-5811

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

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which is to be based.

The **Board of Nursing**, Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: November 21, 2002, 4:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number (850)921-6455

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board of Nursing, (850)245-4125, at least 48 hours prior to

the meeting. If you are a hearing or speech impaired, please contact the Board Office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, BIN #C02, Tallahassee, FL 32399-3257.

The **Board of Nursing**, Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: November 29, 2002, 5:30 p.m.

PLACE: Department of Health, Tallahassee, FL, Meet Me Number (850)921-6513

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board of Nursing, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, BIN #C02, Tallahassee, FL 32399-3257.

The Florida **Board of Osteopathic Medicine** will hold the following meeting to which all persons are invited.

DATES AND TIMES: Friday, December 6, 2002, 6:00 p.m.; Saturday, December 7, 2002, 9:00 a.m. or shortly thereafter

PLACE: Adams Mark Hotel, 1500 Sand Lake Road, Orlando, FL 32809, (407)859-1500

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Pamela King, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, BIN #C06, Tallahassee,

Florida 32399-3256 or you may call (850)488-0595. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christy Robinson, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Christy Robinson using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Department of Health**, Office of Rural Health announces a meeting of the Rural Health Networks to which all persons are invited.

DATE AND TIME: December 11, 2002, 9:00 a.m. (EDT)

PLACE: Tampa Airport Marriott, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss issues concerning the rural health networks as well as the State Office of Rural Health.

A copy of the agenda may be obtained by writing: Office of Rural Health, 4052 Bald Cypress Way, BIN #C-15, Tallahassee, FL 32399-1735 or by calling Dorothy Jowers, (850)245-4340.

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 Dorothy Jowers, (850)245-4340. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services**, Behavioral Health Services Integration Workgroup announces a meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 18, 2002, 10:00 a.m. – 3:00 p.m.

PLACE: Department of Children and Family Services, Building 6, Room A, 1317 Winewood Blvd., Tallahassee, FL 32399-0700

FLORIDA HOUSING FINANCE CORPORATION

Concerning Issuance of Bonds to Finance Multifamily Residential Rental Developments

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Monday, November 25, 2002, 10:00 a.m. (EST)

PLACE: The Offices of Florida Housing Finance Corporation, Suite 5000, 227 North Bronough Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Meadow Pointe Apartments, a 238-unit multifamily residential rental development to be located at Barnes Boulevard and Three Meadows Drive, Rockledge, Brevard County, Florida 32955. The prospective owner of the proposed development is Brisben Florida II Limited Partnership, c/o Brisben Advisors, Inc., 7800 East Kemper Road, Cincinnati, Ohio 45249, or such successor in interest in which Brisben Advisors, Inc., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$12,760,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EST), Friday, November 22, 2002, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

The **Florida Housing Finance Corporation** announces a public meeting of the Corporation to which all interested persons are invited.

DATE AND TIME: Tuesday, December 10, 2002, 10:00 a.m.

PLACE: Florida Housing Finance Corporation, 6th Floor, Seltzer Room, 227 N. Bronough Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a Homeownership Round Table discussion for those persons or entities wishing to discuss issues related to applying for financing under the 2002 Home Ownership Loan Program.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Laurie Camp, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the workshop. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

FLORIDA WATER SERVICES AUTHORITY

The **Florida Water Services Authority** (the "Authority") will hold a public hearing on:

DATE AND TIME: November 18, 2002, 9:00 a.m.

PLACE: Hyatt Regency Orlando International Airport, Lobby Floor, Briefing Room, 9300 Airport Blvd., Orlando, Florida 32827

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comment on and to consider whether the acquisition of the water, wastewater and reuse facilities of Florida Water Services Corporation (the "Utility") pursuant to the terms of the Asset Purchase Agreement is in the public interest; and to receive public comment on and consider the adoption of a rate resolution establishing utility rates, fees and charges, and the adoption of service, extension and other utility policies and procedures by the Authority for the customers of the Utility's water, wastewater and reuse water facilities which prospectively, in the event of an acquisition by the Authority of the Utility, may become customers of the Authority.

In accordance with the provisions of the Americans With Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding should, within three (3) days prior to any proceedings, contact (850)916-5420.

All persons are advised that, if they decide to appeal any decision made at this hearing, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

This notice does not constitute consent by the Authority for the introduction or admission of evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

All interested parties may appear at the above public hearing at the stated time and place fixed for said public hearing and be given an opportunity to express their views for or against the proposal with respect thereto. The hearing may be continued from time to time as may be necessary.

The public record of this meeting may be examined at the Authority's temporary office, 1070 Shoreline Drive, Gulf Breeze, Florida 32561.

CITIZENS PROPERTY INSURANCE CORPORATION

The **Citizens Property Insurance Corporation** announces a teleconference of its Underwriting Committee.

DATE AND TIME: Monday, November 18, 2002, 2:00 p.m. (EST)

PLACE: Interested parties may listen by calling 1(800)450-0788

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, underwriting rules relating to binding restrictions.

For additional information, please call: 1(888)685-1555, Extension 247.

The **Citizens Property Insurance Corporation** announces a teleconference of its Reinsurance Committee.

DATE AND TIME: Thursday, November 21, 2002, 10:00 a.m. (EST)

PLACE: Interested parties may listen by calling 1(800)450-0788

PURPOSE: Items of discussion include, but are not limited to, development of Requests for Proposal for reinsurance intermediaries, and all other relevant matters concerning reinsurance.

For additional information, please call 1(888)685-1555, Extension 247.

The **Citizens Property Insurance Corporation** announces a meeting of its Actuarial Committee.

DATE AND TIME: Thursday, November 21, 2002, 2:00 p.m. (EST)

PLACE: Citizens Property Insurance Corporation, Jacksonville Office, Suite 220, 7077 Bonneval Road, Jacksonville, FL 32216, (904)296-6105

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, personal lines rate filing(s).

For additional information, please call: 1(888)685-1555, Extension 247.

The **Citizens Property Insurance Corporation** announces a teleconference of its Claims Committee.

DATE AND TIME: Friday, November 22, 2002, 10:30 a.m. (EST)

PLACE: Interested parties may listen by calling 1(800)450-0819

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, claims adjusting firm contracts and claims manual.

For additional information, please call: 1(888)685-1555, Extension 247.

CRIMINAL JUSTICE STANDARDS AND TRAINING COMMISSION

The Region XV, Training Advisory Council of the Florida **Criminal Justice Standards and Training Commission** announces a public meeting to which all interested persons are invited.

DATE AND TIME: December 4, 2002, 8:30 a.m.

PLACE: Pat Thomas Law Enforcement Training Academy, U.S. Highway 90, 14 miles west, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regularly scheduled meeting of the Region XV, Training Advisory Council of the Florida Criminal Justice Standards and Training Commission. The primary business will be to discuss training issues.

A copy of the agenda for the above meeting may be obtained by writing: Robert Anderson, Officer of the Attorney General, Medicaid Fraud Control Unit, PL-01, The Capitol, Tallahassee, FL 32399-1050.

NORTHEAST FLORIDA CRIMINAL JUSTICE TRAINING AND EDUCATION CENTER

The Region V, **Training Council** will hold its Bi-Annual Advisory Meeting.

DATE AND TIME: December 4, 2002, 2:00 p.m.

PLACE: Northeast Florida Criminal Justice Center, Conference Room, 4501 Capper Road, Jacksonville, 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.

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a request for Declaratory Statement on October 29, 2002, from the Hernando County Development Department, with regards to scissor trusses adjacent to gable end walls and whether they should be allowed with frame knee walls sitting above a masonry end wall or a frame end wall pursuant to sections 2117.1.2. and 2313.4.2, Florida Building Code. It has been assigned the number DCA02-DEC-289.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a request for Declaratory Statement on October 29, 2002, from the Miami-Dade Building Code Compliance Office, with regards to work allowed to be performed without a permit pursuant to Section 104.1.4, Florida Building Code, Building Volume, and the procedural requirements for approval by a building official of work absent a permit. It has been assigned the number DCA02-DEC-342.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Petitioner requests an interpretation as to whether Section 718.113(2), Florida Statutes (2002), allows Le Chateau Association, Inc.'s adoption of an amendment to its declaration, which provides a procedure to allow for material alterations to the common elements with a 75% unit owner vote except for those material alterations authorized by the declaration, instances of maintenance, repair, and replacement or protection and alterations to the condominium lobby during 2002 and 2003 approved by two-thirds of the unit owners.

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

The University of Florida, Construction Training/Qualification Program (CTQP) is soliciting letters of interest and information for instructional services for the delivery of training courses. Services will include development of new course materials and presentation of training sessions. Courses covered by this request may include, but not be limited to, the following subjects: Quality Control Management, Final Estimates, Concrete, Earthwork and Aggregates. Consultants may be selected for one or more subjects.

The University of Florida will consider letters of interest from firms offering complete instructional services, as well as individual experts. The successful respondents must have expertise in teaching technical subjects with experience in the transportation field preferred. Familiarity with Florida Department of Transportation road and bridge standard specifications is required. Parties interested in being considered should submit a letter of interest limited to 2,000 words. Resumes for individual instructors should be submitted as attachments and will not be included in the 2,000-word limit.

The selection committee will use this letter of interest to "short-list" the respondents. A respondent may be selected for short-lists for courses in more than one subject area. Short-listed respondents will be invited to submit a written proposal. Oral presentations may be required for certain courses.

Responses must be furnished in time to be delivered to: 2002 N. E. Waldo Road, Gainesville, FL 32609 or P. O. Box 116586, Gainesville, FL 32611-6586, by December 10, 2002, 5:00 p.m. Further details about this specific request for information as well as general program information can be found at <http://ctqp.ce.ufl.edu>. Click on Consultant Selection.

Questions should be directed via email to: John Goodknight, Program Director, jgoodknight@ce.ufl.edu. The subject line should read "RFI3". Responses to these questions may be posted on the CTQP website.

PROJECT FACT SHEET

Harriet L. Wilkes Building – BR-604

PROJECT DESCRIPTION

The project consists of site development and construction of a 9,900 gross square feet building, at Florida Atlantic University's John D. MacArthur Campus. Major space categories within the building include offices, psychology labs, classroom space and a large multipurpose room.

This facility will be constructed using the construction management delivery process.

The Construction budget is approximately \$1.4 million.

SELECTION CRITERIA

Firms will be evaluated in the following areas: current workload, location, past performance, MBE participation, volume of state work, design ability, and experience and ability. Experience and ability scores will be based on the following criteria:

1. Experience of firm and individual members of the design team in planning, designing, estimating, and construction administration of projects similar in size and budget. Site examples of projects within the past five-year.
2. Experience in campus planning, educational facilities and working with committees.

SELECTION COMMITTEE

Tom Donaudy, Associate Vice President, Division of University Architect – FAU

Scott Baruch, Associate Director, Facilities Planning – FAU

Kristen Murtaugh, Campus Vice President – FAU

Dianne Reeves, Donor Representative – FAU

Hal Schaeffer, Physical Plant Director – FAU

SELECTION SCHEDULE:

The anticipated schedule for selection, award, and negotiation is as follows:

Submittal Due: Wednesday, December 18, 2002

Shortlist Meeting: Thursday, January 9, 2003

Final Interviews: Thursday, January 30, 2003

GENERAL INFORMATION

1. All applicants will be notified of the results of the shortlisting in writing. Finalists will be informed of the interview date and time and will be provided with additional project information, if available.
2. The Selection Committee will make a recommendation to the President of the University. All finalists will be notified in writing of the President's action. Upon approval by the President, negotiations will be conducted in accordance with Section 287.055, Florida Statutes.
3. Professional liability insurance is required for this project in the amount of \$250,000.
4. A copy of the building program may be purchased at Boca Blueprint, 2029 N. W. 2nd Avenue, Boca Raton, FL 33431, (561)395-4944.

A/E ADVERTISEMENT – BR-604

Harriet L. Wilkes Building

NOTICE TO PROFESSIONAL CONSULTANTS

Florida Atlantic University, on behalf of the State of Florida, Board of Education, announces that Professional Services in the discipline of Architecture, will be required for the project listed below:

Project No.: BR-604

Project and Location: Harriet L. Wilkes Building consists of site development and construction of a 9,900 gross square feet building. Major space categories within the building include offices, laboratories, a classroom and a multipurpose room. The building will be located on Florida Atlantic University's John D. MacArthur Campus in Jupiter.

The total Construction Budget is approximately \$1.4 million. The selected firm will provide design development, construction documents and construction administration for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$250,000, and will be provided as a part of Basic Services.

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application. The letter of application should have attached:

1. A completed Board of Regents "Professional Qualifications Supplement" dated 9/99. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit 5 (five) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, and Project Fact Sheet are available on our web page located at www.fau.edu/divdept/univarch/, and may also be obtained by contacting: Carla Capeletti, Office of the Associate Vice President to the University Architect, Florida Atlantic University, 777 Glades Road, Campus Operations Building 69, Room 101, Boca Raton, Florida 33431, Telephone (561)297-2663, (561)297-0224 Fax.

Submittals must be received in the Office of the Associate Vice President, Attn: Mr. Tom Donaudy, at the above address, by 5:00 p.m. (Local Time), Wednesday, December 18, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO GENERAL CONTRACTORS

The Florida International University Board of Trustees announces that a **CONTRACTOR'S QUALIFICATION STATEMENT** will be required for the project listed below:

Project Name and Number: Graham Center Renovations and Additions BR-860

Project Location: This facility will be located at Florida International University, University Park.

Any contractor wishing to submit a bid for the project under a single-prime construction contract must (1) furnish a Contractor's Qualification Statement and (2) be approved by Florida International University prior to bidding. Florida International University will evaluate each Contractor's Qualification Statement and determine whether the applicant is

qualified to bid on the project. Contractors who submit Contractor's Qualification Statement will be notified of their eligibility prior to the project being released for bid.

The project description, pre qualification procedures, evaluation criteria, and application, excluding AIA Document A305, may be obtained (1) by mail addressed to: Ms. Martha Torres, Sr. Project Manager, Facilities Planning and Construction, Campus Support Complex Room 236, University Park, Miami, Florida 33199 or (2) by Faxing a request to (305)348-4010 or (3) logon to <http://facilities.fiu.edu/fpc.htm> (find project under Facilities Construction Project Information) and download document in electronic format. Telephone or e-mail requests will not be accepted.

Firms desiring to be prequalified for bidding on this project shall submit the required documentation. Submittals, which do not comply with the requirements or do not include the requested data, will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a general contractor may not submit a Contractor's Qualification Statement for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected general contractors must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Florida International University reserves the right to reject any or all Contractor's Qualification Statements and/or to waive informalities and minor irregularities.

Contractor's Qualification Statement shall be submitted to: Ms. Martha Torres, Sr. Project Manager, Facilities Planning and Construction, Florida International University, University Park, CSC 236, Miami, Florida 33199.

Submittals must be received no later than 2:00 p.m. (Local Time), Friday, December 13, 2002. Facsimile (FAX) or electronic document submittals are not acceptable and will not be considered.

NOTICE TO CONSTRUCTION MANAGERS

The Florida International University Board of Trustees announces that construction management services will be required for the project listed below:

Project Name and Number: School of Law BR-832

Project Location: This facility will be located at Florida International University, University Park.

Project Description: The project consists of site development and construction of a multi story facility sited in the general area, inside the loop road, east of Golden Panther Arena. The building will consist of classrooms, seminar rooms, teaching laboratories, study (library), instructional media, student academic support, offices, other assignable areas (courtrooms, judge's chamber, jury rooms, etc.), campus support services and supporting facilities, for an approximate total gross square footage of 152,000. The total building construction cost is approximately \$21,000,000. Construction Management – at risk is the proposed construction delivery method.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, construct ability analysis, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 100% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract. Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; and qualification of the firm's personnel, staff and consultants. Finalists will be provided with a copy of the building program, a description of the final interview requirements, and a copy of the standard construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Construction Manager Qualifications Supplement form. Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals, which do not comply with these requirements or do not include the requested data, will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133,

Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Construction Manager Qualifications Supplement (CMQS) form and the Project Fact Sheet may be obtained by mail from Facilities Planning and Construction, Florida International University, University Park, Miami, Florida 33199, or by Faxing a request to (305)348-4010, or login to <http://facilities.fiu.edu/fpc.htm> (find project under Facilities Construction Project Information). Requests for meetings by individual firms will not be granted. Once the firm acquires the required forms, questions may be directed to Mary Varela Witham via email withamm@fiu.edu of Facilities Planning and Construction.

Ten (10) bound copies of the required proposal data will be submitted to: Mary Varela Witham, Facilities Planner, Facilities Planning and Construction, Florida International University, University Park, CSC 236, Miami, Florida 33199.

Submittals must be received no later than 2:00 p.m. (Local Time), Monday, December 16, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered.

PROCUREMENT OF PROFESSIONAL ARCHITECTURAL SERVICES

The Florida School for the Deaf and the Blind (FSDB) requests qualifications from Architectural firms to provide basic architectural and engineering services for a Continuing Contract. The firm selected under this Continuing Contract will be responsible for assigned facility projects having estimated construction costs and study fees not exceeding the threshold amounts of \$500,000 (construction) and \$25,000 (study fees) respectively, as provided for in Section 287.055, Florida Statutes. Selection of finalists will be held in accordance with Chapter 60D-2, Florida Administrative Code.

INSTRUCTIONS

Firms interested in being considered for this Continuing Contract must submit four (4) copies of their application with table of contents and tabbed sections containing the following information:

1. Letter of interest detailing the firm's competence in various aspects of architecture, including small projects, remodeling, additions, reroofing, studies, instructional and governmental projects. Include a list of sample projects.
2. A current Professional Qualifications Supplement (PQS) Form DBC5112.
3. A copy of the firm's current Florida Professional Registration License Renewal.

4. For Corporations only: If the firm offering services is a corporation, it must be properly chartered with the Department of State to operate in Florida and must provide a copy of the firm's current Florida Corporate Charter Certificate showing validation date and designation of professionals qualifying the corporation to practice in the disciplines for which it is applying.
5. A current, completed SF-254.
6. A current, completed SF-255, with resumes of proposed personnel to be assigned.

Submittals must be received no later than 4:00 p.m. (Local Time), December 6, 2002, and should be mailed or delivered to: The Florida School for the Deaf and the Blind, Attn: Mr. Wally Dennis, 207 N. San Marco Ave., Building 27, St. Augustine, FL 32084-2799. Facsimile (FAX) submittals are not acceptable and will not be considered. Applicants will be short-listed on December 13, 2002. Please include a stamped, self-addressed envelope for notice of selection results. Informal discussions with the short-listed firms are to be scheduled for December 19, 2002. A final selection will be made after the informal discussions have taken place.

The results of the short-list and final selection will be posted at FSDB, 207 N. San Marco Ave., Building 27, St. Augustine, FL and can be viewed during regular working days between the hours of 7:00 a.m. through 4:00 p.m. beginning 24 hours after the selection. Final selection results will also be posted in the Florida Administrative Weekly. Firms must be properly registered at the time of application to practice their profession in the State of Florida. Applications that do not comply with these instructions or those that do not include the requested data may not be considered. All information received will be maintained with the project file and will not be returned. Any protests of the selection must be made within 72 hours of the posting. Failure to file a protest within 72 hours (not including Saturday, Sunday or a legal holiday) after posting shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. Applicants are advised that plans and specifications for A/E projects may be reused.

INVITATION TO NEGOTIATE

Construction and Operation of Participant Housing Facility at the Pat Thomas Law Enforcement Academy

The purpose of this Invitation to Negotiate ("ITN") is to seek replies for financing, construction and operation assistance for a participant housing facility at the Pat Thomas Law Enforcement Academy. The ITN will be available at:

Public Safety Academy Housing, Inc.
 c/o Tallahassee Community College
 Office of the Purchasing Manager
 Administration Building, Room 113
 444 Appleyard Drive
 Tallahassee, Florida 32304-2895

Interested persons may also obtain a copy of the ITN by calling (850)201-8520.

Please direct all questions to:

Charles R. Riley
 Phone: (850)201-8520
 Fax: (850)201-8506
 Email: rileyc@tcc.fl.edu

A non-mandatory pre-reply conference will be held at 2:00 p.m., Tuesday, November 26, 2002, at the Pat Thomas Law Enforcement Academy which is located on Highway 90, West between Quincy and Tallahassee. The pre-reply conference will include a property tour.

Sealed replies will be received at the office of the Purchasing Manager, Room 113, Administration Bldg., 444 Appleyard Dr., Tallahassee, FL until 3:00 p.m. (EST), Wednesday, January 8, 2003. Replies received after this time will not be considered. The sealed replies will be publicly opened at 3:01 p.m., Wednesday, January 8, 2003, in Room 115, Administration Bldg., 444 Appleyard Dr., Tallahassee, FL.

Public Safety Academy Housing, Inc. reserves the right to reject any and all replies or waive minor irregularities in the best interest of Public Safety Academy Housing, Inc.

Minority Business Enterprises are encouraged to participate in the ITN process.

Any person with a qualified disability requiring special accommodations at the pre-reply conference and/or reply opening shall contact the Purchasing Manager at the phone number above at least five (5) working days prior to the event. If you are hearing or speech impaired, please contact this office by using the Florida Relay Services which can be reached at 1(800)955-8771 (TDD).

REGIONAL PLANNING COUNCILS

LEGAL NOTICE

Proposals will be received for these services by the Southwest Florida Regional Planning Council Purchasing Desk, 4980 Bayline Drive, Fourth Floor, North Fort Myers, Florida 33917 until 3:00 p.m. (Local Time), Monday, December 16, 2002. The Southwest Florida Regional Planning Council reserves the right to reject any or all proposals.

RFP #ED-03

Scope of Services: The Southwest Florida Regional Planning Council requests written proposals from companies to bid on printing of the brochure The Big Water Heritage Trail.

Invitation to Propose: The Southwest Florida Regional Planning Council hereby solicits services to meet the needs of the Program.

The Program anticipates awarding only one contract. The Program reserves the right to reject any and all proposals. Awards will be made to respondents whose proposals are deemed by the Program to be most beneficial, all factors considered.

Method for Receiving the Request for Proposals and Related Information: Requests for Proposals (RFPs) and information for submitting a proposal may be obtained from Ms. Nichole Gwinnett, Purchasing Agent, Southwest Florida Regional Planning Council, physical address is 4980 Bayline Drive, 4th Floor, North Fort Myers, Florida 33917 and for regular mail our address is P. O. Box 3455, North Fort Myers, Florida 33918-3455, (941)656-7720 and email ngwinnett@swfrpc.org. Materials will be sent by regular mail to the requestor within two business days. Materials will be sent by Federal Express or Certified Mail if requested, at the expense of the requestor.

EXPRESSWAY AUTHORITIES

NOTICE OF INVITATION TO BID
MDX PROJECT NO. 000-019

The Miami-Dade Expressway Authority (“MDX”) is seeking the services of a general contractor or Property Management Firm (“Bidder”) to provide Property Management Services in support of the MDX Five Year Work Program. MDX will acquire additional Right-of-Way to expand and improve the MDX System. The Work for the Project consists of, but is not limited to, providing all labor, Materials, Equipment and incidentals necessary to secure and maintain real estate acquired by MDX. The Work may include, but is not limited to, all preparatory work and operations for securing of doors and windows, security board-ups, locksmithing, mowing, tree trimming, trash removal, tire disposal, white goods disposal, fencing, as well as, rent collections, utility transfers, and pest and rodent control, required for MDX-owned properties. The work also includes, but is not limited to, those operations necessary for mobilization, the movement of personnel, equipment, supplies, incidentals, permits, notifications, and fees associated with such notifications, if any. Buildings involved shall vary from trailers to larger commercial properties. The number of structures requiring these services shall also vary and shall be assigned by MDX on an as-needed basis. Properties requiring mowing and trash removal shall vary and shall include both vacant and improved lots.

Sealed Bids will be received at the MDX Headquarters Building, located at 3790 N. W. 21st Street, Miami, Florida 33142 (“MDX Headquarters Building”), until 2:00 p.m., Monday, December 16, 2002. A Bidder must be pre-qualified by the State of Florida, Department of Transportation in accordance with rule Chapter 14-22, Florida Administrative Code or certified with Miami-Dade County to provide general contractor services on the submittal date for the Bids in order to submit a Bid. A Bidder that is not pre-qualified in accordance with rule Chapter 14-22, F.A.C., or certified with

Miami-Dade County on the date of the Bids submittal, shall be declared “NON RESPONSIVE” and the Bid will be REJECTED.

Copies of the Specifications and the Bid Blank book will be available on Thursday, November 21, 2002, after 12:00 Noon, at MDX Headquarters Building, located at 3790 N. W. 21st Street, Miami, Florida. The cost of these documents is \$25.00 per set. Make checks payable to the Miami-Dade Expressway Authority. No refunds will be made for the above charges for any of the documents.

The construction cost estimate for the Project is \$2,500,000 (Two Million Five Hundred Thousand Dollars) and Contract time for this Project is set for 1095 calendar days from the Notice to Proceed. The contract term will be for a period of three years with two renewal periods of one year each at the option of MDX. Renewal options are subject to funds availability within bid price.

MDX has scheduled a Mandatory Pre-bid Conference to discuss the Project with interested Bidders on Tuesday, November 26, 2002, at 10:00 a.m., at the MDX Headquarters Building, located at 3790 N. W. 21st Street, Miami, Florida. Please be advised that this is a Mandatory Pre-Bid Conference. Any Bidder not attending the Mandatory Pre-Bid Conference will be declared “Non-Responsive”.

If you have any questions regarding this notice, or would like to additional information, please contact:

Ms. Helen M. Cordero
MDX Procurement Officer
Ph. (305)637-3277
Fax: (305)637-3283

E-mail: hcordero@mdx-way.com

All sealed bids must be received by MDX at 3790 N. W. 21st Street, Miami, Florida 33142, no later than 2:00 p.m., Monday, December 16, 2002.

EQUAL EMPLOYMENT OPPORTUNITIES AND SMALL BUSINESS ENTERPRISES PROGRAM: MDX, in accordance with the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §200c et seq., the Florida Civil Rights Act of 1992, as amended, §760.10 et. seq., Fla. Stat. (1996) and other federal and state discrimination statutes, prohibits discrimination on the basis of race, color, sex, age, national origin, religion, and disability or handicap. MDX notifies all bidders and individuals that it requires and encourages equal employment opportunities for minorities and women as employees in the work force.

MDX encourages small, minority and women-owned business to have full opportunity to submit bids and proposals in response to solicitation documents issued by MDX, and bidders and proposers will not be discriminated against on the basis of sex, race, color, national origin, religion or disability, or other protected status. The overall goal of MDX is to obtain an M/WBE participation of twenty-five percent (25%) for the aggregate of its projects. However, compliance with MDX’s

overall goal is not a pre-requisite for bidders or proposers on MDX projects. Please be advised that MDX has adopted a Small Business Enterprise Policy, and a 10% Small Business Goal shall be required for the Project.

MDX RESERVES THE RIGHT TO REJECT ANY OR ALL BIDS RECEIVED.

**NOTICE OF INVITATION TO BID
MDX PROJECT NO. 000-021**

The Miami-Dade Expressway Authority ("MDX") is seeking the services of a Certified Bridge Contractor ("Bidder") for the replacement of bridge joints within State Road (SR) 836, SR 874 and SR 878 (the "Project"). The Work for the Project consists of, but is not limited to, providing all labor, Maintenance of Traffic schemes, Materials, Equipment and incidentals necessary for the replacement of the associated bridge joints within the MDX System. The Bidder should be aware that portions of the Work associated with the Project shall be done during night time hours (9:00 p.m. – 6:00 a.m.).

The MDX System is comprised of State Road (SR) 112, SR 836, SR 874, SR 878, and SR 924.

Sealed Bids will be received at the MDX Headquarters Building, located at 3790 N. W. 21st Street, Miami, Florida 33142 ("MDX Headquarters Building), until 2:00 p.m., Thursday, January 9, 2003. A Bidder must be prequalified by the State of Florida Department of Transportation in accordance with rule Chapter 14-22, Florida Administrative Code or certified with Miami-Dade County to provide bridge contractor services on the submittal date for the Bids in order to submit a Bid. A Bidder that is not prequalified in accordance with rule Chapter 14-22, F.A.C. or certified with Miami-Dade County on the date of the Bids submittal shall be declared "NON RESPONSIVE" and the Bid will be REJECTED.

Copies of the Plans, Specifications and the Bid Blank book will be available on Friday, December 13, 2002, after 12:00 Noon, at the MDX Headquarters Building located at 3790 Northwest 21st Street, Miami. The cost of these documents is \$25.00 per set. Make checks payable to the Miami-Dade Expressway Authority. No refunds will be made for the above charges for any of the documents.

The construction cost estimate for the Project is \$1,150,000.00 (One Million One-Hundred Fifty Thousand Dollars) and Contract time for this Project is set for One-Hundred and Twenty (120) calendar days from the date a Notice to Proceed is issued.

MDX has scheduled a Mandatory Pre-Bid Conference to discuss the Project with interested Bidders on Thursday, December 19, 2002, 10:00 a.m., at the MDX Headquarters Building, located at 3790 N. W. 21st Street, Miami. Please be advised that attendance at this meeting is Mandatory. Any Bidder not attending the Mandatory Pre-Bid Conference will be declared "Non-Responsive".

If you have any questions regarding this notice, or would like additional information, please contact:

Ms. Helen M. Cordero

MDX Procurement Officer

Ph. (305)637-3277

Fax: (305)637-3298

E-mail: Hcordero@mdx-way.com

All sealed Bids must be received by MDX at 3790 N. W. 21st Street, Miami, Florida 33142, no later than 2:00 p.m., Thursday, January 9, 2003.

EQUAL EMPLOYMENT OPPORTUNITIES AND SMALL BUSINESS ENTERPRISES PROGRAM: MDX, in accordance with the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §200c et seq., the Florida Civil Rights Act of 1992, as amended, §760.10 et. seq., Fla. Stat. (1996) and other federal and state discrimination statutes, prohibits discrimination on the basis of race, color, sex, age, national origin, religion and disability or handicap. MDX notifies all bidders and individuals that it requires and encourages equal employment opportunities for minorities and women as employees in the work force.

MDX strongly encourages small, minority and women-owned business to have full opportunity to submit bids and proposals in response to solicitation documents issued by MDX, and commits that bidders and proposers will not be discriminated against on the basis of sex, race, color, national origin, religion or disability, or other protected status. The overall goal of MDX is to obtain an M/WBE participation of twenty-five percent (25%) for the aggregate of its projects. However, compliance with MDX's overall goal is not a pre-requisite for bidders or proposers on MDX projects. Please be advised that MDX has adopted a Small Business Enterprise Policy, and a 10% Small Business Goal shall be required for the Project.

MDX RESERVES THE RIGHT TO REJECT ANY OR ALL BIDS RECEIVED.

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE REGARDING ELECTRONIC POSTING

Pursuant to Section 287.042(3)(b)2., Florida Statutes, the Department of Management Services hereby provides notice of the following URL for the centralized website that will be used for electronically posting solicitations, decisions or intended decisions, and other matters relating to procurement: http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu.

**FOR PROFESSIONAL SERVICES FOR CONTINUING
AREA CONTRACTS AREA 3 FOR
ARCHITECTURAL SERVICES**

The State of Florida, Department of Management Services, Division of Facilities Management and Building Construction, requests qualifications from Architectural firms to provide services as stated in Area 3, counties of Alachua, Baker,

Bradford, Clay, Columbia, Duval, Flagler, Gilchrist, Levy, Marion, Nassau, Putnam, Union, Volusia, St. Johns; and other area counties as may be determined necessary by the owner. Two firms may be selected under this Continuing Area Contract and will be responsible for assigned projects having estimated construction costs and study fees not exceeding the threshold amounts of \$500,000 (construction) and \$25,000 (fees) respectively, provided for in Section 287.055, Florida Statutes. This will be a multiple award contract for an initial period of two years with an option to renew for two additional one-year periods.

RESPONSE DUE DATE: December 19, 2002, by 4:00 p.m. (Local Time)

Applications are to be sent to: Carole Nichols, Department of Management Services, Division of Facilities Management and Building Construction, 4030 Esplanade Way, Suite 360B, Tallahassee, Florida 32399-0950, (850)487-2824, e-mail: nicholc@dms.state.fl.us

DATE AND LOCATION OF SHORTLIST: January 8, 2003, Department of Management Services, Division of Facilities Management and Building Construction, 4030 Esplanade Way, Suite 360L, Tallahassee, FL 32399-0950.

DATE AND LOCATION OF INTERVIEWS: January 22, 2003, Department of Management Services, Division of Facilities Management and Building Construction, 4030 Esplanade Way, Suite 360L, Tallahassee, FL 32399-0950.

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

Any changes to the above dates will be published on our web site, <http://fcn.state.fl.us/dms/dbc/oppor1.html>.

INSTRUCTIONS

Firms interested in being considered for this project must submit four (4) copies of their application with a table of contents and tabbed sections containing the following information:

1. Letter of interest which indicates the firm's qualifications, related experience, the firm's abilities to do the work and other pertinent data.
2. Professional Qualifications Supplement (PQS) Form DBC5112, Revised 2/99.
3. A copy of the firm's current Florida Professional Registration License Renewal and Insurance Certificates.
4. For Corporations only: If the firm offering services is a corporation, it must be properly chartered with the Department of State to operate in Florida; and MUST provide a copy of the firm's current Florida Corporate Charter or a

printout of the firm's Florida Department of State, Division of Corporations, Online Public Inquiry located at <http://www.sunbiz.org/corpweb/inquiry/cormenu.html>.

5. Completed SF-254.

6. Completed SF-255.

Please include one stamped, self-addressed envelope for notice of selection results. Firms must be properly registered at the time of application to practice their profession in the State of Florida. Representative samples of related work may be submitted in a separate binder. Applications that do not comply with these instructions or those that do not include the requested data may not be considered. All information received will be maintained with the project file and will not be returned. Applicants are advised that plans and specifications for A/E projects may be reused.

Selections will be made in accordance with Section 287.055, Florida Statutes.

The selected firm will be given official notice of selection results by Fax and/or mail. Any protests of the selection must be made within 72 hours of the date of receipt. The selection results will also be published in the Florida Administrative Weekly and on our web site.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

REQUEST FOR SOLICITATION OF QUALIFICATIONS

RFSQBDRS 03-02/03

PROPOSAL DUE DATE: 3:30 p.m., Tuesday, December 17, 2002

This Request for Solicitation of Qualifications (RFSOQ) is for engineering and landscape architectural firms to act as prime consultants for the following:

- A. Trail Design-Civil Engineering: Professional Civil Engineering Services for the design, permitting and construction supervision needed to develop paved multi-use bicycle trails located on the Department of Transportation right of way in Monroe County, Florida.
- B. Trail Design-Landscaping: Professional Landscape Architectural Services for the design, permitting and construction supervision for landscape development to enhance, provide safety and beautification of the bicycle/pedestrian multi-use trails located on the Department of Transportation right of way in Monroe County, Florida.
- C. Bridge Design-Civil and Structural Engineering: Professional Civil and Structural Engineering Services for the design, permitting and construction supervision of repair, renovation, stabilization and modifications to the Florida Keys Historic Bridges to provide for bicycle and pedestrian use of these bridges. The prospective consultants should list any experience working with historic structures, particularly bridges, as required by the Division of Historical Resources, Department of State.

D. All prospective consultants shall have experience working on environmentally sensitive projects with permit issues involving potential wetland impacts and mitigation requirements. All prospective consultants must be "Pre-qualified with the Department of Transportation to work on minor and major projects categories in their respective professions.

Solicitation packages may be obtained at the above address by calling (850)488-5372. Please specify the solicitation package by the DEP Solicitation Number provided above. Minority businesses are encouraged to participate. The Department reserves the right to reject any or all proposals.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

INVITATION TO BID

Proposals are requested from qualified roofing contractors by the Department of Children and Family Services, hereinafter referred to as Owner, for the construction of:

PROJECT NUMBER: DCF 00240280

PROJECT: REROOFING OF THE PANAMA CITY SERVICE CENTER
3127 NORTH LISENBY AVENUE
PANAMA CITY, FLORIDA 32405

PREQUALIFICATION: The Owner accepts bids from those firms which demonstrate current relevant licensure with the Florida Department of Business and Professional Registration by submittal of a copy of that license or certificate with their bid.

PERFORMANCE BOND AND LABOR AND MATERIAL BOND: If the construction award is \$100,000.00 or more, a Performance Bond and Labor and Material Payment Bond are required.

BID DATE AND TIME: Sealed bids will be received on December 5, 2002, until 1:00 p.m. (Central Time), at which time they will be publicly opened and read aloud.

PLACE: PANAMA CITY SERVICE CENTER
PURCHASING AGENT OFFICE
3127 NORTH LISENBY AVENUE
PANAMA CITY, FLORIDA 32405

MANDATORY PRE-BID INSPECTION: We will conduct a mandatory prebid inspection with the architect at the project site on Thursday, November 20, 2002, 10:00 a.m. (Central Time), for all interested contractors.

PROPOSAL: Bids must be submitted in full accordance with the requirements of the drawings, specifications, bidding conditions and contractual conditions, which may be examined and obtained from the Architect/Engineer:

MANAUSA LEWIS AND DODSON,
ARCHITECTS
2074 RAYMOND DIEHL ROAD
TALLAHASSEE, FLORIDA 32308
TELEPHONE: (850)385-9200

CONTRACT AWARD: The bid tabulation and Notice of Award Recommendation will be posted at 1:00 p.m. (Central Time), December 6, 2002, at the location where the bids were opened. In the event that the bid tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be otherwise notified. Any protests of the bid must be made within 72 hours of posting of the results. "Failure to file a protest within the time prescribed in Section 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes." If no protest is filed per Section B-21 of the Instructions to Bidders, "Notice and Protest Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5, F.A.C., by the Owner.

WALTON COUNTY BOARD OF COUNTY COMMISSIONERS

The Board of County Commissioners, Walton County, Florida, and the Walton County Tourist Development Council (WCTDC) is seeking qualifications for consulting firms that can provide guidance and expertise in the lobbying process for Federal Shore Protection Funds. Copies of RFQ packages can be received at: Central Purchasing, Glyndol Johnson, Purchasing Agent, 176 Montgomery Circle, DeFuniak Springs, FL 32433 or visit our website: www.co.walton.fl.us and click on "Doing Business with us".

Proposer must submit an original and five (5) copies of the RFQ in a sealed envelope marked with the words "Federal Shore Protection Funds". Proposer must reference RFQ number, opening date on outside of RFQ package to insure proper acceptance. DEADLINE: November 26, 2002, by 4:00 p.m. (CST), OPEN: November 27, 2002, 10:00 a.m. (CST). RFQ RECEIVED LATE OR SENT ELECTRONICALLY WILL NOT BE ACCEPTED.

LAKE COUNTY BOARD OF COUNTY COMMISSIONERS

LEGAL PUBLICATION

Sealed responses to the following projects shall be received by Lake County, Florida prior to 3:00 p.m. on the date noted at Procurement Services, Lake County Administration Building, 315 West Main, Suite 416, Tavares, Florida 32778-7800. At said time, date and place, responses will be publicly opened and read aloud (bids) or accepted for consideration (RFPs.)

RFP #03-011

Title: Transportation Management and Support Services

Date: December 4, 2002

This Request for Proposal (RFP) is for the provision of professional transportation management and support services, which include a deviated fixed-route system, possible future fixed route with complementary paratransit under the Americans with Disabilities Act of 1990, and countywide demand-response services operating under the Transportation Disadvantaged program.

There will be a pre-bid conference for Bid #03-011 held at 9:00 a.m., at the Lake County Administration Building, 315 West Main Street, 2nd Floor, BCC Chambers, Tavares, Florida to discuss the project. All interested potential (bidders or respondents) are strongly encouraged to attend.

Firms/individuals desiring to respond to the above noted projects may obtain required submittal documents by contacting Procurement Services, (352)343-9839. Reference the appropriate project number. Said documents may also be obtained from the County's website at http://www.lakegovernment.com/open_bids_projects.htm.

Lake County is an Equal Opportunity Employer and will not do business with any firm or individual that in any way, directly or indirectly, discriminates against any person because of age, race, color, disability, sex, national origin or religious creed.

Ken Hayslette
Procurement Services Director

CITRUS COUNTY BOARD OF COUNTY COMMISSIONERS

**REQUEST FOR PROPOSAL
IMPACT FEE UPDATE**

The Citrus County Board of County Commissioners is requesting proposals from qualified firms for contractual services to update the County's Impact Fee. Proposals must be submitted to the address below no later than 2:00 p.m., January 3, 2003. No late submissions will be accepted. To obtain a copy of the RFP, please contact.

Susan Nims, Purchasing Analyst
Office of Management and Budget
3600 West Sovereign Path, Suite 263
Lecanto, Florida 34461
Phone: (352)527-5207

The posting of this announcement is for information only and does not obligate the County with regard to any further action.

VOLUNTEER FLORIDA

Volunteer Florida is pleased to announce a Request for Proposals for 2003-2004 to establish AmeriCorps Programs. Proposals must be submitted by 5:00 p.m. (EST), Monday,

February 3, 2003, to Volunteer Florida, 115 Progress Drive, Tallahassee, FL 32304. Eligibility criteria, guidelines, application forms and technical assistance information is available at www.volunteerflorida.org under Funding Opportunities.

**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. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Rule 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., December 6, 2002):

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: Union Bank of Florida, Lauderhill, Florida

Proposed Purchasers: Stuart A. Miller, Miami, Florida; Jeffrey S. Miller, Miami, Florida; Leslie M. Saiontz, Miami, Florida; Brian L. Bilzin, Miami Beach, Florida

Received: October 30, 2002

APPLICATION TO MERGE

Constituent Institutions: Central Bank of Tampa, Tampa, Florida and Mercantile Bank, Orlando, Florida

Resulting Institution: Mercantile Bank

Received: November 1, 2002

**NOTICE OF CONSIDERATION OF
CEMETERY BYLAWS**

The State of Florida, Board of Funeral and Cemetery Services, will address approval of the amended bylaws of the following cemetery at the regular meeting to be held on December 12, 2002, in Tallahassee, Florida:

Trinity Memorial Gardens of Lakeland, Inc.

A file pertaining to the above is available for public inspection and copying by any person at the Fletcher Building, 101 East Gaines Street, 6th Floor, Tallahassee, Florida 32399-0350. Comments may be submitted at the above address without requesting a hearing. Those persons whose substantial interests may be determined by these proceedings, including

settlements, grants, and denials, are advised that they may request a hearing concerning the notice of intent to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. The petitions for hearing should comply with Rule 3F-6.003, Florida Administrative Code, and must be filed within twenty-one (21) days of publication of this notice. Petitions shall be filed with: Clerk, Division of Finance, Bureau of Funeral and Cemetery Services, The Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350. In deference to the rights of substantially affected persons, a hearing on these matters will be held at the meeting of the Board of Funeral and Cemetery Services to be held as outlined above. All written comments and requests to address the Board must be received by the Department at least fourteen (14) days prior to the meeting.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF APPROVAL FOR PRESERVATION 2000 AND FLORIDA FOREVER FUNDS

The Florida Communities Trust (“Trust”) reviewed and approved project plans for land acquisition projects submitted under the Trust Preservation 2000 Program, Series P10 and the Florida Forever Program, Series FF1 funding cycles. 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 project and that funds be released as follows:

- Project: 00-042-P10/Clam Bayou Expansion Park
- Grantee: City of St. Petersburg
- Amount of Approved Funds: the lesser of 50.00% of the final total project costs or \$750,000.00
- Project: 01-018-FF1/Bayshore Linear Park
- Grantee: Charlotte County
- Amount of Approved Funds: the lesser of 75.00% of the final total project costs or \$1,391,551.50
- Project: 01-034-FF1/Cradle Creek Preserve
- Grantee: City of Jacksonville Beach
- Amount of Approved Funds: the lesser of 50.00% of the final total project costs or \$620,765.00
- Project: 01-098-FF1/North Fork of the St. Lucie River-Phase II
- Grantee: St. Lucie County
- Amount of Approved Funds: the lesser of 50.00% of the final total project costs or \$775,000.00
- Project: 01-143-FF1/Shingle Creek Recreational Preserve North-Phase II
- Grantee: Osceola County
- Amount of Approved Funds: the lesser of 75.00% of the final total project costs or \$3,855,382.50

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, MuZ of North America, Inc. d/b/a Motorrad of North America, intends to allow the establishment of Westcoast Motorcycle Sales d/b/a

Westcoast Motorcycle Sales, as a dealership for the sale of MZ motorcycles, at 6814 46th Ave., N., St. Petersburg (Pinellas County), Florida 33709, on or after October 30, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Westcoast Motorcycle Sales d/b/a Westcoast Motorcycle Sales are dealer operator: Gary Hooper, 6814 46th Ave., North, St. Petersburg, Florida 33709; principal investor(s): Gary Hooper, 6814 46th Ave., North, St. Petersburg, Florida 33709.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Mr. Roy Campanile, Vice President/GM, Motorrad of North America, 771 Fentress Boulevard, Unit 22, Daytona Beach, Florida 32114.

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, Subaru of America, Inc., intends to allow the establishment of O'Brien Imports of Ft. Myers, Inc. d/b/a Ft. Myers Subaru, as a dealership for the sale of Subaru automobiles, at 5275 Ramsey Way, Ft. Myers (Lee County), Florida 33901, on or after November 1, 2002.

The name and address of the dealer operator(s) and principal investor(s) of O'Brien Imports of Ft. Myers, Inc. d/b/a Ft. Myers Subaru are dealer operator: Joseph D. O'Brien, Jr., 7313 N. Edgewild, Peoria, Illinois 61614; principal investor(s): Joseph D. O'Brien, Jr., 7313 N. Edgewild, Peoria, Illinois 61614.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Mr. John Thamert, Regional Business Management Manager, Subaru of America, Inc., 220 The Bluffs, Austell, GA 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 More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Piaggio USA, Inc., intends to allow the establishment of Vespa of Miami LLC, d/b/a Vespa Miami, as a dealership for the sale of Vespa ET and ET4 motor scooters, at Village Merreck Park, 360 Avenue San Lorenzo, Coral Gables (Dade County), Florida 33146, on or after November 5, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Vespa of Miami LLC, d/b/a Vespa Miami are dealer operator: Patrick J. Weber, 360 Avenue San Lorenzo, Suite 1440, Coral Gables, Florida 33146; principal investor(s): Patrick J. Weber, 360 Avenue San Lorenzo, Suite 1440, Coral Gables, Florida 33146.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Mr. Mike Cunningham, Director of Dealer Development, Piaggio USA, Inc., 20003 S. Rancho Way, Rancho Dominguez, CA 90220.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

AGENCY FOR HEALTH CARE ADMINISTRATION

**CERTIFICATE OF NEED
EXEMPTIONS**

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Okaloosa County District: 1
ID #: 0200023 Decision: A Issue Date: 10/29/2002
Facility/Project: North Okaloosa Medical Center

Applicant: Crestview Hospital Corporation
Project Description: Establish an adult inpatient diagnostic cardiac catheterization program
Proposed Project Cost: \$3,200,000

County: Washington County District: 1
ID #: 0200024 Decision: A Issue Date: 10/30/2002
Facility/Project: Northwest Florida Community Hospital

Applicant: Washington County Board of County Commissioners
Project Description: Convert 34 acute care beds to 34 hospital-based skilled nursing beds.
Proposed Project Cost: \$10,000

**CERTIFICATE OF NEED
EXEMPTIONS**

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Broward County District: 10
ID #: 0200025 Decision: A Issue Date: 11/4/2002
Facility/Project: Northwest Medical Center

Applicant: Northwest Medical Center, Inc.
Project Description: Convert 13 hospital-based skilled nursing unit beds to 13 acute care beds
Proposed Project Cost: \$0

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE OF QUOTA LIQUOR LICENSE DRAWINGS

The Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation announces Quota Liquor License Drawings to which all persons are invited for the following counties: Broward, Collier, Dade, Hillsborough, Lee, Manatee, Marion, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, St. Johns, Seminole, Sumter, Volusia.

DATE AND TIME: November 21, 2002, 9:00 a.m. (EST)
PLACE: Department of Business and Professional Regulation, The Northwood Centre, AB&T Conference Room, 1940 N. Monroe Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct double random drawings from the pool of qualified applicants for new quota liquor licenses in each county and establish each qualified applicant's standing to receive on of the new licenses.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

FLORIDA CATEGORICAL EXCLUSION NOTIFICATION
The Florida Department of Environmental Protection has determined that the proposed City of Crystal River's wastewater facilities will not have a significant adverse affect on the environment.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

For more information regarding the Florida Categorical Exclusion Notification, please contact: Troy M. Mullis, (850)245-8358.

DEPARTMENT OF HEALTH

NOTICE OF THE AVAILABILITY OF THE FLORIDA EMERGENCY MEDICAL SERVICES MATCHING GRANT PROGRAM – APPLICATION PACKAGE

NAME OF AGENCY: Florida Department of Health
GRANT TITLE: Florida Emergency Medical Services Matching Grant

PURPOSE AND EFFECT: Department of Health is mandated by Chapter 401, Part II, Florida Statutes, (F.S.), to provide grants for prehospital Emergency Medical Services in Florida.

REQUIREMENTS: Applicants must fund twenty-five percent of the costs of approved projects and the Department of Health will provide seventy-five percent. Applicants must submit a signed original plus ten copies of the Department of Health application.

AUTHORITY: Section 401.113 F.S.

TO OBTAIN AN APPLICATION PACKAGE: Application packages may be requested by telephone, facsimile transmission (Fax), in-person, or by mail. Telephone (850)245-4440, Extensions 2779, 2737 or 2734. Fax (850)488-2512 or (850)487-2911. Mark on the fax "Request for Matching Grant Package." The application form is also available at web site link: <http://www9.myflorida.com/workforce/ems1/Grants/Grants.htm>.

Mail requests for application packages to:

Bureau of Emergency Medical Services
Department of Health
4052 Bald Cypress Way, BIN #C18
Tallahassee, FL 32399-1738

Pick up application packages in person at:

Bureau of Emergency Medical Services
Department of Health
4025 Esplanade Way, 3rd Floor
Tallahassee, Florida 32399-1738

HOW TO SUBMIT COMPLETED APPLICATIONS: Mail or hand deliver signed and completed original application(s) and required copies to the preceding mail or physical address. No faxes or electronic submissions will be accepted. Each completed application including copies must be in a separate envelope marked, "EMS MATCHING GRANT APPLICATION" in bold lettering. Failure to mark the application envelope(s) as described or to meet any other requirement in this notice or in the grant manual may preclude consideration. Do not place any other correspondence intended for the Bureau in this envelope.

DEADLINE: Completed signed original applications and the required number of completed copies must be received by the Bureau of Emergency Medical Services no later than 5:00 p.m. (Eastern Standard Time), January 24, 2003. Applications received after this deadline, regardless of postmark, will be returned to the sender unopened.

APPLICATION PACKAGE OPENING: Department of Health staff will open packages, log in, and count the copies of applications beginning at 9:00 a.m. (Eastern Standard Time), January 27, 2003.

RIGHT TO REJECT: Department of Health reserves the right to reject any and all applications it determines are not in the best interest of the state.

CONTACT PERSONS: Ed Wilson, Ed_Wilson@doh.state.fl.us or Alan Van Lewen, Alan_Vanlewen@doh.state.fl.us, (850)245-4440, Extension 2737 or 2734.

P. O. #B00829

NOTICE OF FUND AVAILABILITY FOR THE YEAR
2002-2003 FLORIDA EMERGENCY MEDICAL SERVICES
(EMS) RURAL MATCHING GRANTS PROGRAM

AGENCY: Department of Health, Bureau of Emergency Medical Services

GRANT TITLE: Florida EMS Rural Matching Grant

PURPOSE AND EFFECT: To provide grants for prehospital EMS in Florida.

AUTHORITY: Chapter 401, Part II, Florida Statutes (F.S.)

ELIGIBILITY: Emergency Medical Services organizations (EMSOs) in rural counties, as defined in Chapter 401, Part II, F.S., are eligible to apply for grant funding to provide prehospital EMS in Florida.

MATCHING REQUIREMENT: The department will provide 90 percent of the funding, while successful applicants must provide 10 percent of the total cost for an approved project.

TO OBTAIN AN APPLICATION: Please call Ed Wilson, (850)245-4440, Ext. 2737, or write to the EMS Rural Matching Grant Program, ATTN: Ed Wilson, 4052 Bald Cypress Way, BIN #C18, Tallahassee, Florida 32399-1738.

An application may be picked up at Bureau of Emergency Medical Services, 4025 Esplanade Way, 3rd Floor, Tallahassee, FL 32399. Requests for applications may be faxed to the EMS Rural Matching Grant Program, (850)488-9408. The application is also available from the EMS website at <http://www9.myflorida.com/workforce/ems1/Grants/Grants.htm>.

DEADLINE: Applications will be accepted, evaluated and funded on an ongoing basis through May 1, 2003, pending fund availability. No incomplete applications, or applications received by the Bureau of Emergency Medical Services after 5:00 p.m., May 1, 2003, will be considered for funding.

NUMBER OF COPIES: Applicants must submit a signed original plus four copies of the Department of Health application.

RIGHT TO REJECT: Department of Health reserves the right to reject any and all applications.

P. O. #B00829

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN October 28, 2002
 and November 1, 2002

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF INSURANCE

4-136.002	10/29/02	11/18/02	28/36	
4-136.004	10/29/02	11/18/02	28/36	
4-136.006	10/29/02	11/18/02	28/36	
4-136.011	10/29/02	11/18/02	28/36	
4-136.015	10/29/02	11/18/02	28/36	
4-136.031	10/29/02	11/18/02	28/36	
4-149.005	10/31/02	11/20/02	28/35	
4-149.006	10/31/02	11/20/02	28/35	
4-149.007	10/31/02	11/20/02	28/35	

DEPARTMENT OF EDUCATION

Florida A and M University

6C3-3.017	10/30/02	11/19/02	Newspaper	
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Gulf Coast University

6C10-7.001	10/28/02	11/17/02	Newspaper	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF CORRECTIONS

33-203.101	10/29/02	11/18/02	28/38	
33-601.606	10/29/02	11/18/02	28/38	

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

40B-4.1090	11/1/02	11/21/02	28/39	
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DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

64B6-5.002	10/29/02	11/18/02	28/39	
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Board of Massage

64B7-28.010	11/1/02	11/21/02	28/18	28/40
64B7-29.003	11/1/02	11/21/02	28/22	28/40
64B7-29.004	11/1/02	11/21/02	28/22	28/40
64B7-33.001	11/1/02	11/21/02	28/22	28/40

Council of Licensed Midwifery

64B24-1.004	11/1/02	11/21/02	28/39	
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