

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE: Entomology – Pest Control Regulations RULE CHAPTER NO.: 5E-14

RULE TITLES: Definitions RULE NOS.: 5E-14.102

Fumigation Requirements – General Fumigation 5E-14.108

Fumigation Requirements – Prefumigation

Inspections, Evacuation, Warning Notices

(Signs), Special Safety Precautions

and Responsibilities 5E-14.112

Fumigation Requirements – Final

Post-Fumigation Clearance Inspection 5E-14.113

PURPOSE AND EFFECT: The purpose and effect of the rule

development is to amend Rule 5E-14 to address changes to

Statute and fumigation product label directions, to improve

consumer protection provisions by increasing fumigation

safety procedures.

SUBJECT AREA TO BE ADDRESSED: The subject area to

be addressed is modification of structural fumigation

requirements.

SPECIFIC AUTHORITY: 482.051 FS.

LAW IMPLEMENTED: 482.021(7),(25), 482.051(1),

482.111(3),(4), 482.152, 482.241 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., February 5, 2002

PLACE: Training Room, 3125 Conner Blvd., Tallahassee,

Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE

PROPOSED RULE DEVELOPMENT IS: Steven Rutz,

Director, Department of Agriculture and Consumer Services,

Room 130, 3125 Conner Blvd., Tallahassee, FL 32399-1650

THE PRELIMINARY TEXT OF THE PROPOSED RULE

DEVELOPMENT IS:

5E-14.102 Definitions.

(1) through (9) No change.

(10) “Direct Supervision” requires the personal presence of either the certified operator in charge of the category of fumigation or his special identification cardholder at the fumigation job site.

(11) “Trained Crew Person” is defined as either a certified operator possessing the category of fumigation and/or a special identification cardholder.

(12) “Breathing Zone” is defined as the area of space in each room of a fumigated structure located from between four feet above the floor to 6 feet above the floor.

(13) “Secondary Locking Device” is defined as a security guard(s), or any device or barricade that is demonstratively effective in preventing an exterior door or entrance from being opened or entered by normal means.

Specific Authority 482.051 FS. Law Implemented 482.051(1) FS. History–New 1-1-77, Amended 6-27-79, 6-22-83, Formerly 10D-55.102, Amended 8-11-93,_____.

5E-14.108 Fumigation Requirements – General Fumigation.

(1) through (2) No change.

(3) It shall be the duty of the certified operator in charge of fumigation to carry out the following:

(a) Train each special fumigation identification cardholder in proper fumigation procedures, such as, but not limited to, fumigant handling, aeration and clearance procedures and to know the location, purpose, use and maintenance of personal protective equipment and fumigation detection and safety devices and when and how to use this equipment.

(b) Train each employee assigned to fumigation work in basic fumigation procedures, SCBA use and familiarization with fumigant safety equipment and to report immediately to the certified operator in charge or his special identification cardholder any irregularities or emergencies.

Specific Authority 482.051 FS. Law Implemented 482.021(7)(6), ~~(25)(20)~~, 482.051(1), 482.152 FS. History–New 1-1-77, Amended 6-22-83, Formerly 10D-55.108, Amended 7-5-95,_____.

5E-14.112 Fumigation Requirements – Prefumigation Inspections, Evacuation, Warning Notices (Signs), Special Safety Precautions and Responsibilities.

(1) Final pre-application of fumigant and evacuation inspection: immediately before the fumigant(s) is to be applied, the certified operator in charge or his designated special fumigation identification card holder must make a final, personal inspection of the structure and shall ascertain that:

(a) All preparations for fumigation as directed by the label have been completed.

(b) through (c) No change.

(2) Prior to the application of fumigant(s), suitable ~~clearly legible~~ warning signs of stiff, weather-proof material must be securely and conspicuously posted as follows:

(a) through (d) No change.

(e) On multi-unit structures, warning signs must be posted on all exterior entrance(s) to the structure which, depending on construction, would include all exterior entrances to each individual unit or apartment.

(5) All information displayed on warning signs must be accurate and legible. The name and day and night telephone number of the certified operator in charge of fumigation, or a certified operator possessing the fumigation category, or the special identification cardholder who was directly involved in the shooting process at the fumigation site must be displayed on the warning sign. Additional numbers and other contact information can be placed on the sign. All emergency phone numbers must be a phone number, mobile/cell phone number or beeper number in the possession of a person familiar with the job and trained to respond to fumigation emergencies and equipped with label required respiratory protection and gas detection equipment. Answering machines, beepers or voice mail systems that do not provide a mechanism for providing immediate notification to an individual as described above are prohibited.

(6)(5) Such warning signs posted on the outside of tents or sealing covers shall not be removed prior to commencement of ventilation: and such warning signs posted ON the structure (itself), enclosed space or commodities being fumigated shall not be removed until the end of the fumigation period, when ventilation has been completed and the premises declared safe for reoccupancy as required by subsections 5E-14.113(1) and (2), F.A.C. Ventilation shall be conducted with due regard for the public safety.

(7)(6) Special safety precautions, responsibilities

(a) No change.

(b) All exterior doors and entrances normally used to enter and exit any area of the structure being fumigated shall be locked, barred or otherwise secured against entry and will have a secondary locking device(s) applied until the end of the exposure period, then opened for ventilation and relocked, barred or otherwise secured against reentry, including the reinstallation of the secondary locking device(s), until declared to be safe for reoccupancy by the person exercising direct and personal supervision of the fumigation operation as required by subsections 5E-14.113(1) and (2), F.A.C.

(c) A door or entrance, that once locked from the interior, cannot be unlocked and opened from the exterior would not require a secondary locking device or barricade. Companies utilizing replacement locksets for meeting secondary lock requirements must mark the lockset in such a way (such as with, paint, engraving or by signage) as to make it readily identifiable as being a licensee owned secondary locking device.

(d) No other secondary locking devices are necessary on multi-unit structures, with internal stairwells, if they can be secured, barred or barricaded at all ground level entrances or openings. Structures with exterior stairwells or fire escapes must be secured or otherwise barricaded or barred to prevent entry from both ground and first floor levels and any entrance to the structure achieved from the stairwell.

(e) If security guards are used in lieu of secondary locking requirements, the licensee must contract for a sufficient number of guards as to leave no entrance to the structure unguarded at anytime during the fumigation period (as defined in subsection 5E-14.102(3), F.A.C.).

Specific Authority 482.051 FS. Law Implemented 482.051(1), 482.111(3),(4), 482.152, 482.241 FS. History—New 1-1-77, Amended 6-27-79, Formerly 10D-55.112, Amended _____.

5E-14.113 Fumigation Requirements – Final Post-fumigation Clearance Inspection.

(1) The certified operator in charge or his designated special fumigation identification card holder shall personally determine by using label-recommended gas-detecting or monitoring devices, maintained and calibrated as required by either the device manufacturer or the fumigant label directions, ~~or materials~~ that the entire structure or enclosed space fumigated, and also including beds and bedding therein, has been monitored and safely ventilated as required by fumigant label directions sufficiently to permit safe human entry and occupancy or reoccupancy. No person, including the property owner or agent, may enter, occupy or reoccupy the fumigated structure for any reason prior to completion of the aeration procedure and declaration of clearance, or when an unknown gas concentration is present or in violation of product label directions without the label required respiratory protection equipment. This prohibition against unauthorized reentry includes the fumigation crew entering the structure to remove shooting equipment. All warning agent containers shall be removed from the structure. In no instance shall ventilation or aeration time be less than that recommended by manufacturer of fumigant on the registered label.

(2) Declaring structure or enclosed space fumigated safe for entry and occupancy or reoccupancy: The certified operator in charge or his designated special fumigation identification card holder shall not permit or allow any unauthorized person to enter or occupy or reoccupy the structure or enclosed space fumigated until the aeration procedures as required by the fumigant product label are completed, and he has personally checked the breathing zone of each room within the fumigated structure for fumigant levels with suitable gas-detecting equipment or monitoring device and found the structure to be safe for human entry and occupancy, and he shall personally certify by his own signature as a result of his final personal inspection and monitoring examination of the entire structure or space fumigated that the same and adjacent structures are safe for human entry, occupancy or reoccupancy. Such notice of clearance shall be in writing and shall be conspicuously posted on the same date and as soon as possible after the completion of the clearance inspection to on all entrances of the to such structure or enclosed space. The signature of the certified operator in charge or his designated special fumigation identification card holder and the exact date and hour of release for reentry and reoccupancy shall be set forth in

all notices. In no case shall the notice of clearance be post-dated. Clearance notices may not be posted prior to performing the clearance inspection with the label required gas-detection or monitoring equipment.

Specific Authority 482.051 FS. Law Implemented 482.051(1), 482.152, 482.241 FS. History--New 1-1-77, Formerly 10D-55.113, Amended _____.

DEPARTMENT OF EDUCATION

RULE TITLE: Educational Facilities
 RULE NO.: 6-2.001

PURPOSE AND EFFECT: The purpose of this rule development is to review existing provisions for public educational facilities and revise as necessary.

SUBJECT AREA TO BE ADDRESSED: Requirements for educational facilities in Florida.

SPECIFIC AUTHORITY: Sections AXIIS9(1), ASIIS9(d), State Constitution; 215.61(5), 229.053(1), 230.23(9), 230.64, 235.01(2), 235.014(6), 235.06, 235.19, 235.211, 235.26, 235.31, 235.32, 239, 240.327(1) FS.

LAW IMPLEMENTED: Sections AVIIS12, AXIIS9(a), AXIIS9(d), State Constitution; 50.011, 50.021, 50.031, 50.041, 50.051, 50.061, 50.071, 215.61, 230.23(9), 230.64, 235.011, 235.014, 235.04(1), 235.05, 235.054, 235.055, 235.056, 235.057, 235.06, 235.15, 235.18, 235.19, 235.193, 235.195, 235.211, 235.26, 235.30, 235.31, 235.32, 235.321, 235.34, 235.41, 235.42, 235.435, 236.13, 236.25, 236.35, 236.36, 236.37, 236.49, 237.01, 237.031, 237.40, 239.229, 240.209(3)(a), 240.295, 240.299, 240.319(3)(e),(f), 240.327, 240.331, 255.0515, 255.20, 267.061, 287.055, 287.0935, 287.133, 440.02, 440.03, 440.10, 440.103, 440.38, 442.004, 442.006, 442.007, 442.0105, 442.109, 442.022, 442.101, 442.109, 442.115, 471.003, 481.229, 489.113(2), 489.125, 553.63, 553.64, 553.71, 553.79, 553.80, 633.025 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.

Requests for the rule development workshop should be addressed to: Wayne V. Pierson, Agency Clerk, Department of Education, 1214 Turlington Building, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Spessard Boatright, Bureau Chief/Director, Office of Educational Facilities and SMART Schools Clearinghouse, 325 W. Gaines Street, Room 1054, Turlington Building, Tallahassee, Florida 32399-0400, (850)488-6741

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Cooperative Projects and Activities
 RULE NO.: 6A-1.099

PURPOSE AND EFFECT: This rule authorizes district school boards to establish educational consortia which are designed to provide joint programs and services to cooperating school districts. The proposed rule development is to review current standards and incorporate new standards in generally accepted accounting principles relative to the fund type used to account for consortia activities.

SUBJECT AREA TO BE ADDRESSED: In accordance with Governmental Accounting Standards Board Statement 34, all financial transactions of a consortium are required to be recorded in a proprietary fund. An internal service fund should be used when the reporting government is the predominant participant in the activity. If the reporting government is not the predominant participant, the activity should be reported in an enterprise fund.

SPECIFIC AUTHORITY: 229.053(1), 230.23(4)(j),(12) FS.

LAW IMPLEMENTED: 229.053(2)(h),(i),(j), 230.23(4)(j),(12) 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.

Requests for the rule development workshop should be addressed to: Wayne V. Pierson, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1214, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jeanine Blomberg, Director, Division of Support Services, Department of Education, 325 West Gaines Street, Room 814, Tallahassee, Florida 32399-0400, (850)488-6023

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

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
Specific Exemptions	12A-1.001
Aircraft, Boats, Mobile Homes, and Motor Vehicles	12A-1.007
Occasional or Isolate Sales or Transactions Involving Tangible Personal Property or Services	12A-1.037
Photographers and Photo Finishers; Sales by Public Officials of Public Records	12A-1.041
Tax Due at Time of Sale; Tax Returns and Regulations	12A-1.056

Registration	12A-1.060
Rentals, Leases, and Licenses to Use	
Transient Accommodations	12A-1.061
Auctioneers, Agents, Brokers and Factors	12A-1.066
Rentals, Leases, or License to Use	
Tangible Personal Property	12A-1.071
Public Use Forms	12A-1.097

PURPOSE AND EFFECT: The purpose of the amendments to Rule 12A-1.001, F.A.C. (Specific Exemptions) is to provide current guidelines regarding: (1) the taxability of fees charged by interior decorators or designers in conjunction with sales of tangible personal property; (2) the taxability of fees charged by interior decorators or designers solely for services performed that are not in conjunction with sales of tangible personal property; (3) interior decorators or designers who contract to furnish and install tangible personal property which becomes a part of realty; (4) the taxability of fees charged by architects or engineers and their sales of a scale working or other model; and (5) the exclusion from tax provided for stenographers who videotape proceedings.

The purpose of the proposed amendments to Rule 12A-1.007, F.A.C. (Aircraft, Boats, Mobile Homes, and Motor Vehicles), is to remove obsolete provisions regarding the lease or rental of a motor vehicle that are currently provided in s. 212.06(1)(c), F.S.

The purpose of the proposed amendments to Rule 12A-1.037, F.A.C. (Occasional or Isolate Sales or Transactions Involving Tangible Personal Property or Services), is to: (1) provide that the isolated sales exemption does not apply to sales made by or through an auctioneer who is required to be registered under the provisions of Rule 12A-1.066, F.A.C.; (2) clarify that sales of unclaimed tangible personal property by an agency of the state pursuant to s. 717.122, F.S., are not subject to tax; and (3) clarify that no title certificate may be issued on any boat, mobile home, motor vehicle, or any other vehicle unless the applicable sales and use tax has been paid.

The purpose of the proposed amendments to Rule 12A-1.041, F.A.C., is to: (1) change the title to “Photographers and Photo Finishers; Sales by Public Officials of Public Records,” to reflect the proposed changes to the rule; (2) remove provisions regarding blueprints furnished by architects that will be provided in Rule 12A-1.001, F.A.C., as amended; (3) remove the exemption provided in s. 212.08(7)(e), F.S., for the rental of motion picture film when an admission is charged for viewing such film, which does not require administrative guidelines for its implementation; and (4) remove provisions for the taxability of magazines or other containers for advertisers that are included in Rule 12A-1.072, F.A.C., Advertising Services.

The purpose of the proposed amendments to Rule 12A-1.056, F.A.C. (Tax Due at Time of Sale; Tax Returns and Regulations), is to remove provisions regarding the requirements for tax to be remitted by electronic fund transfer that are provided in Rule Chapter 12-24, F.A.C.

The purpose of the proposed amendments to Rule 12A-1.060, F.A.C. (Registration), is to remove the guidelines on how to obtain forms from the Department that are currently provided in Rule 12A-1.097, F.A.C., Public Use Forms.

The purpose of the proposed amendments to Rule 12A-1.061, F.A.C. (Rentals, Leases, and Licenses to Use Transient Accommodations) is to: (1) provide that separately itemized charges for communications services are not rental charges or room rates for purposes of this rule; (2) remove obsolete provisions for separately itemized charges for telecommunication services and television system program services that are currently taxed as communications services under Chapter 202, F.S.

The purpose of the proposed amendments to Rule 12A-1.066, F.A.C. (Auctioneers, Agents, Brokers and Factors), is to: (1) revise the definition of the term “auctioneer” for purposes of the rule to include only persons subject to the licensing requirements of Chapter 468, F.S.; and (2) provide that auctioneers who receive no compensation for conducting an auction for a religious, charitable, educational, or civic organization as a fund raising event are not required to collect sales tax on sales made at that auction.

The purpose of the proposed amendments to Rule 12A-1.071, F.A.C. (Rentals, Leases, or License to Use Tangible Personal Property), is to: (1) remove guidelines for decorating contractors that will be provided in Rule 12A-1.001, F.A.C., as amended; and (2) clarify that the rentals of the United States flag or the official State of Florida flag and kits containing such flags are exempt from tax as the sales of such flags and flag kits, as provided in Rule 12A-1.001, F.A.C.

The purpose of the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), is to adopt the changes to forms currently used by the Department, and newly created forms, to administer the sales and use tax.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is: (1) the proposed guidelines in Rule 12A-1.001, F.A.C., regarding the sale of property and fees charged by architects, engineers, interior decorators or designers, and stenographers; (2) the clarifying guidelines proposed in Rules 12A-1.037 and 12A-1.066, F.A.C., regarding isolated sales made by or through an auctioneer and sales of unclaimed tangible personal property by an agency of the state pursuant to s. 717.122, F.S.; (3) the clarification in proposed Rule 12A-1.071, F.A.C., regarding the exemption provided for the rental of the United States flag, the official State of Florida flag, and flag kits containing these flags; (4) the removal of obsolete or unnecessary provisions from Rules 12A-1.007,

12A-1.041, 12A-1.056, and 12A-1.060, F.A.C.; and (5) the proposed adoption of changes to forms used by the Department to administer the sales and use tax.

SPECIFIC AUTHORITY: 212.05(1), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 92.525(1)(b), 119.07(1), 119.085, 125.0104(3)(g), 125.0108(2)(a), 212.02(1),(2),(4),(10),(12), (14)-(16),(19)-(21), 212.03, 212.0305,(3)(c),(h), 212.031, 212.04, 212.05, 212.0506(4),(10), 212.054(4), 212.055, 212.06(1)-(5),(7),(8),(10),(12), 212.0601, 212.0606, 212.07(1), (2),(7), 212.08(5)(g),(h),(i),(n),(o),(6),(7)(e),(f),(h),(i),(m),(o), (q),(t),(v),(x),(y), (aa),(cc),(ee),(10),(11),(15), 212.096, 212.11(1),(2),(3), 212.12(1)-(7),(9),(12), 212.13(2), 212.14(2), 212.15(1), 212.16(1),(2), 212.17(6), 212.18(2),(3), 212.21(2), 213.06(1), 213.235, 213.255(1)-(3), 213.35, 213.37, 213.29, 213.755, 213.756, 215.01, 215.26(2), 376.11, 402.61, 403.718, 403.7185 FS.

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

TIME AND DATE: 10:00 a.m., February 5, 2002

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

Copies of the agenda for the rule development workshop may be obtained from 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.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT 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)922-4715

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.001 Specific Exemptions.

(1) No change.

(2) SERVICE TRANSACTIONS.

(a)1. Fees charged by interior decorators or designers in conjunction with sales of tangible personal property are a part of the total charge for the tangible personal property and are subject to tax, even when separately itemized and charged to their clients on a cost plus basis. An interior decorator's fee is taxable as part of the selling price under Section 212.02(16),

F.S., or as a part of the cost price under Section 212.02(4), F.S., and cannot be exempted as a professional or personal service charge when the transaction involves the sale of tangible personal property. This is true when the fee is paid in the form of a trade discount, as is the case when a supplier grants the decorator a trade discount and the decorator in turn bills the client for the full list price. The decorator fee is also taxable when it appears as an amount added to the decorator's cost when billed to the client for tangible personal property on a cost plus basis.

2. When the sale of tangible personal property by an interior decorator or designer to a client requires the client to purchase consultation or design services, the consultation or design fees are a part of the total charge for the tangible personal property and are subject to tax, even when the fees are separately itemized and charged to the client.

3. When an interior decorator or designer bills a client for the full list price of tangible personal property sold and then receives the equivalent of a fee through the decorator's or designer's supplier in the form of a trade discount, the decorator or designer is required to collect tax on the total amount billed to the client.

~~4.2. Fees charged by an interior decorator or designer solely for consultation or designing services when no sale of tangible personal property occurs in conjunction with those services is not subject to tax. Examples of fees charged solely for services rendered include designing a decorative scheme, advising clients, or recommending colors, paints, wallpaper, fabrics, brands, or sources of supply. If the decorator's fee is solely for designing the interior and exterior decorative scheme or for advising his clients and recommending colors, paints, wallpaper, fabrics, brands, sources of supply, etc., and there is no sale of tangible personal property involved, then such fee would be exempt as a professional or personal service transaction.~~

~~5.3. A fee charged by an interior decorator or designer is solely for services and is not in conjunction with the sale of tangible personal property by the decorator or designer to the same client if all of the following conditions are met: In some instances, the decorator may receive a fixed sum, which is not in any way contingent upon the sale of tangible personal property to the same client. In such cases the decorator's fee cannot be considered as a part of the selling price of the property sold because there is no connection between the transactions.~~

a. The fee is allocated in the contract to consultation or designing services;

b. The contract provides for separate pricing of any tangible personal property that may be purchased by the client from the decorator or designer;

c. The consultation or designing services fee is separately stated from the sales price of any tangible personal property on statements and invoices;

d. The client is obligated to pay the consultation and designing services fee regardless of whether the client purchases any tangible personal property from the decorator or designer under the contract;

e. The client is not obligated to purchase tangible personal property from the decorator or designer;

f. The amount of the consultation and designing services fee is not contingent upon whether the client purchases any tangible personal property from the decorator or designer or upon the sales price of any tangible personal property the client purchases from the decorator or designer.

6.4. Interior decorators or designers who contract to furnish and install tangible personal property which becomes a part of realty are the ultimate consumers of materials and supplies they use to perform such real property contracts unless the contract is one described in Rule 12A-1.051(3)(d), F.A.C. In the case of all contracts other than those described in that paragraph, the interior decorator or designer should not charge tax to its customers. It should pay tax to its suppliers on all purchases of tangible personal property that will be incorporated into a real property improvement and should not extend an Annual Resale Certificate to make tax-exempt purchases. It should also pay use tax on all materials it fabricates for its own use in performing such contracts. If the interior decorator or designer uses a subcontractor to install the tangible personal property, the subcontractor is responsible for paying tax on materials and supplies purchased and used by the subcontractor as provided in Rule 12A-1.051, F.A.C. If the subcontractor uses materials and supplies furnished by the interior decorator or designer, the decorator or designer is responsible for paying tax due on the materials and supplies furnished to the subcontractor. See Rule 12A-1.051, F.A.C., for guidance on the taxation of real property contractors and subcontractors. If the decorator's client reimburses the decorator for the payroll cost of personnel on the decorator's payroll assigned to a specific project, the duties performed by such employees will determine whether or not this item is taxable. For example, if these employees were engaged in painting murals on walls, etc., the charge made for their services is exempt, whereas, if these employees fabricate tangible personal property such as making bedspreads or draperies then the charge for their labor is taxable.

(b)1. Fees charged by architects or engineers to design, conceive, or communicate ideas, concepts, designs, and specifications are not subject to tax. Any plans, blueprints, or specifications furnished by the architect or engineer as part of the architect's or engineer's services are not subject to tax. The architect or engineer is the consumer of all tangible personal property used or consumed in performing these services and is required to pay tax on all materials and supplies used or consumed in performing the services.

2. When an architect or engineer furnishes the his client or customer with a scale, working, or other model, the architect or engineer is selling tangible personal property total amount he charges his customer therefor is taxable. The architect or engineer is required to collect and remit sales tax on the total sales price, including any separately stated fees. This constitutes the sale of tangible personal property and is not exempt as an inconsequential element of a personal service transaction.

(c) The taking of dictation or the video recording by a public stenographer ~~and stenographic transcriptions thereof~~ are exempt as professional services. Charges for attendance and the stenographic or videotape recordings of proceedings at a trial, hearing, conference, or similar function by a court reporter are exempt as professional services. Charges made by court reporters for transcripts or videotapes of proceedings are ~~likewise~~ exempt as professional services when furnished to parties to the proceedings. Charges for transcripts or videotapes to third persons who are not parties to the proceedings for which the reporter was engaged are taxable.

(3) through (6) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(10),(12),(16),(20),(21), 212.05, 212.08(6),(7)(f),(h),(q),(v),(x),(cc) FS. History-Revised 1-7-68, 1-7-70, Amended 1-17-71, Revised 6-16-72, Amended 7-19-72, 12-11-74, 5-27-75, 10-21-75, 9-7-78, 9-28-78, 10-18-78, 9-16-79, 2-3-80, 6-3-80, 7-7-80, 10-29-81, 12-3-81, 12-31-81, 7-20-82, 11-15-82, 10-13-83, 4-12-84, Formerly 12A-1.01, Amended 7-9-86, 1-2-89, 12-1-89, 7-7-92, 9-14-93, 5-18-94, 12-13-94, 3-20-96, 4-2-00, 6-28-00, 6-19-01, 10-2-01(1),(2), 10-2-01(2)-(7), 10-2-01(3)-(7),_____.

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

(1) through (13) No change.

(14) Lease or Rental.

(a) through (c) No change.

(d) If the rental of a motor vehicle, leased in another state and driven into Florida, is paid in Florida, the entire amount of such rental is taxable. If a credit card is used in lieu of cash payment, the Florida dealer honoring the credit card is liable for the collection of the tax on the rental and the remitting of it directly to the State. If the rental of a motor vehicle leased in Florida and driven to a destination in another state is paid in such other state, such rental is exempt from Florida tax. However, if a motor vehicle is leased in Florida and the rental is paid in Florida, the rental is taxable even though the motor vehicle is removed from Florida immediately after the lessee takes possession thereof.

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

(15) through (29) No change.

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)(t),(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-1.037 Occasional or Isolated Sales or Transactions Involving Tangible Personal Property or Services.

(1) through (2) No change.

(a) The isolated sales exemption does not apply to:

1. through 4. No change.

5. Sales made by or through an auctioneer, agent, broker, factor, or any other person ~~registered or~~ required to be registered and to collect tax on such sales, as provided in ~~as a dealer to engage in, conduct, or hold itself out as engaged in business, regardless of whether the sale of such items by the owner would have qualified the sale as an isolated sale.~~ See Rule 12A-1.066, F.A.C.

6. No change.

(b) through (4) No change.

(5) The sale of tangible personal property, or the sale of services, under any one of the following circumstances, is taxable and is not an occasional sale if:

(a) through (d) No change.

(e) Such sale is made by or through an auctioneer, agent, broker, factor, or any other person ~~registered or~~ required to be registered as a dealer to collect and remit tax on such sales, as provided in ~~engage in, conduct, or hold itself out as engaged in business, regardless of whether the sale of such items by the owner would have qualified the sale as an occasional sale.~~ See Rule 12A-1.066, F.A.C.

(f) No change.

(g) Such sale involves admissions; ~~communication services;~~ or taxable rentals, leases, or licenses of transient rental accommodations, real property, parking lots, garages, docking, tie down spaces, or storage spaces for motor vehicles, boats, or aircraft.

(6) through (8) No change.

(9) The sale by the Federal Government, including sales made by U.S. Marshals, of surplus government property or confiscated property is not subject to tax. However, no title certificate may be issued on any boat, mobile home, or motor vehicle or, if no title is required by law, no license or registration may be issued for any aircraft, boat, mobile home, motor vehicle, or other vehicle unless the purchaser files ~~there is filed~~ with the application for title certificate, license, or registration certificate a receipt issued by the Department of Revenue, its designated agent, or a county tax collector, evidencing payment of the tax where the same is payable.

(10)(a) The sale of tangible personal property, except unclaimed property pursuant to s. 717.122, F.S., including, but not limited to, surplus or abandoned property by an agency of the state, or any county, municipality, or political subdivision of this state is taxable, provided the sale does not otherwise qualify as an occasional sale.

(b) In the case of aircraft, boats, mobile homes, motor vehicles, or other vehicles, such governmental unit shall collect and remit the tax and shall furnish the purchaser with a receipt

thereof evidencing payment of the tax where the same is payable. The receipt evidencing payment of tax shall be attached to application for title; or, if no title is required by law, to the licensee or registration certificate as proof that the tax has been paid.

(11) Sales of unclaimed tangible personal property by an agency of the state pursuant to s. 717.122, F.S., are not subject to tax. However, no title certificate may be issued on any boat, mobile home, or motor vehicle or, if no title is required by law, no license or registration may be issued for any aircraft, boat, mobile home, motor vehicle, or other vehicle unless the purchaser files with the application for title certificate, license, or registration certificate a receipt issued by the Department of Revenue, its designated agent, or a county tax collector, evidencing payment of the tax where the same is payable.

~~(12)(11)~~ Sales made by officers of a court pursuant to court orders are considered occasional sales, with the exception of:

(a) Sales made by trustees in bankruptcy or sales made by third parties at the direction of or by appointment of such trustees, sales made by receivers, and sales made by assignees under the provisions of Chapter 727, F.S., which are taxable. Trustees and such third parties, receivers, and assignees are required to register as dealers and collect the applicable tax on all taxable sales of tangible personal property made during the trusteeship, receivership, or assignment for the benefit of creditors, including sales from inventory and all tangible personal property of any business or estate, excluding sales of tangible personal property to the debtor in any bankruptcy proceedings, receiverships, or assignments;

(b) Sales made by or through an auctioneer, agent, broker, factor, or any other person ~~registered or~~ required to be registered as a dealer to collect and remit tax on such sales, as provided in ~~engage in, conduct, or hold itself out as engaged in business.~~ See Rule 12A-1.066, F.A.C.;

(c) Aircraft, boats, mobile homes, or motor vehicles of a class or type required to be registered, licensed, titled, or documented in this state or by the United States Government; and

~~(d) In the case of any aircraft, boat, mobile home, or motor vehicle of a class or type required to be registered, licensed, titled, or documented in this state or by the United States Government sold by an officer of the court, no title certificate may be issued, or, if no title is required by law, no license or registration for title certificate, license, or registration certificate a receipt issued by the Department of Revenue, its designated agent, or a county tax collector, evidencing payment of tax where the same is payable.~~

~~2. In the case of any aircraft, boat, mobile home, or motor vehicle of a class or type required to be registered, licensed, titled or documented in this state or by the United States Government sold by an officer of the court by or through an auctioneer or other dealer, the auctioneer or other dealer shall~~

collect and remit the tax and shall furnish the purchaser with a receipt evidencing payment of the tax where same is payable. The receipt evidencing payment of the tax shall be attached to the application for title, or, if no title is required by law, to the license or registration certificate as proof that the tax has been paid.

(12) through (17) renumbered (13) through (18) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(1),(2),(10)(g),(12),(14),(16),(19), 212.04, 212.05(1)(c),(d),(f),(h),(j), 212.06(1)(a),(2),(3),(8),(10), 212.07(1), 212.11(2),(3), 212.12(9), 212.18(2), 212.21(2), 213.06(1), 213.35 FS. History—Revised 10-7-68, 6-16-72, Amended 10-18-78, 5-8-79, 12-23-80, 12-3-81, 7-10-82, Formerly 12A-1.37, Amended 1-2-89, 8-15-94, 6-19-01,_____.

~~12A-1.041 Sales by Photographers, Photofinishers and Photostat Producers, Photoengravers, Wood Engravers and Photo Finishers; Sales by Public Officials of Public Records.~~

~~(1) Photographers and photo finishers, photofinishers and photostat producers are engaged in the sale of tangible personal property when developing or printing pictures for sale, or selling completed photographs or photostats or other tangible personal property. Such persons are required to collect and remit tax on the total amount charged to the customer for the sale of such tangible personal property. When such persons develop or print pictures and sell films, frames, cameras, completed photographs, photostats, blueprints, etc., they are making sales of completed articles of tangible personal property and must collect the tax on the total selling price without deduction for the cost of the property sold, labor, service, or any other expense whatsoever.~~

~~(2) The charge for retouching, tinting, or coloring When persons covered by this rule retouch, tint or color photographs belonging to others, the total charge is subject to tax taxable.~~

~~(3) No change.~~

~~(4) The rental of motion picture film is exempt when there is an admission charge for viewing such film. All charges for services rendered by radio and television stations, including line charges and talent fees are exempt. All charges to radio and television stations for license fees and charges for raw and processed films, video tapes and transcriptions for use in producing radio or television broadcasts are exempt. All other film rentals are taxable.~~

~~(4)(5) Sitting fees charged charges by photographers are taxable as part of the sales price a service when the transaction is in conjunction they are in connection with a sale of tangible personal property. The charge for sitting fees that are not in conjunction with the sale of tangible personal property are not subject to tax. In such cases, they are not exempt as professional services.~~

~~(6) Blueprints furnished by an architect as a part of his services at no separate charge are not taxable to the client. The architect must pay sales tax on the purchase of the blueprints, if purchased by him, or on the tangible personal property purchased for use in the making thereof. If there is a separate~~

~~charge to his client for the blueprints, it is a sale of tangible personal property and the architect shall purchase the blueprints or materials used in the making thereof with a resale certificate and collect the tax thereon from the client.~~

~~(5)(7) No change.~~

~~(8) The entire selling price of photographic film, including any charge for magazines or other containers, etc., whether separately stated or not, is taxable.~~

Cross Reference-Rule 12A-1.072, F.A.C.

Specific Authority 212.17 (6), 212.18 (2), 213.06 (1) FS. Law Implemented 119.07(1), 119.085, 212.02(2),(14),(15),(16), 212.08(5),(6),(7)(e),(v) FS. History—Revised 10-7-68, Amended 12-8-68, 1-17-71, Revised 6-16-72, Amended 12-11-74, 5-27-75, Formerly 12A-1.41, Amended 7-30-91, 8-10-92, 6-19-01,_____.

~~12A-1.056 Tax Due at Time of Sale; Tax Returns and Regulations.~~

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

~~(b) When the tax is required to be remitted by electronic funds transfer and the tax due date falls on a Saturday, a Sunday, a legal holiday as defined in s. 655.89, F.S., or on a legal holiday of the jurisdiction in which the taxpayer's financial institution is located, the deposit by electronic funds transfer is required on or before the first banking day thereafter. For the purposes of this rule, "banking day" has the meaning prescribed in s. 655.89, F.S.~~

~~(c) through (d) renumbered (b) through (c) No change.~~

~~(2) through (11) No change.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 125.0104(3)(g), 125.0108(2)(a), 212.03(2), 212.0305(3)(c),(h), 212.031(3), 212.04(3),(4),(5), 212.0506(4),(10), 212.054(4), 212.055, 212.06(1)(a), 212.0606, 212.11, 212.12(1),(2),(3),(4),(5), 212.14(2), 212.15(1), 213.235, 213.29, 213.755, 215.01, 376.11, 403.718, 403.7185 FS. History—Revised 10-7-68, 6-16-72, Amended 10-21-75, 6-9-76, 11-8-76, 2-21-77, 4-2-78, 10-18-78, 12-23-80, 8-26-81, 11-23-83, 5-28-85, Formerly 12A-1.56, Amended 3-12-86, 1-2-89, 12-19-89, 12-7-92, 10-20-93, 10-17-94, 3-20-96, 4-2-00, 6-19-01,_____.

~~12A-1.060 Registration.~~

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

~~(d) Applications to Collect and or Report Tax in Florida (form DR 1) and Applications for Collective Registration for Rental of Living or Sleeping Accommodations (form DR 1C) are available, without cost, by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850 922 2208; or, 3) using a fax machine telephone handset to call the Department's Fax on Demand system at 850 922 3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800 352 3671 (in Florida only) or 850 488 6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1 800 367 8331.~~

(e) through (h) renumbered (d) through (g) No change.

(2) through (3) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.03(1),(2), 212.04(4), 212.06(2), 212.12(2),(5),(6), 212.16(1),(2), 212.18(3) FS. History—Revised 10-7-68, 1-7-70, 6-16-72, Amended 3-21-77, 5-10-77, 10-18-78, Formerly 12A-1.60, Amended 6-10-87, 1-2-89, 11-12-90, 3-17-94, 1-2-95, 3-20-96, 11-30-97, 4-2-00, 6-19-01, 10-2-01(1), 10-2-01(1), _____.

12A-1.061 Rentals, Leases, and Licenses to Use Transient Accommodations.

(1) through (2) No change.

(3) RENTAL CHARGES OR ROOM RATES.

(a) through (g) No change.

(h) The following is a non-inclusive list of charges separately itemized on a guest's or tenant's bill, invoice, or other tangible evidence of sale that are NOT rental charges or room rates for transient accommodations:

1. Charges for communications telecommunication services, including facsimile services. See Rule Chapter 12A-19 12A-1.046, F.A.C.

2. ~~Charges for television system program services, including charges for movies and video tapes. See Rule 12A-1.046, F.A.C.~~

3. through 16. renumbered 2. through 15. No change.

(4) through (19) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 92.525(1)(b), 212.02(2),(10)(a)-(g),(16), 212.03(1),(2),(3),(4),(5),(7), 212.031, 212.04(4), 212.08(6),(7)(i),(m),(o), 212.11(1),(2), 212.12(7),(9),(12), 212.13(2), 212.18(2),(3), 213.37, 213.756 FS. History—Revised 10-7-68, 1-7-70, Amended 1-17-71, Revised 6-16-72, Amended 7-19-72, 4-19-74, 12-11-74, 5-27-75, 10-18-78, 4-11-80, 7-20-82, 1-29-83, 6-11-85, Formerly 12A-1.61, Amended 10-16-89, 3-17-94, 1-2-95, 3-20-96, 11-30-97, 7-1-99, 3-4-01(4), 3-4-01(2),(5),(14), 10-2-01, _____.

12A-1.066 Auctioneers, Agents, Brokers and Factors.

(1)(a) Every agent, auctioneer, broker, or other person who is engaged in any business activity of making sales of tangible personal property with the object of private or public gain, benefit, or advantage, either direct or indirect, who sells at retail, or who offers for sale at retail, or who has in his possession for sale at retail, is required to register as a dealer under Chapter 212, F.S., and collect and remit any applicable tax on the total retail sales price of any taxable item of tangible personal property without any deduction for any expense, such as storage, commission, or repairs, etc. It is immaterial that:

1. The auctioneer, broker, factor, or other person may not have possession of the tangible personal property;

2. The title to the tangible personal property cannot be transferred to the purchaser without further action on the part of the principal; or

3. The purchaser has disclosed the identity of the principal.

(b) An agent, auctioneer, broker, or other person selling tangible personal property shall collect and remit the tax when title or possession of the property is transferred within this state notwithstanding the fact that the tangible personal property belongs to an out-of-state principal.

(c) The following words and terms, when used in this section, shall have the following meaning, unless the context clearly indicates otherwise:

1. No change.

2. "Auctioneer" is a person subject to the licensing requirements of Chapter 468, F.S., who either owns an item of tangible personal property, or to whom an item of tangible personal property has been consigned or delivered, and who offers ~~for sale~~ the item of tangible personal property for sale by competitive bid.

3. through 5. No change.

(2)(a) Auctioneers who conduct auctions exempt under s. 468.383, F.S., are not required to collect and remit tax on sales made at such auctions.

(b) An auctioneer who receives no compensation for conducting an auction for a religious, charitable, educational, or civic organization as a fund raising event is not required to collect tax on sales of tangible personal property made by the organization at the auction. For guidelines on the taxability of occasional sales made by such organizations, see Rule 12A-1.037, F.A.C.

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

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14), 212.05(1), 212.06(1)(a),(2)(b),(c),(g),(h),(3),(5)(b) FS. History—Revised 10-7-68, 6-16-72, Formerly 12A-1.66, Amended 1-2-89, _____.

12A-1.071 Rentals, Leases, or License to Use Tangible Personal Property.

(1) through (34) No change.

(35)(a) The rental or lease of a United States flag or the official flag of Florida is exempt. The rental or lease as a unit of a kit that includes the United States flag or the official flag of Florida and related accessories, such as a mounting bracket, a standard, a halyard, and instructions for the display of the flag is also exempt. The lease or rental of any accessory, when not leased or rented as a part of a kit containing the United States flag or the official flag of Florida, is taxable. See Rule 12A-1.001, F.A.C., for the exemption provided for sales of flags and flag kits. A decorating contractor who uses materials and supplies such as bunting, streamers, colored paper, wreaths, pennants, lights, rope, etc., in fulfilling a contract which requires the furnishing of arrangements and decorations to, and their subsequent removal from, hotels, offices, public buildings, etc., is the consumer of such materials and supplies and shall pay tax on their acquisition. The purchase of a United States flag or official state flag of Florida for said use is exempt. The contractor's charge under such contract is a service charge and is exempt.

(b) The charge a contractor makes to his customer for the rental of a flag kit containing a flag of the United States or the official state flag of Florida which may include flag poles, standards, etc., is exempt. The rental of any related accessories, when not rented as part of a kit containing a flag is taxable.

(36) through (48) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(1),(4),(10)(g),(12),(14)(a),(15)(a),(16),(19), 212.04, 212.05(1)(c),(d), (f),(h),(j), 212.06(1)(a),(2)(e),(8), 212.08(7)(e),(f),(v),(y), 212.11(2),(3), 212.12(9), 212.18(2), 402.61 FS. History—Revised 10-7-68, 1-7-70, 6-16-72, Amended 12-11-74, 12-31-81, 7-20-82, Formerly 12A-1.71, Amended 1-2-89, 10-5-92, 11-16-93, 8-15-94, 10-17-94, 3-20-96, _____.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.08(5)(g),(h),(n),(o),(15), 212.096, 212.17(6), 212.18(2),(3) FS. History—New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, 10-2-01, 10-21-01, _____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:

RULE TITLES:

Consumer’s Certificates of Exemption;

Exemption Certificates 12A-1.038

Public Works Contracts 12A-1.094

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.038, F.A.C. (Consumer’s Certificates of Exemption; Exemption Certificates), is to correct the reference information, for formats of exemption certificates for people mover systems and parts, to Rule 12A-1.094, F.A.C., as amended.

The purpose of the proposed amendments to Rule 12A-1.094, F.A.C. (Public Works Contracts) is to: (1) incorporate legislative changes to ss. 212.06(14), 212.08(6), and 212.08(7)(bbb), F.S.; (2) remove obsolete and unnecessary guidelines for public works contracts; and (3) provide simple guidelines for taxpayers and tax administrators regarding the taxability of public works contracts for the repair, alteration, improvement, or construction of real property.

The proposed amendments will: (1) revise the definition of the terms “contractor,” “governmental entity,” “public works,” and “real property,” as used in Rule 12A-1.094, F.A.C.; (2) provide that contractors who purchase supplies and materials for sale and for use by the contractor may buy such items tax exempt and remit tax when the items are withdrawn from inventory for use in a public works contract; (3) provide guidelines for when property purchased or manufactured for resale to a governmental entity is exempt from tax; (4) provide that contractors who manufacture asphalt for incorporation into public works projects are liable for tax, as provided in Rule 12A-1.051(12), F.A.C., and s. 212.06(1)(c), F.S.; and (5) provide guidelines regarding the exemption for the purchase of people mover systems, or components of such systems, installed by contractors in public works projects.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the proposed guidelines regarding the taxability of public works contracts for the repair, alteration, improvement, or construction of real property.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS. LAW IMPLEMENTED: 95.091(3), 120.57(1),(2), 120.60(3), 120.80(14), 212.02(4), (14)-(16), (19)-(21), 212.05(1)(j), 212.06(1),(2),(14), 212.07(1), 212.08(6),(7), 212.085, 212.18(2),(3), 212.21(2) FS.

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

TIME AND DATE: 10:00 a.m., February 5, 2002

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

12A-1.097 Public Use Forms.

(1) No change.

Form Number	Title	Effective Date
(2) DR-1	Application to Collect and/or Report Tax in Florida (r. 08/01 08/00)	6/01
(3) through (4)	No change.	
(5) DR-7	Consolidated Sales and Use Tax Return (r. 01/02 12/99)	6/01
(6)(a) DR-15	Sales and Use Tax Return (r. 01/02 01/01)	6/01
(b) DR-15AW	<u>2002 Sales and Use Tax Worksheet Instructions (r. 01/02)</u>	_____
(c)(b) DR-15CS	Sales and Use Tax Return (r. 01/02 07/00)	6/01
(d)(e) DR-15CSN	DR-15CS Sales and Use Tax Return – Line-by-line Instructions (r. 01/02 07/00)	6/01
(e)(d) DR-15EZ	Sales and Use Tax Return (r. 01/01)	6/01
(f)(e) DR-15EZN	Instructions for DR-15EZ Sales and Use Tax Returns (r. 01/01)	6/01
(f) through (g)	renumbered (g) through (h) No change.	
(i)(h) DR-15MO	Mail Order/Use Tax Return (r. 06/01 09/00)	6/01
(j)(i) DR-15N	Instructions for <u>2002</u> 2001 DR-15 Sales and Use Tax Returns (r. 01/02 01/01)	6/01
(k)(j) DR-15SA	Sales and Use Tax Return [Semi-Annual] (r. 12/01 01/01)	6/01
(l) DR-15SAN	<u>Instructions for Sales and Use Tax Return [Semi-Annual] (r. 12/01)</u>	_____
(k) through (l)	renumbered (m) through (n) No change.	
(7) through (18)(b)	No change.	
(c) DR-231*	Certificate of Exemption for Entertainment Industry Qualified Production Company (n. 01/01)	10/01
(d) through (20)	No change.	

Copies of the agenda for the rule development workshop may be obtained from 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.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda Bridges, Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)488-7157

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.038 Consumer's Certificates of Exemption; Exemption Certificates.

(1) through (4) No change.

(5) SALES EXEMPT BASED ON THE USE OF THE PROPERTY OR SERVICES.

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

2. As provided in subparagraph (a)2. of this subsection, there are other suggested formats for exemption certificates based on the use of the property or services that are provided in other sections of Rule Chapter 12A-1, F.A.C., and in Taxpayer Information Publications (TIPs) issued by the Department. The following is a list of these suggested formats of exemption and the applicable rule section or TIP number that suggests the exemption certificate format. This list is not intended to be an exhaustive list:

a. through k. No change.

l. People Mover Systems and Parts. See Rule 12A-1.094, F.A.C. TIP 00A01-18, dated July 11, 2000.

m. through n. No change.

(6) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 95.091(3), 120.57(1),(2), 120.60(3), 120.80(14), 212.02(14)(c), 212.05(1)(j), 212.06(1)(c), 212.07(1), 212.08(6),(7), 212.085, 212.18(2),(3), 212.21(2) FS. History—Revised 10-7-68, 6-16-72, Amended 9-28-78, 7-20-82, 4-29-85, Formerly 12A-1.38, Amended 8-10-92, 3-17-93, 9-14-93, 12-13-94, 10-2-01,

12A-1.094 Public Works Contracts.

(1) This rule shall govern the taxability of transactions in which contractors manufacture or purchase supplies and materials for use in public works contracts, as that term is referred to in Section 212.08(6), F.S. This rule shall not apply to non-public works contracts for the repair, alteration,

improvement, or construction of real property, as those contracts are governed under the provisions of Rule 12A-1.051, F.A.C. ~~This rule shall also not apply to contractors who entered into road construction contracts during the period from January 1, 1988, through February 11, 1988, and who chose to remit the tax based on 50 percent of the contract price. See Emergency Rule 12AER88-16 for provisions governing such contracts.~~ In applying this rule, the following definitions are used.

(a)1. “Contractor” is one that supplies and installs tangible personal property that is incorporated into or becomes a part who is engaged in the repair, alteration, improvement or construction of public property or a public facility pursuant to a public works contract with a governmental entity exercising its authority in regard to the public property or facility real property. Contractors include, but are not limited to, persons engaged in building, electrical, plumbing, heating, painting, decorating, ventilating, paperhanging, sheet metal, roofing, bridge, road, waterworks, landscape, pier or billboard work. This definition includes subcontractors.

2. “Contractor” does not include one that furnishes tangible personal property that is freestanding and can be relocated with no tools, equipment, or need for adaptation for use elsewhere. For example, a vendor that sells a desk, sofas, chairs, tables, lamps, and art prints for the reception area in a new public building is not a public works contractor even if the sales agreement requires the vendor to place the furniture according to a floor plan, plug in the lamps, and hang the art prints.

3. “Contractor” does not include one that provides tangible personal property that will be incorporated into or become part of a public facility if such property will be installed by another party. If a manufacturer produces the structural steel or the prestressed concrete for a public works project and delivers those steel or concrete products but has not contracted to also install those products, that manufacturer is not a contractor for purposes of this rule. The party that has contracted to install those products into the public facility is a contractor for purposes of this rule, regardless of whether or not that party has also contracted to furnish the items to be installed.

(b) “Governmental entity” includes any agency or branch of the United States government, a state, or any county, or municipality, or political subdivision of a state. The term includes authorities created by statute to operate public facilities using public funds, such as public port authorities or public-use airport authorities.

(c)(b) “Public works” are defined as construction projects for public use or enjoyment, financed and owned by the government, in which private persons undertake the obligation to do a specific piece of work that involves installing tangible personal property in such a manner that it becomes a part of a public facility. The term “public works” is not restricted to the repair, alteration, improvement, or construction of real

property and fixed works, although such projects are included within the term where the sale of tangible personal property is made to or by contractors involved in public works contracts. The following are examples of such Such contracts; shall include, but not be limited to, building, electrical, plumbing, heating, painting, decorating, ventilating, paperhanging, sheet metal, roofing, bridge, road, waterworks, landscape, pier, or billboard contracts.

(d)(e) "Real property" within the meaning of this rule includes all fixtures and improvements to real property. The status of a project as an improvement or affixture to real property will be determined by reference to the definitions contained in Rule 12A-1.051(2), F.A.C. is determined by the objective and presumed intent of the parties, based on the nature and use of the project and the degree of affixation to realty. Mobile homes and other mobile buildings are deemed fixtures if they (1) bear RP license tags, or (2) have the mobile features (such as wheels and/or axles) removed, and are placed on blocks or footings and permanently secured with anchors, tie-down straps or similar devices.

(2) The purchase or manufacture of supplies or materials by the contractor for incorporation into a public works project, whether the purchase or manufacture occurs inside or outside Florida, is taxable to the contractor, since the contractor he is the ultimate consumer of all goods and services used to fulfill a public works contract. Contractors that purchase or manufacture such supplies and materials in Florida are liable for sales tax or use tax on such purchases and manufacturing costs. A contractor that purchases property that may be sold as tangible personal property or may be incorporated into a public works project may purchase such tangible personal property without tax by issuing a copy of the contractor's Annual Resale Certificate and accrue and remit tax upon withdrawing items from inventory for use in a public works contract. Contractors that purchase or manufacture such materials outside the State of Florida are liable for use tax, subject to credit for any sales or use tax lawfully imposed and paid in the state of purchase or manufacture. The applicable tax rate shall be determined on the basis of the invoice date, not the date of the contract, as follows:

(a) ~~If invoiced before February 1, 1988, and delivered within a reasonable period of time the tax rate shall be 5 percent.~~

(b) ~~If invoiced on or after February 1, 1988, the tax rate shall be 6 percent.~~

(3)(a) The purchase or manufacture of tangible personal property for resale to a governmental entity body is exempt from tax provided this exemption shall not include sales of tangible personal property made to or the manufacture of tangible personal property by public works contractors employed either directly or as agents of the United States Government, a state, or any county, municipality, or political subdivision of a state when such tangible personal property

goes into or becomes a part of public works financed or owned by such governmental entities pursuant to a contract between the governmental entity and the contractor furnishing that tangible personal property bodies or political subdivisions.

(b) ~~With regard to contracts with government entities, the exemption in subsection (3)(a) is appropriate only where the levy would otherwise fall on the government itself, or on an agency or instrumentality so closely connected with that government that the two cannot realistically be viewed as separate entities, at least insofar as the activity being taxed is concerned. A finding of exempt status, however, requires something more than the implication of traditional agency notions, so that to resist a state's taxing power, a private taxpayer must actually stand in the government's shoes as a principal, rather than as a contractor employed either directly or as the government's agent. A contractor will not be deemed to actually stand in the government's shoes if the contractor has a substantial independent role in making purchases. Accordingly, the fact that title passes directly to the government and payment is made with government funds, in and of itself, cannot characterize the transaction as an exempt purchase if the purchasing entity, in its role as a purchaser, is sufficiently distinct from the government.~~

(4) The exemption in s. 212.08(6), F.S., subsection (3)(a) is a general exemption for sales made directly to the government. The exception in subsection (2)(a) is a specific exception for sales to contractors. A determination of whether a particular transaction is properly characterized as an exempt sale to a governmental government entity or a taxable sale to or use by a contractor shall be based on the substance of the transaction, rather than the form in which the transaction is cast. The Executive Director or the Executive Director's designee in the responsible program will determine whether the substance of a particular transaction is governed by subsection (2)(a) or is a taxable sale to or use by a contractor or an exempt direct sale to a governmental entity body as provided by subsection (3) of this rule based on all of the facts and circumstances surrounding the transaction as a whole. Special The Executive Director or the Executive Director's designee in the responsible division will give special consideration will be given to factors that which govern the status of the tangible personal property prior to its affixation to real property. The governmental entity must issue its purchase order directly to the vendor supplying the materials the contractor will use and supply the vendor with a copy of the entity's Florida Consumer's Certificate of Exemption. The vendor's invoice must be issued to the governmental entity, rather than to the contractor, and the governmental entity must make payment directly to the vendor using public funds. The entity must take title to and assume the risk of damage or loss of the property at the time of purchase or delivery by the vendor. Such factors include provisions which govern bidding, indemnification, inspection, acceptance, delivery, payment, storage, and assumption of the risk of damage or loss for the

~~tangible personal property prior to its affixation to real property. Assumption of the risk of damage or loss is a paramount consideration. A governmental entity will party may be deemed to have assumed the risk of loss if the governmental entity party either: bears the economic burden of posting a bond or obtaining insurance covering damage or loss; or directly enjoys the economic benefit of the proceeds of such bond or insurance. Other factors that may be considered by the Executive Director or the Executive Director's designee in the responsible division include whether: the contractor is authorized to make purchases in its own name; the contractor is jointly or severally liable to the vendor for payment; purchases are not subject to prior approval by the government; vendors are not informed that the government is the only party with an independent interest in the purchase; and whether the contractors are formally denominated as purchasing agents for the government. Sales made pursuant to so-called "cost plus", "fixed-fee", "lump sum", and "guaranteed price" contracts are taxable sales to the contractor unless it can be demonstrated to the satisfaction of the Executive Director or the Executive Director's designee in the responsible division that such sales are, in substance, tax exempt direct sales to the government.~~

(5) ~~Contractors that who~~ manufacture materials for incorporation into public works shall be liable for tax in the manner provided in Rule 12A-1.051(10), F.A.C.

(6) ~~Contractors that who~~ supply raw materials such as rock, shell, fill dirt, and similar materials for incorporation into public works shall be liable for tax in the manner provided in Rule 12A-1.051(13), F.A.C.

~~(7) Contractors that manufacture and incorporate asphalt into public works projects are liable for tax on their costs, as provided in Rule 12A-1.051(12), F.A.C., subject to a partial exemption, as provided in s. 212.06(1)(c), F.S. Contractors who purchase tangible personal property outside the State of Florida, or inside the State but fail to pay sales tax, and use such property in a public works project shall be presumed to have the beneficial use of such property because the property is being used in furtherance of the contractor's essentially independent commercial enterprise. Accordingly, such contractors shall be liable for the use tax.~~

(8) ~~Contractors that install people mover systems in public works projects are exempt from sales and use tax on their purchases of such systems or components of such systems and on any other costs incurred in the manufacture of such systems that would be taxable under the provisions of Rule 12A-1.051(10), F.A.C.~~

~~(a) A "people mover system" includes wheeled passenger vehicles and related control and power distribution systems that form a transportation system owned by a public entity and used by the general public. The vehicles may be operator-controlled, driverless, self-propelled, or externally powered. They may run on roads, rails, guidebeams, or other permanent structures that are an integral part of the system.~~

~~"Related control and power distribution systems" includes electrical or electronic control or signaling equipment that distributes power or signals from the control center or centers or from the power source throughout the system. Embedded wiring, conduits, or cabling and the roads, rails, guidebeams, or other permanent structures on which the vehicles run are not included within the term "people mover system." A contractor that installs such embedded wiring, conduits, or cabling or that builds such a road, rail, guidebeam, or permanent structure is taxable on the purchase or use of tangible personal property incorporated into the project.~~

~~(b) A people mover system contractor should claim the exemption by providing a vendor with a certificate of entitlement to the exemption. The vendor must maintain copies of certificates until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under s. 95.091, F.S. Possession by a vendor of such a certificate from the purchaser relieves the vendor from the responsibility of collecting tax on the sale, and the Department shall look solely to the purchaser for recovery of tax if it determines that the purchaser was not entitled to the exemption. A suggested form of certificate follows:~~

~~SUGGESTED PURCHASER'S EXEMPTION
CERTIFICATE PEOPLE MOVER SYSTEMS AND PARTS~~

~~(Purchaser's Name) certifies that the tangible personal property purchased on or after _____ (date) will be used as part of a people mover system that will become a part of a publicly owned facility pursuant to a contract with the United States, a state, a county, a municipality, a political subdivision of a state, or the public operator of a public-use airport as defined in s. 332.004, Florida Statutes. Such contract requires Purchaser to purchase the tangible personal property for use in manufacturing, installing, manufacturing and installing, repairing, or maintaining, all or part of a people mover system operated by the governmental entity as a public facility.~~

~~(Purchaser's Name) further certifies: a) that all of the tangible personal property purchased pursuant to this certificate is or will be part of a wheeled passenger vehicle or of related control or power distribution systems that are part of a transportation system for use by the general public; and b) none of the tangible personal property purchased pursuant to this certificate will be used as embedded wiring, conduits, or cabling to transmit signals among the vehicles, control equipment, power distribution equipment, and signaling equipment that make up the people mover system.~~

~~The undersigned understands that if such tangible personal property does not qualify for this exemption, the undersigned will be subject to sales and use tax, interest, and penalties. The undersigned further understands that when any person fraudulently, for the purpose of evading tax, issues to a vendor or to any agent of the state a certificate or statement in writing in which he or she claims exemption from the sales tax, such~~

person, in addition to being liable for payment of the tax plus a mandatory penalty of 200% of the tax, shall be liable for fine and punishment provided by law for conviction of a felony of the third degree, as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

Purchaser's Name (Print or Type)

Signature and Title Date Florida Sales Tax Number

Federal Employer Identification Telephone Number
Number or Social Security Number

Retain in vendor's records. Do not send to the Department of Revenue.

(c) Contractors that maintain an inventory of parts that may be incorporated into people mover system components that are sold as tangible personal property, may be used in performing real property contracts, and may be incorporated into exempt people mover systems pursuant to a public works contract may purchase such inventory parts issuing a copy of the contractor's Annual Resale Certificate in lieu of providing a certification of specific eligibility under the people mover system exemption. If appropriate, tax should be remitted upon subsequent taxable sale or use of such parts.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(4),(49),(14),(15),(16),(19),(20),(21), 212.06(1),(2),(14), 212.07(1), 212.08(6),(7)(bbb), 212.085, 212.14(5), 212.18 (2) FS. History—New 6-3-80, Amended 11-15-82, Formerly 12A-1.94, Amended 1-2-89, 8-10-92,

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
Scope of Rules	12A-17.001
Definitions	12A-17.002
Registration	12A-17.003
Denial, Suspension, or Revocation of Registration	12A-17.004
Forms Used by Public	12A-17.005

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-17.001, F.A.C. (Scope of Rules) is to remove the unnecessary provisions regarding the denial, suspension, or revocation of registration that will be provided in Rule 12A-17.004, F.A.C., as amended.

The purpose of the proposed repeal of Rule 12A-17.002, F.A.C. (Definitions), is to remove the unnecessary recitation of the provision of Chapter 538, F.S.

The purpose of the proposed amendments to Rule 12A-17.003, F.A.C., is to: (1) change the title to "Registration"; and (2) remove the unnecessary recitation of the provisions of Chapter 538, F.S.

The purpose of the substantial rewording of Rule 12A-17.004, F.A.C., is to: (1) change the title to "Denial, Suspension, or Revocation of Registration"; (2) remove the unnecessary recitation of the provisions of Chapter 538, F.S.; and (3) provide guidelines for the denial, suspension, or revocation of a Secondhand Dealer or Secondary Metals Recycler Certificate of Registration consistent with the provisions of Chapter 120, F.S., and Rule Chapters 28-104 and 28-106, F.A.C.

The purpose of the proposed amendments to Rule 12A-17.005, F.A.C., is to: (1) change the title to "Public Use Forms"; (2) incorporate by reference the current registration and renewal registration forms used by the Department for secondhand dealers and secondary metals recyclers; and (3) remove a form that does not meet the definition of a "rule," as provided in s. 120.52(15), F.S., and is not required to be adopted by reference.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is: (1) the proposed removal of unnecessary provisions in Rule Chapter 12A-17, F.A.C.; (2) the proposed procedures to deny an application for, or for the revocation, restriction, or suspension of, a Certificate of Registration as a secondhand dealer or secondary metals recycler; and (3) the incorporation by reference of forms currently used by the Department in the registration of secondhand dealers and secondary metals recyclers.

SPECIFIC AUTHORITY: 120.53(1)(b), 212.17(6), 212.18(2), 213.06(1), 538.03, 538.11 FS.

LAW IMPLEMENTED: 212.02(15), 212.17(4),(6), 538.03, 538.09, 538.11, 538.15, 538.18, 538.22, 538.25, 538.26 FS.

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

TIME AND DATE: 10:00 a.m., February 5, 2002

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

Copies of the agenda for the rule development workshop may be obtained from 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.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ron Gay, Senior Tax Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4723

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-17.001 Scope of Rules.

(1) through (2) No change.

~~(3) All Department action regarding the denial of applications for issuance of, and the revocation, restriction, or suspension of, certificates of registration under this rule, shall be governed by ss. 120.569, 120.57, and 120.60, F.S.~~

~~(4) The applicable provisions of the Uniform Rules of Procedure, Chapters 28-101 through 28-110, F.A.C., shall be the rules of procedure in all department action regarding the denial of applications for issuance, and the revocation, restriction or suspension of a certificate of registration, for secondhand dealers and secondary metals recyclers, except as specifically provided for otherwise herein and in Rule 12-3, F.A.C.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 538.03, 538.09, 538.11, 538.15, 538.18, 538.22, 538.25, 538.26 FS. History—New 3-15-90, Amended 11-14-91, _____.

12A-17.002 Definitions.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 538.03, 538.11 FS. Law Implemented 212.02(15), 538.18 FS. History—New 3-15-90, Amended 11-14-91, 4-18-93, 10-18-93, Repealed _____.

12A-17.003 Registration; ~~Procedures, Requirements.~~

(1)(a) Any person, corporation, or other business entity shall file an Application for Secondhand Dealer or Secondary Metals Recycler Registration (~~form Form DR-1S, incorporated by reference in Rule 12A-17.005, F.A.C.) and be issued a secondhand dealer or secondary metals recycler certificate of registration before engaging in business as a secondhand dealer or secondary metals recycler. One Application for Secondhand Dealer or Secondary Metals Recycler Registration (Form DR-1S), is required shall be filed for each dealer. If a dealer is engaged in business as a secondhand dealer and a secondary metals recycler, a separate Application for Secondhand Dealer or Secondary Metals Recycler Registration (Form DR-1S) must be filed for each type of business. If a secondhand dealer or secondary metals recycler is the owner of more than one business location, the application must list each location owned by the same legal entity. The Department will issue a duplicate Certificate of Registration for each location.~~

~~(b) An applicant must be a natural person 18 years of age or older, or a corporation organized or qualified to do business in the state.~~

~~1. If the applicant is a partnership, all of the partners must make separate application for registration.~~

~~2. If the applicant is a joint venture, association, or other non corporate entity, all members of the joint venture, association, or other non corporate entity must make separate application for registration.~~

3. If the applicant is a corporation, the registration must include the name and address of the corporation's registered agent for service of process in the state.

~~(c)1.a. The Department, upon approval of the application, will issue a duplicate Certificate of Registration (Form DR-11S, incorporated by reference in Rule 12A-17.005, F.A.C.), for each location.~~

~~b. The Department may issue a Temporary Certificate of Registration to each location pending completion of the background check by state and federal law enforcement agencies. The Department shall revoke a temporary registration if the completed background check reveals a prohibited criminal background.~~

~~(b)2- The Certificate of Registration shall not be assignable, and shall be valid only for the person, firm, co-partnership, or corporation to which issued. The certificate shall be displayed conspicuously at all times in the business for which it is issued.~~

~~(c)3- Engaging in business as a secondhand dealer or secondary metals recycler without first obtaining a Certificate of Registration (Form DR-11S) or after such Certificate of Registration has been revoked or suspended by the Department is prohibited.~~

(2) The effective date of the Certificate of Registration (~~Form DR-11S~~) shall be the postmark date of the Application for Secondhand Dealer or Secondary Metals Recycler Registration (~~Form DR-1S~~), if mailed, or the date received by the Department, if delivered by means other than mail.

~~(3)(a) Each Application for Secondhand Dealer or Secondary Metals Recycler Registration (Form DR-1S) shall be accompanied by a registration fee that is equal to the federal and state costs for processing required fingerprints, as billed by the Florida Department of Law Enforcement to the Department of Revenue, which are subject to change from time to time. The applicant shall also pay a fee of \$6 for each location owned by the same legal entity at the time of registration.~~

~~(b) Any person who desires to obtain information on the cost of the registration fee may contact the Department of Revenue, Central Registration, at (850)488-4772 and, for the hearing or speech impaired, TDD at 1-800-367-8331. A written request may be mailed to the following address:~~

~~Department of Revenue
Central Registration
P. O. Box 2096
Tallahassee, Florida 32316-2096~~

~~(4)(a) Except as provided in paragraph (b) each applicant shall submit with each Application for Secondhand Dealer or Secondary Metals Recycler Registration (Form DR-1S):~~

- ~~1. A complete set of the applicant's fingerprints, certified by an authorized law enforcement officer; and~~
- ~~2. A photocopy of a recent fullface photographic personal identification card of the applicant.~~

(b) If the applicant is a corporation, the applicant shall submit with each Application for Secondhand Dealer or Secondary Metals Recycler Registration (Form DR-1S):

1. A certified copy of statement from the Florida Secretary of State, Bureau of Corporate Records, Tallahassee, Florida, that the corporation is organized in the state; or

2. If the corporation is organized in a state other than Florida, a certified copy of statement from the Florida Secretary of State, Bureau of Corporate Records, Tallahassee, Florida, that the corporation is qualified to do business in this state.

(3)(5) Each person who holds a Certificate of Registration (Form DR-11S) shall annually file an Application for Renewal of Secondhand Dealer or Secondary Metals Recycler Registration (form ~~Form~~ DR-1SR, incorporated by reference in Rule 12A-17.005, F.A.C.) and pay an annual renewal fee of \$6 per location. Each renewal fee is payable on October 1 of each year.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 538.11 FS. Law Implemented 212.17(4), 538.09, 538.11, 538.25, 538.26 FS. History—New 3-15-90, Amended 11-14-91, 4-18-93, 10-18-93, 10-17-94, 3-20-96, _____.

(Substantial Rewording of Rule 12A-17.004 follows. See Florida Administrative Code for present text.)

12A-17.004 Denial, Fines; Suspension, or Revocation of Registration.

(1) The Department may deny an applicant for registration as a secondhand dealer or revoke, restrict, or suspend a Certificate of Registration, as provided in s. 538.09(5), F.S. The Department may deny an applicant for registration as a secondary metals recycler or revoke, restrict, or suspend a Certificate of Registration, as provided in s. 538.25(4) and (5), F.S.

(2) Pursuant to the requirements of s. 120.60, F.S., the Department will notify an applicant for registration as a secondhand dealer who fails to meet the requirements of s. 538.09, F.S., or an applicant for registration as a secondary metals recycler who fails to meet the requirements of s. 538.25, F.S., when it intends to deny the application for registration by issuing a Notice of Intent to Deny. The Notice of Intent to Deny notifies the applicant of the Department's intended action and the facts and legal authority that support the intended action.

(3) Pursuant to the requirements of s. 120.60, F.S., the Department will commence the revocation, restriction, or suspension of a secondhand dealer's or secondary metals recycler's Certificate of Registration by issuing the dealer or recycler and its respective business associates an Administrative Complaint. The Administrative Complaint notifies the dealer or recycler and the respective associates of the Department's intended action and the facts and legal authority that support the intended action.

(4)(a) In order to challenge the denial of an application for registration, or the revocation, restriction, or suspension of a Certificate of Registration as a secondhand dealer or secondary metals recycler, the applicant receiving a Notice of Intent to Deny or a dealer or recycler receiving an Administrative Complaint must request an administrative hearing under the provisions of ss. 120.569 and 120.57, F.S., pursuant to Rule Chapter 28-106, F.A.C.

(b) The Request for Hearing must contain the information provided in Rule Chapter 28-104, F.A.C., and must be delivered to:

Office of the General Counsel
Department of Revenue
501 South Calhoun Street
Post Office Box 6668
Tallahassee, Florida 32314-6668.

Specific Authority 120.53(1)(b), 212.17(6), 212.18(2), 213.06(1), 538.11 FS. Law Implemented 538.09, 538.25 FS. History—New 3-15-90, Amended 11-14-91, 4-18-93, 3-20-96, _____.

12A-17.005 Forms Used by Public.

The ~~In addition to the forms prescribed in Chapter 12A-1, F.A.C.,~~ the following public-use forms and instructions are employed by the Department in its dealings with the public in administering Ch. 538, F.S., and are 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, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or 2) faxing the Forms Distribution Center at (850)922-2208 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 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 800 352 3671 (in Florida only) or (850)488-6800 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/sun6.dms.state.fl.us/dor/>). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 1 800 367 8331.

Form Number	Title	Effective Date
(1) DR-1S	Application for Secondhand Dealer or Secondary Metals Recycler Registration (R. 09/00 07/94)	___ 10/94
(2) DR-11S	Certificate of Registration Issued Pursuant to Chapter 538, Florida Statutes (R. 10/91)	10/91

~~(2)(3)~~ DR-1SR Renewal Application for
Renewal of Secondhand
 Dealer or Secondary Metals
Recycler Registration
 (R. ~~08/00 03/93~~) _____ 03/93

Specific Authority 212.17(6), 212.18(2), 213.06(1), 538.11 FS. Law
 Implemented 212.17(6), 212.18(2), 213.06(1), 538.09, 538.11, 538.25 FS.
 History—New 3-15-90, Amended 11-14-91, 4-18-93, 10-17-94, _____.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: **RULE CHAPTER NO.:**
 Railroad/Utilities Installation 14-46
 or Adjustment

RULE TITLE: **RULE NO.:**
 Utilities Installation or Adjustment 14-46.001

PURPOSE AND EFFECT: The proposed amendment to Rule 14-46.001 is to incorporate by reference a revised *Utility Accommodation Manual* and revised Utility Permit form. The proposed revisions are the result of internal and industry requests during the biennial review. Requests for changes and clarifications of processes were received from the Department’s Construction, Design, and Maintenance Offices. Other changes have been made to keep up with technology, or to reduce the cost of infrastructure management as a result of utility use of the rights of way. This revision reflects improved good business practices.

SUBJECT AREA TO BE ADDRESSED: The proposed amendment to Rule 14-46.001 is to incorporate by reference a revised *Utility Accommodation Manual* and revised Utility Permit form. The proposed revisions are the result of internal and industry requests during the biennial review. Copies of the draft revised *Utility Accommodation Manual* and revised Utility Permit form are available from the FDOT and will be furnished at the workshop.

SPECIFIC AUTHORITY: 334.044(2) FS.
 LAW IMPLEMENTED: 316.006, 334.044, 335.02, 337.401, 337.402, 337.403, 337.405, 339.05 FS.

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

TIME AND DATE: 1:00 p.m. February 6, 2002
 PLACE: Hilton – Ocala, 3600 S. W. 36 Avenue, Ocala, FL

NOTE: The workshop is intended to be a joint industry and Department of Transportation Executive Workshop review.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-46.001 Utilities Installation or Adjustment.

(1) Purpose. This ~~rule policy~~ is established to regulate the location and manner for installation and adjustment of utility facilities on any FDOT ~~right of way~~ right-of-way, in the interest of safety and the protection, utilization, and future development of ~~such rights of way~~ these rights-of-way, with due consideration given to public service afforded by adequate and economical utility installations, and to provide procedures for the issuance of permits.

(2) Authorization by the FDOT Required. No person shall enter upon any ~~right of way~~ right-of-way under the jurisdiction of ~~the~~ FDOT to construct, alter, operate, maintain, or relocate any utility installation without first being issued a permit to do so, except as otherwise noted in the FDOT’s *Utility Accommodation Manual*.

(3) Permits.

(a) The FDOT will issue permits for the construction, alteration, operation, relocation, and maintenance of utilities upon the ~~right of way~~ right-of-way in conformity with the FDOT’s *Utility Accommodation Manual*, January ~~2002~~ 1999 edition, FDOT Document No. 710-020-001-~~ed~~, which is hereby incorporated by reference and made part of this rule, and which supersedes all previous editions. Copies of this document are available from the FDOT Maps and Publication Sales, 605 Suwannee Street, Mail Station 12, Tallahassee, Florida 32399-0450.

(b) The Utility Permit, FDOT Form 710-010-85, Rev. ~~01/02~~ 04/99, is incorporated herein by reference. Copies of FDOT Form 710-010-85, Rev. ~~01/02~~ 04/99, are available from the State Utility Engineer at 605 Suwannee Street, Mail Station 32, Tallahassee, Florida 32399-0450, or the District Maintenance Engineer’s Office in each of the Department’s districts.

(4) Reimbursement Conditions (Other than Interstate).

(a) The FDOT will not reimburse any utility for adjustment, relocation, or removal of existing utilities where the utility is located on public ~~right of way~~ right-of-way or other areas dedicated for public use.

(b) The FDOT will reimburse a utility for the relocation, adjustment, or removal of its facilities as a result of a FDOT construction project, where the utility’s facilities are located on property in which the utility holds a compensable property interest.

(5) Reimbursement Conditions (Interstate). If relocation of utility facilities is required by construction of a project on the Federal-Aid Interstate System and the cost of such project is financed by the federal government under the Federal-Aid Highway Act, ~~the~~ FDOT will reimburse the expense of utility relocation which qualifies for reimbursement under Section 337.403(1)(a), Florida Statutes, and is subject to the provisions

of 23 C.F.R., Part 645. Copies of these federal regulations are available from the FDOT Maps and Publication Sales, 605 Suwannee Street, Mail Station 12, Tallahassee, Florida 32399-0450.

(6) Calculation of State Cost Participation. When the utility is eligible for any reimbursement from the FDOT, state participation will be based on the cost of making the required change in the utility after deducting any resulting increase in the value of the new utility and any salvage value derived from the old utility, and otherwise as fixed by FDOT Procedure, Utility Relocation Costs, No. 710-010-030-b, effective May 19, 1989, which is hereby incorporated by reference and made a part of these rules. Copies of this document are available from the FDOT Maps and Publication Sales, 605 Suwannee Street, Mail Station 12, Tallahassee, Florida 32399-0450.

(7) Cost Development and Reimbursement. Reimbursement by the FDOT for any eligible utility work will be based upon an executed utility agreement between the FDOT and the utility, authorizing the work of adjusting or relocating utility facilities. Reimbursement for utility work involving Federal-Aid Participation will be subject to the provisions of 23 C.F.R., Part 645.

(8) Utilities Liaison. FDOT will coordinate its advance planning of highway projects with the affected utilities to facilitate the relocation of the utility.

Specific Authority 334.044(2) FS. Law Implemented 316.006, 334.044, 335.02, 337.401, 337.402, 337.403, 337.405, 339.05 FS. History—New 5-13-70, Amended 8-10-78, 7-22-82, Formerly 14-46.01, Amended 7-5-90, 6-8-93, 8-30-99,_____.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
FDOT Prepaid Escrow Accounts	14-114
RULE TITLES:	RULE NOS.:
Purpose	14-114.001
Prepaid Escrow Accounts	14-114.0011
Definitions	14-114.002
Initial Application	14-114.003
Processing of the Application	14-114.004
Monthly Billing	14-114.005
Termination	14-114.006
Forms	14-114.007

PURPOSE AND EFFECT: A revised Account Bond form, DOT Form Number 350-060-08, and Prepaid Escrow Account Application, DOT Form Number 350-060-10, are incorporated by reference. In addition, the rule chapter is restructured to repeal the individual rules and to adopt a new rule which includes the text of the previous individual rules. Further, the rule is revised as to definitions, grammar, and organization. The net result will be a single rule to replace the previous seven rules.

SUBJECT AREA TO BE ADDRESSED: A revised Account Bond form is incorporated by reference. In addition, the rule chapter is restructured to repeal the individual rules and to adopt a new rule which includes the text of the previous individual rules.

SPECIFIC AUTHORITY: 334.044(2), 334.187(4) FS.

LAW IMPLEMENTED: 334.187 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

CHAPTER 14-114

~~RULES FOR THE USE OF~~ FDOT PREPAID ESCROW ACCOUNTS

14-114.001 Purpose.

Specific Authority 334.044(2), 334.187(4) FS. Law Implemented 334.187 FS. History—New 10-11-94, Repealed_____.

14-114.0011 Prepaid Escrow Accounts.

(1) This rule establishes the procedures for the use of prepaid escrow accounts for purchases of materials and documents from the Department. Materials and documents which may be purchased are: contract bidding documents, plans, maps, standard specifications for road and bridge construction, bid tabulations, photostatic or certified copies of documents, manuals, aerial photography and photolab reproductions, permits for overweight/overdimensional fees, and other similar items.

(2) Definitions.

(a) "Account" means a prepaid escrow account.

(b) "Account Holder" means anyone who has an active approved application for a commercial, Florida Government, other government, state agency, or individual account.

(c) "Commercial Account" means any prepaid escrow account used in the furtherance of trade or commerce by a business.

(d) "Department" means the Florida Department of Transportation.

(e) "Florida Governmental Account" means a prepaid escrow account of any local governmental entity, as defined in Section 334.03(14), Florida Statutes, and any public body as defined in Section 1.01(8), Florida Statutes.

(g) “Individual Account” means an account other than a Commercial, Florida Governmental, Other Governmental, or State Agency prepaid escrow account.

(h) “Other Governmental Account” means an account used by a unit or subdivision of the federal government or state government, other than those otherwise defined herein.

(i) “Prepaid Escrow Account” means the accounts specifically defined herein which are established for the purpose of allowing customers of the Department to make purchases without payment at the time of transaction.

(j) “Security Deposit” means a combination of cash and account bond required to guarantee payment.

(k) “State Agency Account” means a prepaid escrow account issued to those agencies included in Section 20.03(2), Florida Statutes, the Office of the Governor, the Cabinet, and all Cabinet agencies.

(3) Initial Application. Application for a Prepaid Escrow Account with the Department will be made by submitting a Prepaid Escrow Account Application, Department of Transportation Form 350-060-10, R. 01/02, and the appropriate deposit as set forth in 14-114.004(4)(b) to the Florida Department of Transportation, Office of Comptroller, Cashier, 3717 Apalachee Parkway East, Tallahassee, Florida 32311-3400.

(4) Processing of the Application.

(a) Approval. The Florida Department of Transportation Office of Comptroller will review all applications for accuracy and completeness before processing. Upon completion of the review and approval, each approved application will be assigned a numeric account number by the Office of Comptroller for entry into the Department accounts receivable records, and for monthly billing purposes. An executed copy of the application will be returned to the applicant, who is then an account holder.

(b) Security Deposit. An account will not be approved until the required security deposit has been received and approved by the Department. With the exception of State Agency Accounts, the required security deposit for each account is \$300.00, or three times the estimated monthly usage, whichever is greater. Deposits for Commercial Accounts, Other Governmental Accounts, and Individual Accounts may be made in cash for the full amount of the required security deposit, or with \$300.00 cash and the remainder by account bond. Deposits for Florida Governmental Accounts may be made with a purchase order to the Department up to an amount of \$10,000.00, and the remainder by cash or account bond; or a cash deposit for the full amount of the required security deposit; or with a \$300.00 cash deposit and the remainder by account bond. All account bonds must be on the Account Bond, Department of Transportation Form 350-060-08, R. 01/02. State Agency Accounts will not require security deposits unless the agency fails to pay the account in compliance with Section 215.422,

Florida Statutes. If a State Agency Account holder fails to pay as required, the Department will require the same security deposit for the State Agency Account as for an Other Governmental Account.

(c) Increase in Deposit. If, after establishment of an account, actual monthly usage exceeds estimated monthly usage, the deposit must be increased to equal the sum of the three highest months’ usage in the last 12 month period. If the account has been established for less than three full months, the usage will be based on the period the account has been in use. The Department will notify the account holder in writing of the increase in the security deposit required. Failure to increase the security deposit to the proper level within 30 days of receipt of the notification will cause immediate loss of account usage privileges until the required security deposit is received by the Department. If the required security deposit is not increased within an additional 15 days, the account will be terminated.

(d) Suspension of Account. If usage in any one month exceeds the amount of the security deposit, all account privileges will immediately be suspended until the security deposit is increased in conformance with 14-114.0011(4)(c). Additionally, if at any time the total unpaid balance on the account exceeds the amount of the security deposit, all account privileges will immediately be suspended until the security deposit is increased in conformance with 14-114.0011(4)(c).

(5) Monthly Billing. A monthly billing is prepared and mailed to the account holder. If an account is not paid in full within 30 days of the date of the billing, the account becomes past due. If not paid within 15 days of becoming past due, a suspension notice will be issued and the account holder will be refused account privileges. If the account is not paid within 15 days of the date of the suspension notice, the account will be terminated.

(6) Termination. The Department or the account holder may terminate the account for any reason. When an account is terminated, outstanding purchases will be deducted from the balance of the account holder’s deposit. If there are not sufficient funds in the account to cover outstanding purchases, the account holder will be notified of the funds due. The account holder must pay all sums due within 30 days of the termination notification. If payment is not received, the Department will pursue collection of any amounts owed. Any funds remaining in the account holder’s account in excess of the outstanding purchases will be refunded to the account holder upon verification that all amounts due have been paid. When an account has been terminated for non-payment the account holder will not be eligible to apply for a Prepaid Escrow Account for a period of one year after the date of termination. Upon the second termination of an account for non-payment, the applicant will no longer be eligible for a Prepaid Escrow Account with the Department.

(7) Forms. The following forms, which are incorporated by reference and made a part of these rules, are to be used by the applicants for Prepaid Escrow Accounts:

Form Number	Date	Title
350-060-10	01/02	Prepaid Escrow Account Application
350-060-08	01/02	Account Bond

These forms may be obtained from the Department of Transportation, Office of the Comptroller, Accounts Receivable Section, 3717 Apalachee Parkway East, Tallahassee, Florida 32311-3400.

Specific Authority 334.044(2), 334.187(4) FS. Law Implemented 334.187 FS. History—New _____.

14-114.002 Definitions.

Specific Authority 334.044(2), 334.187(4) FS. Law Implemented 334.187 FS. History—New 10-11-94, Repealed _____.

14-114.003 Initial Application.

Specific Authority 334.044(2), 334.187(4) FS. Law Implemented 316.550, 334.187 FS. History—New 10-11-94, Repealed _____.

14-114.004 Processing of the Application.

Specific Authority 334.044(2), 334.187(4) FS. Law Implemented 334.187, 339.2815 FS. History—New 10-11-94, Repealed _____.

14-114.005 Monthly Billing.

Specific Authority 334.044(2), 334.187(4) FS. Law Implemented 334.187, 339.2815 FS. History—New 10-11-94, Repealed _____.

14-114.006 Termination.

Specific Authority 334.044(2), 334.187(4) FS. Law Implemented 334.187 FS. History—New 10-11-94, Repealed _____.

14-114.007 Forms.

Specific Authority 334.044(2), 334.187(4) FS. Law Implemented 283.30, 316.550, 334.187 FS. History—New 10-11-94, Repealed _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE CHAPTER TITLE: Florida College Savings Program RULE CHAPTER NO.: 19B-15

PURPOSE AND EFFECT: To establish rules to implement and administer the Florida College Savings Program pursuant to Section 240.553, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Florida College Savings Program.

SPECIFIC AUTHORITY: 240.553(6)(a) FS.

LAW IMPLEMENTED: 240.553 FS.

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

TIME AND DATE: 2:00 p.m., February 1, 2002

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Nepotism RULE NO.: 33-208.302

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to implement the provisions of s. 945.0311, F.S., which allows the Department of Corrections to prohibit employment of relatives in positions in which one employee would be in the line of authority over the other or in a supervisory position over the other.

SUBJECT AREA TO BE ADDRESSED: Employment of relatives.

SPECIFIC AUTHORITY: 112.3135, 944.09, 945.0311 FS.

LAW IMPLEMENTED: 112.3135, 944.09, 945.0311 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:

33-208.302 Nepotism.

(1) For the purposes of this rule, the following definitions shall apply:

(a) Employee – where used herein, refers to an individual employed by the Florida Department of Corrections.

(b) Hiring Authority – where used herein, refers to the secretary or his designee.

(c) Line of Authority – where used herein, refers to any position having supervisory authority within the direct chain of command or supervisory path that organizationally links any position in the department.

(d) Relative – where used herein, refers to the following familial relationship between employees:

1. Aunt: The sister of one’s father or mother; however, the wife of one’s uncle is not one’s aunt;

2. Brother: A male born from the same father and mother;

3. Brother-In-Law: The brother of one’s wife or husband, also the husband of one’s sister;

4. Daughter: An immediate female descendant, includes an adopted female child;

5. Daughter-In-Law: The wife of one's son;

6. Father: The male parent, includes the adopting father;

7. Father-In-Law: The father of one's wife or husband;

8. First Cousin: The child of one's aunt or uncle;

9. Half-Brother: A male who has the same mother, but different father; or the same father, but different mother;

10. Half-Sister: A female who has the same mother, but different father; or the same father, but different mother;

11. Husband: A married man (correlative of wife);

12. Grandfather: The male parent of one's mother or father;

13. Grandmother: The female parent of one's mother or father;

14. Mother: The female parent, includes adopting mother;

15. Mother-In-Law: The mother of the one's wife or husband;

16. Nephew: The son of one's brother or sister;

17. Niece: The daughter of one's brother or sister;

18. Sister: A female born from the same father and mother;

19. Sister-In-Law: The sister of one's wife or husband, also the wife of one's brother;

20. Son: An immediate male descendant, includes an adopted male child;

21. Son-In-Law: The husband of one's daughter;

22. Stepbrother: One's stepparent's son by a former marriage/relationship;

23. Stepdaughter: The daughter of one's wife or husband by a former marriage or relationship;

24. Stepfather: The man who has married one's mother after the death of or divorce from one's father;

25. Stepmother: The woman who has married one's father after the death of or divorce from one's mother;

26. Stepsister: One's stepparent's daughter by a former marriage or relationship;

27. Stepson: The son of one's wife or husband by a former marriage or relationship;

28. Uncle: The brother of one's father or mother; however, the husband of an employee's aunt is not one's uncle;

29. Wife: A married woman (correlative of husband).

(e) Supervisory-Subordinate Relationship – where used herein, refers to a hierarchical arrangement within the department between employees where:

1. One employee has the authority by law, rule, regulation or delegation to appoint, employ, promote or advance, discharge, assign, reward, rate or discipline another employee or to effectively recommend such actions; or

2. One employee is in a position of line of authority over other employee.

(f) Unit – where used herein, refers to a work section within the department that has overall responsibility for:

1. A specific function in an institution (e.g., security);

2. Programmatic responsibility for a specific function within the central office (a bureau or equivalent); or

3. A work release center, probation and parole circuit office or field office, or probation and restitution center. A road prison, forestry camp or drug treatment center is a separate, stand alone unit.

(2) The employment of relatives in positions in which one employee would be in the line of authority over the other or under the direct supervision of the other is prohibited. The hiring authority shall be responsible for strictly prohibiting work assignments that will violate this rule among employees who are relatives.

(3) If employees in supervisory-subordinate relationships marry or otherwise become relatives, the hiring authority shall act to sever the conflicting work relationship. The hiring authority shall direct that for one or more related employees the following occur:

(a) Reassignment;

(b) Demotion;

(c) Termination; or

(d) Retirement.

(4) In the interest of security, effective management and to the extent possible, when relatives are assigned to the same unit (but not in a supervisory-subordinate relationship), the hiring authority shall assign the relatives to different shifts or areas unless an exception is granted pursuant to subsection (5) below.

(5) When circumstances exist where the employment of relatives in a capacity prohibited by this rule is beneficial to the department, the hiring authority shall make requests for such exceptions to the secretary.

Specific Authority 112.3135, 944.09, 945.0311 FS. Law Implemented 112.3135, 944.09, 945.0311 FS. History–New

DEPARTMENT OF CORRECTIONS

RULE TITLE:

Visiting – Forms

RULE NO.:

33-601.737

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise forms used in conjunction with approval for inmate visiting.

SUBJECT AREA TO BE ADDRESSED: Inmate visiting.

SPECIFIC AUTHORITY: 944.09, 944.115, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.115, 944.23, 944.8031 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.737 Visiting – Forms.

The following forms are hereby incorporated by reference. A copy of any of these forms is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

- (a) through (b) No change.
- (c) DC6-111A, Request for Visiting Privileges, effective November 18, 2001.
- (d) through (e) No change.
- (f) DC6-111D, CVA Visitor Screening Matrix, effective November 18, 2001.

Specific Authority 944.09, 944.115, 944.23 FS. Law Implemented 944.09, 944.115, 944.23, 944.8031 FS. History–New 11-18-01, Amended.

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

RULE TITLES:	RULE NOS.:
Reporting Instructions	59B-13.001
Definitions	59B-13.002
Uniform Data Specifications	59B-13.003
Uniform Publication Format	59B-13.006

PURPOSE AND EFFECT: The proposed rule amendments require that health maintenance organizations report data to the agency that are indicators of access and quality of care for Florida members who are enrolled in the State Children’s Health Insurance Program as defined in the rule. The proposed rule amendments explicitly state that all Medicaid, SCHIP or Medicaid indicators are to be reported annually. The proposed rule amendments require that health maintenance organizations report chlamydia screening data to the agency. The proposed rule amendments eliminate the reporting of percentage of pharmacy benefits. The proposed rule amendments modify the format for publication of health maintenance indicator data to include a notation that the health plan is new or small and to delete the required publication of upper and lower confidence intervals. The proposed rule amendments specify that the reporting format include a space or tab between each data elements and eliminate leading zeros for specified data elements.

SUBJECT AREA TO BE ADDRESSED: Health maintenance organizations are required to release to the agency data that are indicators of access and quality of care. The agency is developing rule amendments modifying data reporting procedures for these indicators as required by s. 641.51(9), Florida Statutes.

SPECIFIC AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 641.51(9), 408.061, 408.063(2), 408.08(5), 408.15(11) FS.

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

TIME AND DATE: 10:00 a.m., February 12, 2002

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59B-13.001 Reporting Instructions.

- (1) No change.
- (2) Beginning with calendar year 1999 data, each health maintenance organization shall submit indicator data for each calendar year period no later than October 1 of the following year. The amendments appearing herein are effective beginning with calendar year 2002 data.
- (3) through (7) No change.

Specific Authority 408.15(8) FS. Law Implemented 641.51(9) ~~641.51(8)~~, 408.061, 408.063(2), 408.08(5), 408.15(11) FS. History–New 6-27-00, Amended.

59B-13.002 Definitions.

- (1) through (3) No change.
- (4) “SCHIP” means State Children’s Health Insurance Program. As used in Rules 59B-13.001 through 59B-13.006, SCHIP excludes Medicaid patients.

Specific Authority 408.15(8) FS. Law Implemented 641.51(9), ~~641.51(8)~~, 408.061, 408.063(2), 408.08(5), 408.15(11) FS. History–New 6-27-00, Amended.

59B-13.003 Uniform Data Specifications.

(1) Each health maintenance organization shall submit Florida member data for each indicator of access or quality of care listed in (a) through ~~(z)~~^(z) below as required by the HEDIS rotation schedule for the calendar year. Indicators not referenced in the HEDIS rotation schedule, and all Medicaid, SCHIP or Medicare indicator data must be reported annually. For each indicator, use the HEDIS specifications for the calendar year of data to be reported.

- (a) Indicator 001 – Breast cancer screening. Required for Medicaid, commercial, and Medicare patients.
- (b) Indicator 002 – Cervical cancer screening. Required for Medicaid and commercial patients.
- (c) Indicator 003 – Prenatal care in the first trimester. Required for Medicaid, SCHIP, and commercial patients.
- (d) Indicator 004 – Controlling high blood pressure. Required for Medicaid, commercial, and Medicare patients.

(e) Indicator 005 – Beta blocker treatment after a heart attack. Required for Medicaid, commercial, and Medicare patients.

(f) Indicator 006 – Diabetes care, lipid profile performed. Required for Medicaid, commercial, and Medicare patients.

(g) Indicator 007 – Diabetes care, lipids controlled. Required for Medicaid, commercial, and Medicare patients.

(h) Indicator 008 – Diabetes care, dilated eye exam performed. Required for Medicaid, commercial, and Medicare patients.

(i) Indicator 009 – Diabetes care, kidney disease monitored. Required for Medicaid, commercial, and Medicare patients.

(j) Indicator 010 – Use of appropriate medications for people with asthma, 5 to 9 year-olds. Required for Medicaid, SCHIP, and commercial patients.

(k) Indicator 011 – Use of appropriate medications for people with asthma, 10 to 17 year-olds. Required for Medicaid, SCHIP, and commercial patients.

(l) Indicator 012 – Use of appropriate medications for people with asthma, 18 to 56 year-olds. Required for Medicaid and commercial patients.

(m) Indicator 013 – Use of appropriate medications for people with asthma, combined. Required for Medicaid, SCHIP, and commercial patients.

(n) Indicator 014 – Antidepressant medication management, optimal practitioner contacts for medication management. Required for Medicaid, commercial, and Medicare patients.

(o) Indicator 015 – Antidepressant medication management, effective acute phase treatment. Required for Medicaid, commercial, and Medicare patients.

(p) Indicator 016 – Antidepressant medication management, effective continuation phase treatment. Required for Medicaid, commercial, and Medicare patients.

(q) Indicator 017 – Well-child visits in the first 15 months of life, zero visits. Required for Medicaid, SCHIP, and commercial patients.

(r) Indicator 018 – Well-child visits in the first 15 months of life, one visit. Required for Medicaid, SCHIP, and commercial patients.

(s) Indicator 019 – Well-child visits in the first 15 months of life, two visits. Required for Medicaid, SCHIP, and commercial patients.

(t) Indicator 020 – Well-child visits in the first 15 months of life, three visits. Required for Medicaid, SCHIP, and commercial patients.

(u) Indicator 021 – Well-child visits in the first 15 months of life, four visits. Required for Medicaid, SCHIP, and commercial patients.

(v) Indicator 022 – Well-child visits in the first 15 months of life, five visits. Required for Medicaid, SCHIP, and commercial patients.

(w) Indicator 023 – Well-child visits in the first 15 months of life, six or more visits. Required for Medicaid, SCHIP, and commercial patients.

(x) Indicator 024 – Well-child visits in the third, fourth, fifth and sixth year of life. Required for Medicaid, SCHIP, and commercial patients.

(y) Indicator 025 – Adolescent well-care visits. Required for Medicaid, SCHIP, and commercial patients.

(z) Indicator 026 – Chlamydia screening in women. Required for Medicaid, SCHIP, and commercial patients.

(2) Each health maintenance organization shall report the following data elements for each of the required indicators in (1) above and report the indicator data separately for each product line required in (1) above, as described below:

(a) through (c) No change.

(d) Product line – The product line represented by the data:

1. Medicare – Use code 01 to indicate that the product line is Medicare.

2. Medicaid – Use code 02 to indicate that the product line is Medicaid.

3. Commercial – Use code 03 to indicate that the product line is commercial.

4. SCHIP – Use code 4 to indicate that the product line is SCHIP as defined in Rule 59B-13.002.

(e) through (m) No change.

~~(n) Percentage with pharmacy benefits – Number of members in the denominator for which the health maintenance organization manages or provides pharmacy benefits. Leave blank (zero fill) if the indicator is not indicators 010 through 013.~~

(3) Each health maintenance organization shall report indicator data in the following format with a space or tab between each data element listed below, starting a new line with each sequence of data elements (a) through (m) formats:

(a) through (e) No change.

(f) Eligible member population – Number of digits required. ~~Eight digits, right justified. Zero fill leading digits.~~

(g) Sample size – Number of digits required. ~~Eight digits, right justified. Zero fill leading digits.~~

(h) Denominator – Number of digits required. ~~Eight digits, right justified. Zero fill leading digits.~~

(i) Number of numerator events – Number of digits required. ~~Eight digits, right justified. Zero fill leading digits.~~

(j) Number of substitute records – Number of digits required. ~~Eight digits, right justified. Zero fill leading digits.~~

(k) through (m) No change.

~~(n) Percentage with pharmacy benefits—Five digits with two decimal places required, right justified. Zero fill leading digits. Include decimal. Use the format: xxx.xx where x represents any digit and xxx.xx is a value between 0 and 100.00.~~

Specific Authority 408.15(8) FS. Law Implemented 641.51(9), 641.51(8), 408.061, 408.063(2), 408.08(5), 408.15(11) FS. History—New 6-27-00, Amended _____.

59B-13.006 Uniform Publication Format.

(1) The agency shall publish the following indicator data for each indicator no less frequently than every two years:

- (a) Health maintenance organization name;
- (b) Calendar year of data;
- (c) Type of product line;
- (d) Rate;

(e) Notation that the health plan is new or small (not measurable) if applicable. ~~Upper and lower confidence interval.~~

(2) In each publication of indicator data, the agency shall include a title and a summary description of the indicator.

Specific Authority 408.15(8) FS. Law Implemented 641.51(9), 641.51(8), 408.061, 408.063(2), 408.08(5), 408.15(11) FS. History—New 6-27-00, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLES:	RULE NOS.:
Definitions	61B-15.0001
Definitions for Filings and Documents	61B-15.0011
Forms	61B-15.0012
Developer, Association, Defined	61B-15.007

PURPOSE AND EFFECT: The purpose of the rule amendments is to remove or update outdated cross-references; clarify and streamline existing language; and add language to facilitate electronic transactions and successor developer filings.

SUBJECT AREA TO BE ADDRESSED: The proposed rules would reorganize and update the forms and definitions section, add definitions related to electronic filings, and facilitate future department changes pertaining to treatment of forms.

SPECIFIC AUTHORITY: 718.501, 718.501(1)(f), 718.502(1)(c) FS.

LAW IMPLEMENTED: 718.103, 718.103(2),(11),(14),(17), 718.106(2), 718.502, 718.503, 718.504 FS.

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

TIME AND DATE: 10:00 a.m. – 3:00 p.m., February 28, 2002
PLACE: Conference Room B03, Fuller Warren Building, 202 Blount Street, Tallahassee, Florida

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

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLES:	RULE NOS.:
Developer, Filing	61B-17.001
Procedure for Filing	61B-17.002
Phase Condominium Filing	61B-17.003
Examination of Documents	61B-17.005
Filing and Examination of Amendments to Documents	61B-17.006
Alternative Assurances	61B-17.009
Delivery of Documents Via Alternative Media	61B-17.011

PURPOSE AND EFFECT: The purpose of the rules is to remove or update outdated cross-references; clarify and streamline existing language; and add language to facilitate electronic transactions and successor developer filings.

SUBJECT AREA TO BE ADDRESSED: The proposed rules would conform to proposed changes to Chapter 61B-15 relating to forms and definitions; remove redundant or outdated references; add language to permit the use of a certificate of identical documents to avoid the need for a successor developer to re-file documents already filed with the division; add language to clarify the treatment of successor developer filings; clarify requirements relating to phase condominium filings; remove the requirement for a form acceptance letter prior to the developer beginning sales; limit the number of extensions a developer may request during the review process; change all the review periods to calendar days instead of business days; update definitions relating to amendments; and add language to specify a partial list of nonmaterial amendments; update language relating to alternative assurances; add a rule relating to treatment of “alternative media” (electronic and other forms of filing and dissemination to purchasers); provide disclosure needed to

inform purchasers of systems requirements related to their ability to review the alternative media; and make other changes related to the referenced subject areas.

SPECIFIC AUTHORITY: 718.501, 718.501(1)(f), 718.502(1)(c) FS.

LAW IMPLEMENTED: 718.103(14), 718.104, 718.104(4)(f),(i), 718.202, 718.202(1), 718.301, 718.403, 718.403(1)-(7), 718.501, 718.501(1)(d)2., 718.502, 718.503, 718.503(2), 718.504, 718.504(20) FS.

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

TIME AND DATE: 10:00 a.m. – 3:00 p.m., February 28, 2002

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLE: Receipt for Condominium Documents RULE NO.: 61B-18.004

PURPOSE AND EFFECT: The purpose of the rules is to remove or update outdated cross-references; clarify and streamline existing language; and add language to facilitate electronic transactions and successor developer filings.

SUBJECT AREA TO BE ADDRESSED: The proposed rules would remove redundant language related to the form receipt for condominium documents.

SPECIFIC AUTHORITY: 718.501(1)(f) FS.

LAW IMPLEMENTED: 718.502, 718.503, 718.504 FS.

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

TIME AND DATE: 10:00 a.m. – 3:00 p.m., February 28, 2002

PLACE: Conference Room B03, Fuller Warren Building, 202 Blount Street, Tallahassee, Florida

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

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLES:	RULE NOS.:
Definitions	61B-22.001
Budgets	61B-22.003
Reserves	61B-22.005

PURPOSE AND EFFECT: The purpose of the rules is to remove or update outdated cross-references; clarify and streamline existing language; and add language to facilitate electronic transactions and successor developer filings.

SUBJECT AREA TO BE ADDRESSED: The proposed rules would clarify language related to phase condominium budgets; add language to facilitate cash flow pooling of reserves; clarify the contents of financial reports; and make other changes related to the referenced subject areas.

SPECIFIC AUTHORITY: 718.501(1)(f), 718.112(2)(e),(f) FS.

LAW IMPLEMENTED: 718.111(16), 718.111(12), 718.112(2)(f), 718.113, 718.301, 718.501, 718.618 FS.

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

TIME AND DATE: 10:00 a.m. – 3:00 p.m., February 28, 2002

PLACE: Conference Room B03, Fuller Warren Building, 202 Blount Street, Tallahassee, Florida

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

A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLES: OPERATION OF THE ASSOCIATION
Regular Elections; Vacancies Caused by Expiration of Term, Resignations, Death

RULE NOS.: 61B-23.002
61B-23.0021

PURPOSE AND EFFECT: The purpose of the rule amendments is clarify existing language regarding association records.

SUBJECT AREA TO BE ADDRESSED: The proposed rules would clarify the meaning of "other records"; clarify the timeframe and method for delivery of a second notice of election; and make other changes related to the referenced subject areas.

SPECIFIC AUTHORITY: 718.501(1)(f), 718.112(2)(d)3. FS.
LAW IMPLEMENTED: 718.111(12), 718.112, 718.117, 718.301, 718.501(2)(a), 718.504 FS.

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

TIME AND DATE: 10:00 a.m. – 3:00 p.m., February 28, 2002
PLACE: Conference Room B03, Fuller Warren Building, 202 Blount Street, Tallahassee, Florida

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

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLE: NOTICES OF INTENDED CONVERSION

RULE NO.: 61B-24.002

PURPOSE AND EFFECT: The purpose of this rule amendment is to clarify existing language relating to notices of intended conversion.

SUBJECT AREA TO BE ADDRESSED: The proposed rules would clarify the contents of a notice of intended conversion that is filed with the Division; and make other changes related to the referenced subject area.

SPECIFIC AUTHORITY: 718.501(1)(f), 718.608(5), 718.621 FS.

LAW IMPLEMENTED: 718.608, 718.608(5) FS.

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

TIME AND DATE: 10:00 a.m. – 3:00 p.m., February 28, 2002
PLACE: Conference Room B03, Fuller Warren Building, 202 Blount Street, Tallahassee, Florida

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

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: CONFIDENTIALITY OF INVESTIGATIONS

RULE NO.: 61G15-19.008

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule to address the confidentiality and disclosure of investigation records.

SUBJECT AREA TO BE ADDRESSED: Confidentiality of investigation records.

SPECIFIC AUTHORITY: 455.225, 471.038(6) FS.

LAW IMPLEMENTED: 455.225, 471.038(6) FS.

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

possession of items other than those distributed at the exam site or specifically listed as approved materials for the examination room in the Candidate Information Booklet, the minimum sanction shall be to declare the scores on said examination invalid.

- (c) No change.
- (4) No change.

Specific Authority 456.004(5), 466.004(4) FS. Law Implemented 456.017(1)(d) FS. History—New 2-7-96, Amended 5-21-96, Formerly 59Q-2.0126, Amended _____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Courses Required for Initial Licensure, Renewal, or Reactivation

RULE NO.: 64B5-12.019

PURPOSE AND EFFECT: The purpose of the rule amendments is to update the rule text with regard to courses required for licensure, renewal or reactivation.

SUBJECT AREA TO BE ADDRESSED: Courses required for initial licensure, renewal, or reactivation.

SPECIFIC AUTHORITY: 456.031, 456.033 FS.

LAW IMPLEMENTED: 456.031, 456.033 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-12.019 Courses Required for Initial Licensure, Renewal, or Reactivation.

(1) No license shall be granted and no license shall be renewed or reactivated unless the applicant or licensee submits confirmation to the Board that he or she has successfully completed, within 24 months prior to seeking initial licensure, renewal or reactivation, a Board-approved course on Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS), and other infectious diseases pertinent to the practice of dentistry and dental hygiene, ~~and~~ a Board-approved course on domestic violence, and a Board approved course on prevention of medical errors.

(2) through (9) No change.

(10) To receive Board approval, courses on prevention of medical errors shall include a study of root cause analysis, error reduction and prevention, and patient safety. Every such

course for the purpose of obtaining initial licensure shall have a minimum of two (2) hours dedicated to the subject areas set forth.

Specific Authority 456.031, 456.033 FS. Law Implemented 456.031, 456.033 FS. History—New 1-18-89, Amended 10-28-91, 2-1-93, Formerly 21G-12.019, Amended 6-14-94, Formerly 61F5-12.019, Amended 11-15-95, 2-10-97, Formerly 59Q-12.019, Amended 10-29-00, 8-2-01, 9-27-01, _____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Courses Required of Licensees for Renewal and Reactivation

RULE NO.: 64B5-12.020

PURPOSE AND EFFECT: The purpose of the amendments is to update the rule text with regard to required courses.

SUBJECT AREA TO BE ADDRESSED: Courses required of licensees for renewal and reactivation.

SPECIFIC AUTHORITY: 466.004 FS.

LAW IMPLEMENTED: 456.013(6),(8), 466.0135, 466.014 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-12.020 Courses Required of Licensees for Renewal and Reactivation.

Licensed dentists and dental hygienists are required to complete the following continuing education during each license renewal biennium.

(1) No change.

(2) Instruction in laws, rules and ethics governing the practice of dentistry and dental hygiene and prevention of medical errors consisting of at least 2 hours of instruction in relevant topics including: Chapters 456 and 466, F.S., Rule Chapter 64B5, F.A.C., professional responsibility and competence; legal standards; confidentiality; professional relationships; recordkeeping; common malpractice complaints; commonly reported violations reported to the Department; a study of root cause analysis, error reduction and prevention, and patient safety. and relevant case studies. The requirements of this paragraph may be met by completion of a correspondence course.

Specific Authority 466.004 FS. Law Implemented 456.013(6),(8), 466.0135, 466.014 FS. History—New 4-11-94, Amended 7-18-94, Formerly 61F5-12.020, 59Q-12.020, Amended 1-23-01, 6-7-01, 9-27-01, _____.

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: RULE NO.:

Initial Fee for Licensure and 64B19-12.0041
 Wall Certificate

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment intended to delete the provision for issuance of duplicate licenses. This subject is already treated in Rule 64B19-12.010.

SUBJECT AREA TO BE ADDRESSED: Duplicate licenses.

SPECIFIC AUTHORITY: 490.004(4) FS.

LAW IMPLEMENTED: 456.013(2), 490.005(1)(a), 490.006(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 IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B19-12.0041 Initial Fee for Licensure and Wall Certificate.

(1) through (3) No change.

~~(4) Licensees may obtain duplicate licenses for replacement of a lost or destroyed license by submitting a written request to the Board along with a \$25.00 fee.~~

Specific Authority 490.004(4) FS. Law Implemented 456.013(2), 490.005(1)(a), 490.006(1) FS. History–New 7-7-86, Amended 6-1-89, 1-16-92, Formerly 21U-12.0041, 61F13-12.0041, Amended 1-7-96, Formerly 59AA-12.0041, Amended 1-25-00, 8-8-01,_____.

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLES: RULE NOS.:

Standards for Records 64B19-19.0025
 Releasing Psychological Records 64B19-19.005

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address informed consent forms with regard to provisional licensees and to address the release of psychological records.

SUBJECT AREA TO BE ADDRESSED: Informed consent and psychological records.

SPECIFIC AUTHORITY: 456.057 490.004(4), 490.0148 FS.

LAW IMPLEMENTED: 456.057, 490.002, 490.009(2)(n), (s),(u), 490.0148, 490.0051 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: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B19-19.0025 Standards for Records.

To serve and protect users of psychological services, psychologists’ records must meet minimum requirements for chronicling and documenting the services performed by the psychologist, documenting informed consent and recording financial transactions.

(1) through (2) No change.

(3) A provisionally licensed psychologist must include on the informed consent form the fact that the provisional licensee is working under the supervision of a licensed psychologist as required by Section 490.0051, F.S. The informed consent form must identify the supervising psychologist.

(3) through (4) renumbered (4) through (5) No change.

Specific Authority 490.004(4), 490.0148 FS. Law Implemented 490.002, 490.009(2)(s),(u), 490.0148, 490.0051 FS. History–New 11-23-97, Amended 10-22-98,_____.

64B19-19.005 Releasing Psychological Records.

(1) through (2) No change.

(3) The psychologist’s notes pertaining to psychological services rendered may be considered raw data as provided by Rule 64B19-18.004(3), F.A.C., at the discretion of the psychologist and therefore can be released only (1) to a licensed psychologist or school psychologist licensed pursuant to Chapter 490 or Florida certified, or (2) after complying with the procedures set forth in Rule 64B19-19.005(6), F.A.C., and obtaining an order from a court or other tribunal of competent jurisdiction, or (3) when the release of the material is otherwise required by law.

Specific Authority 456.057, 490.004(4) FS. Law Implemented 490.0147, 490.009(2)(n), 456.057 FS. History–New 8-12-90, Amended 7-14-93, Formerly 21U-22.005, Amended 6-14-94, Formerly 61F13-22.005, Amended 11-19-96, Formerly 59AA-19.005, Amended 9-18-97,_____.

DEPARTMENT OF HEALTH

Division of Disease Control

RULE TITLE: RULE NO.:

Control of Communicable Diseases, Public and 64D-3.011
 Nonpublic Schools, Grades Preschool, and
 Kindergarten Through 12; Forms and
 Guidelines

PURPOSE AND EFFECT: The Bureau proposes an amendment to extend the expiration date for temporary medical exemptions.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is extending the expiration date for temporary medical exemptions.

SPECIFIC AUTHORITY: 381.003 (1)(e)2. FS.

LAW IMPLEMENTED: 232.032 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 PLACE: 1:00 p.m. (EST), February 1, 2002

PLACE: Room 340N, 2585 Merchants Row Blvd., Tallahassee, FL 32399-1719

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Susan Lincicome, Senior Management Analyst Supervisor, Department of Health, Bureau of Immunization, Room 210N, 2585 Merchants Row Blvd., Tallahassee, FL 32399-1719, (850)245-4342; Mailing address – 4052 Bald Cypress Way, Bin #A-11, Tallahassee, FL 32399-1719

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64D-3.011 Control of Communicable Diseases, Public and Nonpublic Schools, Grades Preschool, and Kindergarten Through 12; Forms and Guidelines.

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

(b) Exemptions – A child may attend school without a valid DH Form 680, Florida Certification of Immunization, Certificate of Immunization for K-12 Excluding 7th Grade Requirements (Part A-1) and/or Certificate of Immunization Supplement for 7th Grade Requirement (Part A-2) only if he presents a completed DH Form 680, Florida Certification of Immunization Temporary Medical Exemption (Part B), Permanent Medical Exemption (Part C), or completed Form DH 681, Religious Exemption From Immunization, incorporated by reference in subsection 64D-3.011(5), F.A.C., or if he is a transfer student. Exemption forms noted shall be completed per instructions for the appropriate school year provided in Immunization Guidelines Florida Schools and Child Care Facilities Effective August 2000, or Immunization Guidelines Florida Schools, Child Care Facilities and Family Day Care Effective July 2001, as incorporated by reference in subsection 64D-3.011(5), F.A.C.

1. Medical Exemptions – A child in attendance with a medical exemption must present or have on file the DH Form 680, Florida Certification of Immunization Temporary Medical Exemption (Part B), incorporated by reference in subsection 64D-3.011(5), F.A.C., properly dated and signed or authorized by a physician licensed under provisions of Chapter 458, 459, or 460 or DH Form 680, Florida Certification of Immunization

Permanent Medical Exemption (Part C), incorporated by reference in subsection 64D-3.011(5), F.A.C., properly dated and signed by a physician licensed under provisions of Chapter 458 or 459, F.S. The original paper temporary or permanent medical exemption shall be transferred for follow-up in addition to the electronic transfer of these records. DH Form 680, Florida Certification of Immunization Temporary Medical Exemption (Part B) is a temporary medical exemption which must indicate an expiration date. A child attending under such an exemption is not fully immunized. The expiration date indicated is to be fifteen (15) days after each child’s next scheduled appointment to receive additional vaccine appropriate to the child’s age. The department may approve issuance of temporary medical exemptions with extended expiration dates by those entities authorized above when it is determined that a vaccine shortage exists. In such predetermined cases, the expiration date for the DH Form 680, Florida Certificate of Immunization Temporary Medical Exemption (Part B) shall reflect the estimated date for manufacturer production of sufficient quantities of vaccine necessary to resume deferred immunizations. DH Form 680, Florida Certification of Immunization Permanent Medical Exemption (Part C) is a permanent medical exemption which indicates the child is not fully immunized and cannot receive any more of a particular vaccine due to medical reasons. Medical reasons must be stated for each vaccine that is contraindicated as described above.

(b)2. through (10) No change.

Specific Authority 232.032(1), 381.0011(13), 381.003(1), (2), 381.005(2) FS. Law Implemented 232.032(1), 381.0011(4), 381.003(1), 381.005(1)(i) FS. History–New 12-29-77, Amended 6-7-82, 11-6-85, Formerly 10D-3.88, Amended 2-26-92, 9-20-94, 9-21-95, 4-7-96, Formerly 10D-3.088, Amended 7-14-99, 1-22-01, 7-23-01, _____.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Library and Information Services

RULE TITLE: Library Grant Programs
RULE NO.: 1B-2.011

PURPOSE AND EFFECT: The proposed amendment will provide for a waiver of financial match requirements on Division grant programs.

SUMMARY: The Division of Library and Information Services will waive the financial matching requirements on grants for rural communities that have been designated in accordance with Section 288.0656 and 288.06561, Florida Statutes. Eligible communities applying for Library Services and Technology Act grants or Florida Library Literacy grants must request waiver of matching requirements at the time of grant application.

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

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

SPECIFIC AUTHORITY: 257.14 FS.

LAW IMPLEMENTED: 257.12, 257.14, 288.0656, 288.06561 FS.

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

TIME AND DATE: 10:00 a.m., February 11, 2002

PLACE: Board Room, State Library of Florida, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: 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

THE FULL TEXT OF THE PROPOSED RULE IS:

1B-2.011 Library Grant Programs.

(1) through (3) No change.

(4) The Division of Library and Information Services will waive the financial matching requirements on grants for rural communities that have been designated in accordance with 288.0656, Florida Statutes. Eligible communities applying for Library Services and Technology Act grants and Florida Library Literacy grants must request waiver of matching requirements at the time of grant application.

~~(5)~~(4) This section supersedes Chapter 1B-3 and 1B-5, F.A.C.

Specific Authority 257.12, 257.14, 257.191, 257.192, 257.24, 257.41(2) FS. Law Implemented 240.5185, 257.12, 257.14, 257.15, 257.16, 257.17, 257.171, 257.172, 257.18, 257.19, 257.191, 257.192, 257.195, 257.21, 257.22, 257.23, 257.24, 257.25, 257.40, 257.41, 257.42, 240.5186, 288.0656, 288.06561 FS. History—New 1-25-93, Amended 7-17-96, 4-1-98, 2-14-99, 4-4-00, 12-18-00, 11-20-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marian Deeney

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Barratt Wilkins, Director, Division of Library and Information Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 7, 2002

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

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE TITLE: Credit Union Assessments

RULE NO.: 3C-110.053

PURPOSE AND EFFECT: The purpose of the proposed amendments is to correct a mathematical error and update the rule.

SUMMARY: The proposed amendment will correct a mathematical error found in the current credit union assessment schedule. The proposed amendment expands the ranges of credit union assets to be assessed. Finally, the proposed amendment clarifies the date on which the semi-annual assessments are due.

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

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

SPECIFIC AUTHORITY: 655.012(3) FS.

LAW IMPLEMENTED: 655.047, 657.053 FS.

IF REQUESTED WITHIN 21 DAYS 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: 1:00 p.m., February 11, 2002

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

3C-110.053 Credit Union Assessments.

(1) Each state credit union shall pay to the ~~De~~partment a semiannual assessment computed on total assets as shown on the Quarterly Call Report (NCUA 5300~~S~~) of the credit union as of the last business day in June and the last business day in December of each year. In the event ~~an~~ NCUA 5300~~S~~ ~~report~~ is amended, and such amendment results in a change in consolidated total assets, the semiannual assessment shall be computed on the adjusted total assets reported in the amended ~~NCUA F5300 Report~~ only if such report is postmarked no later than July 31 or January 31 of the current assessment period. No adjustment will be made for amended reports postmarked after this date.

(2) ~~The State credit unions shall pay to the Department a semiannual assessment which shall be computed on the following schedule:~~

- (a) For assets under \$500,000, an assessment of \$50.00;
- (b) For assets over \$500,000, an assessment of \$50.00 plus \$0.135 per \$1,000 over \$500,000;
- ~~(c) For assets over \$150,000,000, an assessment of \$20,232 plus \$0.105 per \$1,000 over \$150,000,000; and~~
- ~~(d) For assets over \$300,000,000, an assessment of \$34,482.50 plus \$0.08 per \$1,000 over \$300,000,000.~~

Total Assets		Base	Plus	of Assets Over
Over	But Not Over			
\$0	\$500,000	\$50.00	0	\$0
\$500,000	\$150,000,000	\$50.00	0.000135	\$500,000
\$150,000,000	\$300,000,000	\$20,232.50	0.000105	\$150,000,000
\$300,000,000	\$750,000,000	\$35,982.50	0.000080	\$300,000,000
\$750,000,000	\$1,000,000,000	\$71,982.50	0.000050	\$750,000,000
\$1,000,000,000	\$1,500,000,000	\$84,482.50	0.000045	\$1,000,000,000
\$1,500,000,000	\$2,000,000,000	\$106,982.50	0.000040	\$1,500,000,000
\$2,000,000,000		\$126,982.50	0.000035	\$2,000,000,000

(3) A semi-annual assessment is "timely filed" if it is postmarked on or before January 31 or July 31. If either date falls on a weekend or holiday, a semi-annual assessment is timely filed if it is postmarked on the next business day.

(4)(3) The Department shall levy a late penalty of \$100.00 per day for each day that a semiannual assessment is past due, unless the late payment penalty is excused for good cause, including isolated clerical and other minor errors. For intentional late filing of a semiannual assessment, the Department shall levy a late payment penalty of \$1,000.00 per day for each day that a semiannual assessment is past due.

Specific Authority 655.012(3), 657.053 FS. Law Implemented 655.047, 657.053 FS., s. 3, Chapter 96-168, L.O.F. History—New 8-18-96, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Linda Charity, Chief, Bureau of Financial Institutions, District I, Division of Banking

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alex Hager, Director, Division of Banking

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 14, 2001

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE TITLE: Applications
 RULE NO.: 3C-140.002

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to implement the provisions of Section 663.10, F.S., which allow an international agency office to convert to an international branch, and to repeal portions of the rule that are no longer applicable.

SUMMARY: The rule will allow an international agency to convert to an international branch and provides an application form.

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

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

SPECIFIC AUTHORITY: 655.012(3), 663.13 FS.

LAW IMPLEMENTED: 663.05, 663.10 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., February 11, 2002

PLACE: Division of Banking Conference Room, 6th Floor, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda B. Charity, Chief, Bureau of Financial Institutions, District I, Division of Banking, 101 East Gaines Street, Suite 636, Tallahassee, Florida 32399-0350, (850)410-9111

THE FULL TEXT OF THE PROPOSED RULE IS:

3C-140.002 Applications.

(1) The application for authority to establish an international branch, or international bank agency, shall be filed on Form DBF-C-20, Application for the Establishment of an International Banking Branch or Agency in the State of Florida, revised 8/97. The application for authority to establish an International Representative Office or International Administrative Office shall be filed on Form DBF-C-20A, Application for the Establishment of an International Representative Office or International Administrative Office in the State of Florida, effective 8/97. The application to convert an international agency office to an international branch office shall be filed on Form DBF-C-20B, Application for Authority to Convert an International Agency to a Branch Office, effective 11/01. The application shall be submitted with a nonrefundable filing fee in the amount prescribed by Section 663.12, Florida Statutes, which is made payable to the Department of Banking and Finance.

(2) No change.

(3) An applicant may submit biographical information concerning its directors, executive officers, principal shareholders and proposed Florida management in the same form that such information was submitted to the Board of Governors. ~~Each of such individuals who has successfully~~

completed a background investigation conducted on behalf of or at the request of the Board of Governors shall be deemed to satisfy the requirements of Fla. Stat. ss. 663.05(5).

~~(4) An application for renewal of an annual license to operate an international banking office shall be filed, not later than thirty days before the expiration of the annual license, on Form DBF-C-21, Application for Renewal of Annual License to Operate an International Banking Office in the State of Florida, revised 7/92. An annual license renewal fee of \$2,000.00 shall accompany the application.~~

~~(5) The application for conversion of an annual license to an indefinite license for the operation of an international banking corporation shall be filed on Form DBF-C-57, Application for Indefinite License to Operate an International Banking Corporation in the State of Florida, effective 7/92. An international banking corporation that is granted a license for an indefinite period shall annually file with the Department current certified comparative statements of financial condition, income, cash flows, and related notes. The international banking corporation shall pay an annual fee equal to the annual renewal fee for each banking license held by the international banking corporation. Form DBF-C-57 shall be postmarked not later than January 31 of each year.~~

~~(4)(6) Copies of Form DBF-C-20, Form DBF-C-21, Form DBF-C-57, and Form DBF-C-20A, and Form DBF-C-20B, which are hereby incorporated by reference, may be obtained online at the Division of Banking web page located at www.dbf.state.fl.us/banking.html or from the Director, Division of Banking, Suite 636, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350.~~

Specific Authority 655.012(3), 663.05(4); 663.13 FS. Law Implemented 663.05, 663.10 FS. History—New 7-21-81, Amended 12-20-82, 3-8-84, Formerly 3C-15.09, Amended 2-9-87, 10-1-87, 10-10-88, 1-24-89, Formerly 3C-15.009, Amended 3-22-93, 9-5-94, Formerly 3C-140.050, Amended 11-5-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Linda Charity, Chief, Bureau of Financial Institutions
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alex Hager, Director, Division of Banking
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 19, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2001

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLES:	RULE NOS.:
Definitions	3C-560.902
Deferred Presentment Transactions	3C-560.903
Database Access	3C-560.907
Database Transaction Requirements	3C-560.908
Database Availability	3C-560.909

Database Transaction Fees	3C-560.910
Database Dispute Resolution	3C-560.911
Database Confidentiality	3C-560.912

PURPOSE AND EFFECT: The purpose of the proposed amendments and new rules is to implement the provisions of Part IV, Chapter 560, Florida Statutes, regarding the database that the Department is to establish on or before March 1, 2002, for use by the deferred presentment industry to verify outstanding deferred presentment transactions.

SUMMARY: Rule 3D-560.902 is amended to provide definitions of “database,” “database vendor,” “registered,” “recorded,” “uniform service agreement,” and “consumer credit counseling.” Rule 3C-560.903 describes when a deferred presentment transaction is terminated. Rule 3C-560.907 describes how a deferred presentment provider obtains access to the database. Rule 3C-560.908 sets forth the requirements for entering a deferred presentment transaction into the database. Rule 3C-560.909 sets forth the availability of the database. Rule 3C-560.910 sets forth the fees that will be charged for use of the database. Rule 3C-560.911 sets forth the procedures for database dispute resolution. Rule 3C-560.912 sets forth the confidentiality provisions of the database information.

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

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

SPECIFIC AUTHORITY: 560.105(3), 560.404(23) FS.
LAW IMPLEMENTED: 560.404 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., February 13, 2002
PLACE: Room G16C, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Rick White, Financial Administrator, or Mike Ramsden, Financial Examiner/Analyst II, Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULES IS:

- 3C-560.902 Definitions.
- (1) The term “provider” means a deferred presentment provider as defined by Section 560.402(5), F.S.
 - (2) The term “close of business” means the time of day that a provider closes its office to the public ceases operations for that calendar day.

(3) The term “database” means the Department administered transactional database authorized by Section 560.404(23), F.S.

(4) The term “database vendor” means the vendor, which contracted with the Department for the purpose of developing and administering the daily operations of the database.

(5) The term “registered” means that a deferred presentment provider has provided to the database the information required to identify a valid deferred presentment transaction.

(6) The term “recorded” means that the database has assigned a transaction authorization number to a registered transaction, logged it as an open transaction, and communicated the transaction authorization number to the deferred presentment provider.

(7) The term “uniform service agreement” means the required uniform agreement executed between the database vendor and each provider outlining the terms of service regarding database usage by providers.

(8) The term “consumer credit counseling” means a confidential comprehensive personal money management review, including budget counseling resulting in a written assessment of the client’s financial situation by the consumer credit counselor which includes a suggested client action plan based upon a range of options chosen according to the best interests of the client. The suggested client action plan may include: the client handling their financial concerns on their own; enrollment in a debt repayment plan managed by the credit counseling agency; and/or information about bankruptcy other than legal advice.

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.402, 560.404 FS. History–New 12-17-01, Amended _____.

3C-560.903 Deferred Presentment Transactions.

(1)(a) A deferred presentment transaction shall be considered terminated at such time as the check that is the basis of the deferred presentment agreement has been:

- 1. Redeemed by the drawer by payment to the provider of the face amount of the check in cash;
- 2. Exchanged by the provider for a cashier’s check or cash from the drawer’s financial institution;
- 3. Deposited by the provider and such provider has evidence that such check has cleared in accordance with subsection (2);
- 4. Collected by the provider through any civil remedy available under Part IV of Chapter 560, F.S.; or
- 5. Collected by means of a repayment plan between the drawer and the provider or as the result of credit counseling where the provider has been paid the amount required under such plan.

(b) In the event that the amount collected from the drawer exceeds the face amount of the check, the provider shall notify the drawer that he or she may retrieve such excess at the provider’s location where the initial agreement between the drawer and provider was executed.

(2)(a) The drawer shall provide evidence to the provider that his or her check that was the basis of a previous deferred presentment transaction has cleared the drawer’s account at least 24 hours prior to entering into a new deferred presentment transaction (except that the provider may obtain such evidence as provided in subparagraph 4. below). Evidence of a check having cleared the drawer’s account may include, but shall not be limited to:

- 1. A copy of the drawer’s bank statement showing the check has cleared;
- 2. The canceled check or a copy of the canceled check;
- 3. A copy of any other record provided by the drawer’s financial institution or electronic network to which that financial institution subscribes such as an ATM inquiry that shows the check to have cleared; or
- 4. A verbal representation from the drawer’s financial institution to the provider that the drawer’s check has cleared, if the drawer’s financial institution will provide such representation.

(b) Upon receipt of evidence that a drawer’s check that is the basis of a previous deferred presentment transaction has cleared, the provider shall immediately update the database to close the transaction. The provider who deposited the drawer’s check is the only provider that can close out the transaction on the database.

(c) The provider shall retain a copy of the evidence presented by the drawer which it relies upon to terminate an existing deferred presentment transaction or to enter into a new transaction.

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History–New _____.

3C-560.907 Database Access.

(1) Every person who engages in deferred presentment transactions with drawers located in the State of Florida after the time that the database becomes available shall, prior to conducting such transactions:

(a) Be and remain licensed pursuant to Part II or Part III of Chapter 560, F.S., and provide a “Declaration of Intent to Engage in Deferred Presentment Transactions” together with the required fee to the Department as provided by Rule 3C-560.108, F.A.C.;

(b) Enter into the uniform service agreement with the database vendor which agreement shall be legally binding and in full force and effect at the time of the transactions. A copy of such agreement shall be maintained by the provider;

(c) Enter all required information into the database regarding all open deferred presentment transactions upon being given notice by the database vendor of the database being available to accept such open transactions; and

(d) Thereafter enter all new deferred presentment transactions into the database in accordance with the provisions of Rule 3C-560.908, F.A.C.

(2) Every primary business location of a deferred presentment provider, and every branch office location which the Department has been notified of, shall be permitted to register transactions on the database. The Department will provide the database vendor with nightly updates Monday through Friday of each week regarding primary business and branch office locations. It will be the responsibility of each provider's designated security administrator to assign user identification numbers and passwords to those employees at new branch office locations who may register deferred presentment transactions on the database after notice of such branch office location has been provided to the Department.

(3) The database vendor will make available limited predefined reporting capabilities to providers, but under no circumstances will these reporting capabilities extend beyond transactions entered by that provider. Any provider may request additional predefined reports from the vendor, but the vendor shall have discretion to deny these requests. Any reports designed by the vendor for one provider shall be made available to all providers.

(4) A provider's access to the Department's database, including all locations of such provider, will be restricted by the database vendor at such time as the Department provides notice to the database vendor via the nightly registration information update that the provider's:

(a) Registration pursuant to Part II or Part III of the code is surrendered, revoked, expired, or the registrant is denied renewal of such licensure; or

(b) "Declaration of Intent to Engage in Deferred Presentment Transactions" is not renewed with the Department.

(5) Any provider who has had its access to the Department's database restricted shall not have access reinstated until the next business day following resolution of the issue which caused the restriction.

(6) The database vendor may restrict a provider's access to the database after giving final written notice of not less than ten (10) business days for any material breach of the uniform service agreement between the provider and the database vendor which breach has not been cured within the 10-day period. The database vendor shall reinstate the provider's access to the database within one (1) business day from the time the provider has taken the necessary action to be in compliance with the uniform service agreement.

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History--New _____.

3C-560.908 Database Transaction Requirements.

(1) Each deferred presentment transaction shall be registered with the database and receive a transaction authorization number evidencing the transaction as being recorded in the database prior to a provider giving currency or a payment instrument (Part II registrants only) to the drawer. The purpose of this database is to:

(a) Prevent the practice of rollover transactions;

(b) Prevent simultaneous deferred presentment transactions with multiple providers by an individual drawer; and

(c) Prevent a new deferred presentment transaction by a drawer within 24 hours of the termination of a prior transaction.

(2) The provider will begin each transaction by:

(a) Accessing the database using the assigned user identification and password provided to each employee by the security administrator for the provider;

(b) Conducting a search of the database based upon either a social security number, alien registration number, or ITIN number of the person seeking a new deferred presentment transaction. The database will provide the result of the search indicating whether the person is eligible or ineligible to enter into a new deferred presentment transaction;

(c) If the person is eligible for a new deferred presentment transaction, the provider may submit all of the required information on a person necessary to have the transaction registered on the database; and

(d) Once all of the required information has been submitted to the database, the database will re-verify the search. If the drawer's eligibility is confirmed, the deferred presentment transaction will be recorded as open, assigned a transaction authorization number, and the transaction authorization number will be communicated to the provider as evidence that the transaction has been authorized by the database. The provider shall place the transaction authorization number on the deferred presentment agreement.

(3) Providers may cancel a deferred presentment agreement, but the database transaction fee shall still be assessed to the provider. If a provider elects to cancel a deferred presentment agreement with a drawer, the provider shall not assess either the transaction fee or the verification fee to the drawer. The provider shall update the transaction fields to indicate that no fees were charged to the drawer and close the transaction on the database.

(4) Providers shall update open transactions on the database when:

(a) The check that is the basis of the deferred presentment agreement has been deposited by the provider;

(b) A drawer has requested the 60-day grace period in accordance with Section 560.404(22)(a), F.S.; and

(c) The drawer's check is returned to the provider as not collected.

(5) Providers shall be responsible for closing all transactions on the database when the transaction has terminated.

(6) Any inquiry that results in the person being deemed ineligible by the database will provide a printable notice with a description of the reason for the determination together with the toll-free support number of the database vendor. The notice shall be provided to the person any time the database renders a determination that the person is not eligible to enter into a new deferred presentment agreement.

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History–New _____.

3C-560.909 Database Availability.

(1) The database shall be accessible 24 hours a day every day of the year except for routine scheduled system maintenance and upgrades performed by the database vendor. During times of scheduled maintenance or system upgrades, providers will be given no less than 24 hours notice in the form of electronic mail to the designated security administrator for each provider.

(2) In the event the database is unavailable, providers shall adhere to the following procedures:

(a) The provider shall confirm that the database remains unavailable by attempting to access the database with every person seeking a new deferred presentment transaction unless they have been notified via electronic mail by the database vendor of an expected period of time necessary to correct whatever problem is causing the database to remain unavailable;

(b) The provider shall then contact the toll-free help desk or AVR (Automated Voice Response) system to obtain a temporary transaction authorization number directly from the database vendor; and

(c) Within 24 hours of obtaining the temporary transaction authorization number from the database vendor, the provider shall enter the remaining transactional data into the database.

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History–New _____.

3C-560.910 Database Transaction Fees.

(1) The database transaction fee shall be \$1.00 per transaction. A provider shall be assessed this fee for each transaction that has been both registered and recorded on the database.

(2) The database vendor shall be responsible for all billing and collection of database usage fees from providers. The frequency and method of collection shall be included in the uniform service agreement between the vendor and provider.

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History–New _____.

3C-560.911 Database Dispute Resolution.

(1) Any inquiry into the database where the person is deemed ineligible for a new deferred presentment transaction will provide a printable notice describing the reason the person was deemed ineligible together with the toll-free support number of the database vendor. The provider shall provide a copy of the notice to the person any time the database deems the person to be ineligible for a new deferred presentment transaction.

(2) Only the person deemed ineligible may make a direct inquiry to the database vendor via the toll-free customer support number printed on the notice.

(3) Any person deemed ineligible by the database may seek to dispute the determination by following the dispute resolution procedures of the database vendor.

(4) In accordance with the terms of the uniform service agreement, the database vendor shall request any additional information from the person and the provider, regarding any negative eligibility determination, that the database vendor deems necessary.

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History–New _____.

3C-560.912 Database Confidentiality.

(1) Inquiries to the database by providers shall only state that a person is eligible or ineligible for a new deferred presentment transaction together with a description of the reason for such determination.

(2) Only the person seeking the deferred presentment transaction may make a direct inquiry to the database vendor to request a more detailed explanation of a particular transaction that was the basis for the database’s ineligibility determination.

(3) Any information regarding any person’s transactional history is confidential pursuant to Section 560.4041, F.S., and shall not be released to the public.

(4) Providers shall be able to receive reports prepared by the system, but only for transactions entered by that provider.

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Ramsden and Rick White, Division of Securities and Finance

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 7, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 16, 2001

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Incorporation by Reference
 RULE CHAPTER NO.: 14-15

RULE TITLE: Manual on Uniform Traffic Control Devices
 RULE NO.: 14-15.010

PURPOSE AND EFFECT: This is a fast track amendment to Rule 14-15.010, F.A.C., to adopt Revision No. 1 to the new Millennium Edition (December 2000) *Manual on Uniform Traffic Control Devices*, under the provisions of Section 120.54(6), Florida Statutes.

SUMMARY: This amendment adopts Revision No. 1 to the Millennium Edition (December 2000) *Manual on Uniform Traffic Control Devices*, under the provisions of Section 120.54(6), Florida Statutes.

SPECIFIC AUTHORITY: 316.0745(1), 334.044(2) FS.

LAW IMPLEMENTED: 316.0745(2),(3),(7), 335.09, 335.14, 339.05 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), FLORIDA STATUTES.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

14-15.010 Manual on Uniform Traffic Control Devices.

The Federal Highway Administration *Manual on Uniform Traffic Control Devices*, Millennium Edition (December 2000), which became effective January 17, 2001, as amended by Errata No. 1 dated June 14, 2001, and Revision No. 1 dated December 28, 2001, is hereby incorporated by this rule and made a part of the rules of the Department of Transportation. This federal document is available for downloading from the internet at the Federal Highway Administration's website as listed as follows: <http://mutcd.fhwa.dot.gov/kno-millennium.htm>. A certified copy has been filed with the Department of State.

PROPOSED EFFECTIVE DATE: February 13, 2002

Specific Authority 316.0745(1), 334.044(2) FS. Law Implemented 316.0745(2),(3),(7), 335.09, 335.14, 339.05 FS. History—New 7-15-79, Amended 1-8-81, 8-15-85, Formerly 14-15.10, Amended 11-29-89, 4-25-95, 1-15-99, 4-5-00, 3-7-01, 8-15-01, 2-13-02.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Rules of Prohibited Conduct and Penalties
 RULE NO.: 33-601.314

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide more detailed disciplinary charges for misconduct involving safety or security devices.

SUMMARY: The proposed rule provides detailed disciplinary charges for misconduct involving safety or security devices.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.14, 944.279, 944.28 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:

33-601.314 Rules of Prohibited Conduct and Penalties for Infractions.

The following table shows established maximum penalties for the indicated offenses. As used in the table, "DC" means the maximum number of days of disciplinary confinement that may be imposed and "GT" means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied.

	Maximum Disciplinary Actions
Section 1 through Section 8	No change.
SECTION 9 – MISCELLANEOUS INFRACTIONS	
9-1 through 9-32	No change.
<u>9-33 Tampering with, defeating or depriving staff of any security device</u>	<u>60 DC + All GT</u>
<u>9-34 Tampering with or defeating any fire or other safety device</u>	<u>60 DC + All GT</u>
Section 10 through Section 11	No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.14, 944.279, 944.28 FS. History—New 3-12-84. Formerly 33-22.12, Amended 1-10-85, 12-30-86, 9-7-89, 11-2-90, 6-2-94, 10-01-95, 3-24-97, 7-9-98, 8-13-98, Formerly 33-22.012, Amended 9-30-99, 6-7-00, _____.

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: January 2, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2001

DEPARTMENT OF CORRECTIONS

RULE TITLE: Placement of Inmates into Community
RULE NO.: 33-601.606

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

SUMMARY: The proposed rule provides and clarifies definitions of terms applicable to offender eligibility and ineligibility for community release programs and placement therein.

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: 945.091 FS.

LAW IMPLEMENTED: 945.091 FS.

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

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony W. Garcia, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.606 Placement of Inmates into Community Release Programs.

- (1) No change.
(2) Eligibility and Ineligibility Criteria.
(a) An inmate is ineligible for community release programs if he has:
1. through 4. No change.
5. Refused to complete substance abuse and academic substance abuse programs Modality II, or III, unless the refusal was based upon objections to the religious based content of the

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

- 6. through 7. No change.
(b) No change.
(3) through (5) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Jerry Vaughan

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

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

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

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE CHAPTER TITLE: Environmental Resource Permits
RULE CHAPTER NO.: 40B-400

RULE TITLES: Formal Determination 40B-400.046
Exemptions 40B-400.051

Publications and Agreements Incorporated by Reference 40B-400.091

Limiting Conditions 40B-400.115

Variances 40B-400.191

General Permit to the Department to Conduct Minor Activities 40B-400.483

PURPOSE AND EFFECT: The purpose and effect of the proposed amendments are to repeal and amend District rules which were listed by the District as unauthorized in whole or in part pursuant to Section 120.536, F.S.; respond to objections of the Joint Administrative Procedures Committee identifying language that is nonspecific; and clarify the authority for certain forms incorporated by reference.

SUMMARY: Chapter 40B-400, F.A.C., addresses environmental resource permitting including noticed general environmental resource permits for those activities which have been determined to have minimal impacts to the water resources of the District. Specifically, the proposed amendments: make grammatical and typographical corrections (40B-400.046(7)(b), 40B-400.483(1)); specify that to be exempt from the requirement of a permit, certain insect control impoundment dikes must be connected to tidally influenced waters during the period from September 1 to February 28 (40B-400.051(2)(e)); clarify permit exemptions for installation, replacement or repairs associated with certain piers, docks and docking facilities (40E-400.051(2)(f) and (g)); delete language which excludes the exemption of construction

of vertical seawalls in estuaries or lagoons unless the construction is within an existing man-made canal where the shoreline is currently occupied by vertical seawalls (40B-400.051(2)(k)); delete language that requires restoration of a seawall or riprap in accordance with the criteria of Section 373.414(5), F.S. (40B-400.051(2)(l) and (m)); delete an exemption for the use of rotenone by the Florida Fish and Wildlife Conservation Commission (40B-400.051(2)(s)); delete Governing Board option to waive or modify certain general conditions issued pursuant to this chapter and Chapter 40B-4 (40B-400.115(1)); provide reference citations for certain forms (40B-400.091 and 40B-400.115(1)(j)); require that the Governing Board impose project-specific conditions to achieve District objectives (40B-400.115(2)); repeal the Governing Board authority to grant variances from the provisions of sections 373.414 and 403.201, F.S. (40B-400.191(1)).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 373.044, 373.046(4), 373.113, 373.118, 373.171, 373.414, 373.415, 373.118, 373.421(2), 373.461(3) FS.

LAW IMPLEMENTED: 373.046, 373.118, 373.413, 373.4135, 373.415, 373.416, 373.421(2)-(6), 373.426, 373.461(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Linda Welch, Suwannee River Water Management District Headquarters, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

THE FULL TEXT OF THE PROPOSED RULES IS:

40B-400.046 Formal Determination.

(1) through (6) No change.

(7) A petition for a new formal determination for a property for which a formal determination already exists shall require the reduced fee set forth in s. 40B-1.706, F.A.C., provided:

(a) No change.

(b) The rules setting forth the methodology used to delineate the landward extent of wetlands or other surface waters have ~~has~~ not changed since the previous formal determination; and

(c) No change.

(8) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95, Amended _____.

40B-400.051 Exemptions.

(1) No change.

(2) No permit shall be required under Chapters 40B-4, or 40B-400, F.A.C., for the following activities:

(a) though (d) No change.

(e) The restoration of less than 100 feet in length of existing insect control impoundment dikes and the connection of such impoundments to tidally influenced waters. Such impoundments shall be connected to tidally influenced waters for at least six months each year, beginning September 1; and ending February 28, ~~if feasible, or operated in accordance with an impoundment management plan approved by the District.~~ The connection shall be of sufficient cross-sectional area to allow beneficial tidal influence. Restoration shall involve no more dredging than needed to restore the dike to original design specifications, and the final elevation of the dredge area shall be within two feet of immediately adjacent bottom elevations. For the purposes of this paragraph, restoration shall not include maintenance of impoundment dikes of insect control impoundments.

(f) The installation, replacement or repair of mooring pilings and dolphins associated with private docking facilities or piers.

(g) The installation and repair of private docks ~~of~~, piers and recreational docking facilities, or piers and recreational docking facilities of local government entities when the local government entities' activities will not take place in any manatee habitat which structures have 1000 square feet or less of surface area over wetlands or other surface waters or 500 square feet or less of surface area over wetlands or other surface waters ~~for docks~~ which are ~~located in~~ Outstanding Florida Waters. This exemption shall include the construction and repair of structures above the dock area, such as gazebos and boat shelters, provided such structures are not enclosed with walls and doors, are not used for living, commercial purposes, or storage of materials other than those associated with recreational use, and provided the structures do not exceed, together with the docking facility, the total area limitations above. To qualify for this exemption, any such ~~dock and associated~~ structure:

1. through 3. No change.

4. Shall be the sole dock constructed pursuant to this exemption as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot. For the purposes of this paragraph, multi-family living complexes and other types of complexes or facilities associated with the proposed private dock shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property. Construction of a private

dock under this exemption does not require the District to issue a subsequent permit to construct a channel to provide navigational access to the dock. Activities associated with a private dock shall include the construction of structures attached to the dock pier which are only suitable for the mooring or storage of boats (i.e., boatlifts).

Nothing in this paragraph shall prohibit the Department from taking appropriate enforcement action pursuant to chapter 403, F.S., to abate or prohibit any activity otherwise exempt from permitting pursuant to this paragraph if the Department can demonstrate that the exempted activity has caused water pollution in violation of Chapter 403, F.S.

(h) through (j) No change.

(k) Construction of seawalls or riprap, including only that backfilling needed to level the land behind seawalls or riprap, in artificially created waterways, where such construction will not violate existing water quality standards, impede navigation or adversely affect flood control. An artificially created waterway is defined as a body of water that has been totally dredged or excavated and which does not overlap natural wetlands or other surface waters. For the purpose of this exemption, artificially created waterways shall also include existing residential canal systems. ~~This exemption does not apply to the construction of vertical seawalls in estuaries or lagoons unless the proposed construction is within an existing man-made canal where the shoreline is currently occupied in whole or in part by vertical seawalls.~~

(l) The restoration of a seawall or riprap at its previous location or upland of or within one foot waterward of its previous location. No filling can be performed except in the actual restoration of the seawall or riprap. No construction shall be undertaken without necessary title or leasehold interest, especially where private and public ownership boundaries have changed as a result of natural occurrences such as accretion, reliction and natural erosion. ~~Restoration and repair shall be performed using the criteria set forth in Section 373.414(5), F.S.~~ This exemption shall be limited to functioning seawalls or riprap. This exemption shall not affect the permitting requirements of Chapter 161, F.S.

(m) The construction of private vertical seawalls in wetlands or other surface waters, other than in an estuary or lagoon, and the construction of riprap revetments, where such construction is between and adjoins at both ends existing seawalls or riprap, follows a continuous and uniform construction line with the existing seawalls or riprap, is no more than 150 feet in length, does not violate state water quality standards, impede navigation, or adversely affect flood control. However, this exemption shall not affect the permitting requirements of Chapter 161, F.S. ~~Construction shall be in accordance with Section 373.414(5), F.S.~~

(n) through (r) No change.

~~(s) The use of rotenone, by the Florida Game and Fresh Water Fish Commission, in conducting tests related to its responsibility regarding fish management. The chemical selected shall be used at no more than the strength approved by the EPA label. In addition, the chemical shall be used only under the direct onsite supervision of a staff member of the Florida Game and Fresh Water Fish Commission.~~

(t) through (u) renumbered (s) through (t) No change.

~~(u)(v)~~ The construction or maintenance of culverted driveway or roadway crossings and bridges of artificial waterways, provided:

1. through 12. No change.

13. If dewatering is performed, all temporary fill dikes and dewatering discharges shall be installed and constructed so that no upstream flooding or impoundment occurs and to prevent siltation, erosion or turbid discharges into waters of the State in violation of state water quality standards. Any temporary works shall be completely removed, and all areas upstream and downstream from the crossing shall be restored to grades, elevations and conditions which existed before the construction;

14. through 15. No change.

~~(w)(v)~~ No change.

(3) through (5) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended _____.

40B-400.091 Publications and Agreements Incorporated by Reference.

The Governing Board hereby adopts by reference:

(1) “Environmental Resource Permit Applicant’s Handbook – February 2002”

(2) No change.

Specific Authority 373.044, 373.046(4), 373.113, 373.118, 373.171, 373.415, 373.421(2), 373.461(3) FS. Law Implemented 373.046, 373.118, 373.413, 373.4135, 373.415, 373.416, 373.421(2)-(6), 373.426, 373.461(3) FS. History—New 10-3-95, Amended 12-3-98, _____.

40B-400.115 Limiting Conditions.

(1) The following general conditions shall be a part of all permits issued pursuant to this chapter and Chapter 40B-4, F.A.C., ~~unless waived or modified by the Board upon a determination that the conditions are inapplicable to the activity authorized by the permit.~~

(a) through (i) No change.

(j) Within 30 days after completion of construction of the permitted system, or independent portion of the system, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, ~~using~~ utilizing the supplied As-Built Certification Form No. 40B-1.901(21) incorporated by reference in subsection 40B-1.901(16), F.A.C. When the completed system differs substantially from the permitted plans, any substantial deviations shall be noted and

explained and two copies of as-built drawings submitted to the District. Submittal of the completed form shall serve to notify the District that the system is ready for inspection. The statement of completion and certification shall be based on on-site observation of construction (conducted by the registered professional engineer, or other appropriate individual as authorized by law, or under his or her direct supervision) or review of as-built drawings for the purpose of determining if the work was completed in compliance with approved plans and specifications. As-built drawings shall be the permitted drawings revised to reflect any changes made during construction. Both the original and any revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor. The following information, at a minimum, shall be verified on the as-built drawings:

- 1. through 7. No change.
- (k) through (t) No change.

(2) In addition to those general conditions set forth in ss. (1), the Governing Board shall ~~may~~ impose on any permit granted under this chapter and Chapter 40B-4, F.A.C., such reasonable project-specific conditions as are necessary to assure that the permitted system will not be inconsistent with the overall objectives of the District or be harmful to the water resources of the District. Upon receipt of notice of intended agency action, any substantially affected person shall have the right to request a hearing in accordance with s. 40B-1.511 and 40B-1.521, F.A.C.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended.

40B-400.191 Variances.

Specific Authority 373.044, 373.113, 373.414(9), 373.414(17) FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Repealed.

40B-400.483 General Permit to the Department to Conduct Minor Activities.

A general permit is hereby granted to the Department to conduct the activities described below:

(1) The repair, replacement or alteration of any existing bridge, levee, dam, pump station, lock, culvert, spillway, weir, or any other water control structure with structures of the same design or of a comparable design, provided that the maximum discharge rate capacity and control elevation do not exceed that of the structure to be replaced. Minor deviations in the structure's design are authorized, including those due to changes in materials, construction techniques, or current construction codes or safety standards. Associated construction activities authorized by this permit include; temporary fill plugs or cofferdams; upland bypass channels; channel shaping needed to accommodate the repair, replacement, or alteration of the structure; and channel and bank stabilization, including

riprap within 200 feet of the structure. Replacement may occur at the same site, or adjacent to the original structure. The area of wetlands or other surface waters from which material is to be dredged or filled shall not exceed a total of 0.5 acre for any one structure;

- (2) through (3) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Still, Director, Department of Resource Management, 9225 CR 49, Live Oak, Florida 32060, (386)362-1001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Suwannee River Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 8, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2001

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE TITLE: Nursing Facility Beds
RULE NO.: 59C-1.036

PURPOSE AND EFFECT: The agency is proposing to amend certificate of need (CON) Rule 59C-1.036 by deleting those portions of the rule which concern CON review of proposals for hospital-based skilled nursing unit (SNU) beds licensed under Chapter 395, F.S. The amendment will occur simultaneously with adoption of a new Rule 59C-1.0365 that is limited to CON review of proposals for such SNU beds. A Notice of Proposed Rulemaking concerning that new rule is expected to appear elsewhere in this edition of the FAW. The remaining portions of Rule 59C-1.036, with only the necessary editorial changes, will retain the existing requirements for CON review of nursing facility beds licensed under Chapter 400, F.S. These proposed amendments and the proposed new SNU rule will be the subject of the public hearing described below.

SUMMARY: The agency is amending Rule 59C-1.036 to delete those portions that describe certificate of need (CON) requirements for hospital-based skilled nursing units (SNUs) licensed under Chapter 395, F.S. The SNU requirements will be revised and promulgated as a new Rule 59C-1.0365 that is limited to SNUs. Except for necessary editorial changes, the remaining existing portions of Rule 59C-1.036 that concern community nursing home beds licensed under Chapter 400, F.S., are not changed by these amendments.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

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

LAW IMPLEMENTED: 408.036(1)(g) FS.

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

TIME AND DATE: 2:00 p.m., February 12, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Davis, Certificate of Need, 2727 Mahan Drive, Building 1, Tallahassee, Florida

THE FULL TEXT OF THE PROPOSED RULE IS:

59C-1.036 Nursing Facility Beds.

(1) Agency Intent. This rule implements s. 408.034(3), F.S., which requires the agency to develop uniform need methodologies for certificate of need (CON) review of proposals, and s. 408.036(1)(g), F.S., which requires certificate of need review of proposals projects for the addition of nursing home care beds licensed under Chapter 400, F.S. nursing facility beds The rule regulates the construction of new nursing facilities, the addition of new nursing facility beds, and conversion of other health care facility bed types to nursing facility beds, including conversion of licensed sheltered nursing facility beds in continuing care facilities regulated under section 651.118, F.S. Projects for the addition of sheltered nursing home beds are excluded from this rule and regulated under Rule 59C-1.037, F.A.C., and conversion to nursing facility beds of acute care or specialty care hospital beds licensed under Chapter 395, F.S. For purposes of this rule there are two types of nursing facility beds, nursing facility beds licensed under Chapter 400, F.S., excluding sheltered beds, and nursing facility beds licensed under Chapter 395, F.S. It is the intent of the agency to ensure the availability of nursing facility services to all persons needing such services, regardless of ability to pay. Nothing in this rule is intended to interpret, modify, limit or expand Florida law regarding standing, or the right of an existing health care provider to initiate or intervene in a formal administrative hearing challenging intended agency action on a certificate of need application for either Chapter 395 or Chapter 400 nursing facility beds regulated under this rule.

(2) Separate CON Reviews. Proposals for nursing facility beds seeking licensure under Chapter 400, F.S., will be comparatively reviewed to each other, and proposals for nursing facility beds seeking licensure under Chapter 395, F.S., will be comparatively reviewed to each other. This rule contains a methodology separate methodologies for

determining the numeric need for nursing facility beds proposed to be licensed under Chapter 400, F.S., and nursing facility beds proposed to be licensed as a distinct part of a hospital under Chapter 395, F.S. An application for nursing facility beds seeking licensure under Chapter 400, F.S., will shall not be approved in the absence or insufficiency of a numeric need indicated by the formula in subsection (4) of this rule, unless the absence or insufficiency of numeric need is outweighed by other information presented in a certificate of need application showing special circumstances consistent with applicable and relevant criteria in s. 408.035, F.S. An application for nursing facility beds seeking licensure under Chapter 395, F.S., shall not be approved in the absence or insufficiency of a numeric need indicated by the formula in subsection (5) of this rule, unless the absence or insufficiency of numeric need is outweighed by other information presented in a certificate of need application showing special circumstances consistent with applicable and relevant criteria in s. 408.035, F.S.

(3) General Provisions.

(a) No change.

(b) Batching Cycles. Proposals for nursing facility beds seeking licensure under Chapter 400, F.S., and proposals for nursing facility beds seeking licensure under Chapter 395, F.S., will be reviewed in the batching cycles for “Other Beds and Programs” nursing facility projects described in paragraph 59C-1.008(1)(g)(4), F.A.C.

(c) No change.

(d) Subdistrict Need Determination. The agency will use the subdistrict designation shown in Rule 59C-2.200, F.A.C., for agency service districts 1 through 11 respectively in projecting need for nursing facility beds licensed under Chapter 400, F.S. The agency will use the subdistrict designation shown in Rule 59C-2.100, F.A.C., for agency service districts 1 through 11 respectively in projecting need for nursing facility beds licensed under Chapter 395, F.S.

(e) through (4) No change.

(5) Numeric Need Formula for Nursing Facility Beds Seeking Licensure Under Chapter 395, F.S.

(a) Projected Need. In addition to the other relevant statutory and rule criteria used in considering the allocation of new or additional nursing facility beds to be licensed under Chapter 395, F.S., the agency will determine if there is a projected need for new or additional beds at the planning horizon according to the definitions and methodology specified in this subsection.

(b) Summary of Need Formula. The need formula for nursing facility beds seeking licensure under Chapter 395, F.S., links the projected subdistrict need to the projected subdistrict number of Medicare funded patient days in acute care hospital beds. That projected number is derived by multiplying the current number of such days times the expected growth in the subdistrict population age 65 and over. The projected

subdistrict number of Medicare-funded acute care patient days is multiplied by a ratio that compares all patient days in nursing facilities licensed under Chapter 395, F.S., to the projected Medicare-funded acute care patient days. The ratio used in each subdistrict is equal to the larger of either the current ratio or the current median value of such ratios among subdistricts which had patient days in nursing facilities licensed under Chapter 395, F.S., in the most recent 6-month reporting period for which data are available preceding publication of the projected need. The resulting projected number of nursing facility patient days is divided by the number of days in the most recent 6-month reporting period, and then divided by an 80 percent occupancy standard, which produces a projected total need in the subdistrict for nursing facility beds licensed under Chapter 395, F.S. The projected total bed need is then reduced by the current number of licensed and approved beds to produce a net need for additional nursing facility beds licensed under Chapter 395, F.S. If the current occupancy of nursing facility beds licensed under Chapter 395, F.S., is less than 70 percent, the net need in the subdistrict is zero regardless of whether the formula otherwise shows a net need. The 70 percent standard is not applicable in subdistricts where there are no licensed or approved hospital-based skilled nursing beds.

(c) Need Formula. The formula for determining the net need in a subdistrict for nursing facility beds licensed under Chapter 395, F.S., is as follows:

$$NN = \frac{[(MAPD/2) \times (PPOP/CPOP) \times (RATIO)] - LNFB - ANFB}{(DAYS) \times (.80)}$$

where:

NN is the net need for additional nursing facility beds to be licensed under Chapter 395, F.S.

MAPD is the 12-month subdistrict total of Medicare-funded patient days for discharges from acute care general hospitals in the subdistrict during the most recent fiscal year for which data are available to the agency as of the beginning of the quarter of the publication of the fixed need pool. MAPD/2 is an estimated 6-month total of such patient days.

CPOP is the current subdistrict population age 65 and over as of January 1 when the planning horizon is also January 1, or July 1 when the planning horizon is July 1. In the case of subdistricts that contain portions of a county, the allocation of the current county total population to those subdistricts shall be based on the proportional distribution of the county total in the most recent U.S. Census of Population.

PPOP is the projected subdistrict population age 65 and over as of January 1 when the planning horizon is also January 1, or July 1 when the planning horizon is July 1. In the case of subdistricts that contain portions of a county, the allocation of the projected county total population to those subdistricts shall be based on the proportional distribution of the county total in the most recent U.S. Census of Population.

DAYS is the number of calendar days in the most recent 6-month total of patient days in nursing facilities licensed under Chapter 395, F.S., as reported to the agency.

.80 equals the desired average 6-month occupancy rate for nursing facility beds licensed under Chapter 395, F.S., in the subdistrict.

RATIO is a subdistrict-specific ratio of projected patient days in nursing facilities licensed under Chapter 395, F.S., compared to projected Medicare-funded acute care patient days, determined as follows:

1. For each subdistrict, calculate the ratio of current patient days in nursing facilities licensed under Chapter 395, F.S., to current Medicare-funded acute care patient days by dividing the most recent 6-month total of patient days in nursing facilities licensed under Chapter 395, F.S., reported to the agency consistent with the provisions of subsection (6), by the estimated 6-month subdistrict total of Medicare-funded patient days for discharges from acute care general hospitals in the subdistrict. The estimated 6-month subdistrict total of such patient days is equal to MAPD/2.

2. Rank all subdistricts with a calculated ratio greater than zero from the lowest to highest values, and identify the median ratio in this array.

3. If the ratio as calculated in step 1 is less than the median, including subdistricts with a ratio of zero, then RATIO equals the median ratio.

4. If the ratio as calculated in step 1 is equal to or greater than the median, then RATIO equals the current ratio calculated for that subdistrict.

LNFB is the current number of beds in nursing facilities licensed under Chapter 395, F.S. The number of these beds that is subtracted shall be the number as of the most recent published deadline for agency initial decisions prior to publication of the fixed need pool.

ANFB is the current number of approved beds for nursing facilities licensed under Chapter 395, F.S. The number of these beds that is subtracted shall be the number for which the agency has issued a certificate of need, a letter stating the agency's intent to issue a certificate of need, a signed stipulated agreement, or a final order granting a certificate of need, as of the most recent published deadline for agency initial decisions prior to publication of the fixed bed need pool.

(d) If the subdistrict average occupancy of nursing facility beds licensed under Chapter 395, F.S., during the most recent reporting period was less than 70 percent, net need in that subdistrict is zero regardless of results from the formula in paragraph (c). This provision does not apply in subdistricts where there are no licensed or approved hospital-based skilled nursing beds.

~~(e) Proposed Services. Applicants shall provide a detailed description of the services to be provided, staffing pattern, patient characteristics, expected average length of stay, ancillary services, patient assessment tools, admission policies, and discharge policies.~~

~~(f) Quality of Care. In assessing the applicant's ability to provide quality of care pursuant to s. 408.035(1)(e), F.S., the agency shall evaluate the following facts and circumstances:~~

~~1. Whether the applicant has had a nursing facility Medicare certification denied, revoked, or suspended within the 36 months prior to the application.~~

~~2. The extent to which the conditions identified in subparagraph 1. threatened or resulted in direct, significant harm to the health, safety or welfare of the nursing facility residents.~~

~~3. The extent to which the conditions identified within subparagraph 2. were corrected within the time frames allowed by the appropriate state agency in each respective state and in a manner satisfactory to the agency.~~

~~(g) Harmful Conditions. The agency shall question the ability of the applicant to provide quality of care within any nursing facility when the conditions identified in subparagraphs (f)1. and (f)2. resulted in direct, significant harm to the health, safety or welfare of a nursing facility resident, and were not corrected within the time frames allowed by the appropriate state agency in each respective state and in a manner satisfactory to the agency.~~

~~(5)(6) No change.~~

~~(7) Applicability of this Amended Rule. This amended rule shall be applied beginning with the first nursing facility review cycle of 1998.~~

Specific Authority 408.15(8), 408.034(5) FS. Law Implemented 408.034(3), 408.035, 408.036(1)(g)(a),(b),(c),(d),(e) FS. History-New 1-1-77, Amended 11-1-77, 6-5-79, 4-24-80, 2-1-81, 4-1-82, 11-9-82, 2-14-83, 4-7-83, 6-9-83, 6-10-83, 12-12-83, 3-5-84, 5-14-84, 7-16-84, 8-30-84, 10-15-84, 12-25-84, 4-9-85, Formerly 10-5-11, Amended 6-19-86, 11-24-86, 1-25-87, 3-2-87, 3-12-87, 8-11-87, 8-7-88, 8-28-88, 9-12-88, 4-19-89, 10-19-89, 5-30-90, 7-11-90, 8-6-90, 10-10-90, 12-23-90, Formerly 10-5.011(1)(k), Amended 8-9-92, Formerly 10-5.036, Amended 10-6-92, 8-24-93, 6-11-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Davis, Health Services and Facilities Consultant

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura MacLafferty, Consultant Supervisor

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 2, 2001

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE TITLE: Hospital-Based Skilled Nursing Units RULE NO.: 59C-1.036

PURPOSE AND EFFECT: The agency is proposing to revise existing requirements regarding certificate of need (CON) review of proposals for hospital-based skilled nursing unit (SNU) beds licensed under Chapter 395, F.S. The revision will be accomplished through adoption of a new rule limited to SNU. The new rule will modify several provisions regarding SNU beds found in current Rule 59C-1.036, F.A.C., which also contains provisions regarding nursing facility beds licensed under Chapter 400, F.S. Upon adoption of the revised SNU requirements, Rule 59C-1.036 will be amended to delete references to SNUs, so that the remaining language will pertain only to Chapter 400 nursing facilities. A Notice of Proposed Rulemaking concerning those other amendments is expected to appear elsewhere in this edition of the FAW.

The proposed revision of the SNU requirements responds to recent trends showing a decreasing hospital interest in establishing or maintaining a SNU. Need for a separate SNU rule is also suggested by the moratorium created by section 52 of Chapter 2001-45, Laws of Florida, which bars CON approval of any additional community nursing facility beds that would be a net increase in the number licensed under Chapter 400, F.S., while allowing continued approval of SNU beds.

As noted above, the agency proposes to retain the Chapter 400 CON rule requirements in a revised Rule 59C-1.036 that concerns only Chapter 400 beds. Those proposed amendments and this proposed new SNU rule will be the subject of the public hearing described below.

SUMMARY: The agency is proposing a new rule which revises existing requirements regarding certificate of need (CON) review of proposals for hospital-based skilled nursing unit (SNU) beds licensed under Chapter 395, F.S. The existing SNU requirements, found in Rule 59C-1.036, F.A.C., will be deleted so that Rule 59C-1.036 describes only the existing and unchanged requirements for community nursing home beds.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

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

LAW IMPLEMENTED: 408.036(1)(g) FS.

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

TIME AND DATE: 2:00 p.m., February 12, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Davis, Certificate of Need, 2727 Mahan Drive, Building 1, Tallahassee, Florida

THE FULL TEXT OF THE PROPOSED RULE IS:

59C-1.0365 Hospital-Based Skilled Nursing Units.

(1) Agency Intent. This rule implements s. 408.034(3), F.S., which requires the agency to develop uniform need methodologies for certificate of need (CON) review of proposals, and s. 408.036(1)(g), F.S., which requires certificate of need review of proposals for the addition of hospital-based skilled nursing unit (SNU) beds licensed under Chapter 395, F.S. The rule regulates the proposed establishment of a SNU, the addition of new SNU beds, and the conversion of other health care facility bed types to SNU beds. The agency will consider applications for SNU beds in context with the applicable review criteria in Section 408.035, F.S., and the standards and need criteria set forth in subsections (3) through (7) of this rule.

(2) Definitions.

(a) “Agency.” The Agency for Health Care Administration.

(b) “District.” A health service planning district of the agency defined in subsection 408.032(5), F.S.

(c) “Skilled Nursing Unit (SNU).” A distinct part of a hospital licensed under chapter 395, F.S., consisting of Medicare and Medicaid certified skilled nursing inpatient beds, and used for the provision of skilled nursing and related services to patients who require medical or nursing care, or services for the rehabilitation of injured, disabled, or sick persons. SNU beds are separately enumerated on the hospital license.

(d) “Subdistrict.” A group of counties, a county, or a portion of a county which forms a subdivision of a district. The subdistricts identified in this rule are the acute care subdistricts described in Rule 59C-2.100, F.A.C.

(3) General Provisions.

(a) Batching Cycles. Proposals for the addition of SNU providers and SNU beds will be reviewed in the batching cycles for “Other Beds and Programs” described in paragraph 59C-1.008(1)(g), F.A.C.

(b) CON Reviews. Proposals for the addition of SNU providers and SNU beds will be comparatively reviewed to each other.

(c) Challenges to Intended Agency Action. Nothing in this rule is intended to interpret, modify, limit or expand Florida law regarding standing, or the right of an existing health care provider to initiate or intervene in a formal administrative hearing challenging intended agency action on a certificate of need application for SNU beds regulated under this rule.

(d) Rural Hospitals. A rural hospital proposing SNU beds is exempt from the provisions of this rule provided the requirements of s. 408.036(3)(c), F.S., are met.

(4) Numeric Need for a New SNU.

(a) Numeric need for a new SNU is demonstrated in any subdistrict where there is no existing or approved SNU.

(b) Numeric need for a new SNU in a subdistrict with at least one existing SNU is demonstrated if the subdistrict average occupancy rate for all licensed SNUs in the subdistrict was at least 75 percent during the most recent 6 month period reported to the agency consistent with subsection (8) of this rule.

(c) An additional new SNU will not be approved for a subdistrict where none of the approved new SNUs has been licensed as of the most recent published deadline for agency initial decisions regarding SNU projects.

(5) Bed Capacity of a New SNU. The number of beds proposed by an applicant for a new SNU pursuant to subsection (4) shall not exceed the number determined as follows:

$$N = (APD \times .12)$$

$$(DAYS \times .75)$$

where:

(a) APD is the total of acute care patient days occurring at the applicant hospital during the 6 months ending one month prior to the letter of intent deadline.

(b) .12 is the estimated proportion of acute care patient days that will be SNU days.

(c) DAYS is the number of calendar days included in APD.

(d) .75 equals the desired average 6 month occupancy rate for SNU beds.

(6) Expanded Capacity of an Existing SNU. A hospital experiencing SNU occupancy of 75 percent or more during the 6 months ending one month prior to the letter of intent deadline may propose a number of additional beds not exceeding the number which, if added to the existing SNU capacity, would have reduced the average occupancy of that SNU to 75 percent.

(7) Approval in Special Circumstances. An application for SNU beds will not be approved in the absence or insufficiency of a numeric need indicated in subsections (5) or (6) of this rule unless the absence or insufficiency of a numeric need is outweighed by other information presented in a certificate of need application showing special circumstances consistent with applicable and relevant criteria in s. 408.035, F.S.

(8) Utilization Reports. Within 45 days after the end of each calendar quarter, facilities with SNU beds shall report to the agency, or its designee, the total number of patient days which occurred in the quarter and the number of such days that were Medicaid days.

(9) Applicability of this Rule. Upon adoption, the provisions in this rule replace and supersede the provisions respecting CON review of SNUs found in Rule 59C-1.036, F.A.C.

Specific Authority 408.15(8), 408.034(5) FS. Law Implemented 408.036(1)(g) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: John Davis, Health Services and Facilities Consultant
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura MacLafferty, Consultant Supervisor
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 2, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Approved Courses
PURPOSE AND EFFECT: To eliminate unnecessary redundancy in HIV-AIDS training by limiting time required.
SUMMARY: Reduce to one (1) hour the HIV-AIDS instruction required biennially.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.2226(7), 470.005, 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017 470.018 FS.

LAW IMPLEMENTED: 455.2226, 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-32.002 Approved Courses.

The following courses are approved by the Board as meeting the requirements of Sections 455.2226 and 470.015, Florida Statutes:

- (1) An approved communicable diseases and HIV-AIDS course must consist of a minimum 1 2-hour presentation.
(2) No change.

Specific Authority 455.2226(7), 470.005, 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS. Law Implemented 455.2226, 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS. History--New 5-24-89, Amended 2-14-90, Formerly 21J-32.002, Amended 2-20-95, 9-18-95, 4-5-98.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Funeral Directors and Embalmers
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 6, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 29, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Requirement for Instruction on Human Immunodeficiency Virus, Acquired Immune Deficiency Syndrome and Communicable Diseases
RULE NO.: 61G8-32.007

PURPOSE AND EFFECT: The Board proposes to correct a cross reference.

SUMMARY: The rule amendment changes a reference from 61G8-32.001 to 61G8-32.002.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 470.005, 455.2226(7), 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS.

LAW IMPLEMENTED: 455.2226, 455.219(2), 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-32.007 Requirement for Instruction on Human Immunodeficiency Virus, Acquired Immune Deficiency Syndrome and Communicable Diseases.

(1) As a condition of renewal of licensure, each funeral director, embalmer, and direct disposer licensed under Chapter 470, Florida Statutes, shall complete a board-approved educational course as set out in Rule 61G8-32.0024 which shall be presented by a board-approved provider. Each licensee shall confirm on the application for license renewal that he or she has completed such educational course.

(2) through (10) No change.

Specific Authority 470.005, 455.2226(7), 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS. Law Implemented 455.2226, 455.219(2), 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS. History—New 3-19-92, Amended 6-17-92, Formerly 21J-32.007, Amended 5-1-95, 10-29-97, 8-8-00, 10-17-01, _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 6, 2001

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: School Records; Class Rosters

RULE NO.: 61J2-17.012

PURPOSE AND EFFECT: The purpose of the proposed rule is to comply with the Department’s technology advancements.

SUMMARY: The proposed rule change affects rule provisions relating to data submissions by education providers for the purpose of monitoring compliance with education requirements.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 455.2123, 475.05 FS.

LAW IMPLEMENTED: 455.2123, 475.04, 475 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: 8:30 a.m., or as soon thereafter as possible, February 20, 2002

PLACE: Division of Real Estate, Commission Meeting Room 301, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N308, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-17.012 School Records; Class Rosters.

(1) Each person, school, or institution permitted pursuant to s. 475.451, Florida Statutes, is required to keep registration records, course rosters, attendance records, a file copy of each examination and progress test and all student answer sheets for a period of at least 3 years subsequent to the beginning of each course and make them available to BPR for inspection and copying upon request.

(2) Each school permit holder of a proprietary real estate school, chief administrative person of an institution or course sponsor shall deliver to the Education Section of the Division of Real Estate a copy of the classroom course roster of courses that require satisfactory completion of an examination no later than 30 days beyond the course completion date, or distance education course roster no later than 30 days beyond the end of the calendar month in which the course was completed, in a manner prescribed by the Department.

(3) The course roster shall consist of the institution or school name and permit number (if applicable), the instructor’s name and permit number (if applicable), course title, beginning and ending dates of the course, number of course hours, course location (if applicable), student’s full name, license number (if applicable), student’s mailing address and the numerical grade the student achieved. The course roster shall also include the signature of the school permit holder, chief administrative person or course sponsor.

Specific Authority 455.2123, 475.05 FS. Law Implemented 455.2123, 475.04, 475.17, 475.175, 475.451, 475.5015 FS. History—New 2-25-93, Formerly 21V-17.012, Amended 11-24-97, 10-15-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 21, 2001, Section VI

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Resource Management

RULE CHAPTER TITLE: Spoil Site Program

RULE CHAPTER NO.: 62C-22

RULE TITLES:	RULE NOS.:
Intent	62C-22.001
Definitions	62C-22.002
Eligible Project Selection Criteria	62C-22.003
Requirements and Limitations for Site Acquisitions and Improvements	62C-22.004
Requirements and Limitations for Other Projects	62C-22.005
Advisory Committee	62C-22.006
Disposal Site Management	62C-22.007
Disposal Site Management Plan	62C-22.008
Application for Disposal Site Acquisition and Improvement Funds	62C-22.009
Application for Projects Other than Acquisition and Improvements	62C-22.010
Processing of Applications	62C-22.011
Project Payments	62C-22.012
Notice of proposed rulemaking repealing obsolete Chapter 62C-22, F.A.C. "Spoil Site Program" because the enabling statute was repealed and the program does not exist.	

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 Chiropractic Medicine**

RULE TITLE:	RULE NO.:
Certified Chiropractic Physician's Assistant Fees	64B2-12.015

PURPOSE AND EFFECT: The Board proposes to raise Certified Chiropractic Physician's Assistant fees.

SUMMARY: The Board determined that it is necessary to raise the various application, status, and renewal fees for certified Chiropractic Physician's Assistants. The biennial renewal fee is being raised by 10%.

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 provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 460.405, 460.4165(9) FS.

LAW IMPLEMENTED: 456.036, 460.4165(3),(5),(6),(9) 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64B2-12.015 follows. See Florida Administrative Code for present text.)

64B2-12.015 Certified Chiropractic Physician's Assistant Fees.

- (1) The application fee shall be \$100.00.
- (2) The initial license fee shall be \$100.00.
- (3) The fee for biennial renewal shall be \$55.00.
- (4) The fee for inactive status shall be \$75.00.
- (5) The fee for reactivation of an inactive license shall be \$50.00.
- (6) A delinquent status license shall pay a delinquency fee of \$50.00.

Specific Authority 460.405, 460.4165(9) FS. Law Implemented 456.025, 456.036, 460.4165(3),(5),(6),(9) FS. History--New 10-15-92, Formerly 21D-12.015, 61F2-12.015, Amended 10-15-95, Formerly 59N-12.015, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 7, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 2, 2001

**DEPARTMENT OF HEALTH
Board of Dentistry**

RULE TITLE:	RULE NO.:
Financial Responsibility	64B5-17.011

PURPOSE AND EFFECT: The purpose of the rule amendments is to update the rule text with regard to financial responsibility.

SUMMARY: The Board has determined that amendments are necessary in order to increase the professional liability coverage per claim and to assure that proper medical malpractice insurance and financial responsibility are being met.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 466.004(4) FS.

LAW IMPLEMENTED: 456.048 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 Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-17.011 Financial Responsibility.

As a prerequisite for licensure or license renewal every dentist is required to maintain medical malpractice insurance or provide proof of financial responsibility as set forth herein:

(1) Obtaining and maintaining professional liability coverage in an amount not less than \$100,000 ~~25,000~~ per claim, with a minimum annual aggregate of not less than \$300,000 ~~75,000~~, from an authorized insurer as defined under Section 624.09, Florida Statutes, from a surplus lines insurer as defined under Section 626.914(2), Florida Statutes, from a risk retention group as defined under Section 627.942, Florida Statutes, from the Joint Underwriting Association established under Section 627.351(4), Florida Statutes, or through a plan of self-insurance as provided in Section 627.357, Florida Statutes.

(2) Obtaining and maintaining an unexpired, irrevocable letter of credit, established pursuant to Chapter 675, in an amount not less than \$100,000 ~~25,000~~ per claim, with a minimum aggregate availability of credit of not less than \$300,000 ~~75,000~~. The letter of credit shall be payable to the dentist as beneficiary upon presentment of a final judgment indicating liability and awarding damages to be paid by the dentist or upon presentment of a settlement agreement signed by all parties to such agreement when such final judgment or settlement is a result of a claim arising out of the rendering of, or the failure to render, dental care and services. Such letter of credit shall be nonassignable and nontransferable. Such letter of credit shall be issued by any bank or savings association organized and existing under the laws of the State of Florida or any bank or savings association organized under the laws of the United States that has its principal place of business in this state or has a branch office which is authorized under the laws of this state or of the United States to receive deposits in this state.

(3) through (4) No change.

Specific Authority 466.004(4) FS. Law Implemented 456.048 FS. History—New 11-22-93, Amended 3-31-94, Formerly 61F5-17.011, 59Q-17.011, Amended 12-20-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 29, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 12, 2001

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Required Sterilization and Disinfection Procedures
 RULE NO.: 64B5-25.003

PURPOSE AND EFFECT: The purpose of the rule amendment is to add the word “sterilants”.

SUMMARY: The Board has determined that the word “sterilants” should be included in the rule’s text.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.032, 466.004(4) FS.

LAW IMPLEMENTED: 456.032, 466.028(1)(a), (x), 466.041 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-25.003 Required Sterilization and Disinfection Procedures.

(1) At least one of the following procedures must be used in order to provide proper sterilization:

(a) through (d) No change.

(e) disinfectant/sterilant. U.S. Environmental Protection Agency (EPA) approved disinfectant/sterilants or U.S. Food and Drug Administration (FDA) approved sterilant may be used but are only appropriate for sterilization when used in appropriate dilution and for the time periods set forth in the manufacturer’s recommendation and only on non-heat tolerant instruments which do not penetrate soft tissue.

(2)(a) through (10) No change.

Specific Authority 456.032, 466.004(4) FS. Law Implemented 456.032, 466.028(1)(u), (x), 466.041 FS. History—New 2-24-87, Amended 12-6-87, 10-24-88, 1-7-92, 4-5-93, Formerly 21G-25.003, Amended 11-22-93, Formerly 61F5-25.003, 59Q-25.003, Amended 10-31-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 29, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2001

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: List of Approved Forms; Incorporation RULE NO.: 64B8-1.007

PURPOSE AND EFFECT: The proposed rule amendments are intended to incorporate revised forms and a new form in the Board's rule regarding forms.

SUMMARY: The proposed rule amendments incorporate revised forms and a new form in the Board's rule regarding forms.

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: 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.351 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., February 12, 2002 PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-1.007 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, or by telephoning (850)245-4131:

(1) DH-MQA 1000, entitled "Board of Medicine Application For Licensure By Examination and Endorsement Materials To Be Licensed By Examination, Endorsement, Public Health Certificate, Public Psychiatry Certificate (Medical Doctor)," (12/01) (1/00).

(2) through (17) No change.

(18) DH-MQA 1048, entitled "Medical Director Acceptance Form," 10/01.

(19)(18) No change.

(20)(19) DH-MQA 2000, entitled "Application for Licensure as a Physician Assistant," (8/01) (10/00).

(20) through (21) renumbered (21) through (22) No change.

(23)(22) DH-MQA 2003, entitled, "FPALE Re-Examination Application," (10/01) (2/01).

(24)(23) No change.

Specific Authority 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.351 FS. History--New 4-17-01, Amended 11-20-01.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2001

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES: Renewal Fees RULE NOS.: 64B8-3.003

Inactive and Delinquent Status Fees 64B8-3.004

PURPOSE AND EFFECT: The Board proposed rule amendments are intended to address a small increase in the inactive renewal fee and to clarify that the inactive and delinquent fees for residents shall be the same as those for other licensees.

SUMMARY: The proposed rule amendments increase the inactive renewal fee from \$100 to \$110 and clarify that the inactive and delinquent fees for residents shall be the same as those for other licensees.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.025, 456.036, 458.309(1), 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.319, 458.345 FS.

LAW IMPLEMENTED: 456.025(1), 456.036, 458.3145, 458.316, 458.3165, 458.319(1), 458.345 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., February 12, 2002

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pamela King, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-3.003 Renewal Fees.

(1) No change.

(2) The following renewal fees are prescribed by the Board:

(a) Biennial renewal fee for physicians licensed pursuant to Sections 458.311, 458.3115, 458.3124, and 458.313, F.S., for physicians holding a limited license; and for physicians holding a medical faculty certificate as a distinguished medical scholar, a temporary certificate for practice in areas of critical need, a public psychiatry certificate, or a public health certificate shall be \$385.00. However the following exceptions shall apply:

1. through 3. No change.

4. If the licensee whose license is on inactive status chooses to renew the license in an inactive status, the biennial renewal fee shall be \$110.00 ~~100.00~~.

(b) No change.

Specific Authority 456.025, 458.309(1), 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.319, 458.345 FS. Law Implemented 456.025(1), 456.036(3), 458.319(1), 458.345(4) FS. History—New 12-5-79, Amended 10-24-85, Formerly 21M-19.03, Amended 12-4-86, 11-3-87, 5-24-88, 11-15-88, 11-12-89, 1-9-92, Formerly 21M-19.003, Amended 9-21-93, 4-14-94, Formerly 61F6-19.003, Amended 10-10-95, 6-24-96, 1-26-97, Formerly 59R-3.003, Amended 6-7-98, 8-11-98, 12-14-99, 10-31-01, _____.

64B8-3.004 Inactive and Delinquent Status Fees.

(1) The fees for individuals holding a medical license, a temporary certificate to practice in areas of critical need, or a limited license shall be:

(a) The fee for an inactive status license shall be \$385.00. ~~The fee for inactive status for a resident shall be \$200.00.~~

(b) No change.

(c) The fee for delinquent status as set forth in Subsection 456.036(7), F.S., shall be \$385.00. ~~The fee for delinquent status for a resident shall be \$200.00.~~

(d) through (e) No change.

(2) No change.

Specific Authority 458.309, 456.036 FS. Law Implemented 456.036, 458.3145, 458.316, 458.3165, 458.345 FS. History—New 2-13-95, Amended 10-10-95, 12-18-95, Formerly 59R-3.004, Amended 8-11-98, 11-20-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2001

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Approval of Physician Office Accrediting Organizations

RULE NO.: 64B8-9.0092

PURPOSE AND EFFECT: The Board proposed rule amendment is intended to identify a Board approved accrediting agency in the rule.

SUMMARY: The proposed rule amendment identifies the Florida Academy of Cosmetic Surgery, Inc., as a Board approved accrediting agency.

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: 458.309(3) FS.

LAW IMPLEMENTED: 458.309(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: 10:00 a.m., February 12, 2002

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.0092 Approval of Physician Office Accrediting Organizations.

(1) through (6) No change.

(7) Board approved accrediting agency or organizations include Florida Academy of Cosmetic Surgery, Inc.

Specific Authority 458.309(3) FS. Law Implemented 458.309(3) FS. History--New 3-9-00, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 21, 2001

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

RULE TITLE: Requirement for License Renewal of an Active License
RULE NO.: 64B11-5.001

PURPOSE AND EFFECT: The Board proposes to update the existing rule text to include prevention of medical error education.

SUMMARY: The Board is fulfilling the requirement that an active license shall be renewed once the licensee has paid the renewal fee set forth and has complied with all the requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.036, 468.219 FS.
LAW IMPLEMENTED: 456.033, 456.036, 468.219 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE FULL TEXT OF THE PROPOSED RULE IS:
64B11-5.001 Requirements for License Renewal of an Active License.

An active license shall be renewed upon demonstration that the licensee has paid the renewal fee set forth in Rule 64B11-2.009 or 64B11-3.007, F.A.C., respectively, and has complied with the following requirements:

- (1) through (4) No change.

(5) Each licensee shall attend and certify attending a Board-approved 2-hour continuing education course relating to the prevention of medical errors. The 2-hour course shall count toward the total number of continuing education hours required for licensure renewal.

~~(6)(5)~~ The licensee must retain such receipts, vouchers, certificates or other papers necessary to document completion of the required continuing education for a period of not less than four (4) years from the date the course was taken. The Board will audit licensees at random to assure that the continuing education requirements have been met.

~~(6) All continuing education programs and courses meeting the requirements of Rule 64B11-6.001, F.A.C., taken after January 31, 1995 and prior to October 30, 1995 shall be deemed approved continuing education for purposes of this rule.~~

- (7) through (8) No change.

Specific Authority 456.036, 468.219 FS. Law Implemented ~~456.013~~, 456.033, 456.036, 468.219 FS. History--New 4-17-95, Amended 10-30-95, 3-11-96, Formerly 59R-64.060, Amended 9-23-99, 10-18-01, _____.

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 24, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2001

**DEPARTMENT OF HEALTH
Board of Orthotists and Prosthetists**

RULE TITLES: Licensure Under the Provisions of Section 468.805 Fees Application, Examination and Initial Licensure Fees Biennial Renewal Fee Delinquent License Fee Reactivation Fee Change of Status Fee Fees for Licensure by Examination
RULE NOS.: 64B14-2.001 64B14-2.0015 64B14-2.002 64B14-2.003 64B14-2.004 64B14-2.005 64B14-2.014

PURPOSE AND EFFECT: The Board proposes an amendment to existing rules increasing the fees for application for license, initial licensure, renewal of license, reactivation of license and the repeal of an obsolete rule.

SUMMARY: The amendments to the existing rule will increase the fees for application for license, initial license, renewal of license, reactivation of license, and examination.

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

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

SPECIFIC AUTHORITY: 468.802, 468.806 FS.

LAW IMPLEMENTED: 468.806, 456.024 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-5.002 Continuing Education Requirement.

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

(c) For each biennium ending after May 31, 2001, each licensee's continuing education must include one hour of continuing education on cardiopulmonary resuscitation; one hour on infectious diseases including HIV/AIDS, two ours of continuing education relating to prevention of medical errors which shall include a study of root-cause analysis, error reduction and prevention, and patient safety and two hours on Chapter 456, 468, Part XIV, F.S., and Rule Chapter 64B14, F.A.C. The two hour course relating to the prevention of medical errors shall count toward the total number of continuing education hours required and shall be a course approved by the Board or a course approved by another health care profession's board.

(2) through (5)(a) No change.

(b) Courses offered for continuing education by FAOP and those approved by ABC or BCP for their respective professions.

(c) through (d) No change.

(6) through (8) No change.

Specific Authority 468.802, 468.806 FS. Law Implemented 456.024, 456.013, 468.806 FS. History--New 7-1-98, Amended 5-18-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Orthotists and Prosthetists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 2000 and November 30, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2001

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE TITLE: RULE NO.:

Citations 64B14-7.004

PURPOSE AND EFFECT: The Board proposes amendments to an existing rule setting forth violations that may be resolved with a citation.

SUMMARY: The Board is amending the existing citation rule to provide for additional violations to be resolved by citation, including continuing education violations, failure to pay fees and fines timely, and payment by dishonored check.

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

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

SPECIFIC AUTHORITY: 456.077 FS.

LAW IMPLEMENTED: 456.077 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: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-7.004 Citations.

(1) through (4) No change.

(5) First-time failure of the licensee to satisfy continuing education requirements established by the board: Fine of \$250 and within 180 days provide one additional hour of continuing education for each hour not completed or completed late.

(6) Tendering a check that is dishonored by the institution upon which it is drawn shall result in a fine of \$100 and payment of the check amount within 30 days.

(7) Failure to pay a fee or fine timely: if paid no later than 60 days from the date due, a fine of \$500.00; if fine or fee is paid but more than 60 days from the date due, the fine shall be double the original fee or fine amount.

Specific Authority 456.077 455.617 FS. Law Implemented 456.077 FS. History--New 7-1-98, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Orthotists and Prosthetists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2001

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE TITLE: Active Licenses: Biennial Renewal Fees and Delinquency Fee

RULE NO.: 64B18-12.004

PURPOSE AND EFFECT: The purpose of the rule amendments is to set forth the biennial renewal fee for x-ray assistants.

SUMMARY: The Board has determined that this rule should be amended to include a biennial renewal fee for x-ray assistants.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.025(1), 461.005, 461.007, 461.0135 FS.

LAW IMPLEMENTED: 120.52(9), 456.013(2), 456.025, 456.036(7), 461.007(1), 456.0135 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-12.004 Active Licenses: Biennial Renewal Fees and Delinquency Fee.

To maintain active status of licensure, a podiatrist shall pay a biennial renewal fee of three hundred fifty dollars (\$350.00) if the biennial renewal fee is received by the Department during the timeframe established by the Department as the timeframe for the biennial renewal of licensure; otherwise, the podiatrist shall pay a delinquency fee of three hundred fifty dollars (\$350.00) in addition to the biennial renewal fee. The biennial renewal fee for x-ray assistants shall be \$75.00.

Specific Authority 456.025(1), 461.005, 461.007, 461.0135 FS. Law Implemented 120.52(9), 456.013(2), 456.025, 456.036(7), 461.007(1), 456.0135 FS. History—New 1-29-80, Amended 10-23-85, Formerly 21T-12.05, 21T-12.005, 61F12-12.005, Amended 1-1-96, Formerly 59Z-12.004, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Podiatric Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Podiatric Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 16, 2001

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Notice to the Department of Mailing Address and Place of Practice of Licensee

RULE NO.: 64B19-13.0025

PURPOSE AND EFFECT: The Board intends to promulgate a new rule entitled “Notice to the Department of Mailing Address and Place of Practice of Licensee.”

SUMMARY: The Board proposes to promulgate a new rule which will permit licensees to provide notification of change of address.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.035 FS.

LAW IMPLEMENTED: 456.035 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: Kaye Howerton, Executive Director, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-13.0025 Notice to the Department of Mailing Address and Place of Practice of Licensee.

(1) Each licensee shall provide either written or electronic notification to the Department of the licensee’s current mailing address and place of practice. The term “place of practice” means the primary physical location where the psychologist practices the profession of psychology.

(2) Each licensee shall provide either written or electronic notification to the Department of a change of address within 45 days.

(3) If electronic notification is used, it shall be the responsibility of the licensee to ensure that the electronic notification was received by the Department.

Specific Authority 456.035 FS. Law Implemented 456.035 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Psychology
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Psychology
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 8, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 7, 2001

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Continuing Psychological Education Credit
RULE NO.: 64B19-13.003
PURPOSE AND EFFECT: The purpose of the rule is for the prevention of medical errors.

SUMMARY: Rule amendment clarifies rule criteria regarding continuing psychological education credit.

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: 490.004(4), 490.0085(4) FS.
LAW IMPLEMENTED: 490.007(2), 490.0085(1),(3) 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: Kaye Howertron, Executive Director, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-13.003 Continuing Psychological Education Credit.

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

(i) Continuing education courses approved by any Board within the Division of Medical Quality Assurance of the Department of Health, provided that such courses enhance the psychological skills and/or psychological knowledge of the licensee.

(2) No change.

(3) As a condition of biennial licensure renewal, each licensee must complete forty (40) hours of continuing psychological education. One (1) of the forty (40) hours must be on domestic violence or on end of life and palliative health care consistent with Chapter 456.031(1)(a), and three (3) of the forty (40) hours must be on professional ethics and Florida

statutes and rules legal issues affecting the practice of psychology. Two (2) of the forty (40) hours must relate to prevention of medical errors, including a study of root-cause analysis, error reduction and prevention, and patient safety. If the course is offered by a facility licensed pursuant to chapter 395 for its employees, the Board will approve up to one (1) hour of the two (2) hour course to be specifically related to error reduction and prevention methods used in that facility. Courses on prevention of medical errors approved by any Board within the Division of Medical Quality Assurance of the Department of Health pursuant to Section 456.013(7), Florida Statutes, are approved by this Board. Passage of the laws and rules examination of the Board constitutes forty (40) hours of continuing education credit, including credit for professional ethics and Florida Statutes and rules legal issues affecting the practice of psychology. Passage of the laws and rules examination, however, does not satisfy the requirement for one (1) credit of continuing education on domestic violence, nor the requirement for two (2) hours relating to prevention of medical errors.

(4) No change.

Specific Authority 456.013(7), 490.004(4), 490.0085(4) FS. Law Implemented 456.013(7), 490.007(2), 490.0085(1),(3) FS. History—New 1-28-93, Amended 7-14-93, Formerly 21U-13.0042, Amended 6-14-94, Formerly 61F13-13.0042, Amended 2-8-96, 11-18-96, Formerly 59AA-13.003, Amended 1-10-01,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Psychology
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Psychology
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 8, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 7, 2001

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Reactivation of Inactive Licenses
RULE NO.: 64B19-15.003
PURPOSE AND EFFECT: The purpose of the rule is to incorporate a form to apply for reactivation of inactive license.

SUMMARY: The rule amendment is for the purpose of updating the reactivation of inactive licenses.

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: 490.004(5), 456.036 FS.

LAW IMPLEMENTED: 456.036 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: Kaye Howertron, Executive Director, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-15.003 Reactivation of Inactive Licenses.

(1) A licensee may reactivate his or her own inactive license and thereby place the license on active status by:

(a) Making application on form DOH/MQA/PY-REACT APP/REV. 12/01, "Application for Reactivation of Inactive Psychologist Licensure," effective _____, which is hereby incorporated by reference, copies of which may be obtained from the Board office; a form available from the Department,

(b) Paying the application fee set out in Rule 64B19-12.006,

(c) Paying the fee for biennial renewal of an active license set out in Rule 64B19-12.005,

(d) Paying any owed delinquency fees, and

(e) Paying any owed fees for changing status ~~at any time other than the time established for the biennial renewal of licenses.~~

(2) In addition, the licensee must submit proof ~~certify~~ that the licensee has obtained forty (40) hours of continuing education for each biennium or part thereof of inactive licensure status. Finally, the licensee must either report any disciplinary action that has been taken against the licensee by any regulatory agency or must state that no such disciplinary action has been taken against the licensee. If the licensee has any outstanding administrative fines, the license may not be restored to active status until the administrative fines are paid.

Specific Authority 490.004(5), 456.036 FS. Law Implemented 456.036 FS. History—New 1-19-84, Formerly 21U-13.015, 21U-13.0015, 21U-19.003, 61F13-19.003, Amended 1-7-96, Formerly 59AA-15.003, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Psychology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2001

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Disciplinary Guidelines

RULE NO.: 64B19-17.002

PURPOSE AND EFFECT: The purpose of this rule is for the removal of aggravating factors and addition of disciplinary guidelines for wrong patient procedures.

SUMMARY: The Board is rewording this rule to update the Disciplinary Guidelines as it relates to aggravating factors and wrong patient procedures.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.079, 490.004(4) FS.

LAW IMPLEMENTED: 456.079, 456.072, 490.009 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: Kaye Howertron, Executive Director, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-17.002 Disciplinary Guidelines.

(1) When the Board finds that an applicant or a licensee has committed any of the acts set forth in Section 456.072(1) or 490.009(2), F.S., it shall issue a final order imposing one or more of the penalties listed in Section 456.072(2) appropriate penalties as recommended in the following disciplinary guidelines.

(a) through (z) No change.

(aa) Performing or attempting to perform health care services on the wrong patient, a wrong procedure, an unauthorized procedure, or a procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition. The recommended penalty shall be an administrative fine from \$1,000 to \$10,000, and from reprimand to probation, continuing education, suspension, or revocation.

(2) Based upon consideration of aggravating and mitigating factors present in an individual case, consideration of the following factors, the Board may deviate from the penalties recommended impose disciplinary action other than the penalties recommended above. The Board shall consider as aggravating or mitigating circumstances the following:

(a) ~~The harm caused to the patient;~~

(a)(b) ~~The danger to the public;~~

- ~~(e)~~ The number of repetitions of offenses;
 - ~~(b)~~~~(4)~~ The length of time since the date of violation;
 - ~~(c)~~~~(e)~~ The number of complaints filed against the licensee;
 - ~~(d)~~~~(f)~~ The length of time the licensee has practiced without complaint or violations;
 - ~~(e)~~~~(g)~~ The actual damage, physical or otherwise, to the patient;
 - ~~(f)~~~~(h)~~ The deterrent effect of the penalty imposed;
 - ~~(g)~~~~(i)~~ The effect of the penalty upon the licensee's livelihood;
 - ~~(h)~~~~(j)~~ Any efforts the licensee has made toward rehabilitation;
 - ~~(i)~~~~(k)~~ The actual knowledge of the licensee pertaining to the violation;
 - ~~(j)~~~~(l)~~ Attempts by the licensee to correct or stop violations or refusal by the licensee to correct or stop violations;
 - ~~(k)~~~~(m)~~ Related violations found against the licensee in another state including findings of guilt or innocence, penalties imposed and penalties served;
 - ~~(l)~~~~(n)~~ Any other mitigating or aggravating circumstances that are particular to that licensee or to the situation so long as the aggravating or mitigating circumstances are articulated in the Board's final order.
- (3) No change.

Specific Authority 456.079, 490.004(4) FS. Law Implemented 456.072, 456.079, 490.009 FS. History--New 11-24-86, Amended 7-18-88, 4-26-93, Formerly 21U-18.003, Amended 6-14-94, Formerly 61F13-18.003, Amended 1-9-96, Formerly 59AA-17.002, Amended 9-18-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Psychology
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2001

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Citations
RULE NO.: 64B19-17.004

PURPOSE AND EFFECT: The proposed rule amendments are intended to set forth additional violations which are appropriate for the issuance of citations.

SUMMARY: The proposed rule amendments set forth additional violations which are appropriate for the issuance of citations

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.077 FS.

LAW IMPLEMENTED: 456.077 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: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-17.004 Citations.

In lieu of the disciplinary procedures contained in Section 456.073, F.S., the offenses enumerated in this rule may be disciplined by the issuance of a citation. The citation shall impose the prescribed penalty. The citation and fine option is available only to first time offenders, and no citation may be issued if more than one offense can be charged in the case. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included. In addition to the fine indicated, the licensee shall pay the Department's cost of investigation and prosecution.

(1) through (7) No change.

(8) Violation of Section 490.009(1)(t), F.S. (for failing to pay an administrative fine within thirty (30) days after notification of delinquency): 10% of the fine and/or cost of imposed fine and cost (failure to pay citation will result in an administrative complaint).

(9) Violation of Section 490.009(1)(d), F.S. (for failing to comply with advertising requirements): \$500 fine.

(10) Violation of Section 490.009(1)(n), F.S., (for failing to respond to a written request for a report of examination or treatment): \$500 fine.

(11) Violation of Section 490.009(1)(o), F.S. (for failing to respond within 30 days to a written communication from the Department concerning any investigation by the Department or to make available any relevant records with respect to any investigation about the licensee's conduct or background): \$500 fine.

(12) Violation of Section 490.012(2) (for failing to display license): \$100 fine.

(13) Issuance of a worthless bank check to the Department or to the Board in violation of Section 490.009(1)(a), F.S.: \$100 fine.

Specific Authority 456.077 FS. Law Implemented 456.077 FS. History--New 1-16-92, Amended 4-26-93, Formerly 21U-18.006, 61F13-18.006, Amended 1-9-96, Formerly 59AA-17.004, Amended 11-23-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Psychology
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Psychology
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 8, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 7, 2001

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Use of Test Instruments
RULE NO.: 64B19-18.004

PURPOSE AND EFFECT: The proposed rule amendment is intended to clarify the criteria for release of test data.

SUMMARY: The proposed rule amendment adds assessment-related notes to test data material and clarifies any test data may be released to school psychologists licensed pursuant to Chapter 490 or Florida certified.

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: 490.004(4) FS.

LAW IMPLEMENTED: 490.003(4), 490.009(1)(r),(s),(v),(w) 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: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-18.004 Use of Test Instruments.

(1) through (2) No change.

(3) A psychologist who uses test instruments may not release test data, such as test protocols, test questions, assessment-related notes, or written answer sheets, except (1) to a licensed psychologist or school psychologist licensed pursuant to Chapter 490 or Florida certified, or (2) after complying with the procedures set forth in Rule 64B19-19.005(6), F.A.C., and obtaining an order from a court or other tribunal of competent jurisdiction, or (3) when the release of the material is otherwise required by law. When raw test data is released pursuant to this paragraph, the psychologist shall certify to the service user or the service user's designee that all raw test data from those test

instruments have been provided. Psychologists are expected to make all reasonable efforts to maintain the integrity of the test protocols, modalities and instruments when releasing information as provided herein.

(4) through (6) No change.

Specific Authority 490.004(4) FS. Law Implemented 490.003(4), 490.009(1)(r),(s),(v),(w) FS. History--New 6-14-94, Formerly 61F13-20.004, Amended 5-19-97, Formerly 59AA-18.004, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Psychology

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Psychology

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 8, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 7, 2001

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Disciplinary Guidelines
RULE NO.: 64B32-5.001

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

SUMMARY: The Board is correcting and updating the Disciplinary Guidelines.

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 provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 468.365(4) FS.

LAW IMPLEMENTED: 468.365 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-5.001 Disciplinary Guidelines.

(1) No change.

(2) The range of disciplinary penalties which the Board may impose includes any and all set forth in Section 456.072, F.S. denial of an application, revocation, suspension, probation, reprimand, and a fine. In determining the appropriate disciplinary action to be imposed in each case, the Board shall take into consideration the following factors:

- ~~(a)~~ The severity of the offense;
- ~~(a)~~~~(b)~~ The danger to the public;
- ~~(c)~~ The number of repetitions of offenses;
- ~~(b)~~~~(d)~~ The length of time since the date of the violation;
- ~~(c)~~~~(e)~~ The number of previous disciplinary cases filed against the certificate holder or registrant;
- ~~(d)~~~~(f)~~ The length of time certificate holder or registrant has practiced;
- ~~(e)~~~~(g)~~ The actual damage, physical or otherwise, to the patient;
- ~~(f)~~~~(h)~~ The deterrent effect of the penalty imposed;
- ~~(g)~~~~(i)~~ The effect of the penalty upon the certificate holder's or registrant's livelihood;
- ~~(h)~~~~(j)~~ Any efforts for rehabilitation;
- ~~(i)~~~~(k)~~ Any other mitigating or aggravating circumstances.

(3) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Section 120.57(1) and (2), Florida Statutes, the

Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the severity and repetition of the violations as set forth below. The mitigating or aggravating circumstances used to justify any deviation from the specified guidelines must be enunciated in the final order. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included. For applicants, any and all offenses listed herein are sufficient for refusal to certify an application for licensure. In addition to the penalty imposed, the Board shall recover the costs of the investigation and prosecution of the case.

Additionally, if the Board makes a finding of pecuniary benefit or self-gain related to the violation, then the Board shall require refund of fees billed and collected from the patient or a third party on behalf of the patient.

VIOLATION		RECOMMENDED RANGE OF PENALTY
(a) Attempting to obtain a license or certificate by ability to reapply upon bribery, fraud or through an error of the Department or the Board. (468.365(1)(a), <u>456.072(1)(h)</u> , F.S.) <u>However, if the violation is not through an error but is for fraud or making a false or fraudulent representation, the fine is increased to \$10,000 per count or offense.</u>	<u>First Offense</u>	(a) From one year probation with conditions to denial or revocation and of license with payment of a fine from a minimum of \$250 to \$1,000.00 to denial of license without ability to reapply.
	<u>Second Offense</u>	<u>From revocation with ability to reapply and a fine from \$2,000 to \$6,000.</u>
	<u>Third Offense</u>	<u>From revocation with no ability to reapply and a fine from \$6,000 to \$10,000.</u>
(b) Actions taken against license by another jurisdiction. (468.365(1)(b), <u>456.072(1)(f)</u> , F.S.)	<u>First Offense</u>	(b) From imposition of discipline comparable to the discipline which would have been imposed if the substantive violation occurred in Florida to suspension or denial of the license until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken, and an administrative fine ranging from \$300 \$100.00 to \$1,000.00. Impaired practitioners working in this state may be ordered into the PRN.
	<u>Second Offense</u>	<u>Same as for a first offense except a fine shall range from \$1,000 to \$2,000.</u>
	<u>Third Offense</u>	<u>Same minimum as for a first offense with a maximum penalty of revocation and a fine from \$2,000 to \$10,000.</u>
(c) Guilt of crime directly relating to practice or ability to practice. (468.365(1)(c), <u>456.072(1)(c)</u> , F.S.)	<u>First Offense</u>	(c) From a minimum of six months probation with conditions to revocation or denial of the license and an administrative fine ranging from \$300 \$100.00 to \$1,000.00. Any Board ordered probation shall be for no less time than Court ordered sanctions.
	<u>Second Offense</u>	<u>From one year suspension and \$5,000 fine to revocation and fine of \$10,000.</u>
(d) Willfully Filing a false report or failing to file a report as required. (468.365(1)(d), <u>456.072(1)(l)</u> , F.S.)	<u>First Offense</u>	(d) From six months to one year probation with conditions to revocation or denial, and an administrative fine from \$300 \$100.00 to \$1,000.00.
	<u>Second Offense</u>	<u>From one year probation with conditions to six months suspension and a fine from \$500 to \$3,000.</u>
	<u>Third Offense</u>	<u>From one year suspension to revocation and a fine from \$3,000 to \$10,000.</u>
<u>However, if the offense is for fraud or for willfully making a false or fraudulent report, the fine is increased to \$10,000 per count or offense.</u>		
(e) False, deceptive, or misleading advertising. (468.365(1)(e), F.S.)	<u>First Offense</u>	(e) From reprimand to one (1) year suspension or denial, and an administrative fine from \$250.00 to \$1,000.00.
	<u>Second Offense</u>	<u>From one year probation with conditions to one year suspension and a fine from \$500 to \$3,000.</u>
	<u>Third Offense</u>	<u>From one year suspension to revocation and a fine from \$3,000 to \$10,000.</u>
(f) Unprofessional conduct. (468.365(1)(f), F.S.)	<u>First Offense</u>	(f) From a minimum of one year probation with conditions to revocation or denial, and an administrative fine from \$300 \$250.00 to \$2,000 \$1,000.00.
	<u>Second Offense</u>	<u>From one year suspension to revocation and a fine from \$2,000 to \$10,000.</u>
(g) Controlled substances. (468.365(1)(g), F.S.)	<u>First Offense</u>	(g) From a minimum of six months probation with conditions to revocation or denial of the license and an administrative fine ranging from \$250.00 to \$1,000.00 to \$5,000. Any Board ordered probation shall be for no less time than Court ordered sanctions.
	<u>Second Offense</u>	<u>From one year suspension to revocation and a fine from \$5,000 to \$10,000.</u>

(h) Failure to report another licensee in violation. (468.365(10)(h), 456.072(1)(i), F.S.)	<u>First Offense</u>	(h) From a <u>letter of concern reprimand</u> to a <u>minimum of six months probation with conditions</u> or <u>denial</u> , and an administrative fine from <u>\$300</u> \$100.00 to <u>\$1,000.00</u> .
	<u>Second Offense</u>	<u>From six months probation with conditions to one year suspension and a fine from \$500 to \$3,000.</u>
	<u>Third Offense</u>	<u>From one year suspension to revocation and a fine from \$3,000 to \$10,000.</u>
(i) Violation of law, rule or order of the Board or Department <u>or failure to comply with subpoena.</u> (468.365(1)(i), 456.072(10)(q), F.S.)	<u>First Offense</u>	(i) From a reprimand to <u>six months suspension</u> revocation or denial , and an administrative fine from <u>\$300</u> \$100.00 to <u>\$1,000.00</u> . For failure to comply with subpoena, \$250.00 minimum fine and ninety day suspension and thereafter until compliance.
	<u>Second Offense</u>	<u>From one year suspension to revocation and a fine from \$2,000 to \$10,000.</u>
(j) Violation of rule. (468.365(1)(j), F.S.)		(j) From a reprimand to revocation or denial, and an administrative fine from <u>\$100.00</u> to <u>\$1,000.00</u> . For failure to comply with subpoena, \$250.00 minimum fine and ninety day suspension and thereafter until compliance.
(j) (k) Unlicensed practice. (468.365(1)(j) (k) , F.S.)	<u>First Offense</u>	(k) A reprimand to <u>six months suspension followed by one year probation with conditions</u> revocation or denial , and an administrative fine from <u>\$500</u> \$100.00 plus \$10 per day for each day over ten worked to <u>\$1,000.00</u> .
	<u>Second Offense</u>	<u>From six months suspension to revocation and a fine from \$2,000 to \$10,000.</u>
	<u>Third Offense</u>	<u>Revocation with no ability to reapply and a fine from \$5,000 to \$10,000.</u>
(k) (l) Aiding unlicensed practice. (468.365(1)(k) (l) , 456.072(1)(j), F.S.)	<u>First Offense</u>	(l) From a minimum of one year probation with conditions to <u>six months suspension followed by one year of probation with conditions</u> revocation or denial , and an administrative fine from <u>\$500</u> \$250.00 to <u>\$3,000</u> \$1,000.00 .
	<u>Second Offense</u>	<u>From six months suspension followed by one year of probation with conditions to revocation and a fine from \$2,000 to \$10,000.</u>
	<u>Third Offense</u>	<u>From one year suspension followed by two years probation with conditions to revocation with no ability to reapply and a fine from \$6,000 to \$10,000.</u>
(l) (m) Failure to perform legal obligation. (468.365(1)(l) (m) , 456.072(1)(k), F.S.)	<u>First Offense</u>	(m) From a reprimand to revocation or denial , and an administrative fine from <u>\$300</u> \$100.00 to <u>\$1,000.00</u> .
	<u>Second Offense</u>	<u>From one year probation with conditions to six months suspension and a fine from \$500 to \$5,000.</u>
	<u>Third Offense</u>	<u>From one year suspension to revocation with no ability to reapply and a fine from \$3,000 to \$10,000.</u>
(m) (n) Practicing beyond competence level. (468.365(1)(m) (n) , 456.072(1)(o), F.S.)	<u>First Offense</u>	(n) From reprimand to <u>one year suspension followed by two years probation</u> to revocation or denial , and an administrative fine from <u>\$300</u> \$100.00 to <u>\$2,000</u> \$1,000.00 .
	<u>Second Offense</u>	<u>From six months suspension followed by one year probation with conditions to revocation and a fine from \$1,000 to \$10,000.</u>
	<u>Third Offense</u>	<u>From one year suspension followed by two years probation to revocation with no ability to reapply and a fine from \$3,000 to \$10,000.</u>
(n) (o) Delegation of professional responsibilities to unqualified person. (468.365(1)(n) (o) , 456.072(1)(p), F.S.)	<u>First Offense</u>	(o) From one year probation with conditions to denial or revocation, and an administrative fine from <u>\$300</u> \$250.00 to <u>\$1,000.00</u> .
	<u>Second Offense</u>	<u>From six months suspension followed by one year probation with conditions to revocation and a fine from \$1,000 to \$10,000.</u>
	<u>Third Offense</u>	<u>From one year suspension followed by two years probation to revocation with no ability to reapply and a fine from \$3,000 to \$10,000.</u>

(o)(p) Malpractice. (468.365(1)(o)(p), F.S.)	<u>First Offense</u>	(p) From one year probation with conditions to revocation or denial , and an administrative fine from \$500 \$150.00 to \$2,000 \$1,000.00 .
	<u>Second Offense</u>	<u>From two years probation with conditions to revocation and a fine from \$2,000 to \$10,000.</u>
	<u>Third Offense</u>	<u>From one year suspension followed by two years probation to revocation with no ability to reapply and a fine from \$3,000 to \$10,000.</u>
(p)(q) Kickbacks or split fee arrangements. (468.365(1)(p)(q), F.S.)	<u>First Offense</u>	(q) From <u>refund of fees billed and</u> six months suspension followed by at least one year probation with conditions to revocation or denial , and administrative fine from \$300 \$250.00 to \$3,000 \$1,000.00 .
	<u>Second Offense</u>	<u>From one year suspension followed by two years probation with conditions to revocation with no ability to reapply and a fine from \$2,000 to \$10,000.</u>
(q)(r) Exercising influence or engage patient in sex. (468.365(1)(q)(r), 456.072(1)(u), F.S.)	<u>First Offense</u>	(r) From one year suspension followed by at least one year probation with conditions and possible referral to the PRN to revocation or denial , and an administrative fine from \$500.00 to \$2,000 \$1,000.00 .
	<u>Second Offense</u>	<u>From one year suspension followed by at least one year probation with conditions to revocation with no ability to reapply and possible referral to PRN a fine from \$1,000 to \$10,000.</u>
(r)(s) Deceptive, untrue, or fraudulent representations in the practice of respiratory care. (468.365(1)(r)(s), 456.072(1)(a) and (m), F.S.)	<u>First Offense</u>	(s) From a minimum of one year probation with conditions to revocation or denial , and an administrative fine <u>of \$10,000 per count or offense</u> from \$250.00 to \$1,000.00 .
	<u>Second Offense</u>	<u>From two years of probation with conditions to revocation with no ability to reapply and a fine of \$10,000 per count or offense.</u>
(s)(t) Improper solicitation of patients. (468.365(1)(t), 456.072(1)(x), F.S.)	<u>First Offense</u>	(t) From a minimum of one year probation with conditions to revocation or denial , and an administrative fine from \$300 \$250.00 to \$1,000.00 .
	<u>Second Offense</u>	<u>From two years probation with conditions to revocation and a fine from \$2,000 to \$10,000.</u>
	<u>Third Offense</u>	<u>From one year suspension followed by two years probation to revocation with no ability to reapply and a fine from \$3,000 to \$10,000.</u>
<u>However, if the violation is for fraud or soliciting patients by making a false or fraudulent representation, the fine is increased to \$10,000 per count or offense.</u>		
(t)(u) Failure to keep written medical records. (468.365(1)(t)(u), F.S.)	<u>First Offense</u>	(u) From a <u>letter of concern reprimand</u> to denial or one year suspension, followed by a minimum of one year probation with conditions and an administrative fine from \$300 \$100.00 to \$1,000.00 .
	<u>Second Offense</u>	<u>From a reprimand to two years probation with conditions and a fine from \$500 to \$5,000.</u>
	<u>Third Offense</u>	<u>From six months suspension followed by one year probation to revocation and a fine from \$3,000 to \$10,000.</u>
(u)(v) Exercising influence on patient for financial gain. (468.365(1)(u)(v), 456.072(1)(n), F.S.)	<u>First Offense</u>	(v) From <u>refund of fees billed and</u> a minimum of one year probation with conditions to denial , <u>to two years suspension</u> and an administrative fine from \$500 \$250.00 to \$3,000 \$1,000.00 .
	<u>Second Offense</u>	<u>From refund of fees billed and two years probation with conditions to revocation and a fine from \$2,000 to \$10,000.</u>
	<u>Third Offense</u>	<u>From refund of fees billed and one year suspension followed by two years probation to revocation with no ability to reapply and a fine from \$3,000 to \$10,000.</u>

<p>(v)(w) Performing professional services not authorized by physician. (468.365(1)(v)(w), F.S.)</p>	<p><u>First Offense</u></p>	<p>(w) From a reprimand to denial or one year suspension, followed by a minimum of one year probation with conditions and an administrative fine from \$300 \$100.00 to \$1,000.00.</p>
	<p><u>Second Offense</u></p>	<p><u>From six months probation with conditions to revocation and a fine from \$1,000 to \$10,000.</u></p>
	<p><u>Third Offense</u></p>	<p><u>From six months suspension followed by one year probation to revocation with no ability to reapply and a fine from \$3,000 to \$10,000.</u></p>
<p>(w)(*) Inability to practice respiratory care with skill and safety. (468.365(1)(w)(*), 456.072(1)(y), F.S.)</p>	<p><u>First Offense</u></p>	<p>(*) From <u>referral to PRN for submission to</u> of a mental or physical examination directed towards the problem; <u>and/or</u> one year probation with conditions, possible referral to PRN to revocation or denial, and an administrative fine from \$100.00 to \$1,000.00.</p>
	<p><u>Second Offense</u></p>	<p><u>From referral to PRN and/or two years of probation with conditions to revocation and a fine from \$300 to \$5,000.</u></p>
<p>(x) Violation of this chapter, chapter 456, or any rules adopted pursuant thereto. (468.365(1)(x), 456.072(1)(b) and (cc), F.S.)</p>	<p><u>First Offense</u></p>	<p><u>From a reprimand to revocation and a fine from \$300 to \$2,000.</u></p>
	<p><u>Second Offense</u></p>	<p><u>From six months of probation with conditions to revocation and a fine from \$1,000 to \$10,000.</u></p>
	<p><u>Third Offense</u></p>	<p><u>From one year of probation with conditions to revocation and a fine from \$2,000 to \$10,000.</u></p>
<p>(y) Violation of Code of Ethics — Rule 64B8-74.003, F.A.C. (y) Improper interference with investigation, inspection or discipline. (456.072(1)(r), F.S.)</p>	<p><u>First Offense</u></p>	<p>(y) From a minimum of one year probation with conditions to revocation or denial, and an administrative fine from \$250.00 to \$1,000.00.</p>
	<p><u>Second Offense</u></p>	<p><u>From six months of probation with conditions to revocation and a fine from \$500 to \$5,000.</u> <u>From six months suspension followed by one year probation with conditions to revocation with no ability to reapply and a fine from \$1,000 to \$10,000.</u></p>
<p>(z) Failure to report conviction or plea. (456.072(1)(w), F.S.)</p>	<p><u>First Offense</u></p>	<p><u>From reprimand to six months suspension and a fine from \$300 to \$1,000.</u></p>
	<p><u>Second Offense</u></p>	<p><u>From one year probation with conditions to revocation with no ability to reapply and a fine from \$1,000 to \$10,000.</u></p>
<p>(aa) Wrong patient, wrong site, or wrong or unauthorized procedure. (456.072(1)(aa), F.S.)</p>	<p><u>First Offense</u></p>	<p><u>From one year probation with conditions to revocation and a fine from \$500 to \$2,000.</u></p>
	<p><u>Second Offense</u></p>	<p><u>From two years probation with conditions to revocation and a fine from \$2,000 to \$10,000.</u></p>
	<p><u>Third Offense</u></p>	<p><u>From one year suspension followed by two years probation to revocation with no ability to reapply and a fine from \$3,000 to \$10,000.</u></p>
<p>(bb) Leaving a foreign body in a patient. (456.072(1)(bb), F.S.)</p>	<p><u>First Offense</u></p>	<p><u>From one year probation with conditions to revocation and a fine from \$500 to \$2,000.</u></p>
	<p><u>Second Offense</u></p>	<p><u>From two years probation with conditions to revocation and a fine from \$2,000 to \$10,000.</u></p>
	<p><u>Third Offense</u></p>	<p><u>From one year suspension followed by two years probation to revocation with no ability to reapply and a fine from \$3,000 to \$10,000.</u></p>

(4) through (6) No change.

Specific Authority 468.365(4), 456.079 FS. Law Implemented 468.365, 456.072 FS. History—New 4-29-85, Formerly 21M-37.01, 21M-37.001, Amended 1-3-94, Formerly 61F6-37.001, 59R-74.001, 64B8-74.001, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Respiratory Care
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2001

DEPARTMENT OF HEALTH
Division of Environmental Health

RULE TITLES:	RULE NOS.:
Permits	64E-6.003
Alternative Systems	64E-6.009
Standards for the Construction, Operation, and Maintenance of Aerobic Treatment Units	64E-6.012
Construction Materials and Standards for Treatment Receptacles	64E-6.013
System Location, Design and Maintenance Cesspit and Undocumented System	64E-6.018
Replacement and Interim System Use	64E-6.0181
Requirements for Registration	64E-6.019
Master Septic Tank Contractors	64E-6.020
Issuance of Registration Certificates and Renewal	64E-6.021
Certificate of Partnerships and Corporations	64E-6.023
Permits	64E-6.027
Fees	64E-6.030

PURPOSE AND EFFECT: Recently amended Chapter 381, Florida Statutes, specifically addresses the requirements for use of onsite sewage treatment and disposal systems. The rule must be modified to incorporate revisions. Rule language that requires technical corrections will also be addressed, as well as areas that have previously been addressed by the Technical Review and Advisory Panel.

SUMMARY: The proposed rule amends many of the current standards related to onsite sewage treatment and disposal systems which are necessitated by the modification of Chapter 381, F.S. Additionally, changes are necessary to codify updated standards and methods related to the industry and program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Not 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: 154.06, 381.0011, 381.006, 381.0065, 381.0066, 489.553, 489.557 FS.

LAW IMPLEMENTED: 154.01, 381.001, 381.0011, 381.0012, 381.0025, 381.006, 381.0061, 381.0065, 381.00655, 381.0067, 386.01, 386.03, 386.041, 489.553, 489.554, 489.555, 489.557 FS., Ch. 2001-337, LOF.

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., Monday, February 11, 2002
PLACE: Bureau of Onsite Sewage Programs, Conference Room 140 P, Capital Circle Office Center, 4042 Bald Cypress Way, Tallahassee, Florida

Any person requiring a special accommodation at this hearing because of disability or physical impairment should contact Shirley Kugler, (850)245-4070, at least two weeks prior to the hearing.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gerald Briggs, Chief, Bureau of Onsite Sewage Programs, HSES, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-6.003 Permits.

(1) through (4) No change.

(5) Operating permits – No business shall occupy a building served by an onsite sewage treatment and disposal system if the building is located in an area zoned or used for industrial or manufacturing purposes or its equivalent; where a business will generate commercial sewage waste; or where an aerobic treatment unit or performance-based treatment system is used, until an “Application for Onsite Sewage Treatment and Disposal System Operating Permit” has been received and approved by the department. Form DH 4081, 10/96, “Application for Onsite Sewage Treatment and Disposal System Operating Permit,” is hereby incorporated by reference.

(a) Property owners or their authorized agents are required to obtain an annual operating permit for systems located in an area zoned or used for industrial or manufacturing purposes or its equivalent or where a business will generate commercial sewage waste. The permit shall designate the person or entity responsible for the operation and maintenance of the system; the type of activity proposed on the site; persons or businesses which will use the system; equipment and types and quantities of chemical compounds which will be used by the building occupants which are likely to be discharged into the onsite sewage treatment and disposal system. At a minimum, the owner or person responsible for maintenance of the system shall test, or cause to be tested, the onsite sewage treatment and disposal system effluent in a qualitative and quantitative

manner for any chemical compounds associated with the particular industrial or manufacturing operations conducted in that establishment, as directed by the county health department. The frequency of testing shall be specified on the annual operating permit.

(b) Operating permits are not transferable. If the owner of the system remains the same but the tenancy of the building changes, a survey form which is an attachment to Form DH 4081, 10/96 must be completed and submitted to the DOH county health department for review. Changes in building occupancy shall be reviewed per section 381.0065(4), F.S.

(c) Maintenance entities contracting to service Persons using aerobic treatment systems and performance-based treatment systems meeting the standards set forth in Rule 64E-6.012 installed on or after July 1, 1991, shall obtain a biennial an annual operating permit from the DOH county health department for the system, aerobic treatment unit. The fee collected for this permit as set forth in Rule 64E-6.024(1)(m) shall be used by the department to perform periodic monitoring and effluent sampling of the unit. Persons operating an aerobic treatment unit or performance-based treatment system shall permit department personnel right of entry to the property during normal working hours to allow for effluent sampling or evaluating the general state of repair or function of the system. Persons required to obtain an annual operating permit for an onsite sewage treatment and disposal system in an industrial or manufacturing zone or its equivalent, shall not also be required to obtain an annual operating permit for an aerobic treatment unit or performance-based treatment system at that site. Performance-based treatment systems that also include an aerobic treatment unit require only one biennial operating permit for the system.

(6) All forms incorporated herein may be obtained by contacting the department.

Specific Authority 154.06, 381.0011, 381.006, 381.0065, 489.553, 489.557 FS. Law Implemented 154.01, 381.001, 381.0011, 381.0012, 381.0025, 381.006, 381.0061, 381.0065, 381.00655, 381.0066, 381.0067, 386.041 FS. History—New 12-22-82, Amended 2-5-85, Formerly 10D-6.43, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.043, Amended 3-22-00, _____.

64E-6.009 Alternative Systems.

When approved by the DOH county health department, alternative systems may, at the discretion of the applicant, be utilized in circumstances where standard subsurface systems are not suitable or where alternative systems are more feasible. Unless otherwise noted, all rules pertaining to siting, construction, and maintenance of standard subsurface systems shall apply to alternative systems. In addition, the DOH county health department may, using the criteria in section 64E-6.004(4), F.A.C., require the submission of plans prepared by an engineer registered in the State of Florida, prior to considering the use of any alternative system. The DOH county health department shall require an engineer registered in the state of Florida to design a system having a total

absorption area greater than 1000 square feet and shall require the design engineer to certify that the installed system complies with the approved design and installation requirements.

(1) through (2) No change.

(3) Mound systems – are used to overcome certain limiting site conditions such as an elevated seasonal high water table, shallow permeable soil overlying slowly permeable soil and shallow permeable soil located over creviced or porous bedrock. Special installation instructions or design techniques to suit a particular site shall, using the criteria in section 64E-6.004(4), F.A.C., be specified on the construction permit in addition to the following general requirements.

(a) Site preparation must render the site in compliance with requirements of Rule 64E-6.006(1)-(6), F.A.C.

(b) Prior to the construction of a mound system, the applicant may fill all or a portion of a lot ~~may be filled~~ utilizing slightly limited soil.

(c) The “O² horizon of original topsoil, ~~any black or very dark gray organic topsoil,~~ and vegetation must be removed from beneath the drainfield, shoulder and slope area the fill site and the exposed underlying soil plowed or roughened to prevent formation of an impervious barrier between the fill and natural soil. Moderately limited soil material required to be removed from the fill site may be used in the construction of mound systems, but shall only be used in the construction of mound slopes and the soil cap. If moderately or severely limited soil is to be replaced beneath the mound, Rule 64E-6.008, F.A.C., Table III, footnote 3. shall be followed.

(d) Where the soil material underlying a mound system is of a similar slightly limited textural material as that used in system construction, the mound drainfield size shall be based on estimated sewage flows as specified in 64E-6.008, F.A.C., Table I and upon the quality of fill material utilized in the mound system. When estimated sewage flows are calculated to be less than 200 gallons per day, specifications for system design shall be based on a minimum flow of 200 gallons per day. Maximum sewage loading rates for soils used in mound construction shall be in compliance with the following:

Fill Material	Maximum Sewage Loading	Maximum Sewage Loading
	Rate to Mound Drain Trench Bottom Surface in gallons per square foot per day	Rate to Mound Absorption Bed Bottom Surface in gallons per square foot per day
Sand; Coarse Sand;	1.00	0.75
Loamy Coarse Sand		
Fine Sand	0.80	0.65
Sandy Loam; Coarse	0.65	0.40
Sandy Loam; Loamy Sand		

(e) Where moderately limited soils underlie the mound within 36 inches of the bottom of the drainfield, drainfield sizing shall be based on the most restrictive soil texture existing in the profile to a depth of 36 inches below the bottom of the drainfield, using Table III for soil loading rates.

(f) There shall be a minimum ~~4 5~~ foot separation between the shoulder of the fill and the nearest trench or absorption bed sidewall. Where a portion of the mound slope will be placed adjacent to a building ~~foundations, pilings or supports foundation, including pilings~~ for elevated structures, or within ~~5 feet of~~ mobile home walls, swimming pool walls, ~~retaining walls,~~ or similar obstructions ~~impeding lateral water movement~~ there shall be a minimum ~~5 7~~ foot separation between the sidewall of the absorption area and the ~~obstruction obstructed or compacted area.~~ Such obstructions shall impact the slope on no more than 50 percent of the shoulder perimeter. Retaining walls must be designed by a professional engineer registered in the state of Florida to withstand the lateral earth forces under saturated conditions and to prevent seepage. Where mounds are placed on slopes exceeding 2 percent, the ~~toe of the slope shoulder fill~~ on the downslope side of the mound shall, ~~at a minimum,~~ extend an additional ~~4 inches 1-foot~~ for each additional 1 percent of slope. To taper the maximum elevation of the mound down to the toe of the slope, additional moderately or slightly limited fill shall be placed at a minimum 2 foot horizontal to 1 foot vertical grade where mound height does not exceed 36 inches. Mound heights which exceed 36 inches shall have a slope not ~~steeper than 3 foot horizontal to 1 foot vertical to exceed 3:1.~~ The slopes of a mound system shall be stabilized with sod. When the mound slopes are not stabilized with sod, the mound slopes shall be a minimum of a 5:1 grade. Where fill material is present in the amount so as to provide a level surface from the top of the required cover over the system over the area where the slopes would normally be located, no slopes shall be required. For example, if the neighboring lot has been permanently filled to the same level as the applicant's lot, a five-foot separation from the property line to the system will be required, as opposed to requiring the slope area. The entire mound including slopes, shoulders and the soil cap shall be stabilized with sod or by seeding with grass and a layer of hay or similar cover shall be placed to prevent mound erosion. Stabilization of a mound shall be the responsibility of the septic tank contractor who constructed the mound system unless the written agreement for system construction clearly states the system owner is responsible. Mound slopes which do not conform to permit requirements shall at a minimum be restored to permit specifications prior to stabilizing. Other vegetative covers providing protection from mound erosion equal to or better than sod shall be approved by the State Health Office. Final installation approval shall not be granted until sodding or seeding and haying or other approved stabilization of the mound has occurred. No portion of the drainfield or shoulder area shall be covered with asphalt or a concrete driveway or be subject to vehicular traffic. Landscaping features such as boulders or trees which obstruct drainfield or fill shoulder area shall not be used. Retaining walls shall not be allowed that reduce the minimum required shoulder or slope of a mounded system.

(g) There shall be a ~~9 to 12 inch~~ soil cap of slightly or moderately limited soil material spread evenly over the drainfield and shoulder area gravel exclusive of the thickness of sod. The soil cap shall be no less than 6 inches thick at the outer perimeter of the shoulder. Additional soil cap material shall be placed over the mound and graded to provide drainage off and away from the mound. The maximum depth from the bottom of the drainfield to the finished ground surface shall not exceed 30 inches after natural settling.

(h) The site shall be landscaped according to permit specifications and shall be protected from automotive traffic or other activity that could damage the system. Swales or other surface drainage structures shall be utilized to prevent water shed from mounds draining onto neighboring property.

(i) All fill material used in the construction of systems shall be free of extraneous non-soil material such as grass, roots and any other debris. Shell fragments between 0.1 and 1.0 mm in diameter are excluded from the classification of extraneous non-soil materials and are considered to be soil particles. Severely limited soil material shall not be used in system construction. Fill Carbonate fill material consisting of mechanically crushed and sieved rock shall not be used in system construction.

(4) Filled systems – filled systems shall be constructed in accordance with the minimum requirements for mounds ~~as specified in (3) above,~~ except as provided for in footnote 5., Table III, and that sewage loading rates to trench or absorption bed bottom areas shall be based on values found in Table III.

(5) through (8) No change.

Specific Authority 381.0011(4),(13), 381.006, 381.0065(3)(a), 489.553(3), 489.557(1) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.0067, 386.041, 489.553 FS. History—New 12-22-82, Amended 2-5-85, Formerly 10D-6.49, Amended 3-17-92, 1-3-95, Formerly 10D-6.049, Amended 11-19-97, 2-3-98, 3-22-00, _____.

64E-6.012 Standards for the Construction, Operation, and Maintenance of Aerobic Treatment Units.

When aerobic treatment units are used for treating domestic and commercial sewage waste, each unit shall be installed, operated and maintained in conformance with the following provisions:

(1) No change.

(2) The following additional requirements shall also apply to the construction, design, and operation of aerobic treatment units treating 1500 gallons per day or less:

(a) through (l) No change.

(m) The DOH county health department shall, at least annually, ~~inspect monitor~~ the maintenance and performance of aerobic treatment units ~~by selecting a representative sample of in-use systems for evaluation.~~ The DOH county health department shall also inspect each authorized maintenance entity, including review of their service records and maintenance agreements. Aerobic treatment units shall be sampled as necessary to determine compliance with

~~performance criteria. A report summarizing results of field evaluations, aerobic treatment unit effluent sample analysis, and a summary of maintenance agreement and servicing records compliance, shall be provided annually to the State Health Office for a determination of the effectiveness of the provisions of this section in assuring proper operation, maintenance, performance and utilization of aerobic treatment unit systems. At a minimum, aerobic treatment unit effluent sample analysis shall be conducted to determine that Class I standards as specified by ANSI/NSF Standard 40 are maintained.~~

(3) No change.

(4) No aerobic treatment unit shall be serviced or repaired by a person or entity engaged in an aerobic treatment unit maintenance service until the service entity has obtained an annual written permit issued on Form DH 4013 from the DOH county health department in the county where the service company is located. Each service entity shall employ at least one plumbing contractor licensed under s. 489.105(3)(m), F.S., septic tank contractor registered under Part III of chapter 489, F.S., or a state-licensed wastewater treatment plant operator, who is responsible for maintenance and repair of all systems under contract. Application for a ~~an Aerobic Treatment Unit~~ Maintenance Service Permit, Form DH 4066, shall be made to the DOH county health department and shall contain the following information:

(a) Evidence that the maintenance entity possesses a manufacturer's maintenance and operations manual and has received training from the manufacturer in proper installation and service of the unit and has received written approval from the manufacturer to perform service on their units. The manual shall contain detailed instructions on proper operation and maintenance procedures, a replacement parts list for all models being installed and maintained, a statement giving the capabilities of each unit, instructions on how to detect a malfunctioning unit and what to expect from a properly functioning unit.

(b) A signed statement from the applicant attesting that the applicant has adequate staff, possesses proper equipment and has sufficient spare structural and mechanical parts and components to perform routine system monitoring and servicing and is able to make a service response within 36 hours after notification of the need for emergency repairs. The statement shall include confirmation that the location or locations of service personnel and replacement parts will be no more than 200 miles from any aerobic treatment unit under contract for servicing.

(c) Payment of \$25.00 to the DOH county health department per annum for the aerobic treatment unit maintenance service permit.

(5) No change.

Specific Authority 381.0011(13), 381.006, 381.0065(3)(a), 489.553(3), 489.557(1) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.0067, Part I 386 FS. History—New 3-17-92, Amended 1-3-95, Formerly 10D-6.0541, Amended 11-19-97,

64E-6.013 Construction Materials and Standards for Treatment Receptacles.

(1) Onsite wastewater treatment receptacle design – The following requirements shall apply to all onsite wastewater treatment receptacles manufactured for use in Florida unless specifically exempted by other provisions of these rules:

(a) through (d) No change.

(e) Structural design of receptacles shall be verified by actual vacuum load or hydrostatic test in accordance with the department's policy for Test Requirements for Structural Proofing August 1999, herein incorporated by reference. All vacuum testing shall be followed by a watertightness test as defined in ASTM C1227 98, Standard Specification for Precast Concrete Septic Tanks, paragraph 9.2. Manufacturers may use calculations provided by the design engineer in lieu of proof testing for tanks using reinforcement bars for structural strength and having a wall thickness of 5 inches or greater. Curve-shaped tanks, fiberglass tanks and polyethylene tanks shall be vacuum tested followed by a watertightness test. Vacuum testing of polyethylene tanks shall demonstrate a distortion of volume of no more than 5% at a safety factor of 1.0 and watertightness at a safety value of 1.4 to be considered satisfactory. To determine the vacuum or hydrostatic pressure at a 1.0 safety factor, divide by 1.4 the values required on pages 3 through 5 of the department's policy entitled "Test Requirements for Structural Proofing, August 1999", herein incorporated by reference. Calculations shall not be used in place of proof testing for structural design verification of receptacles.

(f) through (h) No change.

(2) Onsite wastewater treatment receptacle design requirements – The following details shall be incorporated into the design:

(a) Septic tanks and graywater tanks shall have multiple compartments, or single compartment tanks shall be placed in series to achieve the required effective capacity. Grease interceptors, laundry tanks, pump tanks, aerobic treatment unit tanks and retention tanks shall be either multi-compartment or single compartment tanks. Except as noted in this paragraph, the first chamber of a dual compartment septic or graywater tank or the first tank of single compartment tanks in series shall have a minimum effective capacity of at least 2/3 of the total required effective capacity. The second single compartment tank or chamber of a multi-compartment tank shall have a minimum effective capacity of at least 1/5 ~~1/3~~ of the total required effective capacity. The combined effective capacities of the first and second chambers or the first and second single-compartment tanks shall equal or exceed the total required effective capacity. Systems with daily flows of 3500

gallons or less per day may utilize two tanks to achieve the total required effective capacity, provided that the first tank shall provide no less than 2/3 and no more than 4/5 of the total effective required capacity. Systems with daily flows in excess of 3500 gallons per day may utilize two tanks to achieve the total required effective capacity, provided that the first tank shall provide no less than 1/2 and no more than 4/5 of the total required effective capacity.

(b) The liquid depth of compartments for septic tanks, ~~laundry interceptors~~ and grease interceptors shall be at least 42 inches. The liquid depth of compartments for graywater tanks, laundry interceptors and pumping tanks shall be at least 30 inches. Liquid depths greater than 84 inches shall not be considered in determining the effective capacity.

(c) A minimum free board or airspace of 15 percent by volume of the effective capacity of all tanks shall be provided. The volume of risers above the liquid level line cast as an integral part of the tank may be included as free board or airspace. For pump tanks, the 15% airspace may be included in the pump tank minimum effective capacity.

(d) The inlet invert of septic tanks, graywater tanks and laundry interceptors shall enter the tank 1 to 3 inches above the liquid level of the tank. A vented inlet tee, vented sweep or a baffle may be provided at the discretion of the manufacturer to divert the incoming sewage. The inlet device, if utilized, shall have a minimum diameter of 4 inches and shall not extend below the liquid surface more than 33 percent of the liquid depth.

(e) In septic tanks, graywater tanks and laundry interceptors, a A minimum 4 inch diameter vented outlet tee, sweep or baffle shall extend below the liquid level of the tank so that the invert level of the outlet device is a distance not less than 30 percent nor greater than 40 percent of the liquid depth. The outlet device shall extend at least 4 inches above the liquid level. The submerged intake orifice of any ~~the~~ outlet fixture not incorporating an approved outlet filter device shall be provided with an approved solids deflection device to reduce, by a minimum of 90 percent, the intake area of the outlet fixture exposed to the vertical rise and fall of solid particles within the tank. Turning the intake orifice of an outlet tee or sweep 90 degrees from the vertical will satisfy the solids deflection device requirement.

(f) through (k) No change.

(l) Tank designs that specify a monolithic compartment wall from the bottom of the tank up to the invert of the pass-through orifice and a drop-in section for the upper portion of the wall shall be approved for both single and multi-compartment use.

(3) Onsite wastewater treatment receptacle design approval – All onsite wastewater treatment receptacles distributed in the state shall be approved for use by the

department prior to being offered for sale or installed. Such approval shall not be obtained until the manufacturer of a specific tank model has submitted the following:

(a) through (g) No change.

(h) A series of receptacles may be approved by successful demonstration of the largest in a series of tanks. Approval for inclusion of the receptacles to be considered in a series must be obtained from the state health office prior to testing the receptacles. A series is either where only one dimension, this being height, length, or width, is changed or where two dimensions change in the same proportion to offer a different capacity of treatment tank.

(i) through (j) No change.

(4) No change.

(5) Onsite wastewater treatment manufacturer's yearly inspection- Yearly inspection of the manufacturer's facility shall consist of the following:

(a) through (k) No change.

(l) Yearly inspection shall be performed by an employee of the department that has been certified in accordance with the policy entitled "Test Requirements for Structural Proofing, August 1999", ~~herein incorporated by reference.~~ A report shall be submitted to the State Health Office.

(6) Concrete onsite wastewater receptacles shall be built of precast or poured in place concrete in accordance with ACI 318-99, Building Code Requirements for Structural Concrete (1999) or ASTM C 1227-98, Standard Specification for Precast Concrete Septic Tanks (1998), except as revised herein.

(a) No change.

(b) Temperature and shrinkage crack control in concrete receptacles shall be accomplished by use of steel reinforcing in accordance with ACI 318-99 Chapter ~~16~~ 44, or by use of fiber reinforcement. Minimum ratio of vertical and horizontal reinforcement area to gross concrete area shall be 0.0010 ~~0.0015~~ for deformed bars or welded wire fabric. Fiber reinforcing materials may be used by the manufacturer to achieve crack control equivalent to the use of deformed bars or welded wire fabric. To be considered equivalent, acceptable fibers shall at least meet or exceed ACI recommendations regarding materials, fiber sizing, and required fiber quantities. Any current or future revisions to the ACI recommendations may be used by the manufacturer, at their option. Materials other than materials recognized by ACI for crack control use will not be acceptable.

(c) through (i) No change.

(j) The bottoms of concrete septic tanks shall be monolithic and shall either be an integral part of the walls or shall be sealed to the walls using water-stops cast into the wall and bottom. ~~Tank bottoms~~ ~~and~~ shall not contain openings for any purpose, for example, to facilitate the removal of rainwater.

(k) Reapproval of designs approved prior to the effective date of this rule and approval of new designs shall not be granted until the following has been completed and submitted as part of the application:

1. Establish a design mix and production process. Record the aggregate material, size and gradation; type and strength of cement; cement to aggregate ratios; water to cement ratio; and any other pertinent design data. Record the production process, for example; measuring equipment, batch sizes, mixing sequence, transportation techniques from mixer to mold, pouring techniques with consolidation of concrete methods detailed.

2. Construct three tanks using the design mix.

3. Test two sets of cylinders from the design mix at 7 day and 28 days.

4. Structural proof test three tanks to the design strength in accordance with Rule 64E-6.013(1)(e), F.A.C., for tanks having an effective capacity of 1350 gallons or less.

5. Structural proof test one tank to the design strength in accordance with Rule 64E-6.013(1)(e), F.A.C., for tanks having an effective capacity greater than 1350 gallons but not more than 1500 gallons.

6. Structural proof test one tank or provide tank strength calculations in accordance with Rule 64E-6.013(1)(e), F.A.C., for tanks having an effective capacity exceeding 1500 gallons.

~~7.5.~~ Verify that the manufacturer is not removing tanks from the producer's facility prior to the tank achieving 75% of the design compressive strength. Record how this is accomplished.

(7) Fiberglass reinforced plastic onsite wastewater receptacles – The following structural requirements are applicable to fiberglass and polyethylene receptacles, and receptacles made of a comparable class of materials:

(a) through (d) No change.

(e) Polyethylene tanks shall meet the requirements of International Association of Plumbing and Mechanical Officials (IAPMO) PS 1-93, Paragraph 5.4 "Polyethylene", herein incorporated by reference. Where the requirements of IAPMO PS 1-93 Paragraph 5.4 "Polyethylene" conflict with the standards in this section, the standards in this section shall apply.

~~(f)(e)~~ A test report from an independent testing laboratory is required to substantiate that individual tank designs and material formulations meet the requirements of (d) above.

~~(g)(f)~~ Reapproval of designs approved prior to August 31, 1999 and approval of new designs shall not be granted until the following has been completed and submitted as part of the application:

1. Establish a design mix and production process. Record the fiberglass and resin material specifications and other pertinent design data. Record the production process, for

example; measuring equipment, batch sizes, mixing sequence, transportation techniques from mixer to mold, and spraying techniques.

2. Construct three tanks using the design mix.

3. Test two sets of test strips from the design mix.

4. Structural proof test three tanks to the design strength per paragraph 64E-6.013(1)(e), F.A.C., for tanks having an effective capacity of 1350 gallons or less. ~~64E-6.013(1)(f).~~

5. Structural proof test one tank to the design strength in accordance with Rule 64E-6.013(1)(e), F.A.C., for tanks having an effective capacity greater than 1350 gallons.

~~6.5.~~ Verify that the manufacturer is not planning to relocate the tanks prior to the tank achieving 75% of the design compressive strength. Record how this is accomplished.

(8) Grease interceptors are not required for a residence. However, one or more grease interceptors are required where grease waste is produced in quantities that could otherwise cause line stoppage or hinder sewage disposal. The design of grease interceptors shall be based on standards found in (a) below. In addition, the following general requirements found in (b), (c), and (d), apply when determining the proper use and installation of a grease interceptor used as a component of an onsite sewage treatment and disposal system.

(a) The inlet invert shall discharge a minimum 2 1/2 inches above the liquid level line and the outlet pipe shall have a tee with a minimum diameter of 4 inches that extends to within 8 inches of the bottom of the tank, ~~and may be a single compartment.~~

(b) through (c) No change.

(d) Sizing of grease interceptors shall be based on the equations below. The minimum volume of any grease interceptor shall be 750 gallons and the maximum volume of an individual ~~a~~ single grease interceptor chamber shall be 1250 gallons. When the required effective capacity of the grease interceptor is greater than 1250 gallons, installation of multi-chambered grease interceptors or grease interceptors in series is required.

1. through 2. No change.

(9) No change.

(10) Pump tanks and pumps – when used as part of an onsite sewage treatment and disposal system, the following requirements shall apply to all pump tanks manufactured for use in Florida unless specifically exempted by other provisions of these rules:

(a) Pump tanks shall have a minimum effective capacity measured from the bottom of the tank to the top of the tank invert of the inlet in accordance with Table II. At least 80% of the required effective capacity shall be contained below the invert of the inlet. Pump levels shall be set as low as practical to preserve as much reserve capacity as possible in the event of pump failure.

(b) Construction standards for pump tanks shall be the same as for treatment receptacles, except that single compartment tanks are allowed.

(c) When a pump is used as part of a system, the following conditions shall apply.

1. through 3. No change.

4. A pump chamber insert may, at the applicant's discretion, be used to house a pump inside a septic tank. If a pump chamber insert is used, it must be approved for use by the State Health Office. Approval shall be based on the ability of the pump chamber insert to effectively filter solids from the effluent prior to intake by the pump. The efficiency of solids removal by the pump chamber insert must be at least equal to a currently approved outlet filter device. Pump chamber inserts that do not meet this criteria shall not be approved and shall not be used. The filter device used as part of the pump chamber insert shall be considered to meet the requirement of using an outlet filter device for purposes of Rule 64E-6.008(2), F.A.C. The tank or compartment used to house the pump chamber insert shall be included in calculating the minimum effective capacity of the tank, subject to the following conditions.

a. through f. No change.

g. For repair installations, in addition to the requirements of a. through ~~e.f.~~ above, pump chamber inserts shall not be used in an existing septic tank of less than 750 gallons effective capacity. In addition, the minimum tank liquid depth shall be 36 inches below the pump-off switch level and the minimum effective capacity contained below the pump-off switch level shall be within two tank sizes of that required in Rule 64E-6.008, F.A.C., Table II. The total septic tank capacity shall include the minimum effective capacity within two tank sizes of required tank size, plus dosing capacity, plus dosing reserve capacity equal to the dosing capacity, plus freeboard or air space capacity which is equal to 15% of the minimum effective capacity.

(11) Transportation and installation.

(a) No change.

(b) Tanks shall be installed level from end to end and side to side. As used in this context, level includes a slope from the inlet end to the outlet end or from side to side of the tank not exceeding one-half inch over the entire length or width of the tank. The tank shall not be approved with any pitch upward from the inlet end to the outlet end of the tank.

(c) through (d) No change.

(12) No change.

(13) Effective dates – Except at noted herein, all provisions of this section are effective immediately.

(a) Tanks that have been approved prior to the effective date of this rule must comply with Rules 64E-6.013(2)(f) and (i), and 64E-6.013(6)(h), F.A.C., as of August 1, 2000 and must be reapproved for use in compliance with this entire section no later than March 22 February 1, 2002.

(b) Tanks designs that have not been reapproved as of March 22 February 1, 2002 shall not be used as part of an onsite sewage treatment and disposal system.

(14) All materials incorporated by reference in this section of rule may be obtained by contacting the department.

Specific Authority 381.0011(4),(13), 381.006, 381.0065(3)(a), 489.553 FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.0067, 386.041, 489.553 FS. History—New 12-22-82, Amended 2-5-85, Formerly 10D-6.55, Amended 3-17-92, 1-3-95, Formerly 10D-6.055, Amended 11-19-97, 2-3-98, 3-22-00,_____.

64E-6.018 System Location, Design and Maintenance Criteria.

Table III of Chapter 64E-6, F.A.C., Part I, and other subsections of Part I pertaining to soil texture, soil depth, and maximum sewage loading rates for specific soils shall not apply to areas subject to the provisions of this Part except for Table III, footnote 2. as it relates to the falling head percolation test procedure. However, approved system design criteria, system location, operation, maintenance and monitoring requirements of subsections 64E-6.018(1), (2), (3), and (4), F.A.C., shall apply. A minimum of one soil profile and one percolation test per application shall be required for site evaluations performed in the Florida Keys. However, a soil profile and percolation test is not required when the system design engineer chooses the use of an injection well for effluent disposal. All new onsite sewage treatment and disposal systems shall be performance-based treatment systems designed by an engineer registered in the State of Florida and shall meet the minimum level of waste treatment as defined in Rule 64E-6.017, F.A.C. All receptacles subject to a positive buoyancy exposure shall be anchored or otherwise weighted to prevent flotation during flooding periods. The receptacles shall be evaluated for buoyancy while in their normal operating condition.

(1) through (2) No change.

(3) The owner or lessee of a performance-based treatment system shall obtain and maintain a maintenance contract with an approved maintenance entity.

(a)(3) All new onsite sewage treatment and disposal systems shall be inspected by an approved maintenance entity at least two times each year.

(b)(a) A maintenance report shall be kept by the maintenance entity. A copy of all maintenance reports shall be provided to the county health department. The report shall include the following information:

1. The address of the system.
2. Date and time of inspection.
3. Sample collection time and date, and person who collected sample.
4. Results of all sampling.
5. Volume of effluent treated, to include total monthly and daily average.
6. Maintenance performed.

7. Problems noted with the treatment system and actions taken or proposed to overcome them.

~~(b) The maintenance entity shall at least annually sample the treated system effluent to determine compliance with the required minimum level of waste treatment.~~

(4) No change.

Specific Authority 381.0011(4),(13), 381.006, 381.0065(3)(a),(4)(k) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.006(7), 381.0061, 381.0065, 381.00655 FS. History—New 7-15-86, Amended 3-17-92, 1-3-95, Formerly 10D-6.063, Amended 3-3-98, 3-22-00,_____.

64E-6.0181 Cesspit and Undocumented System Replacement and Interim System Use.

(1) Where a property is determined to have a cesspit or an undocumented system, the cesspit or undocumented system shall be required to be replaced with an onsite sewage treatment and disposal system complying with Rule 64E-6.018, F.A.C., except as provided for in (2) and (3).

(2) In areas that are scheduled to be served by a central sewage facility before July 1, 2010, interim construction standards specified in Rule 64E-6.0181(3), F.A.C., for new, modified, expanded or existing onsite sewage treatment and disposal systems or to replace cesspits or undocumented systems shall be allowed. Existing onsite sewage treatment and disposal system applications submitted for approval in areas scheduled to be served by a neighborhood or central sewerage system by December 31, 2004, shall be approved if the system is not a cesspit and provided the system is functioning so as to not create a sanitary nuisance. If a neighborhood or central sewerage system will not be available by December 31, 2004, but is scheduled for availability by December 31, 2009, an applicant that does not have a cesspit shall be required to upgrade the onsite sewage treatment and disposal system to meet at least the following minimum design criteria:

(a) Interim system requirements shall be allowed through July 1, 2004, for onsite sewage treatment and disposal systems in areas that are scheduled to be served, according to an adopted local comprehensive plan determined to be in compliance by the Department of Community Affairs, by a central sewage facility before July 1, 2010. The existing septic tank shall be retrofitted with an approved outlet filter device.

(b) After July 1, 2004, interim system requirements shall be allowed in an area scheduled to be served by a central sewage facility only when all of the following conditions are met: The existing drainfield shall be replaced with a drainfield having a design effluent loading rate not exceeding 1.2 gallons per square foot per day and shall have approved nutrient reducing material underlying the entire area of the drainfield:

1. An enforceable contract to provide the central sewage and collection system has been signed;

2. The contract contains a binding schedule for connection the onsite sewage treatment and disposal systems to the central sewage facility; and

3. There is an enforceable requirement for abandonment of the onsite sewage treatment and disposal systems.

(c) Onsite sewage treatment and disposal systems that are not scheduled to be served in accordance with this section shall provide the level of treatment required in Rule 64E-6.018, F.A.C. The bottom surface of the nutrient reducing material underlying the drainfield shall be a minimum of 6 inches above mean high water and the drainfield shall be set back from surface water the maximum distance practical.

(d) All onsite sewage treatment and disposal systems in operation on July 1, 2010, shall provide the level of treatment required in Rule 64E-6.018, F.A.C.

(3) Interim systems standards shall be: If a neighborhood or central sewerage system will be available by December 31, 2009, and the existing system is a cesspit, the cesspit shall be replaced with an interim onsite sewage treatment and disposal system which meets the following minimum interim system design, or a design that will produce at least an equal level of treatment as the interim system design. The minimum interim system shall be a properly sized septic tank per 64E-6.008, Table II, with an approved outlet filter and a drainfield having a design effluent loading rate not exceeding 1.2 gallons per square foot per day, and shall have a nutrient reducing material liner. The onsite sewage treatment and disposal system shall meet the maximum surface water setback achievable and the bottom surface of the nutrient removing material shall be a minimum of 12 inches above mean high water.

(a) A Class I aerobic treatment unit which meets the location, construction, maintenance and operational requirements of Rule 64E-6.0181(3)(a)1. or 2., F.A.C., and the certification, construction, operational and maintenance requirements of Rule 64E-6.012, F.A.C.

1. Where a Class I aerobic treatment unit is utilized, and where final effluent disposal is into a sand lined drainfield system, the following general requirements shall apply:

a. For a sand-lined drainfield, a minimum 12 inch thick layer of quartz sand shall be placed beneath the bottom of the drainfield absorption surface and a minimum 12 inch wide and minimum 24 inch thick layer of quartz sand shall be placed contiguous to the drainfield sidewall absorption surfaces in order to provide an additional level of effluent treatment prior to effluent passing into the surrounding natural limestone rock. Sand material shall have either an effective grain size in the range of 0.25 millimeter to 1.00 millimeter and shall have a uniformity coefficient of less than 3.5, or the material shall be of such size whereby at least 90 percent of the sand particles pass a U.S. Standard Number 18 sieve and less than 10 percent pass a number 60 sieve. These materials are in the USDA soil texture classes known as medium sand and coarse sand. The county health department shall require the installer of a sand-lined drainfield system to provide certification from the installer's sand supplier that the sand supplied for such type of installations meets the requirements of this subsection.

b. No part of the system shall be within 25 feet of the mean high water line of tidal surface water bodies or within 25 feet of the ordinary high water line of lakes, ponds or other non-tidal surface waters or salt marsh and Buttonwood Association habitat areas where the dominant vegetation species are those typical of salt marsh communities.

c. The bottom surface of the sand layer shall be at least 12 inches above mean high water.

d. The maximum sewage loading rate to an aerobic treatment unit absorption bed drainfield with underlying sand liner shall be 1.1 gallons per square foot per day.

e. Appropriate shallow root vegetative cover shall be established over drainfield systems to maximize the beneficial effects of evapotranspiration.

2. Provided a Class I aerobic treatment unit is utilized and provided effluent from the treatment unit, prior to discharge into an injection well, is passed through a mineral aggregate filter unit as described in Rule 64E-6.0181(3)(a)2., F.A.C., or where effluent is passed through a filter unit of another design which has been determined by the State Health Office to be at least equal to the mineral aggregate filter unit with regard to sewage treatment capability, an injection well shall be approved in compliance with the following:

a. An injection well shall not be permitted or installed under the provisions of this part in any area designated by the United States Environmental Protection Agency or the Florida Department of Environmental Protection as having a single or sole source aquifer. Single source aquifer is defined in subsection 62-520.200(14), F.A.C.

b. In areas where injection wells are approved for use, the DOH Monroe County Health Department shall be the permitting agent for the aerobic treatment unit, the filter unit and the injection well, where the estimated daily domestic sewage flow will not exceed 2000 gallons per day. For establishments having a total daily sewage flow greater than 2000 gallons per day but not greater than 10,000 gallons per day, the Monroe County Health Department shall be the permitting authority for the aerobic treatment unit and the filter unit and DEP is the permitting agent for the injection well and any additional associated effluent treatment device. The effluent from the treatment unit permitted by the DOH Monroe County Health Department shall not exceed 20 mg/l CBOD₅ or 20 mg/l suspended solids on a permitted annual average basis and shall have disinfection in accordance with sub paragraph 64E-6.0181(3)(a)2.h., F.A.C., prior to discharge into any injection well.

c. The interior of the aerobic treatment unit, the top surface of the mineral aggregate filter soil cover, and the ground surface within a distance of at least 10 feet in all directions around the injection well, filter unit and aerobic treatment unit shall not be subject to surface or ground water flooding. In

addition, the invert of the effluent inlet pipe to the injection well shall be a minimum 18 inches above the estimated seasonal high water level.

d. If there is adequate vertical and horizontal clearance to allow for proper maintenance, repair or replacement of the aerobic treatment unit, filter unit and injection well, such components of the onsite sewage treatment and disposal system shall be allowed to be placed beneath an elevated building.

e. If a mineral aggregate filter as referred to in subparagraph 64E-6.0181(3)(a)2., F.A.C., is utilized, effluent discharge from the aerobic unit shall be by gravity or pressure distribution to a perforated pipe distribution system as specified in Part I, Rule 64E-6.014, F.A.C. Such distribution system shall be placed within the walls of the mineral aggregate filter, shall have at least 4 inches of soil cover and shall be placed above a mineral aggregate filter layer which shall be at least 24 inches thick. Mineral aggregate filter material shall have either an effective size in the range of 2.36 millimeters to 4.75 millimeters and shall have a uniformity coefficient of less than 3.5 or the material shall be equivalent in size to Florida Department of Transportation aggregate classification number eight or nine. The DOH Monroe County Health Department shall require the installer of mineral aggregate filter systems to provide certification from the installer's mineral aggregate supplier that the aggregate supplied meets requirements of this sub-paragraph.

f. The maximum sewage loading rate to the mineral aggregate filter shall be 5.5 gallons per square foot per day based upon the top surface area of the filter layer. The maximum sewage loading rate to an approved filter unit other than a mineral aggregate filter as described in this section shall be evaluated by the State Health Office based on unit design, size, filter media characteristics and expected functional life of the unit.

g. Effluent having passed through a mineral aggregate filter shall collect in an underdrain for gravity or mechanical discharge into an injection well. The underdrain shall consist of minimum 4 inch diameter perforated drainpipe which is encased within a minimum 8 inch depth of 1/2 to 2 inch diameter washed and durable aggregate. The walls and bottom of the filter unit shall be reinforced concrete or other material of adequate strength and durability to withstand hydrostatic and earth stresses to which the unit will be subjected. The walls and bottom of the unit shall be made waterproof so that the total volume of effluent passed through the mineral aggregate filter will be collected in the filter underdrain for discharge into the injection well.

h. Prior to discharge into an injection well, effluent from the filter unit shall be disinfected by chlorination or other disinfection method approved by the State Health Office. A minimum disinfection level equivalent to a free chlorine residual of 0.5 milligram per liter measured at the point of

effluent discharge after a minimum chlorine contact time of 15 minutes into the injection well, shall be maintained in the effluent at all times.

i. An injection well to receive an estimated daily domestic sewage flow not exceeding 2000 gallons per day shall meet minimum construction criteria (I), (II) and (III) of this sub-paragraph. The DOH Monroe County Health Department shall not approve an injection well for use until the well driller has certified, in writing to the DOH Monroe County Health Department, that the well has been installed in compliance with the provisions of this sub-paragraph. The inspection fee for the construction of an injection well shall be \$125.00.

(I) An injection well as defined in subsection 64E-6.017(3), F.A.C., shall be constructed, in part, utilizing a casing of polyvinyl chloride, commonly referred to as PVC. The minimum PVC casing weight and strength classification shall be schedule 40 and the minimum outside diameter of the casing shall be 4 inches. Other casing materials having strength and corrosion resistance properties equal to or greater than PVC schedule 40 pipe shall also be approved.

(II) An open hole having a minimum diameter of 6 inches shall extend to a depth of not less than 30 feet below the bottom of the casing.

(III) The annular space between the casing and the natural rock wall of the borehole shall be grouted the full length of the casing.

j. A minimum of one maintenance visit every four months shall be made to those systems using injection wells for effluent disposal. In addition to the standard aerobic treatment unit maintenance visit, the visit shall include an inspection of the chlorination and filter units. Documents and reports required in Rule 64E-6.012, F.A.C., shall also include the results of these inspections and shall include information on chlorine residuals to assess compliance with the disinfection requirements of this rule.

k. If an injection well is discontinued for effluent disposal use such injection well shall be properly abandoned and plugged by filling the injection well from bottom to top with cement grout.

(b) A performance-based treatment system designed and certified by a professional engineer, registered in the state, as producing an effluent meeting at a minimum the treatment standards for a system designed in accordance with paragraph 64E-6.0181(3)(a), F.A.C., and permitted, constructed and monitored in accordance with Part IV.

Specific Authority 381.0011(4),(13), 381.006, 381.0065(3)(a),(4)(k) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.006(7), 381.0061, 381.0065, 381.00655, 386.01, 386.03, 386.041 FS., Ch. 2001-337, L.O.F. History—New 3-3-98, Amended 3-22-00,_____.

64E-6.019 Requirements for Registration.

(1) through (2) No change.

(3) A person shall be eligible to take the registration examination if they submit necessary exhibits and fees and meet the requirements of s. 489.553(4), F.S.

(a) Under the supervision and control of a registered septic tank contractor or a plumbing contractor in s. 489.553(4)(d), F.S., is defined as an employment relationship where compensation can be documented by the regular deduction of FICA and withholding tax and the provision of worker's compensation, all as required by law. Principal officers of a corporation or partnership providing onsite sewage contracting services shall be recognized as being under the supervision and control of the corporation's qualifying registered septic tank contractor or plumbing contractor.

(b) Related work experience includes but is not limited to onsite sewage treatment and disposal system design, inspection, installation, regulation, environmental health professional certification, site evaluation, underground utility contracting and wastewater treatment plant maintenance and operation. Related work experience does not include clerical, purchasing or estimating.

(c)(b) Out-of-state work experience on a year for year basis shall be accepted for any applicant who demonstrates that they hold a current statewide license for septic tank contracting which was issued upon satisfactory completion of an equivalent examination and required continuing education courses for renewal. For purposes of this section, an equivalent examination means that at a minimum, the following topics were tested and passed: system location and installation; site evaluation criteria; system size determinations; disposal of septage; construction standards for drainfield systems and U.S. Department of Agriculture soil textural classification system. A person employed by and under the supervision and control of such a licensed contractor shall be granted up to two years of related work experience.

(4) Completed applications for registration examination must be received by the department's Onsite Sewage Program at least 21 ~~30~~ days prior to examination. In order to be complete, the application must have all appropriate spaces filled, be signed by the applicant, be reviewed by the county health department where the applicant provides service, include a money order or sufficiently funded check in the correct amount and contain all necessary support documentation. Support documentation shall include:

(a) A list of the 25 most recent ~~all~~ contracts by the applicant or business organization under way at the time of filing, if any, along with a list of all contracts completed 3 years immediately preceding the date of filing. or, in the alternative, a list of the 25 most recent contracts performed. This list shall include the description of each job, location, owner, construction permit number if applicable, date job completed, and general contractor, if applicable.

(b) Affidavits from two persons not related to the applicant for whom the applicant has provided ~~contracted~~ services in the onsite sewage industry, stating what services were provided and that the applicant is of good moral character.

(c) Certification from a registered septic tank contractor or plumbing contractor of the applicant's employment dates and work responsibilities, ~~to include documentation of payment of federal withholding tax and social security and worker's compensation, all a required by law.~~

(d) Documentation of payment of federal withholding tax and social security and worker's compensation, all as required by law. For corporate officers or partners in the corporation, legal documentation of their position in the corporation or partnership may be substituted for withholding tax, social security and worker's compensation documentation.

~~(e)(4)~~ Two recent color passport style photographs, not older than 12 months and 1 1/2 x 1 1/2 inches in size.

(5) Eligible applicants must successfully complete an examination administered by the department. Minimum passing score for the examination shall be a ~~75~~ 70 percent correct response to all questions comprising the exam.

Specific Authority 154.06(1), 381.0011(4),(13), 381.006, 381.0065(3)(a), 489.553(2), 489.553(3), 489.557 FS. Law Implemented 154.01, 381.001, 381.0011(4), 381.0012, 381.006, 381.0061, 381.0065, Part III 489.552, 489.553 FS. History—New 10-25-88, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.072, Amended 2-3-98,_____.

64E-6.020 Master Septic Tank Contractors.

(1) A septic tank contractor or a plumbing contractor certified under 489.105(3)(m), F.S., who is eligible under s. 489.553(5)(a) and (b), F.S., may apply to the department on Form DH 4105, 10/96, Application for Master Septic Tank Contractor Registration, hereby incorporated by reference and available from the department, to take the master contractor examination provided the contractor:

(a) Has been in "active" status for the three years immediately preceding the date of application. This time period may not be interrupted by more than 60 accumulated days as "inactive" or include any registration probation or suspension imposed by the department through administrative action.

(b) through (e) No change.

(f) Has successfully completed 30 hours of master contractor course work approved by the department. At a minimum, this course work shall include training and testing of soil classification, system design and theory, ~~contractor ethics~~, system material and construction standards, and regulatory requirements.

(f) Has successfully completed 30 hours of master contractor course work approved by the department. At a minimum, this course work shall include training and testing of soil classification, system design and theory, ~~contractor ethics~~, system material and construction standards, and regulatory requirements.

(2) Completed applications for registration examination must be received by the department Onsite Sewage Program office at least ~~21~~ 30 days prior to examination. In order to be complete, the application must have all appropriate spaces filled, be signed and dated by the applicant, be reviewed by the county health department where the applicant's primary place of business is located, and include a money order or sufficiently funded check in the correct amount.

(3) Eligible applicants must successfully complete a comprehensive ~~an~~ examination administered by the department. Minimum passing score for the examination shall be a 70 percent correct response to the examination questions.

(4) No change.

(5) Master septic tank contractor certificates shall be renewed only after the contractor has completed 12 classroom hours of approved instruction for each renewal cycle. At least 6 classroom hours must be successfully completed in an approved master contractor course. Instructional time spent by a master septic tank contractor in providing department approved continuing education training shall receive credit as master contractor course hours. Application for renewal shall be made on Form DH 4076, 10/96, Application for Septic Tank Contractor Registration Renewal, accompanied by the required supporting documentation and fees.

(a) A master septic tank contractor who only completes 6 classroom hours of approved instruction during the renewal cycle shall revert to registered septic tank contractor status and shall apply for renewal under Rule 64E-6.021, F.A.C.

(b) Applications for renewal not submitted in a timely and complete manner shall revert to inactive status. Each application for renewal shall be considered filed in a timely manner if it is postmarked prior to close of business on the date of expiration of the certificate. If that date falls on a weekend or legal holiday, the date of expiration shall be the first working day after the expiration date of the certificate. Application for renewal of an inactive certificate shall be made on Form DH 4076, 10/96, Application for Septic Tank Contractor Registration Renewal, accompanied by the required supporting documentation and fees.

(c) The department shall deny an application for renewal for an outstanding administrative penalty with the department where the penalty is final agency action.

(d) Master contractors with "inactive" certificates shall be reinstated to "active" upon completion of the following:

1. Take sufficient continuing education courses and pay registration fees to cover the inactive period, or

2. Retake and pass the comprehensive examination.

~~(e)(4)~~ Master contractor certificates not renewed within ~~five one~~ five renewal ~~cycles~~ cycles of the expiration date shall comply with subsections 64E-6.020(1) through (4), F.A.C., to be reinstated as active ~~be considered null and void.~~

Specific Authority 154.06(1), 381.0011(4),(13), 381.006, 381.0065(3)(a), 489.553(2), 489.553(3), 489.557 FS. Law Implemented 154.01, 381.001, 381.0011(4), 381.0012, 381.006, 381.0061, 381.0065, Part III 489.552, 489.553 FS. History–New 2-13-97, Formerly 10D-6.0725, Amended 2-3-98, _____.

64E-6.021 Issuance of Registration Certificates and Renewal.

(1) Certificates of registration shall be renewed only after information has been provided to the department that the contractor has successfully completed 6 classroom hours of ~~department~~-approved instruction within the previous 12-month period. However, if a registered contractor successfully completes 12 or more classroom hours of approved instruction within a 12-month period, a maximum of 6 unused hours can be rolled over to renew their next year’s certificate of registration regarding the public health and environmental effects of onsite sewage treatment and disposal systems and the proper installation and use of onsite sewage treatment and disposal systems. Such information shall be accompanied by necessary renewal fees and a completed renewal application on Form DH 4076, Application for Septic Tank Contractor Registration Renewal, incorporated by reference in these rules.

(2) No change.

(3) A registered contractor may request inactive status. Inactive registrations not renewed in ~~five two~~ renewal cycles from the date of inactivation shall be considered null and void. Persons wishing to renew an inactive registration must make application on Form DH 4076 and substantiate six classroom hours of approved instruction for each year the registration was considered inactive. Application must be accompanied by necessary exhibits and renewal fees.

(4) No change.

(5) Approval of continuing education courses and course providers will be in accordance with the department Policy on Requirements for Continuing Education Courses and Course Providers, August 2001 ~~1999~~, herein incorporated by reference.

(6) All materials incorporated herein may be obtained by contacting the department.

Specific Authority 154.06, 381.0011, 381.006, 381.0065, 489.553, 489.557 FS. Law Implemented 154.01, 381.001, 381.0011, 381.0012, 381.0025, 381.006, 381.0061, 381.0065, 381.00655, 381.0066, 381.0067, 386.041, Part III 489 FS. History–New 10-25-88, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.073, Amended 3-22-00, _____.

64E-6.023 Certification of Partnerships and Corporations.

(1) Authorization of a corporation is only effective as to that corporation; subsidiaries or parents of authorized corporations must be separately authorized.

(a) Application for a certificate of authorization shall be made to the department on Form DH 4077, Application for Certificate of Authorization, incorporated by reference into this rule, and shall be accompanied by all necessary exhibits and

fees. A business that applies for a certificate of authorization after the mid point of the biennial authorization cycle shall pay one/half the fee required in Rule 64E-6.030, F.A.C.

(b) Any certificate of authorization not renewed in a timely manner shall revert to inactive status. Applications for renewal shall be considered timely filed if the application has been post marked prior to the close of business on the date of expiration of the certificate. If that date falls on a weekend or legal holiday, the day of expiration shall be the first working day after the expiration date of the certificate. ~~Inactive certificates not renewed within 2 years from the date of expiration shall be considered null and void.~~

(2) A registered contractor may not be the sole qualifying contractor for more than one business required to have requesting a certificate of authorization.

(3) A business organization which loses its qualifying ~~contractor person~~ shall have sixty (60) days from the date the qualifier terminated his affiliation within which to obtain another qualifying person. This period may be extended by the department upon a showing of good cause. During this period, the business organization may complete any existing contracts or continuing contracts, but may not undertake new contracts.

(4) A business organization shall provide written notification to the department within 30 days of any change in the ownership of the business.

(5) A business organization that changes its name shall apply for a new certificate of authorization within 30 days of the name change.

Specific Authority 154.06, 381.0011, 381.006, 381.0065, 489.553, 489.557 FS. Law Implemented 154.01, 381.001, 381.0011, 381.0012, 381.0025, 381.006, 381.0061, 381.0065, 381.00655, 381.0066, 381.0067, Part I 386, Part III 489 FS. History–New 10-25-88, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.076, Amended _____.

64E-6.027 Permits.

Permits for performance-based treatment systems shall be issued in accordance with the following requirements.

(1) through (4) No change.

(5) Operating permits – No residence served by a performance-based treatment system shall be occupied until Form DH 4081, 10/96, “Application for Onsite Sewage Treatment and Disposal System Operating Permit” has been received and approved by the department. Form DH 4081, is hereby incorporated by reference, and is available from the department. Where a performance-based treatment system is used, only one operating permit shall be required for the system.

(a) Maintenance entities contracting to service Persons using performance-based treatment systems shall obtain a biennial an annual operating permit from the county health department for the system. Persons operating a performance-based treatment system shall permit department

personnel right of entry to the property during normal working hours to allow for effluent sampling or evaluating the general state of repair or function of the system.

(b) The permit shall designate the performance system maintenance entity responsible for the operation and maintenance of the system. At a minimum, the performance system maintenance entity responsible for maintenance of the system shall test, or cause to be tested, the performance-based treatment system in accordance with Part IV of this rule. The frequency of testing shall be specified on the annual operating permit. The operating permit shall also specify the observation interval to assess the operation of the system without taking monitoring samples.

(c) Systems and the structures which they serve shall be inspected by the department at least once annually during the term of the biennial ~~annual~~ operating permit to determine compliance with the terms of the operating permit.

(d) A copy of the signed maintenance agreement between the property owner or property lessee and an engineer-designed performance-based system maintenance entity shall be provided to the county health department by the maintenance entity. The maintenance agreement shall:

1. Initially be for a period of at least 2 years and subsequent maintenance agreement renewals shall be for at least 1 year periods for the life of the system.

2. Provide that a maintenance entity which desires to discontinue the provision of maintenance services, notify in writing, the property owners and lessees and the county health department at least 60 days prior to discontinuance of service.

3. Provide that, if a private maintenance entity discontinues business, property owners who have previously contracted with the discontinued maintenance service shall, within 60 days of the service termination date, contract with an approved maintenance service and provide the county health department a copy of the newly signed maintenance agreement.

4. Provide that each performance-based treatment system is inspected by an engineer-designed performance-based system maintenance entity at least two times each year. The maintenance entity shall furnish to the county health department a listing of all performance based treatment systems inspected or serviced during the respective reporting period. As a minimum, reports shall indicate the system owner or building lessee, the street address of the system, the date of system inspection or service and a statement as to the maintenance or service performed. The maintenance entity shall also include a list of the owners who have refused to renew their maintenance agreement.

(e) No performance-based treatment system shall be serviced or repaired by a person or entity engaged in a performance-based treatment system maintenance service until the service entity has obtained an annual written permit issued on Form DH 4013 from the DOH county health department in

the county where the service company is located. Each service entity shall employ at least one plumbing contractor licensed under s. 489.105(3)(m), F.S., septic tank contractor registered under Part III of Chapter 489, F.S., or a state-licensed wastewater treatment plant operator, who is responsible for maintenance and repair of all systems under contract. Application for a Maintenance Service Permit, Form DH 4066, shall be made to the DOH county health department and shall contain the following information: The county health department shall also inspect each authorized maintenance entity, including review of their service records and maintenance agreements. A report summarizing results of field evaluations, effluent sample analysis, and a summary of maintenance agreement and servicing records compliance, shall be provided annually to the departments' Bureau of Onsite Sewage Programs for a determination of the effectiveness of the provisions of this section in assuring proper operation and maintenance of performance-based treatment systems.

1. Evidence that the maintenance entity possesses a manufacturer's maintenance and operations manual and has received training from the manufacturer in proper installation and service of the performance-based treatment system components and has received written approval from the components' manufacturers to perform service on their components. The manual shall contain detailed instructions on proper operation and maintenance procedures, a replacement parts list for all components being installed and maintained, a statement giving the capabilities of each system, instructions on how to detect a malfunctioning system and what to expect from a properly functioning system.

2. A signed statement from the applicant attesting that the applicant has adequate staff, possesses proper equipment and has sufficient spare structural and mechanical parts and components to perform routine system monitoring and servicing and is able to make a service response within 36 hours after notification of the need for emergency repairs. The statement shall include confirmation that the location or locations of service personnel and replacement parts will be no more than 200 miles from any performance-based treatment system under contract for servicing.

3. Payment of \$25.00 to the DOH county health department per annum for the performance-based treatment system maintenance service permit.

Specific Authority 381.0011(13), 381.006, 381.0065(3)(a), 489.553(3), 489.557(1) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.0067, Part I 386, 489.553 FS. History—New 2-3-98, Amended _____.

64E-6.030 Fees.

(1) The following fees are required to accompany applications for site evaluations, construction, modifications to existing systems or repair permits, and other services provided by the department, but do not include performance-based treatment systems.

- (a) Application for permitting of an onsite sewage treatment and disposal system, which includes application and plan review \$ 25
- (b) Application for permitting of a new performance-based treatment system \$125
- (b) through (l) renumbered (c) through (m) No change.
- (m)(4) Annual operating permit fee for systems in industrial, manufacturing, and equivalent areas, and for systems receiving commercial sewage waste \$150
- Amendments or changes to the operating permit during the permit period per change or amendment \$ 25
- (n)(m) Aerobic treatment unit biennial operating permit per annum \$100 150
- (o) Biennial operating permit fee for performance-based treatment system. A prorated fee is to be charged beginning with second year of operation. \$100
- (p) Review of application due to proposed amendments or changes after initial operating permit issuance for a performance-based treatment system. \$ 75
- (n) through (v) renumbered (q) through (y) No change.

(2) Except for the time limited research fee which is to be placed in a designated account, all fees collected pursuant to Rule 64E-6.030(1)(a) through (v)(s), F.A.C., shall be deposited in an individual county health department trust fund to be used to meet the cost of administering the onsite sewage treatment and disposal program.

(3) No change.

~~(4) The following fees are required to accompany applications for site evaluations and for construction or repair permits for performance-based treatment systems:~~

- ~~(a) Application for permitting of a new performance-based treatment system, which includes application and plan review~~ \$125
- ~~(b) Permit for new performance-based treatment system~~ \$125
- ~~(c) Installation inspection for a new performance-based treatment system~~ \$ 75
- The following research fee is to be collected in addition to, and concurrent with the permit for a new performance-based treatment system installation fee \$ 5

- ~~(d) Repair permit issuance for a performance-based treatment system, which includes inspection~~ \$125
- ~~(e) Inspection of a performance-based treatment system previously in use~~ \$ 25
- ~~(f) Reinspection fee per visit for site inspections after system construction approval~~ \$ 25
- ~~(g) Installation reinspection for non-compliant system per each site visit~~ \$ 50
- ~~(h) Performance-based treatment system abandonment permit, includes permit issuance and inspection~~ \$ 75
- ~~(i) Annual operating permit fee for performance-based treatment system. Fee is to be charged beginning with second year of operation. Review of application due to proposed amendments or changes after initial operating permit issuance.~~ \$ 75
- ~~(j) Variance Application for a single family residence with a performance-based treatment system~~ \$150

~~(5) Except for the research fee which is to be placed in a designated account, all fees collected pursuant to Rule 64E-6.030(4)(a) through (i) shall be deposited in an individual county health department trust fund to be used to meet the cost of administering the onsite sewage treatment and disposal program.~~

Specific Authority 381.0011(13), 381.006, 381.0065(3)(a), 381.0066, 489.553(3), 489.557(1) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.0066, 381.0067, 386.041, 489.553, 489.554, 489.555, 489.557 FS. History—New 2-3-98, Amended 3-22-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Holcomb

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gerald Briggs, Chief, Bureau of Onsite Sewage Programs

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 12, 2001

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE CHAPTER TITLE: Temporary Cash Assistance
 RULE CHAPTER NO.: 65A-4
 RULE TITLE: Learnfare Requirements
 RULE NO.: 65A-4.2131

PURPOSE AND EFFECT: The 2001 Florida Legislature created s. 414.1251, F.S., to require a reduction in temporary cash assistance (TCA) if a participant's dependent child who has not been exempted from education requirements is identified as a habitual truant or as a dropout by the local school district. Also, a TCA participant with a school-age child is required to have a conference with an appropriate school official during each school semester to assure that the participant is involved in the child's educational progress and is aware of any existing attendance or academic problems.

SUMMARY: The proposed rule provides for a reduction of TCA benefits when a participant's dependent school-age child is determined to be a habitual truant, pursuant to s. 228.041(28), F.S., or a school dropout, pursuant to s. 228.041(29), F.S.; or, the parent or caretaker relative fails to attend a school conference each semester. Additionally, it provides for the local school district to identify and notify the department of a habitual truant or a school dropout and to determine if a dependent child meets an exemption from education participation requirements. It also provides for good cause determination; exemptions from school conference requirement; sanction notification; lifting of a sanction; and, forms incorporated by reference.

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: 414.45 FS.

LAW IMPLEMENTED: 414.1251 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., February 15, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Mitchell, Program Administrator, Economic Self-Sufficiency Services, Program Support Unit, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-4.2131 Learnfare Requirements.

(1) Learnfare Requirements. Temporary cash assistance (TCA) will be reduced when a participant's dependent school-age child(ren) is determined to be a habitual truant or school dropout or the parent or caretaker relative whose needs are included in the TCA assistance group fails to attend a school conference each semester. Notification of the Learnfare

Program requirements will be provided upon TCA application using the CF-ES 2606, Notice of Learnfare Requirements, DEC 01, incorporated by reference. The applicant must sign the CF-ES 2606 and a copy is to be retained in the case file.

(2) School-Age. Dependent children who are age 6, or who will be age 6 by February 1 of any school year, or who are over age 6 but under age 18 are subject to school attendance unless exempted from education participation requirements by the local school district.

(3) Referral to Regional Workforce Board. If a participant's dependent child is age 16 or 17 and is exempted from education participation by the school district, the child is to be referred to the regional workforce board or its designee to participate in TCA work or alternative requirement plan activities.

(4) Habitual Truant or Dropout. The local school district will be responsible for notifying the department when a dependent child of a TCA participant is identified as a habitual truant, pursuant to s. 228.041(28), F.S., or a dropout, pursuant to s. 228.041(29), F.S.

(5) School Conference. Verification of participation in a school conference each semester must be provided by participants using the form, CF-ES 2098, Learnfare School Conference Verification, DEC 01, incorporated by reference, or other written documentation from a school district official or by department staff's direct contact with a school official. If a redetermination is due during the summer when school is not in session, the conference verification from the previous semester will be sufficient documentation of compliance.

(6) Exemption from School Conference. Caretaker relatives whose needs are not included in the TCA assistance group and parents or included caretaker relatives that home school their children with the approval of the local school district are exempt from the school conference requirement.

(7) Good Cause. Upon notification by the local school district that a participant's dependent child is a habitual truant or dropout or a parent or caretaker relative fails to attend a school conference, the department must determine if good cause exists in accordance with s. 414.1251(1), F.S. If good cause does not exist, the department will notify the participant of penalty action using the CF-ES 4192, Notice of Work Penalties, SEP 00, incorporated by reference in administrative Rule 65A-4.205, F.A.C.

(8) Reinstatement of Benefits. Before benefits may be reinstated, verification must be provided that the participant's dependent child identified as a habitual truant or dropout is in compliance with Learnfare attendance requirements in accordance with s. 414.1251(1), F.S. or the parent or caretaker has met the school conference requirement.

(9) Copies of CF-ES 2606, CF-ES 2098, and CF-ES 4192 may be obtained from the Department of Children and Family Services, Economic Self-Sufficiency Services, 1317 Winewood Boulevard, Tallahassee, Florida 31399-0700.

Specific Authority 414.45 FS. Law Implemented 414.1251 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lonna Cichon, Government Operations Consultant II
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Program Support Unit
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 24, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2001

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE NO.: 3C-560.903
RULE TITLE: Deferred Presentment Transactions

NOTICE OF WITHDRAWAL

Notice is hereby given that the Department is withdrawing the above referenced rule, which was originally published in Vol. 27, No. 39, September 28, 2001 issue of the Florida Administrative Weekly.

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE NO.: 3D-30.060
RULE TITLE: Preneed Sales Agent Renewal

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 50, December 14, 2001 issue of the Florida Administrative Weekly.

3D-30.060 Preneed Sales Agent Renewal.

(1) through (4) No change.

(5) Deleted.

~~Engaging in preneed sales with an expired license is a violation of Chapter 497 and is subject to disciplinary action.~~

Specific Authority 497.103, 497.105 FS. Law Implemented 497.439 FS. History—New _____.

DEPARTMENT OF REVENUE

**NOTICE OF CABINET AGENDA
ON JANUARY 29, 2002**

The Governor and Cabinet, on January 29, 2002, sitting as head of the Department of Revenue, will consider the proposed amendments to Rule 12A-1.096, F.A.C. (Industrial Machinery and Equipment for Use in a New or Expanding Business). A Notice of Rule Development Workshop was published in the

September 7, 2001 edition of the Florida Administrative Weekly (Vol. 27, No. 36, pp. 4101-4102), and the workshop was held on September 26, 2001. No testimony was received at the workshop, and no written comments were submitted. A Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on November 21, 2001 (Vol. 27, No. 47, pp. 5519-5520), and a public hearing was conducted on December 18, 2001. No testimony was received at the public hearing, and no written comments were submitted.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-15
RULE NO.: 14-15.0081
RULE CHAPTER TITLE: Incorporation by Reference
RULE TITLE: Toll Facilities Description and Toll Rate Schedule

NOTICE OF CHANGE

SUMMARY OF CHANGE: The proposed action is being taken to determine the Toll Rate Schedule resulting from the Florida Department of Transportation’s construction of the CR 470/Florida’s Turnpike interchange. The project is located in Lake County. The change is an editorial correction of the date of the publication of the Notice of Rule Development. That correction is as follows:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 16, 2000 ~~2001~~.

Notice of Rulemaking was published in Florida Administrative Weekly, Vol. 27, No. 49, dated December 7, 2001, Page 5699.

STATE BOARD OF ADMINISTRATION

RULE NOS.: 19-7.001
19-7.010
19-7.011
19-7.012
19-7.013
19-7.014
19-7.015
19-7.016
19-7.017
RULE TITLES: Purpose
Pooled Investment Accounts
Rate of Return Calculation
Pool Participation
Reporting Procedures
Number of Accounts
Allocation of Earnings
Close of Business
Pooled Investment Account
Reserve Fund

NOTICE OF HEARING

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

TIME AND DATE: 9:00 a.m. – conclusion, Tuesday, January 29, 2002

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Trustees of the State Board of Administration, on January 29, 2002, will consider nine proposed amended rules in Rule Chapter 19-7, F.A.C., and will be asked for permission to file these nine rules for adoption:

These proposed amended rules implement investment in the local government pools under Chapter 218, Part IV, Florida Statutes. Proposed amended Rule 19-7.001 sets out the purposes of the rules. Proposed amended Rule 19-7.010 describes Rules 19-7.010 through 19-7.016 as relating to the Local Government Pooled Investment Account. Proposed amended Rule 19-7.011 provides the rate of return calculation for the Pooled Investment Account. Proposed amended rule 19-7.012 provides a method for investing surplus funds. Proposed amended Rule 19-7.013 provides reporting procedures for the pool. Proposed amended Rule 19-7.014 provides the maximum number of accounts. Proposed amended Rule 19-7.015 provides for allocation of earnings for accounts participating in the Pooled Investment Account. Proposed amended Rule 19-7.016 provides procedures for investments based on when the Board's records are balanced. Proposed amended Rule 19-7.017 provides procedures for establishing a reserve fund.

A rule development workshop was offered on October 31, 2001, but no one requested the workshop and the workshop was not held. The rule hearing was scheduled for January 3, 2002, but no one requested the hearing and the hearing was not held. The Joint Administrative Procedures Committee had suggestions which are incorporated into the draft rules and will be noticed in the required Notice of Change. If the Trustees approve adopting these rules at their meeting on January 29, 2002, the State Board expects to file for adoption on March 6, 2002.

A copy of the State Board of Administration's agenda for the January 29, 2002, Cabinet meeting may be obtained by contacting: Dorothy Westwood, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1350.

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: 64B-1.016 RULE TITLE: Examinations, Fees

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 48, (November 30, 2001), issue of the Florida Administrative Weekly.

64B-1.016 Examinations, Fees.

(1)(a) The following fees shall be assessed by the department to cover administrative costs, actual per-applicant costs, and costs incurred to develop, purchase, validate, administer, and defend the following department developed, administered, or managed examinations:

Exam Fees			
Profession	Exam	Exam Fee	
Acupuncture Chiropractic <u>Medicine</u>	National Written	\$1,091.00	
	Physical Diagnosis	\$610.00	
	Technique	\$250.00	
	X-Ray	\$180.00	
	Laws & Rules	\$60.00	
	Acupuncture	\$220.00	
	CBT Laws & Rules	\$35.00	
	CBT Acupuncture	\$135.00	
	Clinical Lab Personnel	Administration & Supervision	\$150.00
		Microbiology	\$150.00
Immunohematology		\$150.00	
Serology/		\$150.00	
Immunology			
Clinical Chemistry		\$150.00	
Hematology		\$150.00	
Histology		\$150.00	
Blood Banking		\$150.00	
General Laboratory Technician		\$150.00	
Dental	Clinical	\$950.00	
	Laws & Rules	\$95.00	
	CBT Laws & Rules	\$30.00	
Dental Hygiene	Clinical	\$325.00	
	Laws & Rules	\$60.00	
	CBT Laws & Rules	\$20.00	
Electrolysis	Written Exam	\$505.00	
Hearing Aid Specialist	National Written	\$300700.00	
	Massage		
Nursing Home Administrator	Colonics	\$595.00	
	CBT Colonics	\$385.00	
	Laws & Rules	\$240.00	
Opticianry	CBT Laws & Rules	\$155.00	
	Practical	\$385.00	
	Neutralization	\$190.00	
Optometry	Laws & Rules	\$115.00	
	Clinical	\$590.00	
	Pharmacology	\$370.00	
	Laws & Rules	\$70.00	
Osteopathic Medicine	Certification	\$168.00	
	National Written	\$2,500.00	
	Psychology		
Psychology	National Exam	\$458.00	
	Laws & Rules	\$120.00	
	CBT Laws & Rules	\$80.00	

(b) No change.

~~(2)(e)~~ No change.

Specific Authority 456.004 FS. Law Implemented 456.004(10), 456.017(2) FS. History--New _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Speech Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B20-3.015 Unlicensed Activity Fee.

Upon ~~From each fee for~~ initial licensure or licensure renewal, a \$5.00 ~~fee shall be imposed by the Department in addition to all other fees collected from each licensee to fund efforts to combat earmarked for the purpose of combatting~~ unlicensed activity.

Specific Authority 456.065(3) FS. Law Implemented 456.065(3), 468.1145(1) FS. History--New 8-18-93, Formerly 61F14-3.015, 59BB-3.015, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Speech-Language and Audiology
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Speech-Language and Audiology
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 24, 2001

DEPARTMENT OF HEALTH

Board of Speech Language Pathology and Audiology

RULE NO.: 64B20-6.001
 RULE TITLE: Continuing Education as a Condition for Renewal

NOTICE OF PUBLIC HEARING

The Board of Speech Language Pathology and Audiology hereby gives notice of a public hearing on the above-referenced rule(s) to be held on February 1, 2002, 9:00 a.m., The Hotel Sofitel, 5800 Blue Lagoon Dr., Miami, FL 33126. The rule was originally published in Vol. 27, No. 46, November 16, 2001 issue of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Speech Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Speech Language Pathology and Audiology

RULE NO.: 64B20-7.001
 RULE TITLE: Discipline

NOTICE OF PUBLIC HEARING

The Board of Speech Language Pathology and Audiology hereby gives notice of a public hearing on the above-referenced rule(s) to be held on February 1, 2002, 9:00 a.m. at The Hotel Sofitel, 5800 Blue Lagoon Dr., Miami, FL 33126. The rule was originally published in Vol. 27, No. 46, of the November 16, 2001, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Speech Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.606
 RULE TITLE: Food Stamp Assets

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 46, November 16, 2001 issue of the Florida Administrative Weekly.

65A-1.606 Food Stamp Assets.

Vehicles-In determining the countable value of vehicles, the public assistance specialist must consider the use of the vehicle, whether or not the vehicle is licensed or unlicensed and the vehicle's equity value to determine whether a household meets the asset eligibility standards.

(1) Vehicles will be excluded pursuant to Public Law 106-187, October 28, 2000, Section 847(a)(2)(D), incorporated by reference in accordance with 7CFR s. 273.8(h)(1). Additionally, vehicles with an equity value of less than or equal to \$1,500 will be excluded.

(2) No change.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation

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

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 43, October 26, 2001 issue of the Florida Administrative Weekly.

65C-22.003 Training.

(1) Definitions.

(a) "Training Coordinating Agencies" are authorized contract providers, designated by the department and responsible for the coordination of child care personnel training at the district level. ~~Each training coordinating agency is required to establish an advisory committee to provide them with technical assistance and recommendations to improve the quality and effectiveness of child care training.~~

(f) "Before-school and after-school sites," for the purposes of this section means, programs, no matter their location, providing child care for children who are five years old and above, when they are enrolled in and attending a kindergarten program or grades one and above, during the school district's calendar year. This is limited to programs providing care before and after the school day only, teacher planning days, holidays, and intercessions that occur during the school district's official calendar year.

(6) Staff Credentials.

(a) Every licensed child care facility must have one member of its child care personnel for every 20 children with one of the following qualifications:

5. Graduate of the approved Florida School-Age Certification Training Program.

a. Early Childhood Education Training organizations seeking to provide the Florida School-Age Certification Training Program, ~~Credential training~~ must utilize the Florida School-Age Certification Credential Training Program as approved by the department. Organizations seeking to provide the Florida School-Age Certification Training Program Credential training must apply for approval on CF-FSP Form 5257, Oct. 01, Application to Provide the Florida School-Age Certification Credential Training Program, which is incorporated by reference.

b. In order to receive the Florida School-Age Certification Credential, a candidate must have completed the department's Florida School-Age Certification Credential Training Program, which consists of the following:

(II) A portfolio containing an autobiographical statement, written examples demonstrating mastery of each of the school-age competency subject areas, and a collection of resource materials as identified in the department's Florida School-Age Certification Credential Training Portfolio and Resource Materials Checklist, CF-FSP Form 5258, Oct. 01, which is incorporated by reference.

(IV) 480 hours of direct contact work with children in a school-age child-care setting within the past five years,

c. Individuals who are enrolled in an existing school-age certification credential training program in Florida, prior to January 1, 2002, and who graduate from this training program by January 1, 2003, will be recognized as having met the Florida School-Age Certification credentialing requirement.

d. Early Childhood Education Training organizations that provide the Florida School-Age Certification Training Program Credential training must complete a CF-FSP Form 5259, Oct. 01, Confirmation of Completion of the Florida School-Age Certification Credential Training Program, which is incorporated by reference, for each graduate. The Early Childhood Education Training Organizations must submit the The completed CF-FSP Form 5259 for each graduate, must be submitted to the local training coordinating agency for processing upon completion of all components of the Florida School-Age Certification Training Program graduation.

e. The training coordinating agency must issue CF-FSP Form 5256, Oct. 01, Florida School-Age Certification Training Program Credential Certificate, which is incorporated by reference, to all graduates of the Florida School-Age Certification Credential Training Program.

f. To maintain a valid Florida School-Age Certification, Credential, ~~every five years~~ candidates must complete and document the satisfactory completion of provide documentation of 4.5 Continuing Education Units (CEUs) or one three-hour college credit course in any school-age child care curriculum area, every five years. Coursework completed to renew a State of Florida Teaching Certificate satisfies the coursework requirement for renewal of the Florida School-Age Certification. This documentation must be submitted to the local training coordinating agency to verify completion of the required coursework. The local training coordinating agency will issue a new Florida School-Age Certification Training Program Certificate upon verification of the documentation.

(7) Director Credential.

(a) Pursuant to Section s. 402.305(2)(f), F.S., every child care facility director must have a director credential by January 1, 2003, which consists of the foundational level or advanced level. ~~Pursuant to s. 402.305(1)(e), a credentialed director holding a foundational or advanced level Florida director's credential may supervise multiple before school and after school sites.~~ As of January 1, 2003, every applicant for a license to operate a new child care facility or a license for a change of ownership of a child care facility, must document that the facility director has a director credential, prior to issuance of the license to operate the facility. As it relates to the director credential, the following exceptions apply:

1. A credentialed director is not required for facilities offering child care during the evening hours as defined in Section 402.302(6), F.S.

2. Pursuant to Section 402.305(1)(c), F.S., a credentialed director may supervise multiple before-school and after-school sites.

(b) The foundational level applicants must meet the following educational and experiential requirements:

1. through 3. No change.

4. One of the following staff credentials: a Child Development Associate (CDA) Credential; an approved Florida CDA Equivalency; the approved Florida School-Age Certification Credential; a formal education exemption qualification (waiver); or a documented employment history recognition exemption; and

(c) The advanced level applicants must meet the following educational and experiential requirements:

1. through 3. No change.

4. One of the following staff credentials: a Child Development Associate (CDA) Credential; an approved Florida CDA Equivalency; the approved Florida School-Age Certification Credential; formal education exemption qualification (waiver); or a documented employment history recognition exemption; and

5. through 6. No change.

(d) No change.

(e) Exceptions. For the advanced level credential only, an educational exception will be granted to individuals who meet subparagraph 65C-22.003(7)(c)1.-4. and 6., F.A.C., and any of the following:

1. through 3. No change.

4. ~~Persons with more than five or more years of experience as an administrator or director administrative or director experience~~ in a licensed child care facility or a facility that is legally exempt pursuant to Sections 402.3025, and 402.316, F.S., and with three college credit hours in early childhood/child development or school-age child care, and three college credit hours in child care administration, business administration or educational administration. All coursework for this exception must have been completed within the past ten years.

(f) No change.

(g) Renewal.

1. To maintain a valid director credential at either level, every 5 years, candidates must complete and document 4.5 Continuing Education Units (CEUs) or one three-hour college credit course in any one of the curriculum areas listed in subparagraph 65C-22.003(7)(c)5., F.A.C., ~~and demonstrate professional contributions in the field.~~ Coursework completed to renew a State of Florida Teaching Certificate also satisfies this coursework requirement for renewal of a director credential. Candidates must also demonstrate professional contributions in the field through any one or more of the following Professional contributions include:

1. through 9. renumbered a. through i. No change.

2. A director credential issued prior to January 1, 2003, will have an initial renewal date of January 1, 2008, and every 5 years thereafter. A director credential issued after January 1, 2003, will have an initial renewal date after 5 years and every 5 years thereafter.

(h) No change.

(i) Before-school and after-school sites

1. A director holding a foundational or advanced level Florida director credential may supervise multiple before-school and after-school sites as follows:

a. Three sites regardless of the number of children enrolled, or

b. More than three sites if the combined total number of children enrolled at the sites does not exceed 350. In calculating the total number of children enrolled, the number of children in the before-school and after-school program shall be calculated and viewed as separate programs.

c. In counties where the public school district has included 4-year-old children in public before-school and after-school programs, the school district may participate in the multi-site supervision option. Public school districts which serve 4-year old children in the before-school and after-school programs are required to have a credentialed staff person pursuant to the credentialing requirements in subparagraph 65C-22.003(6)(a), F.A.C., in order to accommodate the 4-year-olds.

2. When a Florida credentialed director is supervising multiple sites, the individual left in charge of the site during the director's absence must meet ~~all minimum age and training requirements of a child care facility operator to include~~ the following requirements:

a. Be at least 21 years of age;

b. Have cCompleted the department-approved Introductory Child Care Course (Parts I and II);

c. Have cCompleted the ~~department's~~ basic training in serving children with special needs, either as part of the Introductory Child Care Course, Part II, specialized training module, Developmentally Appropriate Practices for Children with Special Needs, or the annual 8 hours of inservice training, ~~or~~

d. Have completed the department's Developmentally Appropriate Practices for School-Age Children, specialized training module separately, or as part of the Introductory Child Care Course, Part II.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History—New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 10-10-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Suzanne Bellamy Woodcock, Government Operations
Consultant II, 1317 Winewood Blvd. Building 6, Room 392,
Tallahassee, FL 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Deborah Russo, 1317 Winewood Blvd., Building 6, Room 389-A, Tallahassee, FL 32399
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2001 and October 26, 2001

Section IV Emergency Rules

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE TITLE: Emergency Rule Delineating Wind Speed Lines for Application of the Florida Building Code
 RULE NO.: 9BER02-01

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY AND WELFARE: In accordance with Section 109(4), Chapter 2000-141, Laws of Florida, local jurisdictions with the responsibility to enforce building codes were charged with the responsibility to identify the location of lines delineating wind speeds for that jurisdiction in accordance with American Society of Civil Engineers Standard 7, 1998 edition, by adoption of a local ordinance. The location of the lines was to be identified by landmarks where possible. The wind speed lines govern the design strength necessary to comply with the Florida Building Code, which is currently available as an option to designers on January 1, 2002, and scheduled for implementation statewide on March 1, 2002. Several jurisdictions have not adopted such an ordinance and a minimum of 60 days lead time is necessary for the construction industry generally to comply with the provisions. Inaccurate determination of the applicable wind speed could result in buildings vulnerable to the excessive winds which pose a threat to the State of Florida, especially with the advent of hurricane season.

As a result of this situation, the legislature adopted Committee Substitute for Senate Bill 52-C which was signed by the Governor on December 17, 2001. The bill directs the Department of Community Affairs to adopt a map by emergency rule for application of the Florida Building Code in those jurisdictions which have not adopted the required ordinance by January 1, 2002. The map is to identify the wind speed lines by using physical landmarks where possible.

REASONS FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The maps adopted by the emergency rule were developed by an independent third-party utilizing sophisticated mapping tools.

The lines have been identified by the most objective criteria available; they have been located in conjunction with the nearest landmark. Additionally the application of the map adopted by the emergency rule within a particular jurisdiction until sixty days after the jurisdiction adopts an ordinance identifying the wind speed lines. Therefore, the duration of any perceived burden imposed by the rule is limited and subject to remedy by action of the local government.

SUMMARY: The emergency rule identifies wind speed lines for those jurisdictions that have not done so by adoption of an ordinance by January 1, 2002, for use in application of the Florida Building Code until 60 days after a jurisdiction adopts such an ordinance.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

9BER02-01 Emergency Rule Delineating Wind Speed Lines for Application of the Florida Building Code.

The composite exhibit entitled "Map Delineating Wind Speed Lines for Application of the Florida Building Code" ("Map") is hereby adopted by reference. The Map is comprised of graphical depictions of 58 counties in the State of Florida and the wind speed lines which cross their jurisdictional boundaries located in accordance with physical landmarks. Each wind speed line is hereby designated to fall on the seaward edge of the physical landmark that coincides with the wind speed line. The wind speed lines are for use in conjunction with Section 1606, Florida Building Code, 2001 Edition. The delineation of the wind speed lines on the Map shall govern application of the Florida Building Code in those jurisdictions that have not adopted an ordinance delineating wind speed lines prior to January 1, 2002. Sixty days following the adoption of such an ordinance by a jurisdiction subject to the map, that ordinance shall supersede adoption and application of the map herein. A copy of the Map is available by writing to the Codes and Standards Section, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

Specific Authority s. 12, 2001-372, Laws of Florida. Law Implemented s. 12, 2001-372, Laws of Florida. History--New 1-3-02.

THIS RULE SHALL TAKE EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: January 3, 2002

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Florida Keys Community College, a petition for Variance or Waiver of paragraph 11B-21.005(3)(c), Florida Administrative Code, pursuant to Section 120.542, Florida Statutes. Petitioner has requested that the Department waive the requirement that a criminal justice training center have at least two full-time criminal justice training instructors or instructional coordinators.

Comments on this Petition should be filed with the Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel Grace A. Jaye.

A copy of the Petition may be obtained by contacting Assistant General Counsel, Grace A. Jaye, at the above address, or by calling (850)410-7676.

NOTICE IS HEREBY GIVEN that on December 10, 2001, the Florida Public Service Commission granted a Petition from Florida Power & Light (Docket No. 011088-EI) seeking waiver of Rule 25-6.0436(8)(a), Florida Administrative Code. The rule requires that investor-owned electric utilities file a study for each category of depreciable property for Commission review at least once every four years from the submission date of the previous study. By Order No. PSC-01-2376-PAA-76 the Petition for waiver was granted. No protests against this order were received.

A copy of the order may be obtained from: Commission's Division of Records and Reporting, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL 32399-0850 or by calling (850)413-6770.

For additional information, contact: Marlene Stern, Division of Legal Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0862, or telephone (850)413-6230.

DEPARTMENT OF THE LOTTERY

NOTICE IS HEREBY GIVEN THAT the Department of the Lottery has received a Petition for Waiver of subsection 53ER98-16(9), F.A.C., *Procedures for Awarding Prizes*, from the following petitioners:

Petitioner	Date Filed
John M. Harris, Plantation, Florida	January 3, 2002
John J. Sindelar, Hudson, Florida	January 7, 2002

Emergency Rule 53ER98-16, 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

The Department of Environmental Protection gives notice of its intent to issue a variance under section 403.201 of the Florida Statutes (F.S.) from the provisions of subsection 62-302.530(31), Florida Administrative Code (F.A.C.), to Tarmac America, Incorporated, 455 Fairway Drive, Deerfield Beach, Florida 33441, File Number 0175263-002-EV, to allow water within the reclaimed mining pits at the Pennsuko Aggregates Mine to not meet the standard for dissolved oxygen in the lower layers of the pits.

During mining, stormwater within the project area will be contained within the mine pits, by using a system of berms. At the completion of mining and reclamation, the project area will be re-connected with state waters by the removal of all berms, and the water quality standards listed in Rule 62-302.530, F.A.C., will apply to all surface waters within the reclaimed project area. Water quality studies conducted for the United States Army Corps of Engineers Environmental Impact Statement on existing limerock mining lakes indicate that the water within the lakes is expected to be vertically well mixed during the winter months. However, during the warmer summer months, the lake is expected to stratify and dissolved oxygen levels below the thermocline may not meet the water quality standard for dissolved oxygen, as required by subsection 62-302.530(31), F.A.C. This was anticipated by the Florida Legislature in paragraph 373.414(6)(a), F.S., which states that, "Where such mining activities otherwise meet the permitting criteria contained in this section, such activities may be eligible for a variance from the established water quality standard for dissolved oxygen within the lower layers of the reclaimed pit." A petition for a variance pursuant to Section 403.201, F.S. was received on November 30, 2001.

Low dissolved oxygen levels in the lower levels of the mine lakes is not expected to result in any adverse on-site or off-site impacts. Oxygen levels in the upper layers of the lakes are expected to be adequate to support the fish populations of the lake during periods when stratification occurs. It is not expected that the low dissolved oxygen water from the lower levels of the lake will be exchanged with off-site waters. The Department considered requiring a berm to sever the hydrologic connection between the lakes and adjacent waters, alleviating the need to meet surface water quality standards within the lakes. This approach was rejected in favor of a variance for two reasons. Construction of a berm would provide no environmental benefit, would require the filling of wetland areas, and may reduce the habitat value of the area by restricting the movement of water, nutrients, and fish and wildlife between the lake and the surrounding habitat. In

addition, berms would provide potential vehicle and pedestrian access to the area, which may encourage dumping and other activities harmful to the habitat value and water quality of the lakes and surrounding areas.

There is no practicable means known or available to prevent the low dissolved oxygen levels at depth within the mining lakes. Therefore, the Department intends to issue a variance, pursuant to Section 403.201(1)(a), F.S., for dissolved oxygen in the lower layers of the reclaimed lakes.

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".

On December 19, 2001, Florida Power & Light Company withdrew its request for a waiver of paragraph 62-761.510(3)(d), F.A.C., pursuant to Section 120.542, F.S. (2001). 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."

On December 19, 2001, the request from Mr. Lawrence J. Baker, seeking a temporary waiver under subsection 62-761.800(2), F.A.C., pursuant to Section 120.542, F.S. (2000), was denied. 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 December 7, 2001, a petition from Robert Kratz, Inc. 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 December 27, 2001, by Michael J. Hason, M.D., seeking a waiver from Rule 64B8-4.022, F.A.C., with regard to licensure denial.

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. The Credentials Committee will consider the petition at its next meeting to be held on January 19, 2002, 9:00 a.m., Crown Plaza, 950 N. W. LeJuene Road, Miami, Florida 33126.

The Board will consider the Committee's recommendation at its next meeting to be held on February 1-2, 2002, Adams Mark Hotel, 225 Coastline Drive East, Jacksonville, Florida 33004.

For a copy of the petition, contact the Board of Medicine at the above address.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver or Variance filed on behalf of Reneé Sunday, M.D. The Board considered the original Petition filed by the Petitioner on May 26, 2001, at its meeting held on October 6, 2001, and issued an Order filed on November 29, 2001, denying the Petition. Upon submission of an Amended Petition for Waiver of Variance, the Board at its December 1, 2001 meeting, held in Tampa, Florida, vacated the previously filed order and considered the new petition. The Board's Order, filed on December 26, 2001, grants the petition for waiver or variance finding that the Petitioner established that she would suffer a substantial hardship or violations of the principles of fairness as a result of the application of Rule 64B8-5.001, F.A.C.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver or Variance filed on behalf of Perry J. Cole, M.D., on July 30, 2001. The Petitioner affirmatively waived the statutory time frame. The Board considered the Petition at its December 1, 2001 meeting, held in Tampa, Florida. The Board's Order, filed on December 26, 2001, grants the petition for waiver or variance finding that the Petitioner established that he would suffer a substantial hardship or violations of the principles of fairness as a result of the application of Rule 64B8-5.001, F.A.C.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver or Variance filed on behalf of Eduardo L. Perez-Stable, M.D., on October 1, 2001. The Board considered the Petition at its December 1, 2001 meeting, held in Tampa, Florida. The Board's Order, filed on December 26, 2001, grants the petition for waiver or variance finding that the Petitioner established that he would suffer a substantial hardship or violations of the principles of fairness as a result of the application of Rule 64B8-5.001, F.A.C.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has received a petition filed on behalf of the American Association of Physician Specialists, Inc. (AAPS), seeking 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 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. The Board will consider the petition at its next meeting to be held on February 2, 2002, 8:00 a.m., or as soon thereafter as can be heard, at the Adams Mark Hotel, 225 Coastline Drive East, Jacksonville, Florida 33004.

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

The Electrolysis Council of the Board of Medicine hereby gives notice that it has received a petition filed on December 20, 2001, by Sally Hudson, seeking a waiver from subsection 64B8-54.004(5), F.A.C., with regard to payment of delinquent licensure fees. Comments on the petition should be filed with the Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice. The Council will consider the petition at its next meeting to be held on February 4, 2002.

For a copy of the petition, contact Kaye Howerton, Executive Director, Electrolysis Council, at above address.

NOTICE IS HEREBY GIVEN THAT ON January 4, 2002, the Board of Occupational Therapy Practice received a Petition for Variance or Waiver from Rule 64B11-2.005, from Kathleen M. DuPont. The Petition requests a Waiver from the rule that specifies that the deadline to apply for a temporary permit shall be the same as the deadline application to take the licensure examination.

Comments on this Petition should be filed with: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

For a copy of the petition or information regarding hearing date and location where petition will be considered, contact: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

NOTICE IS HEREBY GIVEN THAT ON January 4, 2002, the Board of Occupational Therapy Practice received a Petition for Waiver from Rule 64B11-2.005, from Margo Elizabeth White. The Petition requests a Waiver from the rule that specifies that the deadline to apply for a temporary permit shall be the same as the deadline application to take the licensure examination.

Comments on this Petition should be filed with: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

For a copy of the petition or information regarding hearing date and location where petition will be considered, contact: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

NOTICE IS HEREBY GIVEN THAT ON January 4, 2002, the Board of Occupational Therapy Practice received a Petition for Waiver from Rule 64B11-2.005, F.A.C., from Linda S. Meynarez. The Petition requests a Waiver from the rule that specifies that the deadline to apply for a temporary permit shall be the same as the deadline application to take the licensure examination.

Comments on this Petition should be filed with: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

For a copy of the petition or information regarding hearing date and location where petition will be considered, contact: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

NOTICE IS HEREBY GIVEN THAT ON January 4, 2002, the Board of Occupational Therapy Practice received a Petition for Waiver from Rule 64B11-2.005, F.A.C., from Racquel Balsamo. The Petition requests a Waiver from the rule that specifies that the deadline to apply for a temporary permit shall be the same as the deadline application to take the licensure examination.

Comments on this Petition should be filed with: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

For a copy of the petition or information regarding hearing date and location where petition will be considered, contact: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

The Board of Psychology hereby gives notice that it has received a petition filed on December 27, 2001, by Mark D. Shermis, Ph.D., seeking a waiver from subsection 64B19-11.003(5), F.A.C., with regard to the requirements for licensure. Comments on the petition should be filed with Board of Psychology, MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication

of this notice. The Board will consider the petition at its next meeting currently scheduled to be held on March 22-23, in Miami, Florida.

For a copy of the petition, contact: Kaye Howerton, Executive Director, Board of Psychology, at above address.

The Board of Psychology hereby gives notice that it has received a petition filed on November 20, 2001, by Jennifer J. Sillence Masino, seeking a waiver from paragraph 64B19-11.005(1)(c), F.A.C., with regard to the supervision requirements of the rule. Comments on the petition should be filed with Board of Psychology, MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice. The Board considered the petition its meeting held on December 7, 2001.

For a copy of the petition, contact: Kaye Howerton, Executive Director, Board of Psychology, at above address.

The Board of Psychology hereby gives notice that it has received a petition filed on December 24, 2001, by the University of Miami, Ethics Program, seeking a waiver from Rule 64B19-13.001, F.A.C., with regard to awarding continuing education credit for the current biennium (ending February 28, 2002) for attendance at a conference which will end on March 1, 2002. Comments on the petition should be filed with Board of Psychology, MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice. The Board will consider the petition at its conference call to be held on January 31, 2002.

For a copy of the petition, contact: Kaye Howerton, Executive Director, Board of Psychology, at above address.

The Board of Psychology hereby gives notice that it has issued an Order on the Petition for Waiver or Variance filed by Nadine Chapman, Psy.D. The Board considered the Petition at its December 7, 2001 meeting, held in Tallahassee, Florida. The Board's Order, filed on December 26, 2001, grants the petition for waiver or variance finding that the Petitioner established that the purpose of the underlying psychology licensure statute has been met and that she would suffer a substantial hardship or violations of the principles of fairness as a result of the application of paragraph 64B19-11.005(3)(d), F.A.C. A copy of the Board's Order may be obtained by contacting the Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3755.

The Board of Psychology hereby gives notice that it has issued an Order on the Emergency Petition for Waiver or Variance filed by Jonas Kaye, Ph.D., with regard to continuing education credit pursuant to Rule 64B19-13.001 and/or 13.003, F.A.C. The Board considered the Petition at its December 7, 2001 meeting, held in Tallahassee, Florida. The Board's Order, filed on December 26, 2001, denies the emergency petition for

waiver or variance finding that the Petitioner was informed that no continuing education credit would be available for attendance at the course and that only the provider of continuing education programs can seek approval for said courses.

A copy of the Board's Order may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3755.

The Board of Psychology hereby gives notice that it has issued a Final Order in the Petition for Declaratory Statement filed by Ralph Mora, Ph.D. The Board reviewed the petition at its meeting on December 7, 2001, in Tallahassee, Florida. The Board's Final Order, filed in this cause on December 26, 2001, declines to issue a declaratory statement at this time without further information regarding the Petitioner's proposed research.

A copy of the Petition and the Board's Final Order may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

The Board of Psychology hereby gives notice that it has issued a Final Order in the Petition for Declaratory Statement filed by Amy Phenix, Ph.D. The Board reviewed the petition at its meeting on December 7, 2001, in Tallahassee, Florida. The Board's Final Order, filed in this cause on December 26, 2001, finds that under the specific facts of the petition, the California law under which Petitioner was licensed in 1992 is not substantially equivalent to the requirements of Chapter 490, Florida Statutes.

A copy of the Petition and the Board's Final Order may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

The Board of Psychology hereby gives notice that it has issued an Order on the Petition for Waiver or Variance filed by Mayra Vila, Ph.D. The Board considered the Petition at its March 2, 2001 meeting, held in Orlando, Florida. The Board's Order, filed on April 6, 2001, grants the petition for waiver or variance finding that the Petitioner established that the purpose of the underlying psychology practice statute has been met and that she would suffer a substantial hardship or violations of the principles of fairness as a result of the application of subsection 64B19-11.003(5), F.A.C.

A copy of the Board's Order may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3755.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Department of Children and Family Services has received a Petition for Variance or Waiver from paragraphs 65D-30.004(13)(a), 65D-30.004(20)(b), F.A.C. The rules from which the waiver is sought concern original signatures, substituting digital signature for an online Intervention Program. The Petitioner is Cyber Side Counseling, A Division of People Builders, Inc. The petition was received by the Agency Clerk on December 5, 2001, and assigned Case No. 01-006W.

A copy of the petition may be obtained by writing: Office of the Agency Clerk, 1317 Winewood Blvd., Bldg. 2 Room 204, Tallahassee, FL 32399-0700.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

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

COMMITTEE: Art Selection Committee

DATE AND TIME: Friday, February 8, 2002, 1:30 p.m.

PLACE: Contemporary Art Museum, Conference Room, University of South Florida, 4202 E. Fowler Avenue, CAM 101, Tampa, FL 33620

GENERAL SUBJECT MATTER TO BE CONSIDERED: Art in State Buildings Meeting, BR-511.

For more information, please contact: Vincent Ahern, Coordinator of Public Art, University of South Florida Contemporary Art Museum, 4202 E. Fowler Avenue, CAM 101, Tampa, FL 33620, (813)974-4333.

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

DEPARTMENT OF LEGAL AFFAIRS

The Women's Hall of Fame/Women's History Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: Wednesday, January 30, 2002, 10:00 a.m.

PLACE: Call: (850)414-3300 for instructions on participation
GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The Florida **Commission on the Status of Women** will hold a meeting on:

DATES AND TIMES: Monday, February 4, 2002, 1:00 p.m. – 5:00 p.m.; Tuesday, February 5, 2002, 10:30 a.m. – 1:00 p.m.

PLACE: Turlington Building, Room 1706, Tallahassee, Florida, call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The Legislative Advocacy Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: February 8, 2002, 10:00 a.m.

PLACE: Call: (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

DEPARTMENT OF BANKING AND FINANCE

The **Florida Financial Management Information Board (FMIB)** announces the following public meeting to which all persons are invited.

DATE AND TIME: January 29, 2002, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level Capitol Building, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relating to the Florida Financial Management Information System.

A copy of the agenda may be obtained by contacting: Martin Young, Department of Banking and Finance, Division of Accounting and Auditing, FFMIS Design and Coordination Staff, Room 434E, Fletcher Building, 101 E. Gaines Street, Tallahassee, FL 32399-0350, (850)410-9415, Fax (850)410-9934, e-mail: myoung@mail.dbf.state.fl.us.

The Florida **Board of Funeral and Cemetery Services** announces a public Board Meeting and all persons are invited to attend.

DATE AND TIME: February 8, 2002, 10:00 a.m. – 5:00 p.m.

PLACE: Department of Transportation, Auditorium, 605 Suwannee Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

To obtain further information contact: Frances Restifo, Administrative Assistant II, Division of Securities and Finance, Room 649B, Fletcher Bldg., 101 East Gaines St., Tallahassee, FL 32399-0350, (850)410-9853.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise Frances Restifo, (850)410-9853, at least 48 hours before the meeting. If you are hearing or speech impaired, contact Frances Restifo via the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

DEPARTMENT OF INSURANCE

The **Department of Insurance, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: January 31, 2002, 10:00 a.m.

PLACE: Prime Osborn Convention Center, Board Room B, 1000 Water Street, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Fire Code Advisory Council meeting.

A copy of the agenda may be obtained by writing: Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342.

The **Department of Insurance, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: February 1, 2002, 1:00 p.m.

PLACE: Prime Osborn Convention Center, 1000 Water Street, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Fire Fighters Standards and Training Advisory Council.

A copy of the agenda may be obtained by writing: Department of Insurance, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, FL 34482-1486, Attention: Angie Cain.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact the person listed above no later than five working days prior to the meeting.

The **Department of Insurance, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: February 1, 2002, 3:00 p.m.

PLACE: Prime Osborn Convention Center, 1000 Water Street, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Florida Firefighters Safety and Health Task Force.

A copy of the agenda may be obtained by writing: Department of Insurance, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, FL 34482-1486, Attention: Angie Cain.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact the person listed above no later than five working days prior to the meeting.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces the Florida Alligator Marketing and Education Advisory Committee:

DATE AND TIME: February 19, 2002, 9:30 a.m.

PLACE: Doyle Connor Building, 1911 S. W. 34th Street, Gainesville, Florida, (352)372-3505

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss marketing and educational activities beneficial to the Florida alligator industry.

A copy of the agenda can be obtained by contacting: Phyllis McCranie, 2051 E. Dirac Drive, Tallahassee, FL 32310-3760 or calling (850)488-0163.

If special accommodations are needed to attend this meeting because of disability, please contact Phyllis McCranie as soon as possible.

The Florida **Department of Agriculture and Consumer Services** announces a notice of public meeting of the Fertilizer Technical Council to which all persons are invited:

DATE AND TIME: February 14, 2002, 2:00 p.m.

PLACE: Bob Crawford Agricultural Center, 605 East Main Street, Bartow, Florida 33830-4831, (863)519-8610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Fertilizer Technical Council Meeting.

You may contact: Mr. Dale Dubberly, Florida Department of Agriculture and Consumer Services, Room L-29, Building 8, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-8731.

If special accommodations are needed to attend this meeting because of a disability, please call Dale Dubberly as soon as possible.

The **Forestry Arson Alert Association**, Inc. announces a public meeting to which all persons are invited:

DATE AND TIME: Friday, February 1, 2002, 3:00 p.m.

PLACE: Prime Osborne Convention Center/Fire Rescue East Conference, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider the following agenda items: 1) Arson rewards; 2) Budget; 3) Prevention Items; 4) New Business.

A copy of the agenda may be obtained by writing: Mr. L. Earl Peterson, Division of Forestry, 3125 Conner Blvd., Tallahassee, Florida 32399-1650, (850)488-6111.

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

DATE AND TIME: Thursday, February 14, 2002, 10:00 a.m.

PLACE: 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Consumers' Council will be meeting to discuss consumer-related issues and proposed legislation for the 2002 Florida session addressing issues of interest to consumers.

A copy of the agenda may be obtained by contacting: Mr. James R. Kelly, Director, Division of Consumer Services, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)922-2966.

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

DATE AND TIME: Tuesday, February 19, 2002, 10:00 a.m.

PLACE: 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Motor Vehicle Advisory Council will be meeting to discuss consumer-related issues and proposed legislation for the 2002 Florida session addressing issues of interest to consumers.

A copy of the agenda may be obtained by contacting: Mr. James R. Kelly, Director, Division of Consumer Services, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)922-2966.

The Florida **State Fair Authority** announces a meeting of the Full Authority to which all persons are invited:

DATE AND TIME: Monday, February 11, 2002, 2:30 p.m.

PLACE: Bob Thomas Equestrian Center, Horse Pavilion, Florida State Fairgrounds, Tampa, Florida 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee Reports: Finance, and Long Range Planning 2002 Fair Status Report.

AGENDA: A copy of the agenda may be obtained by contacting: Ms. Ann Menchen, Florida State Fairgrounds, Post Office Box 11766, Tampa, Florida 33680.

If special accommodations are needed to attend this meeting because of a disability, please contact Ms. Ann Menchen, (813)621-7821, as soon as possible.

DEPARTMENT OF EDUCATION

The **Department of Education** announces the following meeting of three members of the Occupational Access and Opportunity Commission.

OAOC Meeting

DATE AND TIME: January 25, 2002, 10:00 a.m. – Completion

PLACE: United States Department of Education, Rehabilitation Services Administration, Mary E. Switzer Building, Room 302B, 330 C Street, S.W., Washington, D.C. 20202

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

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

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces a meeting of the Affordable Housing Study Commission to which all interested person are invited.

DATES AND TIMES: January 30, 2002, 1:30 p.m. – 5:30 p.m.; January 31, 2002, 8:00 a.m. – 1:00 p.m. (Times are subject to change.)

PLACE: Quality Inn & Suites, 2020 Apalachee Parkway, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission is charged with developing recommendations to the Governor and Legislature to address the state's acute need for housing for very low-, low-, and moderate-income households. At this meeting the Commission will continue its discussions on the three work topics for the 2002-03 Agenda, including: Design Excellence in Affordable Housing; Funding

Infrastructure to Support Affordable Housing; and A Continued Hindrance...Nimbysim (Growth Management and Nimbysim).

Any person requiring special accommodations due to disability or physical impairment should contact Melba Hawkins, (850)922-1460, at least five calendar days prior to the meeting. People who are hearing impaired should contact Ms. Hawkins using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained from: Melba Hawkins, The Affordable Housing Study Commission, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1460.

DEPARTMENT OF LAW ENFORCEMENT

The **Department of Law Enforcement, Medical Examiners Commission** announces a Medical Examiners Commission Meeting.

DATE AND TIME: Friday, February 1, 2002, 1:00 p.m.

PLACE: The Adam's Mark Hotel At The Florida Mall, 1500 Sand Lake Road, Orlando, Florida 32809, (407)859-1500

GENERAL SUBJECT MATTER TO BE CONSIDERED: Medical Examiners Commission Meeting.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the Medical Examiners Commission Office, (850)410-8600, at least five (5) working days prior to the meeting.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person is responsible for ensuring that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information or a copy of the agenda may be obtained by contacting: Mr. Dale H. Heidman, Forensic Coordinator, Criminal Justice Professionalism Services, Medical Examiners Commission, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-8600.

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the **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: Friday, February 8, 2002, 9:00 a.m. – conclusion of the meeting

PLACE: The 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)487-9580 or Suncom 277-9580.

Anyone wishing further information should contact: Joan Lazar, Defined Contribution Program, P. O. Drawer 13300, Tallahassee, FL 32317-3300 or via e-mail at lazar_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 Lazar, (850)413-1492, five days prior to the meeting so that appropriate arrangements can be made.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 6, 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, Building C, 2601 Blairstone Road, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice, (850)488-3417.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 000028-TL – Petition by BellSouth Telecommunications, Inc. for waiver of Rules 25-4.107, 25-4.108 and 25-4.113, F.A.C., which require provision of basic telecommunications service to certain locations and persons.

DATE AND TIME: February 4, 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 permit parties to present testimony and exhibits relative to the petition by BellSouth Telecommunications, Inc. for waiver of Rules 25-4.107, 25-4.108 and 25-4.113, F.A.C., which require provision of basic telecommunications service to certain locations and persons, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on March 12, 2002. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: February 5, 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, Rule 25-22.002, F.A.C.), by contacting the Division of the Commission Clerk and Administrative Services, (850)413-6770, or writing to the Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces its Internal Affairs Meeting for February 5, 2002, to which all interested persons are invited.

DATE AND TIME: February 5, 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 (800)955-8771 (TDD).

****THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.****

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 010949-EI – Request for rate increase by Gulf Power Company.

DATE AND TIME: February 8, 2002, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Hearing Room 152, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following meeting to which all persons are invited.

MEETING: North Central Florida Regional Hazardous Materials Response Team

DATE AND TIME: January 30, 2002, 1:30 p.m.

PLACE: North Central Florida Regional Planning Council, 2009 N. W. 67th Place, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Regional Hazardous Materials Response Team.

Any persons deciding to appeal any decision of the Team with respect to any matter considered at the meeting may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by contacting: Charles F. Justice, Executive Director, North Central Florida Regional Planning Council, Suite A, 2009 N. W. 67th Place, Gainesville, FL 32653.

Persons with disabilities who need assistance may contact us, (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **Northeast Florida Regional Planning Council**, Personnel, Program Planning and Budget Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, February 7, 2002, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, Suite 350, 9143 Phillips Highway, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending personnel, program planning and budget matters.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, Suite 350, 9143 Philips Highway, Jacksonville, FL 32256.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council**, Comprehensive and Project Planning Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, February 7, 2002, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, Suite 350, 9143 Phillips Highway, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending comprehensive and project planning items.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, Suite 350, 9143 Philips Highway, Jacksonville, FL 32256.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council** announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, February 7, 2002, 10:00 a.m.

PLACE: Northeast Florida Regional Planning Council, Suite 350, 9143 Phillips Highway, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, Suite 350, 9143 Philips Highway, Jacksonville, FL 32256.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter or other meeting information, call Peggy Conrad, (904)363-6350, Extension 145, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **District 5, Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

PLACE: Wildwood City Hall, City Commission Board Room, 100 N. Main Street, Wildwood, FL 34785

COMMITTEE NAME: Training Subcommittee

DATE AND TIME: Monday, January 28, 2002, 9:00 a.m.

COMMITTEE NAME: Local Emergency Planning Committee

DATE AND TIME: Monday, January 28, 2002, 10:30 a.m.

GENERAL SUBJECT MATTER TO BE DISCUSSED: Chairman report, Committee updates and other organizational matters regarding the committees.

If a person decides to appeal any decision made by the Committee with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you have any questions regarding the meeting you may contact Charlotte Neupauer, (352)732-1315.

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIMES: Wednesday, February 27, 2002, 9:00 a.m. – Finance Committee; 9:30 a.m. – Executive Committee

PLACE: Suite 100, 631 North Wymore Road, Maitland, Florida 32751 (Please call (407)623-1075, Ext. 304, to confirm date, time and place.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Executive and Finance Committees.

A copy of the agenda may be obtained by writing: Ms. Sandra Glenn, Executive Director, East Central Florida Regional Planning Council, Suite 100, 631 North Wymore Road, Maitland, Florida 32751.

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 27, 2002, 10:00 a.m.

PLACE: Suite 100, 631 North Wymore Road, Maitland, Florida 32751 (Please call (407)623-1075, Ext. 304, to confirm date, time and place.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda for the regularly scheduled meeting of the East Central Florida Regional Planning Council will include but will not be limited to the discussion of the Brevard Crossing Development of Regional Impact.

A copy of the full agenda may be obtained by writing: Ms. Sandra Glenn, Executive Director, East Central Florida Regional Planning Council, Suite 100, 631 North Wymore Road, Maitland, Florida 32751.

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIMES: Wednesday, March 20, 2002, 9:00 a.m. – Finance Committee; 9:30 a.m. – Executive Committee

PLACE: Suite 100, 631 North Wymore Road, Maitland, Florida 32751 (Please call (407)623-1075, Ext. 304, to confirm date, time and place.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Executive and Finance Committees.

A copy of the agenda may be obtained by writing: Ms. Sandra Glenn, Executive Director, East Central Florida Regional Planning Council, Suite 100, 631 North Wymore Road, Maitland, Florida 32751.

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 20, 2002, 10:00 a.m.

PLACE: Suite 100, 631 North Wymore Road, Maitland, Florida 32751 (Please call (407)623-1075, Ext. 304, to confirm date, time and place.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the East Central Florida Regional Planning Council.

A copy of the agenda may be obtained by writing: Ms. Sandra Glenn, Executive Director, East Central Florida Regional Planning Council, Suite 100, 631 North Wymore Road, Maitland, Florida 32751.

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 4, 2002, 10:30 a.m.

PLACE: South Florida Regional Planning Council, Suite 140, 3440 Hollywood Boulevard, Hollywood, FL 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting; Beacon Lakes Development of Regional Impact – Unincorporated Miami-Dade County; East Miramar Areawide – City of Miramar; Lightspeed Broward – Cities of Fort Lauderdale and Oakland Park; 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 Amendment for Miami-Dade County; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Adopted Local Government Comprehensive Plan for Pembroke Pines and Dania Beach; Any adopted Local Government Comprehensive Plan received prior to the meeting; Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m. at the above location.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the board with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices, (954)985-4416 (Broward).

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

The **Apalachee Regional Planning Council** announces a public meeting to which all persons are invited. In addition to its regular business, the agenda will include the review of any Local Government Plan Amendment(s) received in a timely manner.

DATE AND TIME: January 31, 2002, 10:30 a.m. (Eastern Time), 9:30 a.m. (Central Time)

PLACE: Holiday Inn Select, 316 W. Tennessee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold the regular monthly meeting of the Apalachee Regional Planning Council's Board of Directors.

An agenda may be obtained by writing: Apalachee Regional Planning Council, 20776 Central Avenue, East, Blountstown, FL 32424 or calling (850)674-4571.

If special accommodations at the meeting are required because of a disability or impairment, please contact Council Offices, (850)674-4571, prior to the meeting.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person will need a record of the proceedings. For such purpose, he/she will need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

REGIONAL TRANSPORTATION AUTHORITIES

NOTICE OF RESCHEDULING – The Tri-County Commuter Rail Authority (Tri-Rail) announces a public hearing to which all persons are invited:

DATE AND TIME: Thursday, February 7, 2002, 7:00 p.m. (NOTE: This Hearing was previously advertised and has been rescheduled.)

PLACE: Hilton Ft. Lauderdale Airport, 1870 Griffin Road, Dania Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, and social, economic, and environmental impacts of Tri-Rail No. ITB 01-839, FDOT Project No. FM

406912-1-94-01, otherwise known as the South Fork of the New River Bridge Crossing. The limits of the project corridor are from SR 84 to north of Davie Boulevard (SR 736) in Ft. Lauderdale, Broward County, Florida, a distance of approximately 1.7 miles.

Anyone needing project or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write to the address given below, or call Mr. Dennis J. Newjahr, (954)942-7895. Special accommodation requests under the Americans with Disabilities Act should be made at least seven (7) days prior to the public hearing.

A copy of the agenda may be obtained by writing: Mr. Dennis J. Newjahr, Tri-Rail, Director of Planning and Capital Development, Suite 100, 800 N. W. 33rd Street, Pompano Beach, FL 33064.

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces the following meeting to which all persons are invited:

CENTRAL FLORIDA WATER SUMMIT

DATE AND TIME: Thursday, January 31, 2002, 1:00 p.m. – 4:00 p.m.

PLACE: Orange County Convention Center, 9800 International Drive, Orlando, FL 32819-8199

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of water supply issues in Central Florida.

A copy of the agenda for this meeting may be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, Attention: Garrett Wallace, Communications Manager.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate is requested to advise the District at least 48 hours before the meeting by calling Garrett Wallace, (386)329-4497. If you are hearing or speech impaired, please contact the District by calling (386)329-4450 (TDD).

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Thursday, January 31, 2002, 1:00 p.m. – 4:00 p.m.

PLACE: Orange County Convention Center, 9800 International Drive, Orlando, FL 32819-8199

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss regional water resource issues with representatives from Orange, Seminole, Osceola, Polk, Volusia, Lake and Brevard counties.

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 Bridgett Duckworth, (407)858-6100, Extension 3806, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Bridgett Duckworth, Orlando Service Center, Suite 200, 1707 Orlando Central Parkway, Orlando, Florida 32809, (407)858-6100, Extension 3806.

REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water** announces the following Board Workshop/Bus Tour and Regular Board Meeting to which all persons are invited:

DATE AND TIME: Thursday, January 24, 2002, 9:00 a.m.

PLACE: Eldridge Wilde Wellfield, 3655 Keller Circle, Tarpon Springs, Florida 34689

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Board Workshop/Bus Tour of potential desalination project sites in North Pinellas County and South Pasco County.

DATE AND TIME: Monday, January 28, 2002, 10:00 a.m.

PLACE: Tampa Bay Water, Suite 211-A, 2535 Landmark Drive, Clearwater, Florida 33761

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Meeting.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

A copy of the regular meeting agenda may be obtained by writing to Tampa Bay Water or can be accessed on the Web at www.tampabaywater.org.

If an accommodation is needed for a disability, in order to participate in this activity, please notify Holly Wells, (727)796-2355, at least 3 business days prior to the meeting.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Board of Architecture and Interior Design** announces the following meetings to which all persons are invited to attend.

DATE AND TIME: February 6, 2002, 2:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel meeting, which portions may be closed to the public.

DATE AND TIME: February 7, 2002, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee meetings, which may include Architecture committee meeting, Interior Design committee meeting, rules and continuing education task force.

DATE AND TIME: February 8, 2002, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

PLACE: Riverside Hotel, 620 East Las Olas Blvd., Ft. Lauderdale, FL 33301, (954)467-0671

To obtain a copy of the agenda, further information or submit written or other physical evidence, contact in writing: Board of Architecture and Interior Design, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board Office, (850)488-6685, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Funeral Directors and Embalmers** announces the following meetings to which all parties are invited to attend.

DATE AND TIME: February 12, 2002, 2:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee meetings, immediately followed by Probable Cause Panel meeting, which portions may be closed to the public.

DATE AND TIME: February 13, 2002, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, FL 32399, (850)488-0951

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Funeral Directors and Embalmers, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board Office, (850)488-8690, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection** announces a public meeting of the Environmental Regulation Commission (ERC) to which all interested persons are invited.

DATE AND TIME: January 31, 2002, 9:00 a.m.

PLACE: Conference Room A, Douglas Building, 3900 Commonwealth Blvd., Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regularly scheduled meeting of the ERC will include briefings and rule proceedings. Briefings include: Rules Under Development; Rules Under Appeal; proposed amendments to Chapters 62-4 and 62-302, Florida Administrative Code (F.A.C.), in response to the Department's comprehensive review of the State's surface water quality standards, Triennial Review, as required under the Clean Water Act. Rule proceedings include: Commencement of adoption hearing for Section 62-302.540, F.A.C., Proposed Phosphorus criterion for the Everglades Protection Area (EPA); and adoption hearing for modifications to Chapter 62-532, F.A.C., Water Well Permitting and Construction Standards. Stakeholders interested in making presentations at the meeting regarding the Phosphorus criterion for the EPA should contact ERC Liaison, Jacqueline McGorty (see below). Time will be allotted at the end of the meeting for public comment.

A copy of the agenda may be obtained by contacting: Jacqueline McGorty, Department of Environmental Protection, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000, (850)921-9660 or email: mcgorty.jackie@dep.state.fl.us.

If an accommodation is needed for a disability in order to participate in this activity, please notify Linda Harvey, (850)488-2996, 1(800)955-8771 (TDD), at least seven days prior to the event.

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 **Department of Health, Division of Medical Quality Assurance**, Florida **Board of Medicine** Probationers Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 25, 2002, 10:00 a.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607, (813)879-5151

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

A copy of the agenda may be obtained by writing: Timothy Callaghan, Compliance Officer, Department of Health, Division of Medical Quality Assurance, Client Services Unit, 4052 Bald Cypress Way, BIN #C01, Tallahassee, FL 32399-3251.

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, he will need a record of the proceeding, and for such purpose, he may need to insure that a verbatim proceeding 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 Timothy Callaghan, (850)245-4444, Ext. 3547, at least 10 calendar days prior to the meeting. If you are hearing or speech impaired, please call Mr. Callaghan using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine**, Licensure Taskforce announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, January 31, 2002, 6:00 p.m.

PLACE: The Adams Mark Hotel, 225 Coast Line Drive, East, Jacksonville, Florida 32202, (904)633-9095

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 the appeal is to be based.

The Florida **Board of Medicine** announces a meeting to which all persons are invited.

DATES AND TIME: February 1-2, 2002, 8:00 a.m.

PLACE: The Adams Mark Hotel, 225 Coast Line Drive, East, Jacksonville, Florida 32202, (904)633-9095

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**, Dietetics-Nutrition/Electrolysis Committee announces a meeting to which all persons are invited.

DATE AND TIME: February 1, 2002, 5:30 p.m. or soon there after

PLACE: The Adams Mark Hotel, 225 Coast Line Drive, East, Jacksonville, Florida 32202, (904)633-9095

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 the appeal is to be based.

The Florida **Board of Medicine**, Expert Witness Credentials Committee announces a meeting to which all persons are invited.

DATE AND TIME: February 1, 2002, 5:30 p.m. or soon there after

PLACE: The Adams Mark Hotel, 225 Coast Line Drive, East, Jacksonville, Florida 32202, (904)633-9095

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 insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Board of Nursing** will hold the following meetings to which all persons are invited to attend.

PRACTICE COMMITTEE

DATE AND TIME: Wednesday, February 6, 2002, 4:00 p.m.

PLACE: The Crowne Plaza, Miami International Airport, 950 Northwest LeJeune Road, Miami, FL, (305)446-9000.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review proposed requests for declaratory statements.

ADVANCED REGISTERED NURSE PRACTITIONER'S COMMITTEE MEETING

DATE AND TIME: Thursday, February 7, 2002, 8:00 a.m.

PLACE: The Crowne Plaza, Miami International Airport, 950 Northwest LeJeune Road, Miami, FL, (305)446-9000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider applications and review certification of Advanced Registered Nurse Practitioners.

CONTINUING EDUCATION COMMITTEE

DATE AND TIME: Thursday, February 7, 2002, to follow ARNP Committee

PLACE: The Crowne Plaza, Miami International Airport, 950 Northwest LeJeune Road, Miami, FL, (305)446-9000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and hold hearings on procedures for continuing education rules.

EDUCATION COMMITTEE MEETING

DATE AND TIME: Thursday, February 7, 2002, to follow Continuing Education Committee

PLACE: The Crowne Plaza, Miami International Airport, 950 Northwest LeJeune Road, Miami, FL, (305)446-9000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider matters relating to nursing programs and applications for licensure.

CREDENTIALS COMMITTEE

DATE AND TIME: Thursday, February 7, 2002, 8:00 a.m.

PLACE: The Crowne Plaza, Miami International Airport, 950 Northwest LeJeune Road, Miami, FL, (305)446-9000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and hold hearings on credential issues.

FULL BOARD MEETING

DATE AND TIME: Thursday, February 7, 2002, 1:00 p.m.

PLACE: The Crowne Plaza, Miami International Airport, 950 Northwest LeJeune Road, Miami, FL, (305)446-9000

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board using the Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Interim Executive Director, Board of Nursing, 4052 Bald Cypress Way, BIN #C02, Tallahassee, FL 32399-3257.

NOTICE OF CHANGE – The **Department of Health, Board of Nursing Home Administrators** announces a Telephone Conference for the General Board Meeting to which all interested persons are invited. The notice of the meeting on February 8, 2002, 9:00 a.m., published in the January 4, 2002 edition, has been changed to the time and date listed below:

DATE AND TIME: February 15, 2002, 9:00 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399, (850)921-5320

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approve applications, conduct disciplinary proceedings, and general business of the Board. The Board will also discuss a declaratory statement for nursing home administrator duties.

A copy of the agenda may be obtained by writing: Board of Nursing Home Administrators, 4052 Bald Cypress Way, BIN #C-04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Daisy King, Board of Nursing Home Administrators, (850)245-4292, Ext. 3602, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Department using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be made.

The **Department of Health** and the **Board of Occupational Therapy Practice** and the Probable Cause Panel of the Board of Occupational Therapy announce meetings to which all persons are invited:

DATE AND TIME: January 28, 2002, 8:00 a.m. (EST) or soon thereafter – Probable Cause Panel; General Board Meeting will commence immediately following the Probable Cause Panel or soon thereafter

PLACE: Department of Health, Room 301, 4042 Bald Cypress Way, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Reconsideration of cases previously heard by the Probable Cause Panel; General Business Meeting; Rules Review and Rules Workshop.

A copy of the agenda may be obtained by writing: Department of Health, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the Board Office, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the Board Office, (850)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that

a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Pharmacy** announces a public meeting to which all persons are invited.

DATE AND TIME: February 5, 2002, 10:00 a.m. – 12:00 Noon (EST)

PLACE: The Best Western Gateway Grand, 4200 N. W. 97th Blvd., Gainesville, FL 32606, (352)331-3336

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Rules Committee will meet to consider the establishment or revision of Board rules and additional comments/suggestions.

A copy of the board agenda may be obtained by writing: John D. Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, BIN #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Page Merkison, (850)245-4292, Ext. 3600, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

NAVIGATION DISTRICTS

The Board of Commissioners of the **Florida Inland Navigation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 25, 2002, 9:00 a.m.

PLACE: The Casa Monica Hotel, 95 Cordova Street, St. Augustine, St. Johns County, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Board of Commissioners to conduct the regular business of the District. Additionally, the District's Property Acquisition and Management Committees will meet.

Please contact the District Office, 1314 Marcinski Road, Jupiter, FL 33477, (561)627-3386, for more information.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceeding, and for such purposes, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the District prior to the meeting.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission** announces two public workshops concerning spiny lobster importation, to which all interested persons are invited:

DATE AND TIME: January 29, 2002, 6:00 p.m. – 8:00 p.m.

PLACE: Miami City Hall, Chambers, 3500 Pan American Drive, Miami, Florida

DATE AND TIME: January 30, 2002, 6:00 p.m. – 8:00 p.m.

PLACE: Harvey Government Center, 1200 Truman Avenue, Key West, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission is holding two workshops to receive public testimony regarding the importation and sale of spiny lobster within the state during the closed harvesting season.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in either of these workshops is asked to advise the agency at least 5 calendar days before the workshop by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

For further information, contact: Dr. Roy E. Crabtree, Suite 201, 2590 Executive Center Circle, East, Tallahassee, Florida 32301, (850)487-0554.

The **Florida Sturgeon Production Working Group** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 12, 2002, 10:00 a.m. – 1:00 p.m.

PLACE: University of Florida, Institute of Food and Agricultural Sciences, Department of Fisheries and Aquatic Sciences Conference Room, 7922 Northwest 71st Street, Gainesville, FL 32653

GENERAL SUBJECT MATTER TO BE CONSIDERED: Ninth meeting of the Sturgeon Production Working Group pursuant to Section 370.31(4), F.S., to establish a state sturgeon aquaculture program to promote the commercial production and stock enhancement of sturgeon in Florida. At the meeting we will update advancements in commercial production of non-native sturgeon, review pending legislation, and review funding commitments for sturgeon research.

A copy of the agenda for the public meeting may be obtained from the agency contact person: Daniel Roberts, Research Scientist, Florida Fish and Wildlife Conservation Commission,

Florida Marine Research Institute, 100 Eighth Avenue, S. E., St. Petersburg, FL 33701-5095, mail station: J2N-HUF, (727)896-8626, Email: dan.roberts@fwc.state.fl.us.

ADA NOTICE: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please notify the Personnel Services Specialist, (850)488-2996 or 1(800)955-8771 (TDD), at least 7 calendar days prior to the event.

TOBACCO-FREE PARTNERSHIP OF BAY COUNTY

The **Tobacco-Free Partnership of Bay County** will hold a public meeting to which all persons are invited to attend.

DATE AND TIME: Wednesday, January 30, 2002, 4:00 p.m.

PLACE: Bay County Health Department, 597 West 11th Street, Panama City, Florida 32401

GENERAL SUBJECT MATTER TO BE CONSIDERED: Purpose is to elect new officers and discuss upcoming events.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Tobacco-Free Partnership, (850)872-4455, Extension 136, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the above number using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda may be obtained by writing: Tobacco Prevention Coordinator, Bay County Health Department, 597 West 11th Street, Panama City, Florida 32401.

FIRST FLORIDA GOVERNMENTAL FINANCING COMMISSION

The **First Florida Governmental Financing Commission** announces a public meeting where all interested parties are invited:

DATE AND TIME: Friday, February 1, 2002, 10:00 a.m.

PLACE: Council Chambers, Second Floor, City Hall, City of St. Petersburg, 175 Fifth Street, North, St. Petersburg, Florida

A copy of the agenda may be obtained by contacting: Mr. Richard C. Dowdy, Program Administrator, Post Office Box 14923, Tallahassee, FL 32317-4923 or calling (850)878-1874.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF INSURANCE

NOTICE IS HEREBY GIVEN THAT the Department of Insurance has issued an order disposing of the petition for declaratory statement filed by the Northeast Florida Fire Prevention Association on November 6, 2001. The following is a summary of the agency's disposition of the petition:

1. The petition for declaratory statement is premature and does not state an actual event or condition in existence at the time the petitioner filed the petition.
2. The National Fire Protection Association is an independent association which is permitted to take any action it deems necessary in the publication of any of its codes and standards. After the National Fire Protection Association has made changes to any of its codes and standards, including NFPA 72, the Division of State Fire Marshal may then:
 - A. accept the changes to NFPA 72 in their entirety;
 - B. not accept any of the changes to NFPA 72; or
 - C. accept the changes with modifications.
3. It would be inappropriate for the Division of State Fire Marshal to render an opinion on a matter that is pending before the National Fire Protection Association but which has not yet been adopted by the National Fire Protection Association.
4. After the changes have been made to NFPA 72, if the petitioner has a question regarding an actual set of circumstances or an actual event that has occurred or is occurring, the petitioner may then seek a declaratory statement based on those facts or circumstances.

A copy of the order may be obtained from: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604.

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN THAT the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Mark Osterback. The Department denied the Petition to amend subsection 33-103.001(4), Florida Administrative Code, to prohibit inmates from filing complaints regarding awards of monetary damages.

A copy of the Order may be obtained from: Anthony W. Garcia, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN THAT the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Douglas Jackson. The Department denied the Petition to amend Title 33, Florida Administrative Code, to require that all confinement cells be equipped with a writing surface and accompanying chair or stool.

A copy of the Order may be obtained from: Anthony W. Garcia, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN THAT the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Douglas Jackson. The Department denied the Petition to amend 33-602.220, 33-602.222 and 33-601.800, Florida Administrative Code, to require that confinement officers be stationed, 24 hours a day, inside institution confinement units or that electronic emergency call buttons be installed in each confinement cell.

A copy of the Order may be obtained from: Anthony W. Garcia, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Electrical Contractors' Licensing Board has received a Petition filed on December 6, 2001, from Verizon Florida, Inc., seeking a declaratory statement from the Board on the applicability of Section 489.505(9), F.S., and the exception set forth in Section 489.503(4), F.S., to its plan to use in-house employees to inspect and maintain its own fire alarm systems.

A copy of the Petition for Declaratory Statement may be obtained by writing: Anthony Spivey, Electrical Contractors' Licensing Board, Department of Business and Professional Regulation, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399.

DEPARTMENT OF HEALTH

The Board of Medicine hereby gives notice that it has received a Petition for Declaratory Statement filed on behalf of Phillip W. Farthing, M.D., J.D. The Petitioner seeks the Board's interpretation of whether he has been actively engaged in the practice of medicine for the purposes of Section 458.319, Florida Statutes, and subsection 64B8-13.001(5), Florida Administrative Code. Petitioner requests the Board's interpretation of whether the circumstances as outlined in the petition would constitute the "active" practice of medicine.

The Board will consider this petition at its meeting scheduled for 8:00 a.m., or as soon thereafter as can be heard, February 2, 2002, at the Adams Mark Hotel, 225 Coastline Drive, East, Jacksonville, Florida 33004. Copies of the petition may be

obtained by writing: Pamela King, Acting Executive Director, Board of Medicine, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

The Board of Medicine hereby gives notice that it has received a Petition for Declaratory Statement filed on behalf of Richard Goldberg, M.D. The Petitioner seeks the Board's interpretation of the Board's position regarding who may inject contrast media during an MRI in Florida, and who, if anyone, is required to supervise the injection of contrast media during an MRI in Florida.

The Board will consider this petition at its meeting scheduled for February 1-2, 2002, at the Adams Mark Hotel, 225 Coastline Drive East, Jacksonville, Florida 33004. Copies of the petition may be obtained by writing: Pamela King, Acting Executive Director, Board of Medicine, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

The Board of Medicine hereby gives notice that it has issued a Final Order in the Petition for Declaratory Statement filed on behalf of James J. Norconk, Jr., M.D., Paul H. Skaggs, M.D., Joanne W. Wernicki, M.D., and H. Paul Hatten, Jr., M.D. The Board reviewed the petition at its meetings on October 6, 2001, in Miami and December 1, 2001, in Tampa, Florida. The Board's Final Order, filed in this cause on December 26, 2001, finds that under the specific facts of the petition, the resolution and RFP as outlined in the Petition do not constitute a kickback in violation of Sections 458.331(1)(i) or 456.054, Florida Statutes.

A copy of the Petition and the Board's Final Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

NOTICE IS HEREBY GIVEN THAT the Board of Nursing has received a Petition for Declaratory Statement with regard to Section 464.012(4)(a), Florida Statutes, which was filed April 25, 2001, by Andrea M. Schulte, R.N. Petitioner requests a declaratory statement from the Board in regard to Section 464.003(2)2., Florida Statutes, and the use of lasers for hair removal, vascular lesions and sclerotherapy. This matter will be addressed at the Practice Committee meeting during the regularly scheduled board meeting on February 6, 2002, 4:00 p.m., or shortly thereafter, at the Crowne Plaza, Miami International Airport, 950 LeJeune Road, Miami, Florida.

A copy of the Petition for Declaratory Statement may be obtained by writing: Joe Baker, Jr., Interim Executive Director, 4052 Bald Cypress Way, BIN #C02, Tallahassee, Florida 32399-3252.

**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 AGRICULTURE AND CONSUMER SERVICES

Bids will be opened at the DACS, Florida Division of Forestry Office, 8036 CR 17, South, Sebring, FL 33870, on February 4, 2002, 2:00 p.m. For a Mobile Home located at Palmdale Work Center, at the intersection of Hwy. 27 and Hwy. 29. For more information contact, Tim Elder, (863)655-6407 or Sanne Arnfast, (863)462-5373.

DEPARTMENT OF EDUCATION

REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: 02L-99, IFAS Project #01047, Animal/Dairy Science, Upgrade Fire Alarm System, estimated budget: \$175,000-\$200,000, to be opened February 14, 2002,

1:30 p.m. (Local Time). Scope of work: Base Bid: New fire alarm panel sized as required by complete project. Demolition of existing fire alarm in Building 459 (except Meat Lab) and a complete new fire alarm system. Alternate 1: Demolition of existing fire alarm in Building 459 Meat Lab and a complete new fire alarm system. Alternate 2: Demolition of existing fire alarm in Building 499 and a complete new fire alarm system. Specifications and Plans are available in Central Purchasing, Elmore Hall, Radio Road, Gainesville, FL 32611, (352)392-1331. A Mandatory Pre-Bid Meeting will be held January 24, 2002, 10:00 a.m., in the Animal Science Conference Room, Building 459, corner of Ritchey Road and Shealy Drive, Gainesville, FL. All questions should be directed to: A. J. Sontag, Assistant Director, UF Purchasing, (352)392-1331, Ext. 306. AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Emily J. Hamby, (352)392-1331, Ext. 303, within three (3) days of the event.

NOTICE TO CONSTRUCTION MANAGERS

The Florida State University announces that Construction Management Services will be required for the project listed below:

Project and Location:

Project: Dick Howser Stadium Renovations

Location: Pensacola Street, Main Campus

Florida State University, Tallahassee, Florida

This project consists of renovation and new construction improvements to the existing stadium, including: grandstand and bleacher seating, field and practice facilities, pressboxes, locker rooms and training spaces, concessions, administrative offices, and the areas immediately around Howser Stadium. The primary goal of this project is to address these deficiencies and problems while, at the same time, installing new features and facilities that do not currently exist. For more information about the scope of this work, please refer to the Facilities Program. Copies of this document are available as noted below.

The project construction budget is \$9,617,042. The total project budget is \$12,000,000, including professional fees, furnishings, equipment and miscellaneous costs.

The contract for construction management will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating and the development of a Guaranteed Maximum Price (GMP) at the 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, ensuring the

inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract or to arrive at an acceptable GMP within the time provided in the agreement, may result in the termination of the construction manager's contract.

Selection of the 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 ability; qualifications of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the State University System's 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 Board of Regents "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals 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 \$25,000 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

The Board of Regents Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained on line at www.fpc.fsu.edu or by contacting:

Lynetta Mills, Facilities Planning and Construction
109 Mendenhall Building A
Florida State University, Tallahassee, FL 32306-4152
(850)644-2843 telephone, (850)644-8351 Facsimile

For further information or questions, please contact John M. Ward, Project Manager at the same address.

Seven (7) bound copies of the required proposal data shall be submitted. Submittals must be received at the above address by 2:00 p.m. (Local Time), Friday, February 11, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered.

ADVERTISEMENT FOR BIDS

Invitation To Bid (ITB) For a

General Contractor/Certified Building Contractor

Sealed bids will be received by Duval County Public Schools, Division of Facilities Services, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207 until the time and date(s) recorded below and immediately thereafter publicly opened and recorded in the Fifth (5th) Floor, Conference Room No. 513 D, School Board Building.

BIDS ARE DUE ON OR BEFORE

February 19, 2002, at 2:00 p.m.

DCSB Project No. M-88720 Renovation of Restrooms at San Jose Elementary School No. 83

Replace Fixtures, Retile and Replace Partition at San Jose Elementary School No. 83

Estimated Construction Budget is \$210,000

All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on February 8, 2002, 9:30 a.m., at San Jose Elementary School No. 83, 5805 St. Augustine Road, Jacksonville, Florida 32207. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

All bidders and subcontractors shall be licensed contractors and registered corporations as required by the laws of the State of Florida.

Contract documents for bidding may be obtained for a refundable fee of \$50 at the office of:

M. V. Cummings Engineers, Inc.
6501 Arlington Expressway, Suite B-211
Jacksonville, Florida 32211

DCSB Point of Contact: John McKean, (904)858-6310

Contract documents for bidding may be examined at:

F.W. Dodge McGraw Hill Plan Room
Construction Bulletin
Construction Market Data, Inc.
Business Service Center

MBE Participation Goal: 20% Overall Participation

The Bid Award Recommendation will be posted on the First Floor, Bulletin Board at the Duval County School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

DEPARTMENT OF REVENUE

INVITATION TO NEGOTIATE

Agency: Florida Department of Revenue, Child Support Enforcement Program

Title: CAMS Compliance Enforcement Implementation

Status: Pre-release notification; estimate release of ITN on or about January 23, 2002;

Release: The formal ITN will be posted on Florida's Vendor Bid System web site. The ITN can be obtained by entering the procurement title or number on the web page located at http://fcn.state.fl.us/owa_vbs/owa/vbs_ww.search.criteria_form.

If unable to complete an online retrieval of the ITN, please contact Ms. Barbie Phillips at the e-mail or phone number listed.

Phase: Implementation of the first of three functional increments

Service Code: Information Technology

Fed Funded: Partially

Duration: First functional increment: 21 months to full deployment

Type: Firm Fixed Price with Priced Deliverables

Sol #: itn #01/02-31

Vend Conf: Mandatory, date to be listed in ITN

Key Contacts: Procurement – Ms. Barbie Phillips, (850)488-2625, Fax (850)921-1396, PHILLIPB@dor.state.fl.us
 Contract Manager – Ms. Debbie Stephens, (850)922-9559, Fax (850)921-1344, STEPHEDE@dor.state.fl.us

Background:
 The Florida Department of Revenue (FDOR) Child Support Enforcement (CSE) Program intends to release a formal Invitation to Negotiate (ITN) on or about January 23, 2002. The solicitation is to procure the first of three functional increments to enhance Florida's CSE system, potentially leading to full system replacement. FDOR welcomes responses that have innovative solutions and/or that propose alternative funding mechanisms.

FDOR is seeking a vendor to provide a state-of-the-art system that will:

- Meet all federal and State of Florida regulations and policies for CSE,
- Provide dramatic improvement in the effectiveness of collections,
- Automate enforcement to the greatest extent possible,
- Introduce and automate location data processing,
- Incorporate intelligent processes such as rules-based decision support, knowledge management, and data mining, and

- Allow rapid implementation of changes resulting from updated federal and state regulations and policies, and Florida initiatives.

Description:

The contractor shall propose a method for providing the first functional increment of a CSE Automated Management System (CAMS). The first functional increment is Compliance Enforcement, which is responsible for enforcing court-ordered support payments through locating parents and their financial assets and initiating and managing appropriate enforcement actions. The other two functional increments are (a) Establishment (paternity and court order) and (b) Remittance and Distribution.

The system will enhance the State's current CSE system, Florida On-Line Recipient Data Access (FLORIDA), by replacing existing Compliance Enforcement processes. As a result, the procured system will have significant interfaces with FLORIDA. In addition, a number of external sources must be queried to support activities such as:

- Locate the parent.
- Locate assets of the parent.
- Contact the person to request payment.
- Support enforcement actions including but not limited to:
- Contact employer to initiate withholding funds from employer payments
- Communicate with the IRS to authorize redirection of any refunds due the absent parent
- Contact prize awarding entities, such as state lotteries, for redirection of funds
- Contact applicable financial entities to access and redirect authorized funds

The procured system will address automation of various aspects of enforcement, including rule and case based decisions, knowledge management, document management, workload management, automated scheduling, security of data, and reporting. FDOR is open to any solution that meets system requirements in a cost-effective manner, including those that require reengineering of FDOR's current business processes. FDOR will consider an applicable ERP or COTS based solution in addition to custom development. Bidders will be expected to describe an approach to user training, and to recommend an approach to providing operations and maintenance of the procured system, including disaster recovery.

As the first of three planned CAMS functional increments, the procured Compliance Enforcement system will establish the basic system architecture and data structures that will be used in the subsequent increments. Bidders will be expected to describe how their proposed solution will support the development of the remaining two functional increments. Bidders may propose a solution that includes all three increments.

Bidders will be asked to submit a written proposal describing their proposed solution in detail. Qualified bidders will be invited to participate in oral presentations that include a demonstration or walkthrough of aspects of their proposed solution.

Restrictions:

Firms must demonstrate a stable business environment with adequate company resources to manage and execute this project.

Bidders must be registered with the Florida Department of Management Services, and the winning contractor must be licensed with the Florida Department of State prior to contract signing.

REGIONAL PLANNING COUNCILS

Request For Letters Of Interest And Qualifications

The Northeast Florida Regional Planning Council is seeking qualifications or firms interested in coordinating transportation services for the transportation disadvantaged in Nassau County, Florida. The selected coordinator will be the designated Community Transportation Coordinator for the Transportation Disadvantaged Program, as authorized by Chapter 427, Florida Statutes (F.S.) and more fully described in Rule 41-2 of the Florida Administrative Code (F.A.C.).

The Community Transportation Coordinator is defined by Chapter 427, F.S. as a transportation entity recommended by the appropriate designated official planning agency to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area. The Community Transportation Coordinator has full responsibility for the delivery of transportation services for the transportation disadvantaged as outlined in s. 427.015(2), F.S.

The transportation disadvantaged are defined by Chapter 427, F.S. as "those persons who because of physical or mental disability, income status, or age are unable to transport themselves or purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities or other life sustaining activities or children who are handicapped or high-risk or at-risk as defined in s. 411.202."

Interested providers are required to provide the following as proof of qualifications: a list of coordination experience; a list of scheduling and routing software used by your organization; a list of vehicles to be used (if applicable); a current financial statement, a current medicaid provider number, and an organizational chart.

Selection of potential providers will be based on a ranking of their expertise, overall capabilities, recent experience in similar programs, and proposed methods of achieving cost-effective services. Potential providers should submit three (3) copies of their expression of interest and qualifications in a sealed

envelope, to the Northeast Florida Regional Planning Council, Attention: Mr. Brian D. Teeple, AICP, Executive Director, 9143 Philips Highway, Suite 350, Jacksonville, Florida, 32258. Letters must be marked, "LETTER OF INTEREST AND QUALIFICATIONS FOR NASSAU COUNTY COMMUNITY TRANSPORTATION COORDINATOR." Letters of interest and qualifications must be received by 5:00 p.m., February 28, 2002.

Questions should be addressed to: Mr. Stephen L. Jones, AICP, Senior Regional Planner, (904)363-6350, Ext. 115. Faxed and e-mailed responses WILL NOT be accepted. Letters received after the deadline will be returned unopened with the notation, "This letter of interest was received after the delivery time designated for receipt and opening in the legal notice." Only responses to the request for letters of interest will be considered if a request for proposals is issued for Community Transportation Coordinator.

The Northeast Florida Regional Planning Council reserves the right to accept or reject any and all responses in the best interest of the State.

WATER MANAGEMENT DISTRICTS

INVITATION TO BID BID NUMBER 02B-002

The Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333, will receive sealed bids from any qualified person, company or corporation interested in constructing the Bunker Road bridge project. This project is located in south Walton County in the Florida panhandle.

A non-mandatory pre-bid conference will be held at the District headquarters office in Midway (located ten miles west of Tallahassee on US Highway 90) at 2:00 p.m. (EST), January 29, 2002. Sealed bids will be received until 3:00 p.m. (EST), February 7, 2002, at the Northwest Florida Water Management District Headquarters Office. The opening of the bids is public. All bids must comply with applicable Florida Statutes.

Plans and specifications can be obtained at Preble-Rish, Inc., 1923-A Capital Circle, N. E., Tallahassee, Florida 32308, (850)219-8050. Cost for Plans and Specifications is \$75.00 per set and is non-refundable. Plans and specifications can be examined free of charge at the following locations:

- Preble-Rish, Inc., 1923-A Capital Circle, N. E., Tallahassee, FL 32308, (850)219-8050
- Preble-Rish, Inc., 401 Reid Avenue, Port St. Joe, FL 32456, (850)227-7200
- Northwest Florida Water Management District, 81 Water Management Drive, Havana (Midway), FL (ten miles west of Tallahassee on U.S. 90) 32333, (850)539-5999

Provisions will be made to accommodate the handicapped provided the District is given at least 72 hours advance notice.

EXPRESSWAY AUTHORITIES

**REQUEST FOR QUALIFICATION
BASED PRICE PROPOSAL**

Brandon Parkway (SR618) Landscape/Streetscape
Construction Project – Bid No. 50.40.02

Request for Qualification: The Tampa-Hillsborough County Expressway Authority (“Authority”) will receive Proposer’s Qualification Forms from firms qualified to provide complete landscape, hardscape and irrigation construction and related maintenance services for the Brandon Parkway project. Forms must be received at the Authority’s Office, 412 E. Madison Street, Suite 800, Tampa, Florida 33602 before 1:00 p.m., February 4, 2002.

Request for Price Proposals: Evaluation of Proposers’ qualifications will result in a minimum of three firms being short-listed to submit price proposals for the project. The contract will be awarded to the lowest responsive Proposer, subject to consideration and approval of the Authority’s Board. All Proposers’ will be provided with a list of the short-listed firms. A detailed scope of services, schedule, and requirements for submittals by short-listed firms will be provided at a Pre-Proposal meeting.

Scope of Work: As delineated in the contract documents, the Brandon Parkway project includes new construction and maintenance for a period of three (3) years for landscape, hardscape and irrigation for approximately three (3) miles of new and reconstructed roadways in Brandon. The roadway portion of the project is currently under construction and the selected landscape contractor shall coordinate all activities with the Authority’s Construction Manager.

Contract Instructions: Firms submitting for this project shall be FDOT prequalified in the class of landscaping as well as qualified as a Florida Certified Landscape Contractor through the Florida Nurserymen & Growers Association at the time the proposal is submitted and at the time the contract is awarded. Proposers’ shall also be required to meet specific requirements for licensing, insurance and bonding. The winning Proposer shall execute the Authority’s contract and shall fully perform in accordance with the Authority’s contract documents.

Request for Documents: Proposers’ may direct all questions and/or obtain the Proposer’s Qualification Form and contract documents for this work by contacting:

URS Corporation
Attention: Pat Roberson, RLA
7650 West Courtney Campbell Causeway,
Tampa, FL 33607
Telephone (813)286-1711

Plans and specifications will be available for review or purchase (non-refundable cost of \$150 per set) at the above location on and after January 18, 2002. Make checks payable to URS Corporation.

Minority and women owned firms will be afforded a full opportunity to participate in this project and will not be subject to discrimination on the basis of race, sex, color or national origin.

Note: All TIMES, dates and MEETING LOCATIONS are subject to change. Changes will be posted at the Authority’s Office at 412 E. Madison St., Ste. 800, Tampa, FL. Please contact the Authority’s Contracts Administrator, (813)272-5986 for updated information.

DEADLINE FOR SUBMITTING QUALIFICATION FORM
BY 1:00 p.m. February 4, 2002

PLANNED SHORTLIST – COMMITTEE MEETING at
Authority Office February 11, 2002, 1:00 p.m.

PRE-PROPOSAL MEETING FOR SHORTLISTED FIRMS:
February 19, 2002, 1:00 p.m.

DEADLINE FOR SUBMITTING PRICE PROPOSAL BY
1:00 p.m. March 19, 2002

PRICE PROPOSALS PUBLICLY OPENED at Authority
Office March 21, 2002, 1:00 p.m.

CONTRACT AWARD AT MONTHLY AUTHORITY
BOARD MEETING March 25, 2002, 3:00 p.m.

(Location: Board of County Commissioners Chambers, County
Center, Tampa, FL)

Note: The Authority reserves the right to reject all proposals, issue a new RFQ and waive formalities and technical discrepancies.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BDRS71-01/02

The Bureau of Design and Recreation Services has cancelled BID NO.: BDRS71-01/02, park development at Alafia River State Park.

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.”

BDRS93-01/02

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the Ross Prairie Trailhead near Ocala, Florida. Construction to include picnic shelters, bathhouse, fencing, paving, driveway and all related utilities, according to the plans and specifications.

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.”

GAINESVILLE REGIONAL AIRPORT

REQUEST FOR PROPOSALS FOR
 FOOD, BEVERAGE, KIOSK, VENDING MACHINE,
 NEWS AND/OR GIFT CONCESSION
 AT THE GAINESVILLE REGIONAL AIRPORT
 PASSENGER TERMINAL BUILDING

PROPOSAL NO. 02-002

Specifications for proposals may be obtained by contacting the Airport Administration Office, (352)373-0249, or in writing at:

Gainesville Regional Airport
 3880 N. E. 39th Avenue, Suite A
 Gainesville, FL 32609

A pre-proposal conference will be held on January 25, 2002, 11:00 a.m., at the Airport Administration Office in the Passenger Terminal. Proposals are due on February 25, 2002, 3:00 p.m.

Contact Person: Ms. Melissa Crawford, Office of Program Policy Analysis and Government Accountability, 111 West Madison Street, Suite 312, Tallahassee, Florida 32399-1475, (850)488-0021.

Dates: For each school district review, all interested consultants are required to submit a mandatory but non-binding letter of intent to propose, which must be received by OPPAGA no later than 3:30 p.m. (Eastern Time), February 1, 2002. OPPAGA will have further communications after that date only with those persons who indicate their initial intent to submit a proposal on this project. The closing date and time to receive proposals is 3:30 p.m. (Eastern Time), February 19, 2002. The contact person must receive the written proposal prior to the closing date and time. Proposals that for any reason are not so received will not be considered. OPPAGA reserves the right to reject any and all proposals. Unless all proposals are rejected, it is anticipated the contract will be awarded in early March 2002.

THE FLORIDA LEGISLATURE

NOTICE OF REQUEST FOR PROPOSALS

Statement of Work: The Florida Legislature’s Office of Program Policy Analysis and Government Accountability (OPPAGA) is requesting proposals for a Best Financial Management Practices Review to be conducted as described in the Sharpening the Pencil Act (HB 269) passed by the 2001 Florida Legislature. Interested private firms may submit a proposal to conduct this review, which will occur in the Lee County School District.

The purpose of Best Financial Management Practices Reviews is to improve Florida school district management and use of resources and to identify cost savings. The review must: 1) determine whether the district is using the best practices adopted by the Florida Commissioner of Education; 2) identify opportunities for the district to save funds, improve management, and increase efficiency and effectiveness; and, 3) develop recommendations and detailed action plans to improve district operations within two years.

Proposals: Proposals must be submitted in accordance with the content set forth in the “Request for Proposals for a Best Financial Management Practices Review of the Lee County School District,” dated January 18, 2002. Copies of this document are available from the contact person.

Firms that have already registered with OPPAGA to receive the RFPs for each Best Financial Management Practices Review will receive the document without an additional request. Firms that have not registered with OPPAGA may do so on-line at the following Internet address: http://www.oppaga.state.fl.us/school_districts/contractorlist.html.

**Section XII
 Miscellaneous**

DEPARTMENT OF STATE

**GUIDELINES AND APPLICATIONS AVAILABLE FOR
 LIBRARY SERVICES AND TECHNOLOGY ACT,
 PUBLIC LIBRARY CONSTRUCTION,
 AND LIBRARY COOPERATIVE GRANTS**

Grant applications and guidelines are available for the following programs administered by the Florida Department of State, Division of Library and Information Services:

Library Services and Technology Act (LSTA) Grants – Applications due March 15, 2002. Federal grants for all types of libraries that emphasize youth, literacy, older adults, and information access through technology.

Public Library Construction Grants – Applications due April 1, 2002. State grants to eligible governments for remodeling, expansion or new construction of public library buildings.

Library Cooperative Grants – Applications due April 15, 2002. State grants for the six multitype library cooperatives to encourage cooperation among libraries of all types for the development of library service to Floridians.

Grant guidelines and application packets for LSTA and Public Library Construction grants must be requested. This may be done by mail from the State and Federal Grants Office, State Library of Florida, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, by phone, (850)245-6600 or Suncom 205-6600, or by telefacsimile, (850)488-2746. Guidelines and forms are also available on the Division’s web page at <http://www.dos.state.fl.us/dlis/bld/grants/forms.html> Library Cooperative Grant guidelines and applications will be mailed to the six eligible entities.

Completed application must be mailed to the address indicated above and be on file with the Division, or postmarked on or before the application due date.

DEPARTMENT OF BANKING AND FINANCE

NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following applications and/or other notice. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in 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., February 8, 2002):

APPLICATION FOR A NEW FINANCIAL INSTITUTION

Applicant and Proposed Location: Floridian Community Bank, Inc., 5601 S. University Drive, Davie, Florida 33328
 Correspondent: W. Douglas Moody, Graham, Moody & Sox P.A., Post Office Box 2174, Tallahassee, Florida 32316-2174
 Received: January 7, 2002

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: First Bank of Jacksonville, Jacksonville, Florida
 Proposed Purchaser: Moss S. Wells, Jacksonville, Florida
 Received: January 7, 2002

EMERGENCY APPLICATION TO MERGE

Constituent Institutions: Bell-Tel Credit Union, Orlando, Florida, and Golden Gem Credit Union, Umatilla, Florida
 Resulting Institution: Bell-Tel Credit Union
 Received: January 8, 2002

DEPARTMENT OF EDUCATION

NOTIFICATION OF INTENT – TO OPERATE THE SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

In accordance with Title 7 Code of Federal Regulations, Part 225, it is the intent of the Florida Department of Education, Food and Nutrition Management Section, to continue to administer the Summer Food Service Program for the fiscal year 2002.

The primary purpose of the program is to provide food service to children from needy areas during periods when area schools are closed for vacation.

Eligible children are those 18 years of age and under, and persons over 18 years of age who are determined by the State educational agency or a local public educational agency of the

State to be mentally or physically handicapped and who participate in a public or nonprofit private school program established for the mentally or physically handicapped.

The program will be made available throughout Florida by State approved sponsors. Sponsors for the program may be a public or nonprofit private school, nonprofit private organization, residential or non-residential camp, government organization or a Nation Youth Sports Program.

For more information please contact: Food and Nutrition Management, Summer Food Service Program for Children, 1(800)504-6609.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF APPROVAL FOR PRESERVATION 2000 FUNDS

The Florida Communities Trust (“Trust”) reviewed and approved project plans for land acquisition projects submitted under the Trust Preservation 2000 Program, Series P9A funding cycle. The project plans listed below were approved by the Executive Director under authority delegated from the governing body. The Executive Director is authorized to execute the agreements for acquisition of the project sites and all other documents necessary to close the projects and that funds be released as follows:

- Project: 99-001-P9A/Pepper Park Addition
- Grantee: St. Lucie County
- Amount of Approved Funds: the lesser of 91.67% of the final total project costs or \$550,000.00
- Project: 99-064-P9A/San Casa
- Grantee: Charlotte County
- Amount of Approved Funds: the lesser of 40.00% of the final total project costs or \$1,504,400.00.

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit

rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, F.A.C. A petition is filed when it is received by the Trust Clerk at 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

DEPARTMENT OF LAW ENFORCEMENT

NOTICE OF APPLICATION FOR FEDERAL FUNDS

The State of Florida, Department of Law Enforcement, will be submitting an application to the Bureau of Justice Assistance, United States Department of Justice, for \$24,691,988, in Federal Fiscal Year 2002 funds made available under the Anti-Drug Abuse Act of 1988. A copy of the application is available for review and comment by the public at the Department of Law Enforcement, Business Support Program, Office of Criminal Justice Grants, Tallahassee, Florida 32308. Interested parties should contact the Office of Criminal Justice Grants, (850)410-8700, to obtain a copy of the application for review.

WATER MANAGEMENT DISTRICTS

Notice of Approval of Priority Water Bodies and

Schedule for Establishment of Minimum Flows and Levels

NOTICE IS HEREBY GIVEN that pursuant to Section 373.042, Florida Statutes, the Department of Environmental Protection has approved the 2001 priority water bodies list and schedule for establishment of Minimum Flows and Levels by the Northwest Florida Water Management District as follows: Minimum flows for the Apalachicola River are being rescheduled for November 2002 and being established in conjunction with the interstate coordination efforts to negotiate a water allocation formula under the Apalachicola-Chattahoochee-Flint River Basin Commission pursuant to Section 373.71, Florida Statutes, and Public Law

No. 105-104. Minimum aquifer levels for the Floridan Aquifer in coastal Okaloosa, Santa Rosa and Walton counties to consider the potential migration of saline water into fresh groundwater supplies is scheduled for completion in January 2005. The priority list and schedule has also been revised to include the Inland Sand and Gravel Aquifer in Santa Rosa County for December 2007 and the Deer Point Lake in Bay County scheduled for December 2008. As part of the efforts to establish minimum flows from the Deer Point Lake the District will consider possible effects on the salinity balance in North Bay and St. Andrew Bay.

The person to be contacted regarding the above notice is: Ron Bartel, Director, Resource Management Division, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999.

PUBLICATION OF APPROVED PRIORITY LIST AND SCHEDULE FOR THE ESTABLISHMENT OF MINIMUM FLOWS AND LEVELS

The District, pursuant to Section 373.042(2), Florida Statutes, hereby publishes its approved Priority List and Schedule for the Establishment of Minimum Flows and Levels. The following surface watercourses, aquifers and surface waters within the District were approved by the Governing Board on October 31, 2001, and by the Florida Department of Environmental Protection on December 12, 2001. The Priority List and Schedule and related information will be updated annually.

The Priority List is based on the importance of waters to the state or region, the existence of or potential for significant harm to the water resources or ecology of the state or region and includes those waters which are experiencing or may reasonably be expected to experience adverse impacts. It is the District's intention to voluntarily undertake independent scientific peer review for all water bodies on the Priority List.

2002

- Alafia River (includes Lithia and Buckhorn springs)
- Middle Peace River
- Pasco County Lakes (Bird, Moon, Linda, Pasadena, Padgett, Parker aka Ann, Green, Bell, Clear and Hancock)
- Hernando County Lakes (Hunters, Lindsey, Mountain, Neff, Spring and Weekiwachee Prairie)
- Hillsborough County Lakes (Strawberry, Reinheimer, Wimauma, Platt, Mound, Allen, Harvey, Charles, Jackson, Garden, Taylor and Dan)

2003

- Tampa Bypass Canal
- Highlands County Lakes (Placid, June-in-Winter)
- Polk County Lake (Crooked)
- Citrus County Lakes (Tsala Apopka and Marion)
- Sumter County Lakes (Panasofkee, Big Gant, Deaton, Miona and Okahumpka)

- Lower Peace River Estuary System ⁽¹⁾
 - Upper Myakka River
- 2004
- Upper Hillsborough River System
 - Braden River (freshwater segment)
- 2005
- Intermediate Aquifer (SWUCA) (where deemed technically feasible)
 - Weekiwachee River System
 - Lower Hillsborough River
 - Lower Myakka River (includes Myakkahatchee and Deer Prairie Creeks)
 - Cow Pen Slough
- 2006-2015 ⁽²⁾
- Manatee River System
 - Little Manatee River System
 - Middle Withlacoochee River System
 - Upper Withlacoochee River System (Green Swamp)
 - Lower Withlacoochee River System (Lake Rousseau/Rainbow Springs)
 - Highlands/Polk Surficial Aquifer
 - Anclote River System
 - Brooker Creek
 - Pithlachascotee River System
 - Crystal River System
 - Homosassa River System
 - Chassahowitzka River System
 - Northern Tampa Bay – Phase II
- (1) A “River System” refers to the unique, watershed-based aspect of flowing watercourses and may include analysis of springs, tributaries, lakes, wetlands and aquifers, as appropriate.
- (2) Lakes during this period will be selected at a later date based on future priorities.

LAND AND WATER ADJUDICATORY COMMISSION

REVISED NOTICE OF RECEIPT OF PETITION

On November 28, 2001, the Florida Land and Water Adjudicatory Commission (the “Commission”) received a petition to adopt an administrative rule to expand the boundaries of the Bayside Improvement Community Development District (the “District”) as established by Chapter 42N, Florida Administrative Code. Petitioners assert a copy of the Petition was filed with Lee County and with the City of Bonita Springs on November 2, 2001, in compliance with Section 190.046, Florida Statutes. The Commission will follow the requirements of chapter 190, Florida Statutes, and Chapter 42-1, Florida Administrative Code, in receiving and ultimately ruling on this petition.

SUMMARY OF CONTENTS OF PETITION: The petition was filed by the Bayside Improvement Community Development District, with offices at 210 North University Drive, Suite 702, Coral Springs, Florida 33071, and proposes to expand the District by approximately 72 acres.

Approximately 72 acres generally located wholly within the City of Bonita Springs are proposed to be added to the District. There is no real property within the proposed expanded District boundaries to be excluded from the jurisdiction of the District. Further, the amendment of the external boundaries of the District by its expansion by approximately 72 acres does not comprise (singularly or cumulatively) more than 10% of the District’s initial service area and will not result in the addition of more than 250 acres. Finally, the District has obtained the consent of the owners of 100% of the property described above and which is proposed to be added to the District.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COSTS: In association with the proposed amendment of Chapter 42N, Florida Administrative Code, the District has caused a statement of the estimated regulatory costs (the “SERC”) to be prepared in compliance with Section 120.541, Florida Statutes. The complete text of the SERC is contained as Exhibit “7” to the petition.

By way of summary, the SERC estimates that the principal entities likely to be required to comply with the rule are the state, the City of Bonita Springs, Lee County, Florida, and the District, and describes the type of individuals most likely to be affected by the rule as expansion area landowners. The SERC estimates that rule amendment implementation and enforcement costs to the above-described entities will be minimal, are concurrently budgeted or not burdensome, and/or are offset by the payment of requisite filing fees; and, that there will be no effect on state and local revenues from the expansion of the District. Further, the SERC estimates that certain development-related transactional costs incurred would occur regardless of whether the District was expanded and are voluntarily assumed if at all by and through individuals or entities owning or purchasing property in the District. Finally, the SERC concludes that the expansion’s effect on small business will be minimal or positive and neither Lee County or the City of Bonita Springs are a small city or county as defined by section 120.52, Florida Statutes.

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

DATE AND TIME: January 28, 2002, Monday, 3:30 p.m.
REVISED PLACE: Florida Gulf Coast University Offices
 Walden Center South Building
 24311 Walden Center Drive
 Suite 100
 Bonita Springs, Florida 34134

Please be advised that all persons may appear, comment and present evidence or argument at the hearing or may submit written comments by U.S. certified mail return receipt

requested, or by hand-delivery, to Petitioner at its offices listed above directed to the attention of Mr. George Drabb, the Chair of the Board of Supervisors of the District.

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Tim Franklin, (850)222-7206, at least two (2) business days in advance to make appropriate arrangements.

COPIES OF THE PETITION MAY BE OBTAINED BY CONTACTING: Mr. James Ward, District Manager, 210 North University Drive, Suite 702, Coral Springs, Florida 33071, (954)753-5841, Fax (954)345-1292 or by contacting the Florida Land and Water Adjudicatory Commission, Office of Planning and Budgeting, Executive Office of the Governor, Capitol Building, Room 1703, Tallahassee, Florida 32399-0001.

REVISED NOTICE OF RECEIPT OF PETITION

On October 31, 2001, the Florida Land and Water Adjudicatory Commission (the "Commission") received a petition to adopt an administrative rule to expand the boundaries of the Gateway Services District (the "District") as established by Chapter 42F, Florida Administrative Code. Petitioners assert a copy of the Petition was filed with Lee County and with the City of Fort Myers on October 23, 2001, in compliance with Section 190.046, Florida Statutes. The Commission will follow the requirements of Chapter 190, Florida Statutes, and Chapter 42-1, Florida Administrative Code, in receiving and ultimately ruling on this petition.

SUMMARY OF CONTENTS OF PETITION: The petition was filed by the Gateway Services District, with offices at 13240 Commerce Lakes Drive, Fort Myers, Florida 33913, and proposes to expand the District by approximately 150 acres. Further, the petition requests the District's name be changed to the "Gateway Services Community Development District" to more accurately reflect its status as a uniform community development district.

Approximately 125 acres generally located wholly within the City of Fort Myers and about 25 acres generally located wholly within unincorporated Lee County are proposed to be added to the District. There is no real property within the proposed expanded District boundaries to be excluded from the jurisdiction of the District. Further, the amendment of the external boundaries of the District by its expansion by approximately 150 acres does not comprise (singularly or cumulatively) more than 10% of the District's initial service area and will not result in the addition of more than 250 acres. Finally, the District has obtained the consent of the owners of 100% of the property described above and which is proposed to be added to the District.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COSTS: In association with the proposed amendment of Chapter 42F, Florida Administrative Code, the District has caused a statement of the estimated regulatory

costs (the "SERC") to be prepared in compliance with Section 120.541, Florida Statutes. The complete text of the SERC is contained as Exhibit "7" to the petition.

By way of summary, the SERC estimates that the principal entities likely to be required to comply with the rule are the state, the City of Fort Myers, Lee County, Florida, and the District, and describes the type of individuals most likely to be affected by the rule as expansion area landowners. The SERC estimates that rule amendment implementation and enforcement costs to the above-described entities will be minimal, are concurrently budgeted or not burdensome, and/or are offset by the payment of requisite filing fees; and, that there will be no effect on state and local revenues from the expansion of the District. Further, the SERC estimates that certain development-related transactional costs incurred would occur regardless of whether the District was expanded and are voluntarily assumed if at all by and through individuals or entities owning or purchasing property in the District. Finally, the SERC concludes that the expansion's effect on small business will be minimal or positive and neither Lee County or the City of Fort Myers are a small city or county as defined by Section 120.52, Florida Statutes.

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

REVISED DATE AND TIME:

February 11, 2002, Monday, 4:00 p.m.

PLACE: Gateway Services District Offices

13240 Commerce Lakes Drive
Fort Myers, Florida 33913

Please be advised that all persons may appear, comment and present evidence or argument at the hearing or may submit written comments by U.S. certified mail return receipt requested, or by hand-delivery, to Petitioner at its offices listed above directed to the attention of Mr. R. Lee Menzies, as the Chair of the Board of Supervisors of the District.

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Tim Franklin, (850)222-7206, at least two (2) business days in advance to make appropriate arrangements.

COPIES OF THE PETITION MAY BE OBTAINED BY CONTACTING: Mr. James Ward, District Manager, 210 North University Drive, Suite 702, Coral Springs, Florida 33071, (954)753-5841, Fax (954)345-1292 or by contacting the Florida Land and Water Adjudicatory Commission, Office of Planning and Budgeting, Executive Office of the Governor, Capitol Building, Room 1703, Tallahassee, Florida 32399-0001.

DEPARTMENT OF HEALTH

On January 4, 2002, John O. Agwunobi, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Suzanne Mary

Rebenauer R.N. license number RN 2820922. Rebenauer's last known address is 825 32nd Avenue, Vero Beach, Florida 32960. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On January 4, 2002, John O. Agwunobi, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Chelly Elizabeth Russell McIntyre R.N. license number RN 2856832. McIntyre's last known address is 97 Oakwood Road, Jacksonville Beach, Florida 32250. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On December 13, 2001, John O. Agwunobi, M.D., M. B. A., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Edward M. Steinberg, D. D. S., license number DN 6157. Steinberg's last known address is 801 North Federal Highway, Hollywood, Florida 33020-3517. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On January 3, 2002, a scrivener's error was issued reference the above Order of Emergency Suspension on Edward M. Steinberg, D. D. S.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Office on Homelessness announces the following solicitation of applications for the Challenge Grant and the Homeless Housing Assistance Grant programs to lead agencies for homeless assistance continuum of care. All designated lead agencies are invited to apply.

DEADLINE FOR SUBMISSION OF CHALLENGE GRANT APPLICATION:

Monday, March 4, 2002, 5:00 p.m. (EST)

SUBMIT TO: Department of Children and Family Services
Office on Homelessness
Building 2, Room 103-C
1317 Winewood Boulevard
Tallahassee, FL 32399-0700

Pursuant to Section 420.622 Florida Statutes, the Department of Children and Family Services through the State Office on Homelessness, hereby solicits applications for Challenge Grants to lead agencies for homeless assistance continuums of care designated by the State Office on Homelessness. A lead agency may be a local homeless coalition, municipal or county government or other public agency, or a private not for profit corporation. Such grants may be up to \$250,000 per lead agency.

To qualify for the grant, a lead agency must develop and implement a local homeless assistance continuum of care plan for its designated catchment area.

Preference will be given to those lead agencies that have demonstrated the ability of their continuum of care to provide quality services to homeless persons and the ability to leverage federal homeless assistance under the Stewart B. McKinney Act and private funding for the provision of services to homeless persons. Preference will also be given to lead agencies in catchment areas with the greatest need for the provision of housing to the homeless, relative to the population of the catchment area.

Lead agencies wishing to apply for such homeless housing assistance grants should request an application package before close of business on January 31, 2002, Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)922-4691.

DEADLINE FOR SUBMISSION OF HOMELESS HOUSING ASSISTANCE GRANT APPLICATIONS:

Tuesday, March 19, 2002, 5:00 p.m. (EST)

SUBMIT TO: Department of Children and Family Services
Office on Homelessness
Building 2, Room 103-C
1317 Winewood Boulevard
Tallahassee, FL 32399-0700

Pursuant to Section 420.622, Florida Statutes, the Department of Children and Family Services, through the State Office on Homelessness, hereby solicits applications for homeless housing assistance grants to lead agencies for homeless assistance continuums of care designated by the State Office on Homelessness. A lead agency may be a local homeless coalition, municipal, or county government, or other public agency, or a private not-for-profit corporation. Such grants may be up to \$750,000 per project, with no more than two grants awarded annually in any given continuum of care catchment area.

To qualify for the grant, a lead agency must develop and implement a local homeless assistance continuum of care plan for its designated catchment area.

Preference will be given to those lead agencies that build or rehabilitate the greatest number of units and who leverage additional private and public funds, particularly federal funds designated for construction and rehabilitation of transitional, or permanent housing for homeless persons. Preference will also be given to lead agencies in catchment areas with the greatest need for the provision of housing to the homeless, relative to the population of the catchment area.

Lead agencies wishing to apply for such homeless housing assistance grants should request an application package before close of business on January 31, 2002 from the Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)922-4691.

FLORIDA HOUSING FINANCE CORPORATION

**ELDERLY HOUSING COMMUNITY LOAN (EHCL)
PROGRAM – CYCLE XIV (2001-2002)
NOTICE OF FUNDING AVAILABILITY (NOFA)**

The Florida Housing Finance Corporation (Florida Housing) announces a funding cycle (Cycle XIV) for the Elderly Housing Community Loan (EHCL) Program pursuant to Section.420.5087(3)(d), Florida Statutes, and Chapter 67-32, Florida Administrative Code.

Ten percent (10%) of the twenty-seven percent (27%) of SAIL Program funds for elderly persons are reserved for the EHCL Program. The maximum anticipated amount for the EHCL Program is \$1,254,234. All applications must be submitted to Florida Housing Finance Corporation, City Centre Building, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 in accordance with the provisions of all applicable Florida Statutes, Chapter 67-32, F.A.C., and the application package.

For more information on opening and closing dates of the application period, to find out when the application package will be available, the cost, if any, of the application package, or

to obtain an application request form, please access Florida Housing’s website at www.floridahousing.org or contact Rachel Harris or Amy Harrison, (850)488-4197. If you are hearing or speech impaired, please contact Florida Housing using the Dual Party Relay System at 1(800)955-8770 and 1(800)955-8771.

**HOME INVESTMENT PARTNERSHIPS PROGRAM
(HOME) – NOTICE OF FUNDING AVAILABILITY
(NOFA) – 2002 HOME RENTAL CYCLE**

The Florida Housing Finance Corporation (“Florida Housing”) announces a funding cycle for the HOME Rental Program’s allocation of 2001 and 2002 HOME federal funds from the U.S. Department of Housing and Urban Development (HUD). It is anticipated that approximately \$10,696,050 made available by HUD in 2001 and approximately \$10,624,050 anticipated to be made available by HUD in 2002 will be available to eligible rental developments that meet application funding criteria. Funding will be awarded in accordance with Rule Chapter 67-48, F.A.C.

All applications must be submitted to Florida Housing Finance Corporation, City Centre Building, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 in accordance with the provisions of all applicable Florida Statutes, Chapter 67-48, F.A.C., the HOME Rental application package, and Federal Regulations 24 CFR Part 92.

For more information on opening and closing dates of the application period, to find out when the application package will be available, the cost, if any, of the application package, or to obtain an application request form, please access Florida Housing’s website at www.floridahousing.org or contact Rachel Harris or Amy Harrison, (850)488-4197. If you are hearing or speech impaired, please contact Florida Housing using the Dual Party Relay System at 1(800)955-8770 and 1(800)955-8771.

MULTIFAMILY MORTGAGE REVENUE BOND PROGRAM (MMRB) – NOTICE OF FUNDING AVAILABILITY (NOFA) – YEAR 2002 CYCLE

The Florida Housing Finance Corporation (“FHFC”) announces the Year 2002 Application Cycle for the MMRB Program.

Of the \$283,059,656.00 State Bond Allocation anticipated for FHFC, it is estimated that a minimum of \$183 million, subject to approval by FHFC’s Board, will be made available to eligible multifamily rental developments. Of this amount, \$50 million will be set-aside to fund eligible HOPE VI developments. The amount of the allocation available for the 2002 cycle will vary based upon the amount of unused allocation, if any, from prior years; the amount, if any, allocated to the Single Family Bond Program; the amount, if any, set aside by FHFC’s Board of Directors for resolution of pending or settled litigation; and the amount, if any, otherwise made available to FHFC. The State Bond Allocation initially dedicated to the MMRB Program by the Board will be distributed as follows: 59% to large counties, 41% to medium and small counties.

All Applications must be submitted to Florida Housing Finance Corporation, City Centre Building, 227 N. Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 in accordance with the provisions of all applicable Florida Statutes, and Rule Chapter 67-21, F.A.C.

For more information on opening and closing dates of the application cycle, to find out when the application package will be available, the cost, if any, of the application package, or to

obtain an application request form, please access Florida Housing’s website at www.floridahousing.org or contact Jean Amison, Multifamily Bond Program, (850)488-4197. If you are hearing or speech impaired, please contact the Florida Housing Finance Corporation using the Florida Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

HOUSING CREDIT PROGRAM
NOTICE OF CREDIT AVAILABILITY (NOCA)
2002 CYCLE

The Florida Housing Finance Corporation (Florida Housing) announces an application cycle for the Housing Credit Program. The total 2002 allocation is estimated to be approximately \$27,969,000.00. The amount of housing credit allocation authority available for the 2002 cycle will vary based upon the 2002 per capita population figures, the amount of unused credits from prior years, the amount of binding commitments for 2002 credits, and the amount allocated from the national pool. The amount of the binding commitments for 2002 credits is estimated to be \$1.7 million; however, this dollar amount is subject to change. Geographic and targeting goals along with any set-asides will be described in the Qualified Allocation Plan approved by the Governor.

For more information on opening and closing dates of the application cycle, or on how to obtain an Application, please access Florida Housing’s website at www.floridahousing.org or contact Ebony Oliver or Amy Harrison, (850)488-4197. The Universal Rental Application Package, when available, may be

obtained at the Florida Housing website or by submitting a written request accompanied by a \$50 application package fee to Florida Housing Finance Corporation, City Centre Building, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, ATTN: Ebony Oliver – Application Request. If you are hearing or speech impaired please contact Florida Housing using the Dual Party Relay System at 1(800)955-8770 or 1(800)955-8771.

All applications must be submitted to the above address in accordance with the provisions of all applicable Florida Statutes, Chapter 67-48, F.A.C., the Universal Application Package, and Internal Revenue Code, Section 42.

STATE APARTMENT INCENTIVE LOAN (SAIL)
PROGRAM – CYCLE XIV (2001-2002) AND SPECIAL
GEOGRAPHIC DISTRIBUTION

NOTICE OF FUNDING AVAILABILITY (NOFA)

The Florida Housing Finance Corporation (Florida Housing) announces a funding cycle (Cycle XIV) for the State Apartment Incentive Loan (SAIL) Program, pursuant to Section 420.5087, Florida Statutes, and Chapter 67-48, Florida Administrative Code (F.A.C.).

In accordance with Section 420.5087(1), Florida Statutes, program funds shall be distributed over successive 3-year periods in a manner that meets the need and demand for very low-income housing throughout the state. The need and demand must be determined by using the most recent statewide low-income rental housing market studies available at the

beginning of each 3-year period. The percentages over the current 3-year period are as follows: 59% for Large County; 31% for Medium County; and 10% for Small County designation developments. This funding cycle is the first year of a 3-year period. In the first year, funding cannot be made at levels that would make it impossible to meet the statutory requirements over the 3-year period.

In accordance with Section 420.5087(3), Florida Statutes, for the six-month period beginning with the publication of this NOFA, program funds shall also be reserved by designated tenant group category at the percentages determined by using the most recent statewide low-income rental housing market studies available.

Program funds shall be distributed during this funding cycle at the following percentages per tenant group: 10% for Commercial Fishing Worker/Farmworker; 8% for Homeless; 27% for Elderly [Note: This amount is subject to a 10% reduction of the 27% set-aside amount, with the funds being made available to applicants for the Elderly Housing Community Loan Program]; and 55% for Family. The reservation of funds to any demographic category may not be less than 10% of the funds available at that time, except for persons who are homeless which reservation may not be less than 5% of the funds available.

Florida Housing currently anticipates the allocation of approximately \$46,453,101 for Cycle XIV (associated with funds collected in fiscal year 2001-2002) from funding sources as estimated below:

\$36,530,000 = DOC Stamp
\$9,923,101 = SAIL Fund

Geographic distribution will be set based upon an anticipated funding level of \$46,453,101 for Cycle XIV. This amount is subject to change and is dependent upon documentary stamp tax collections and/or projections and receipts within the SAIL fund. The anticipated geographic funding distribution is as follows:

COUNTY DESIGNATION	FUNDING TARGET
Large	\$27,407,330
Medium	\$14,400,461
Small	\$ 4,645,310

In addition to the above amounts, undisbursed funds from SAIL Cycle XIII small county distribution estimated to be approximately \$4,730,497 are anticipated to be included as a special funding amount to be made available to applicants successful in small counties within SAIL Cycle XIV. Successful applicants in small counties will be awarded funding from these funds first.

All applications must be submitted to Florida Housing Finance Corporation, City Centre Building, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 in accordance with the provisions of all applicable Florida Statutes, Chapter 67-48, F.A.C., and the application package.

For more information on opening and closing dates of the application period, to find out when the application package will be available, the cost, if any, of the application package, or to obtain an application request form, please access Florida

Housing's website at www.floridahousing.org or contact Rachel Harris or Amy Harrison, (850)488-4197. If you are hearing or speech impaired, please contact Florida Housing using the Dual Party Relay System at 1(800)955-8770 and 1(800)955-8771.

FISH AND WILDLIFE CONSERVATION COMMISSION

**FLORIDA BOATING IMPROVEMENT PROGRAM
AVAILABILITY OF GRANT FUNDS FOR COUNTIES**

Applications for grant funding under the Florida Boating Improvement Program for fiscal year 2002-2003 will be accepted beginning Wednesday, January 23, 2002. The deadline for receiving applications is 3:00 p.m., Wednesday, April 10, 2002. Applications received after the deadline will be ineligible for consideration. Projects selected for funding must be completed by June 30, 2003.

A copy of the application and procedure guide may be requested by contacting the Grant Specialist, Division of Freshwater Fisheries, Florida Fish and Wildlife Conservation Commission, (850)487-3755, through electronic mail at fbip@gfc.state.fl.us or by writing: Florida Boating Improvement Grant Program, Division of Freshwater Fisheries, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN December 31, 2001
 and January 4, 2002**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF INSURANCE

4-176.013	12/31/01	1/20/02	27/45	
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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

5F-8.001	1/2/02	1/22/02	27/43	27/49
5F-8.012	1/2/02	1/22/02	27/43	27/49

DEPARTMENT OF EDUCATION

State Board of Education

6A-1.083	1/2/02	1/22/02	27/46	
6A-1.09422	1/2/02	1/22/02	27/46	

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

9B-7.003	12/31/01	1/20/02	27/36	27/46
9B-7.0042	12/31/01	1/20/02	27/36	27/46

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

40D-400.491	1/4/02	1/24/02	27/47	
40D-400.492	1/4/02	1/24/02	27/47	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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South Florida Water Management District

40E-63.400	1/4/02	1/24/02	27/23	27/50
40E-63.401	1/4/02	1/24/02	27/23	27/50
40E-63.402	1/4/02	1/24/02	27/23	27/50
40E-63.404	1/4/02	1/24/02	27/23	27/50
40E-63.406	1/4/02	1/24/02	27/23	27/50
40E-63.410	1/4/02	1/24/02	27/23	
40E-63.415	1/4/02	1/24/02	27/23	27/50
40E-63.420	1/4/02	1/24/02	27/23	27/50
40E-63.430	1/4/02	1/24/02	27/23	
40E-63.432	1/4/02	1/24/02	27/23	
40E-63.434	1/4/02	1/24/02	27/23	27/50
40E-63.436	1/4/02	1/24/02	27/23	
40E-63.440	1/4/02	1/24/02	27/23	27/50
40E-63.442	1/4/02	1/24/02	27/23	27/50
40E-63.444	1/4/02	1/24/02	27/23	27/50
40E-63.450	1/4/02	1/24/02	27/23	27/50
40E-63.452	1/4/02	1/24/02	27/23	
40E-63.454	1/4/02	1/24/02	27/23	
40E-63.456	1/4/02	1/24/02	27/23	27/50
40E-63.458	1/4/02	1/24/02	27/23	27/50
40E-63.460	1/4/02	1/24/02	27/23	27/50
40E-63.470	1/4/02	1/24/02	27/23	27/50

AGENCY FOR HEALTH CARE ADMINISTRATION

Office of Licensure and Certification

59A-23.002	1/2/02	1/22/02	27/44	
59A-23.004	1/2/02	1/22/02	27/44	
59A-23.005	1/2/02	1/22/02	27/44	
59A-23.006	1/2/02	1/22/02	27/44	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Certificate of Need

59C-1.033	1/4/02	1/24/02	26/51	27/18
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Medicaid Program Office

59G-4.340	1/3/02	1/23/02	27/40	
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DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

60L-29.002	1/2/02	1/22/02	27/45	27/49
60L-30.003	1/2/02	1/22/02	27/45	27/46
60L-31.004	1/2/02	1/22/02	27/45	27/47
60L-32.0012	1/2/02	1/22/02	27/45	27/47
60L-32.0013	1/2/02	1/22/02	27/45	27/49
60L-33.002	1/2/02	1/22/02	27/45	27/47
60L-33.003	1/2/02	1/22/02	27/45	27/47
60L-34.002	1/2/02	1/22/02	27/45	27/49
60L-34.0031	1/2/02	1/22/02	27/45	27/49
60L-34.0032	1/2/02	1/22/02	27/45	27/49
60L-34.004	1/2/02	1/22/02	27/45	27/49
60L-34.0041	1/2/02	1/22/02	27/45	27/49
60L-34.0061	1/2/02	1/22/02	27/45	27/47
60L-36.002	1/2/02	1/22/02	27/45	27/46
60L-36.004	1/2/02	1/22/02	27/45	
60L-36.005	1/2/02	1/22/02	27/45	27/46

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

62B-26.011	12/31/01	12/31/01	26/51	27/11
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Division of Resource Management

62C-35.003	1/2/02	1/22/02	27/41	
62C-37.002	1/2/02	1/22/02	27/41	
62C-37.003	1/2/02	1/22/02	27/41	
62C-37.004	1/2/02	1/22/02	27/41	
62C-37.005	1/2/02	1/22/02	27/41	
62C-37.006	1/2/02	1/22/02	27/41	
62C-37.008	1/2/02	1/22/02	27/41	
62C-37.010	1/2/02	1/22/02	27/41	

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

64B6-2.003	1/4/02	1/24/02	27/45	
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