

### Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

#### DEPARTMENT OF THE LOTTERY

RULE TITLES:	RULE NOS.:
General Provisions	53-20.001
Classification and Pay Plan	53-20.002
Recruitment	53-20.003

PURPOSE AND EFFECT: The proposed rule is necessary to amend the provisions regarding the recruitment of Executive Management Service personnel, to amend the title, "The Personnel Administration Unit (PAU)" to the "The Division of Human Resource Services" throughout the chapter, and to add Chief of Staff to the positions that compose the Executive Management Service.

SUBJECT AREA TO BE ADDRESSED: Executive Management Service.

SPECIFIC AUTHORITY: 24.105(10)(j) FS.

LAW IMPLEMENTED: 24.105(20)(d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Diane D. Schmidt, Office of the General Counsel, Florida Lottery, 250 Marriott Drive, Tallahassee, FL 32301, (850)487-7724

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

53-20.001 General Provisions.

(1) No change.

(2) The Executive Management Service is composed of the Secretary, Deputy Secretary, Chief of Staff, Assistant Secretaries, Directors, General Counsel, and the Inspector General/Chief Internal Auditor ~~and the Communications Director~~.

(3) through (6) No change.

Specific Authority 24.105(10)(j) FS. Law Implemented 24.105(20)(24)(d) FS. History--New 2-25-93, Amended.

53-20.002 Classification and Pay Plan.

(1) The Division of Human Resource Services ~~Personnel Administration Unit (PAU)~~ shall establish and maintain a classification and pay plan applicable to all positions in the Executive Management Service.

(2) The Division of Human Resource Services PAU shall prepare a job description for each position to be placed in the Executive Management Service and shall maintain such job descriptions on a current basis. Each job description shall accurately present information as prescribed by the Lottery.

(3) The Division of Human Resource Services PAU shall assign each such position to its appropriate class according to the information contained in the job description.

(4) No change.

(5) At the request of the Secretary, the Division of Human Resource Services PAU shall conduct studies and surveys to determine if changes are needed in order to maintain the classification and pay plan on a current basis.

(6) through (9) No change.

Specific Authority 24.105(10)(j) FS. Law Implemented 24.105(20)(24)(d) FS. History--New 2-25-93, Amended.

53-20.003 Recruitment.

Recruiting efforts to fill current or anticipated vacancies in the Executive Management Service shall be conducted as directed by the Secretary. The Secretary shall have sole discretion to determine whether a need exists to advertise the vacancy and, if so, the nature and extent of such advertisement. The Secretary shall assure that agency recruiting efforts are carried out so as to attract qualified minority and female applicants. Recruiting efforts to fill current or anticipated vacancies in the Executive Management Service shall be the responsibility of the Personnel Administration Unit. The Secretary shall assure that:

~~(1) Each vacant position not filled by another member of the Executive Management Service, or by an acting appointment, is publicized within and/or outside the Lottery.~~

~~(2) Each announcement identifies the position and provides sufficient information to effectively inform applicants as to the requirements of the position; and~~

~~(3) Agency recruiting efforts are planned and carried out so as to attract qualified minorities and women.~~

Specific Authority 24.105(10)(j) FS. Law Implemented 24.105(20)(24)(d) FS. History--New 2-25-93, Amended.

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 99-39R

RULE CHAPTER TITLE: Environmental Resource Permitting

RULE CHAPTER NO.: 62-330

RULE TITLE: Rules Adopted by Reference

RULE NO.: 62-330.200

PURPOSE AND EFFECT: The Department proposes to revise Figure 12.2.8-1, entitled "SJRWMD Drainage Basin Map for Cumulative Impacts Evaluation" to conform to identical revisions being proposed by the St. Johns River Water Management District per a Notice of Proposed Rule Development published by the St. Johns River Water Management District in the October 22, 1999, Florida

Administrative Weekly (FAW). The drainage basins are referenced in the St. Johns River Water Management District "Applicant's Handbook: Management and Storage of Surface Waters," portions of which have been adopted by the Department, and are relevant to certain permitting criteria applicable to environmental resource permit (ERP) applications. Specifically, the drainage basins are used in the evaluation of whether a regulated activity will cause unacceptable cumulative impacts upon wetlands and other surface waters. With one exception, the proposed basins and watersheds are either increased in size or are the same size as those in the existing rules. The one exception is the proposed Western Etoniah Lakes basin, which is proposed as a portion of the existing Etoniah Creek basin.

**SUBJECT AREA TO BE ADDRESSED:** Figure 12.2.8-1 is incorporated by reference in rule 62-330.200(2)(i). This rule is proposed to be amended to incorporate by reference the revised map described above. A copy of Figure 12.2.8-1, as it is proposed to be amended, is included in this notice.

**SPECIFIC AUTHORITY:** 373.026(7), 373.043, 373.118, 373.414, 373.415, 373.406(5), 373.418, 373.4211(22), 373.4211(25), 373.461, 380.06(9), 403.805(1) FS.

**LAW IMPLEMENTED:** 373.019, 373.042, 373.0421, 373.085, 373.086, 373.109, 373.118, 373.119, 373.129, 373.136, 373.403, 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.419, 373.421(2)-(6), 373.4211(22), 373.4211(25), 373.422, 373.423, 373.426, 373.427, 373.429, 373.430, 373.433, 373.436, 373.439, 373.461, 380.051, 380.06(9), 403.813(2), 403.814, 403.0877 FS.

**RULE DEVELOPMENT WORKSHOPS WILL BE HELD JOINTLY WITH THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT ON THE TIME, DATE AND PLACES SHOWN BELOW. THESE WORKSHOPS WERE NOTICED BY THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT IN THE OCTOBER 22, 1999, FAW:**

**TIME AND DATE:** 10:00 a.m. until noon, November 5, 1999, Friday

**PLACE:** St. Johns River Water Management District Service Center, 7775 Baymeadows Way, Suite 102, Jacksonville, Florida 32256

**TIME AND DATE:** 10:00 a.m. until noon, November 5, 1999, Friday

**PLACE:** Orange County Public Library, 101 East Central Blvd., Third Floor Meeting Room, Orlando, Florida 32801

**THE PERSON TO BE CONTACTED REGARDING THE RULE UNDER DEVELOPMENT IS:** Douglas Fry, Florida Department of Environmental Protection, 2600 Blair Stone Road, Bureau of Submerged Lands and Environmental Resources, MS 2500, Tallahassee, Florida 32399-2400, telephone (850)921-9890 or Doug.Fry@dep.state.fl.us

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

62-330.200 Rules Adopted by Reference.

The Department hereby adopts by reference the following rules. The rules adopted by reference are available for inspection at the Department's Tallahassee and District offices:

(1) No change.

(2) The following rules are adopted by reference for application by the Department within the geographical jurisdiction of St. Johns River Water Management District as set forth in Section 373.069, F.S.:

(a) through (h) No change.

(i) Subsections 1.1, 1.2, 1.3, 1.4, 1.5, section 2.0, subsections 3.1, 3.2, 3.3, 3.4, 7.1, 7.2, and 7.4 of Part I "Policy and Procedures;" Part II "Criteria for Evaluation," except for sections 12.4 and 12.5; subsections 18.0, 18.1, 18.2, and 18.3 of Part III "Methodologies," and Appendix K "Legal Description Upper St. Johns River Hydrologic Basin," "Legal Description Ocklawaha River Hydrologic Basin," "Legal Description of the Wekiva River Hydrologic Basin," "Legal Description of the Econlockhatchee River Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Alachua County," and "Legal Description of the Sensitive Karst Areas Basin, Marion County" of the document entitled Applicant's Handbook: Management and Storage of Surface Water (10-3-95), except as provided in subparagraphs 1. through 3.

1. through 2. No change.

3. Figure 12.2.8-1, effective [effective date of rule].

(j) No change.

(3) through (4) No change.

INSERT MAP

Specific Authority ~~373.026(7)~~, 373.043, ~~373.044~~, ~~373.046~~, ~~373.113~~, 373.118, 373.414, 373.415, 373.406(5), 373.418, 373.4211(22), 373.4211(25), 373.461, 380.06(9), 403.805(1) FS. Law Implemented ~~373.019~~, ~~373.026~~, ~~373.042~~, ~~373.0421~~, ~~373.043~~, ~~373.046~~, 373.085, 373.086, 373.109, ~~373.117~~, 373.118, 373.119, 373.129, 373.136, 373.403, 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.419, 373.421(2)-(6), 373.4211(22), 373.4211(25), 373.422, 373.423, 373.426, 373.427, 373.429, 373.430, 373.433, 373.436, 373.439, 373.461, 380.051, 380.06(9), 403.813(2), 403.814, 403.0877 FS. History--New 12-7-92, Formerly 17-330.200, Amended 10-3-95, 6-6-96, \_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 99-38R

RULE CHAPTER TITLE: Mitigation Banking  
RULE CHAPTER NO.: 62-342

RULE TITLE: Definitions  
RULE NO.: 62-342.200

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: The Department proposes to revise Figure 3 of the definition of regional watersheds for mitigation banks within the geographical territory of the St. Johns River Water Management District. This figure is incorporated by reference in rule 62-342.200(9) and is referenced in rule 62-342.600, F.A.C. The figure is entitled "Regional Watersheds of the SJRWMD for Mitigation Banks." The regional watersheds are used in the establishment of the mitigation bank service area. A copy of Figure 3, as it is proposed to be amended, is included in this notice.

SPECIFIC AUTHORITY: 373.4136(11) FS.

LAW IMPLEMENTED: 373.4135, 373.4136 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD JOINTLY WITH THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT ON THE TIMES, DATES AND

PLACES SHOWN BELOW. THESE WORKSHOPS WERE NOTICED BY THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT IN THE OCTOBER 22, 1999, FAW:

TIME AND DATE: 10:00 a.m. until noon, November 5, 1999, Friday

PLACE: St. Johns River Water Management District Service Center, 7775 Baymeadows Way, Suite 102, Jacksonville, Florida 32256

TIME AND DATE: 10:00 a.m. until noon, November 5, 1999, Friday

PLACE: Orange County Public Library, 101 East Central Blvd., Third Floor Meeting Room, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE RULE UNDER DEVELOPMENT IS: Constance Bersok, Florida Department of Environmental Protection, 2600 Blair Stone Road, Bureau of Submerged Lands and Environmental Resources, MS 2500, Tallahassee, Florida 32399-2400, telephone (850)921-9858 or [connie.bersok@dep.state.fl.us](mailto:connie.bersok@dep.state.fl.us)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

62-342.200 Definitions.

Terms used in this chapter shall have the meanings specified below.

(1) through (10) No change.

INSERT MAP

Specific Authority ~~373.4136(11), 373.4135, 373.418, 403.064~~ FS. Law Implemented ~~373.4135, 373.4136~~ FS. History--New 2-2-94, Formerly 17-342.200, Amended 12-19-94, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLES: RULE NOS.:  
 Notice of Noncompliance 64B8-8.011  
 Citation Authority 64B8-8.017

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address changes with regard to minor violations and citations.

SUBJECT AREA TO BE ADDRESSED: Rule amendments with regard to notices of noncompliance and citations.

SPECIFIC AUTHORITY: 455.621(3), 455.617, 458.309 FS.

LAW IMPLEMENTED: 455.621(3), 455.617 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-8.011 Notice of Noncompliance.

(1) through (2) No change.

(3) The following violations are those for which the board authorizes the Agency to issue a notice of noncompliance.

(a) No change.

(b) Failure to perform one of the following statutory or legal obligations:

1. through 16. No change.

17. First occurrence of failing to comply with the provisions of Sections 381.026 and 381.0261, Florida Statutes, to provide patients with information about their patient rights and how to file a patient complaint.

(c) No change.

Specific Authority 455.621(3), 458.309 FS. Law Implemented 455.621(3) FS. History--New 11-15-90, Formerly 21M-20.011, 61F6-20.011, 59R-8.011, Amended \_\_\_\_\_.

64B8-8.017 Citation Authority.

(1) through (2) No change.

(3) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

**VIOLATIONS**

(a) CME violations (Sections 458.321, 458.331(1)(g),(x), 455.624 (1)(e),(s), F.S.)

1. through 4. No change.

(b) Obtaining license renewal by fraud or misrepresentation

Section 458.331(1)(a); failure to document

any of the 40 hours of required CME for license renewal (Sections 458.321, 458.331(1)(x)).

(c) Practice on an inactive or delinquent license (Sections 458.327(1)(a), 458.331(1)(x)).

1. For a period of up to nine months.

2. For a period of nine months to twelve months.

(d) Failure to notify Department of change of practice address (Sections 458.319(5), 458.331(1)(g)).

(e) Failure to provide medical records of only one patient (Sections ~~455.241~~, 455.331(1)(g), 455.667).

(f) Failure to post notice on the form of a sign informing patients that the physician does not have malpractice coverage described in Section 458.320(1) or (2) (Sections 458.320(5)(f) and (g), 458.331(1)(x)).

(4) through (7) No change.

Specific Authority 458.309, 455.617 FS. Law Implemented 455.617 FS. History--New 12-30-91, Formerly 21M-20.017, Amended 11-4-93, Formerly 61F6-20.017, Amended 8-23-95, Formerly 59R-8.017, Amended 4-7-99, \_\_\_\_\_.

**PENALTY**

Within ~~twelve six~~ months of the date the citation is issued, Respondent must submit certified documentation of completion of all CME requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, Respondent must document compliance with the CME requirements for the relevant period; AND

~~±~~ \$5000 fine

~~2-~~ Written reprimand

~~\$200 Letter of Concern~~ for each month or part thereof.

~~\$300 \$200~~ for each month or part thereof

\$250 fine

~~\$500 \$100~~ fine

~~\$2000 \$4000~~ fine

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Mental Health Program**

RULE CHAPTER TITLE: RULE CHAPTER NO.:  
 Sexually Violent Predator Program 65E-25

PURPOSE AND EFFECT: To establish procedures to be followed by the multidisciplinary teams when assessing and evaluating persons under the Jimmy Ryce Act; to establish criteria to be met for the multidisciplinary team to recommend to a state attorney that a petition be filed to involuntarily commit a person under the Jimmy Ryce Act; to establish the components of a basic treatment plan for all persons committed under the Act; to establish a protocol to inform a person that he or she is being examined to determine if he or she is a sexually violent predator under the Act.

SUBJECT AREA TO BE ADDRESSED: See "Purpose and Effect" above.

SPECIFIC AUTHORITY: Chapter 99-222, Section 25, Laws of Florida.

LAW IMPLEMENTED: Chapter 99-222, Laws of Florida.

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

TIME AND DATE: 10:00 a.m. – 12:00 noon, November 29, 1999

PLACE: Department of Children and Family Services, 1317 Winewood Blvd., Building 4, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Gregory D. Venz, Interim Director Sexually Violent Predator Program, Department of Children and Family Services, 1317 Winewood Blvd., Building 3, Rm. 101, Tallahassee, FL 32399-0700, Phone (850)921-4218, Fax (850)921-5830

**FLORIDA HOUSING FINANCE COPPORATION**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Definitions	67-38.002
Notice of Funding Availability	67-38.0025
Applications Procedures	67-38.003
Selection and Rejection Criteria	67-38.004
Scoring and Ranking Guidelines	67-38.005
Terms and Conditions of the Advance	67-38.006
Terms and Conditions of the Loan	67-38.007
Eligible Uses for the Advance and Loan	67-38.008
Eligible Uses of Grants. (Repealed)	67-38.009
Credit Underwriting Procedures	67-38.010
Fees	67-38.011
Sale, Transfer or Conveyance of Project	67-38.012
Site Development and Design Standards	67-38.013
Disbursement Procedures	67-38.014
Compliance and Monitoring Procedures	67-38.0145
Disposition of Property Accruing to the Corporation	67-38.015
Administrative Appeal Procedures	67-38.016

PURPOSE AND EFFECT: This rule establishes the procedures by which the Florida Housing Finance Corporation shall administer the Predevelopment Loan Program, which provides technical advisory services and financial assistance to inexperienced nonprofit organizations engaging in the development of affordable housing. Revisions to the Rule are required to implement technical and clarifying changes. The adoption of these revisions will increase the efficiency and effectiveness of program service and will provide greater clarification of the program.

SUBJECT AREA TO BE ADDRESSED: The Rule Development Workshop will be held to receive comments and suggestions from interested persons relative to program requirements as specified in Rule Chapter 67-38, Florida Administrative Code.

SPECIFIC AUTHORITY: 420.528 FS.

LAW IMPLEMENTED: 420.527, 420.528 FS.

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

TIME AND DATE: 1:00 p.m., Friday, November 19, 1999

PLACE: Florida Housing Finance Corporation, Sixth Floor Conference Room, 227 North Bronough Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Angela Marie Wiggins, Predevelopment Loan Program Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. Any person requiring special accommodation at this hearing because of a disability or physical impairment should contact Linda Hawthorne at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD)

**FLORIDA HOUSING FINANCE CORPORATION**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Definitions	67-44.001
Notice of Funds Availability	67-44.002
General Program Restrictions	67-44.003
Application Procedures	67-44.004
Selection Criteria, Rejection Criteria, and Scoring and Ranking Guidelines	67-44.005
Administrative Appeal Procedures	67-44.006
Credit Underwriting Procedures and Loan Origination for Construction Loans	67-44.007
Construction Disbursements and Loan Servicing	67-44.008
Terms and Conditions of Loans	67-44.009
Compliance and Monitoring Provisions	67-44.010
Fees	67-44.011

PURPOSE AND EFFECT: This rule establishes the procedures by which the Florida Housing Finance Corporation shall administer the HAP Construction Loan Program, which provides below market interest rate construction loans to eligible nonprofit developers and sponsors for the construction or substantial rehabilitation of very low- and low-income home ownership housing. Revisions to the Rule are required to implement technical and clarifying changes. The adoption of these revisions will increase the efficiency and effectiveness of program service and will provide greater clarification of the program.

**SUBJECT AREA TO BE ADDRESSED:** The Rule Development Workshop will be held to receive comments and suggestions from interested persons relative to program requirements as specified in Rule Chapter 67-44 Florida Administrative Code.

**SPECIFIC AUTHORITY:** 420.507(12), (23) FS.

**LAW IMPLEMENTED:** 420.5088 FS.

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

**TIME AND DATE:** 3:00 p.m, Friday, November 19, 1999

**PLACE:** Florida Housing Finance Corporation, Sixth Floor Conference Room, 227 North Bronough Street, Tallahassee, Florida 32301

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Angela Marie Wiggins, HAP Construction Loan Program Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. Any person requiring special accommodation at this hearing because of a disability or physical impairment should contact Linda Hawthorne at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD)

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Freshwater Fish and Wildlife**

**RULE TITLE:**

Procedures for Listing, Delisting and Reclassifying Endangered, Threatened and Species of Special Concern

**RULE NO.:**

68A-27.0012

**PURPOSE AND EFFECT:** The purpose and effect of this notice is to announce that the Fish and Wildlife Conservation Commission (FWC) will evaluate a petition to delist common snook (*Centropomus undecimalis*) from the state Species of Special Concern list.

**SUBJECT AREA TO BE ADDRESSED:** It is anticipated that the FWC will establish a time-line for development of a biological status report and will establish a panel of scientific peer-reviewers who will evaluate the status report.

**SPECIFIC AUTHORITY:** Article IV, Section 9, Fla. Const.

**LAW IMPLEMENTED:** Article IV, Section 9, Fla. Const.

**WORKSHOPS ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S WORKSHOPS AND PUBLIC MEETINGS AT THE TIMES, DATES AND PLACES SHOWN BELOW:**

**TIME AND DATES:** 9:00 a.m., December 8-10, 1999

**PLACE:** To be announced at a later date

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Dr. Brad Gruver

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AND CAN BE OBTAINED FROM:** James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely at (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Marine Fisheries**

**RULE CHAPTER TITLE:** Reef Fish

**RULE TITLE:**

Recreational Red Snapper Season Closure

**RULE NO.:**

68B-14.0038

**PURPOSE AND EFFECT:** In 1996, when the U.S. Congress reauthorized the Magnuson-Stevenson Act, a new provision was added requiring the closure of the red snapper recreational fishery in the Gulf of Mexico once the recreational quota was reached. In the past, the National Marine Fisheries Service (NMFS) has asked Florida to comply with the quota to help achieve the goal of rebuilding the severely overfished red snapper stocks. Florida regulators, however, have long disagreed with the NMFS, believing that quotas are not an appropriate method for managing a recreational fishery. Since the 1996 change in the law, the federal recreational red snapper fishery has closed each year on consecutively earlier dates (November 27, 1997; September 30, 1998; and August 29, 1999), creating significant unpredictability for recreational fishers and support industry. With the closure date for the recreational fishery being at best approximated, future fishing trips become impossible to plan causing a severe economic impact on the for-hire industry, and extreme inconvenience for recreational harvesters.

Seeking to aid in the recovery of the red snapper fishery while simultaneously providing a predictable fishing season for the recreational sector, the Fish and Wildlife Conservation Commission is proposing to establish a predetermined open season for the recreational harvest of red snapper. The best available science suggests that a fixed open season coupled with already existing bag limits and size limits should result in a red snapper recreational catch that sufficiently approximates the quota.

Accordingly, the purpose of this rulemaking is to establish an open season for the recreational red snapper fishery in state waters of the Gulf of Mexico. The effect will be to create stability for the recreational sector and associated industry while aiding in the rebuilding of the red snapper stocks, thus promoting the health and abundance of this fishery.



SUBJECT AREA TO BE ADDRESSED: The recreational harvest of red snapper in state waters of the Gulf of Mexico.

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING ON THE PROPOSED RULE AMENDMENTS WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT A TIME, DATE AND PLACE TO BE ANNOUNCED LATER IN THIS PUBLICATION.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop meeting, is asked to advise the agency at least 5 calendar days before the workshop / meeting by contacting Andrena Knicely at (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

Section II
Proposed Rules

DEPARTMENT OF STATE

Division of Historical Resources

RULE TITLE: Florida Folklife Apprenticeship Program

RULE NO.: 1P-1.009

PURPOSE AND EFFECT: The purpose of the proposed rule is to establish guidelines and application materials for the Florida Folklife Apprenticeship Program.

SUMMARY: The rule provides for guidelines and application materials for the Florida Folklife Apprenticeship Program.

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 in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 267.16(2), 267.16(5) FS.

LAW IMPLEMENTED: 267.16(1), 267.161(2) 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., November 29, 1999

PLACE: Conference Room, 3rd Floor, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tina Bucuvalas, Department of State, Bureau of Historic Preservation, Division of Historical Resources, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring a special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting Tina Bucuvalas at (850)487-2333. If you are hearing or speech impaired, please contact the agency by calling (850)922-9606 or sending an email message to tbucuvalas@mail.dos.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

1P-1.009 Florida Folklife Apprenticeship Program. Florida Folklife Apprenticeship Program. The purpose of the Florida Folklife Apprenticeship Program of the Department of State is to preserve and promote Florida's cultural heritage by providing an opportunity for master folk artists to share their technical skills and cultural knowledge with apprentices who will carry forward these traditions. General information, application instructions, deadlines, application forms and methods of selection are set forth in the Florida Folklife Apprenticeship Guidelines and Application, which is herein incorporated by reference (Form #HR3E23).

Specific Authority 267.16(2), 267.16(5) FS. Law Implemented 267.16(1), 267.161(2) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Tina Bucuvalas, Bureau of Historic Preservation, Division of Historical Resources

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: George Percy, Director, Division of Historical Resources

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 17, 1999

DEPARTMENT OF EDUCATION

State Board of Community Colleges

Table with 2 columns: RULE TITLES and RULE NOS.: Establishment of the State Board of Community Colleges (6H-1.014), Committees (6H-1.015), Documents (6H-1.016), Meetings and Workshops (6H-1.020), Agenda (6H-1.021), Rulemaking (6H-1.031), Division of Community Colleges (6H-1.032)

**PURPOSE AND EFFECT:** The purpose is to delete the rules. The effect will be the elimination of rules from the Florida Administrative Code that are no longer necessary.

**SUMMARY:** Recent amendments to Chapter 120, F.S., require that agencies review all rules and report to the Legislature any rules which exceed statutory authority. The Joint Administrative Procedures Committee has recommended that the procedural rules for operation of the State Board of Community Colleges not be adopted as rules; therefore, the rules are repealed.

**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:** 120.54(5), 240.311 FS.

**LAW IMPLEMENTED:** 120.54(5), 240.311 FS.

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

**TIME AND DATE:** 8:30 a.m., January 14, 2000

**PLACE:** St. Petersburg Junior College, St. Petersburg, Florida  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Sydney H. McKenzie III, General Counsel, State Board of Community Colleges, Division of Community Colleges, 1314 Turlington Building, 325 W. Gaines St., Tallahassee, Florida 32399-0400

**THE FULL TEXT OF THE PROPOSED RULES IS:**

**6H-1.014 Establishment of the State Board of Community Colleges.**

Specific Authority 120.53(1), 240.305, 240.307, 240.309 FS. Law Implemented 120.53(1), 240.305, 240.307, 240.309 FS. History--New 2-27-84, Formerly 6H-1.14, Repealed \_\_\_\_\_.

**6H-1.015 Committees.**

Specific Authority 240.309(1) FS. Law Implemented 120.53(1), 240.309(1) FS. History--New 2-27-84, Amended 1-7-85, Formerly 6H-1.15, Amended 3-9-87, 7-4-88, 3-8-89, 7-19-94, Repealed \_\_\_\_\_.

**6H-1.016 Documents.**

Specific Authority 120.53(1), 240.309 FS. Law Implemented 120.53(1)(2), 240.309 FS. History--New 2-27-84, Formerly 6H-1.16, Repealed \_\_\_\_\_.

**6H-1.020 Meetings and Workshops.**

Specific Authority 120.53(1), 240.309 FS. Law Implemented 120.53(1), 240.309 FS. History--New 2-27-84, Formerly 6H-1.20, Repealed \_\_\_\_\_.

**6H-1.021 Agenda.**

Specific Authority 120.53(1), 240.309 FS. Law Implemented 120.53(1), 240.309 FS. History--New 2-27-84, Formerly 6H-1.21, Repealed \_\_\_\_\_.

**6H-1.031 Rulemaking.**

Specific Authority 120.53(1), 240.311 FS. Law Implemented 120.53(1), 120.565, 240.311 FS. History--New 2-27-84, Formerly 6H-1.31, Repealed \_\_\_\_\_.

**6H-1.032 Division of Community Colleges.**

Specific Authority 120.53(1), 240.309 FS. Law Implemented 120.53(1), 240.309, 240.311 FS. History--New 2-27-84, Formerly 6H-1.32, Repealed \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Sydney H. McKenzie, III, General Counsel, State Board of Community Colleges

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** J. David Armstrong, Jr., Executive Director, Community College System

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** September 3, 1999

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

**RULE TITLE:** Sales to or by Contractors Who Repair, Alter, Improve and Construct Real Property

**RULE NO.:** 12A-1.051

**PURPOSE AND EFFECT:** The proposed substantial rewording of Rule 12A-1.051, F.A.C., is needed to incorporate statutory changes to Chapter 212, F.S., made by the 1998 Legislature; to remove provisions that are inconsistent with those statutory changes; to reorganize and restructure the rule to make it easier for the reader to locate relevant provisions; to eliminate obsolete provisions; to address certain recurring issues that are not currently addressed in the rule; and to incorporate judicial interpretations of the relevant statutes and of the current rule.

**SUMMARY:** The proposed substantial rewording of Rule 12A-1.051, F.A.C., identifies factors that determine whether a transaction involves an improvement to real property or a sale of tangible personal property, explains how real property contractors determine the proper sales and use taxation of items they purchase or fabricate to use in performing contracts, provides guidance concerning the proper tax treatment when contracts involve both real property and tangible personal property, discusses certain industry-specific statutory provisions, and clarifies the application of the governing general principles to specific common situations.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** Since the amendment of these rule provisions does not implement any new administrative program or procedure, no new regulatory costs are being created. Therefore, no statement of estimated regulatory costs has been prepared.

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

**SPECIFIC AUTHORITY:** 212.17(6), 212.18(2), 213.06(1) FS.  
**LAW IMPLEMENTED:** 212.02(4),(7),(16),(20),(21), 212.06(1),(14), 212.07(1),(8), 212.08(6), 212.14(5), 212.183 FS.

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

TIME AND DATE: 10:00 a.m., November 30, 1999

PLACE: Auditorium, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Linda W. Bridges, Tax Law Specialist, Technical Assistance and Dispute Resolution, Post Office Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-9412

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

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial Rewording of Rule 12A-1.051 follows. See Florida Administrative Code for present Text.)

12A-1.051 Sales to or by Contractors Who Repair, Alter, Improve and Construct Real Property.

(1) Scope of the rule. This rule governs the taxability of the purchase, sale, or use of tangible personal property by contractors and subcontractors who purchase, acquire, or manufacture materials and supplies for use in the performance of real property contracts other than public works contracts performed for governmental entities, which are governed by the provisions of Rule 12A-1.094, F.A.C. If a real property project involves multiple subcontractors, each subcontractor is responsible for paying, accruing, collecting, and remitting tax on his subcontract in accordance with this rule.

(2) Definitions. For purposes of this rule, the following terms have the following meanings:

(a) “Fabricated cost” means the cost to a real property contractor of fabricated items, as defined in the following paragraph. The elements of cost included in fabricated cost are set forth in Rule 12A-1.043, F.A.C. Fabricated cost does not include the cost of transporting fabricated items from the contractor's plant to the job site or the cost of labor at the job site where the fabricated items are incorporated into the real property improvement.

(b) “Fabricated items” means items contractors manufacture, produce, process, compound, or fabricate for their own use in performing contracts for improvements to real property. The term applies only to items the contractor manufactures, produces, processes, compounds, or fabricates at a plant or shop maintained by the contractor. For this purpose, a temporary facility established at a job site that is

used exclusively in connection with performing a contract for a real property improvement at that job site is not considered to be a plant or shop maintained by the contractor.

(c)1. “Fixture” means an item that is an accessory to a building, other structure, or to land, that retains its separate identity upon installation, but that is permanently attached to the realty. Fixtures include such items as wired lighting, kitchen or bathroom sinks, furnaces, central air conditioning units, elevators or escalators, or built-in cabinets, counters, or lockers.

2. In order for an item to be considered a fixture, it is not necessary that the owner of the item also own the real property to which the item is attached. A retained title provision in a sales contract or in an agreement that is designated as a lease but is in substance a conditional sales contract is not determinative of whether the item involved is or is not a fixture. Similarly, the fact that a lessee or licensee of real property rather than the lessor/owner enters into a contract for an item to be permanently attached to the real property does not prevent that item from being classified as a fixture.

3. The determination whether an item is a fixture depends upon review of all the facts and circumstances of each situation. Among the relevant factors that determine whether a particular item is a fixture are the following:

a. The method of attachment. Items that are screwed or bolted in place, buried underground, installed behind walls, or joined directly to a structure's plumbing or wiring systems are likely to be classified as fixtures. Attachment in such a manner that removal is impossible without causing substantial damage to the underlying realty indicates that an item is a fixture.

b. Intent of the property holder in having the item attached. If the property holder who causes an item to be attached to realty intends that the item will remain in place for an extended or indefinite period of time, that item is more likely to be a fixture. That intent may be determined by reviewing all of the property holder's actions in regard to the item, including how the item is treated for purposes of ad valorem and income tax purposes. For example, if a property owner reports the value of the item for purposes of ad valorem taxation of the realty and depreciates the item for tax and financial accounting purposes as real property, that indicates an intent that the property is permanently attached as a fixture.

c. Real property law. If an interest in an item arises upon acquiring title to the land or building, the item is more likely to be considered a fixture. For example, if the seller of real property would be expected to leave an item behind when vacating the premises for a new owner without the contract specifically requiring that it be left, that item is likely to be classified as a fixture.

d. Customization. If items are custom designed or custom assembled to be attached in a particular space, they are more likely to be classified as fixtures. Customization indicates intent that the items are to remain in place following installation.

e. Permits and licensing. If installation of an item requires a construction permit or licensing of the contractor under statutes or regulations governing the building trades, that item is more likely to be regarded as a fixture.

f. Legal agreements. The terms of any purchase agreement, deed, lease, or other legal document pertaining specifically to an item may be relevant in determining whether that item is a fixture of real property.

The foregoing list of factors relevant to determining whether an item is a fixture is intended to be illustrative only. Additional factors may exist in any particular case, and the weight to be given to the factors will also vary in each case.

4. The term "fixture" does not include the following items, whether or not such items are attached to real property in a permanent manner:

a. Trade fixtures.

b. Titled property.

c. Machinery or equipment.

(d) "Improvement to real property" or "real property improvement" includes the activities of building, erecting, constructing, altering, improving, repairing, or maintaining real property.

(e)1. "Machinery or equipment" means and includes property that:

a. is intended to be used in manufacturing, producing, compounding, processing, fabricating, packaging, moving, or otherwise handling personal property for sale or other commercial use, in the performance of commercial services, or for other purposes not related to a building or other fixed real property improvement; and

b. may, on account of its nature, be attached to the real property but which does not lose its identity as a particular piece of machinery and equipment.

2. "Machinery or equipment" generally does not include junction boxes, switches, conduits, wiring, valves, pipes, and tubing incorporated into the electrical, cabling, plumbing, or other structural systems of fixed works, buildings, or other structures, whether or not such items are used solely or partially in connection with the operation of machinery and equipment.

3. "Machinery or equipment" serves a particular commercial activity that is carried on at a location rather than serving general uses of land or a structure. Examples of machinery or equipment include conveyor systems, printing presses, drill presses, or lathes. Examples of items that are not machinery or equipment because they are integrated into the structure or realty and retain their usefulness no matter what activity is carried on at the site include heating and air

conditioning system components or water heaters. Any property that would qualify for exemption as machinery or equipment under section 212.08(5), Florida Statutes, or any other provision of Chapter 212, Florida Statutes, is considered to be machinery or equipment for purposes of this rule. In the case of property used in the production of electrical or steam energy, any item that would qualify as exempt machinery or equipment under section 212.08(5)(c), Florida Statutes, is considered to be machinery or equipment for purposes of this rule.

(f) "Manufacture, produce, compound, process, or fabricate" means:

1. to convert or condition tangible personal property by changing the form, composition, quality, or character of the property;

2. to make, build, create, produce, or assemble components or items of tangible personal property in a new or different manner;

3. to physically apply materials and labor necessary to modify or change the characteristics of tangible personal property.

The terms do not include activities that do not result in any change in the character or quality of tangible personal property. For example, a repair or restoration of property to return it to its original state and level of functionality is not included within the defined activities.

(g) "Real property" means land, improvements to land, and fixtures. It is synonymous with the terms "realty" and "real estate."

(h)1. "Real property contract" means an agreement, oral or written, whether on a lump sum, time and materials, cost plus, guaranteed price, or any other basis, to:

a. Erect, construct, alter, repair, or maintain any building, other structure, road, project, development, or other real property improvement;

b. Excavate, grade, or perform site preparation for a building, other structure, road, project, development, or other real property improvement; or

c. Furnish and install tangible personal property that becomes a part of or is directly wired or plumbed into the central heating system, central air conditioning system, electrical system, plumbing system, or other structural system that requires installation of wires, ducts, conduits, pipes, vents, or similar components that are embedded in or securely affixed to the land or a structure thereon.

2. The term "real property contract" does not include:

a. A contract for the sale or for the sale and installation of tangible personal property such as machinery and equipment; or

b. a contract to furnish tangible personal property that will be installed or affixed in such a way as to become a fixture or improvement to real property if the person furnishing the property has not also contracted to affix or install it.

3. A contract is a real property contract if described in subparagraph 1. above, whether or not such agreement also involves providing property or services that would not be considered improvements to real property. See subsection (8) of this rule for discussion of such contracts.

4. A contract contains the terms of the agreement between the contractor and the owner (or other interest holder) of the real property and is entered into in advance of any work being undertaken. A proposal prepared by a contractor prior to entering an agreement is not a contract. Statements, invoices, or other billings submitted after work has begun are not contracts. For example, a developer solicits bids on the plumbing work for a project. A contractor prepares a proposal that lists all the materials anticipated to be necessary, with unit pricing, labor costs, and a markup based on a percentage of the total material and labor costs. The developer accepts the proposal. The parties enter into an agreement that requires the contractor to provide all the materials and labor necessary to supply the plumbing system for the project for a single lump sum price. When the work is completed, the contractor sends an invoice for the lump sum amount that shows a breakdown into materials and labor. Neither the proposal nor the invoice is a contract under which the developer agrees to pay separately for materials and labor. They are documents prepared by the contractor to explain or justify the price. The contract is the agreement between the parties that an entire installed plumbing system will be provided for a single lump sum.

(i) "Titled property" means property that must be registered, licensed, titled, or documented by this state or by the United States, such as airplanes, boats, and motor vehicles. A houseboat, even if permanently docked and used as a primary residence, is not real property. Mobile homes are titled property unless they are assessed for ad valorem tax purposes as real property. Owners may report mobile homes as real property and have them assessed as such for ad valorem tax purposes. These mobile homes are issued special decals. Classification of a mobile home as personal property by a seller or a lender does not prohibit the owner of the mobile home from having the property assessed as real property. A mobile home that is issued a real property decal is treated as real property for purposes of this rule.

(j) "Trade fixtures" means items that are attached to real property by the operator of a trade or business that occupies the premises and are useful solely in connection with or to facilitate that trade or business, rather than serving functions integral to general use of land or a building. For example, the operator of a bakery has a special glass display counter installed for displaying cookies and doughnuts. The counter would not be useful to a different type of retail business because of the shelving configuration and materials used. The counter is bolted to the floor. The counter is a trade fixture and not a fixture of the realty. If the bakery has a sign installed to identify the location by name of the business, that sign is a

trade fixture. If the same bakery operator has built-in storage shelving installed in a supply room or overhead lighting installed in the shop area, those items are not trade fixtures because the shelving and lighting are equally functional for any subsequent user of the premises.

(3) Classification of contracts by pricing. The taxability of purchases and sales by real property contractors is determined by the pricing arrangement in the contract. Contracts generally fall into one of the following categories:

(a) Lump sum contracts. These are contracts in which a contractor or subcontractor agrees to furnish materials and supplies and necessary services for a single stated lump sum price.

(b) Cost plus or fixed fee contracts. These are contracts in which the contractor or subcontractor agrees to furnish the materials and supplies and necessary services in exchange for reimbursement of costs plus a fee that is fixed in advance or calculated as a percentage of the costs.

(c) Upset or guaranteed price contracts. These are contracts in which the contractor or subcontractor agrees to furnish materials and supplies and necessary services based on costs plus fees but with an upset or guaranteed maximum price which may not be exceeded.

(d) Retail sale plus installation contracts. These are contracts for improvements to real property in which the contractor or subcontractor agrees to sell specifically described and itemized materials and supplies at an agreed price or at the regular retail price and to complete the work either for an additional agreed price or on the basis of time consumed. In order for a contract to fit in this category, all the materials that will be incorporated into the work must be itemized and priced in the contract before work begins. If a contract itemizes some materials but does not itemize other materials that will be incorporated into the work, the contract is not included in this category. Because the sale of the materials is a separable transaction from the installation, the purchaser must assume title to and risk of loss of the materials and supplies as they are delivered, rather than accepting title only to the completed work. The contractor may remain liable for negligence in handling and installing the items.

(e) Time and materials contracts. These are contracts in which the contractor or subcontractor agrees to furnish materials and supplies and necessary services for a price that will be calculated as the sum of the contractor's cost or a marked up cost for materials to be used plus an amount for services to be based on the time spent performing the contract. These contracts are similar to cost plus or fixed fee contracts, because the final price to the property holder will be determined based on the cost of performance. A time and materials contract may or may not also have a guaranteed or upset price clause. Time and materials contracts differ from contracts described in paragraph (d), because the materials are

not completely identified, itemized, and priced in the contract in advance and because the property owner is contracting for a finished job rather than the purchase of materials.

(4) General rule of taxability of real property contractors. Contractors are the ultimate consumers of materials and supplies they use to perform real property contracts and must pay tax on their costs of those materials and supplies, unless the contractor has entered a retail sale plus installation contract. Contractors performing only contracts described in paragraphs (3)(a),(b),(c), or (e) do not resell the tangible personal property used to the real property owner but instead use the property themselves to provide the completed real property improvement. Such contractors should pay tax to their suppliers on all purchases. They should also pay tax on all materials they fabricate for their own use in performing such contracts, as discussed in subsection (10). They should charge no tax to their customers, regardless of whether they itemize charges for materials and labor in their proposals or invoices, because they are not engaged in selling tangible personal property. Such contractors should not register as dealers unless they are required to remit tax on the fabricated cost of items they fabricate to use in performing contracts.

(5) Rule for (3)(d) contractors. Contractors who perform retail sale plus installation contracts described in paragraph (3)(d), do sell tangible personal property. They should register as dealers and provide resale certificates for materials that are itemized and resold under paragraph (3)(d) contracts. They should not provide resale certificates for items that they use themselves rather than reselling, such as hand tools, shop equipment, or office supplies. They must charge their customers tax on the price paid for tangible personal property, unless a valid exemption certificate is provided, but not on the charges for installation labor.

(6) Sales of tangible personal property. Contractors, manufacturers, or dealers who sell and install items of tangible personal property, including those enumerated in Rule 12A-1.016, F.A.C., must collect tax on the full selling price, including any installation or other charges, even though such charges may be separately stated. The items listed in Rule 12A-1.016, F.A.C., are tangible personal property even after installation, and their sale with installation is not classified as a real property contract. Contractors, manufacturers, or dealers who sell property over-the-counter without performing installation services must collect tax on the full sales price of such items, even though those items will become improvements to real property upon installation by the purchaser. At the point at which they are sold in over-the-counter transactions, those items are tangible personal property.

(7) Repairs to machinery and equipment. Any owner or lessee that engages another to make repairs to or perform maintenance services on machinery and equipment that, because of its size, configuration, method of attachment, or

other characteristics, has the appearance of real property, must inform the service provider that the machinery or equipment is tangible personal property. Unless the repair is exempt from taxation under Chapter 212, F.S., the owner or lessee should pay sales tax on the full price of the repair or maintenance to any service provider that is a registered dealer. If the service provider ordinarily operates as a real property contractor and is not a registered dealer, the owner or lessee must remit tax on the full price of the repair or maintenance directly to the state.

(8) Mixed contracts. A real property contract may also include materials and labor that are not real property improvements. A contract that includes both real property work and tangible personal property is referred to in this subsection as a mixed contract. A mixed contract is not the same as a contract described in paragraph (3)(d) of this rule. Paragraph (3)(d) deals with a real property contract in which the contractor separately itemizes and prices all the materials that will be incorporated as part of the real property. A mixed contract is one that involves a real property improvement, maintenance, or repair and also involves providing tangible personal property that remains tangible personal property and does not become part of the real property. In the case of a mixed contract, taxability depends upon the predominant nature of the work performed under the contract and upon the contract terms.

(a) If the predominant nature of a mixed contract is a contract for real property improvements, taxability will be determined as if the contract were entirely for real property. For example, a residential developer routinely provides some items of tangible personal property, such as free standing appliances, with new homes sold under cost-plus contracts. The predominant nature of the contract is for a dwelling. The developer should pay sales or use tax on the appliances. A contractor constructs a factory under a turnkey contract that includes providing and installing machinery and equipment that is not exempt from sales and use tax. The contract is predominantly for a factory, a real property improvement, and the contractor should pay use tax on the cost of the machinery and equipment. No tax is collected from the property owner in either case, even though some tangible personal property is included in the project.

(b) If the predominant nature of a mixed contract is a contract for tangible personal property, taxability of the contract will be determined as if the contract were entirely for tangible personal property. For example, a vendor of a mechanical conveyor system for a warehouse provides reinforced concrete foundations and embeds steel plates in the concrete to permit installation of the equipment by bolting it to the plates. The contract is predominantly for the sale of equipment. The contractor should buy the equipment, concrete, and steel plates using a resale certificate and charge tax on the full price charged to the customer.

(c) The determination of the predominant nature of a contract will depend upon the facts and circumstances of each case. Consideration will be given to the description of the project and the responsibilities of the contractor as set forth in the contract. Consideration will also be given to the relative cost of performance of the real property and tangible personal property components of the contract.

(d) If a mixed contract clearly allocates the contract price among the various elements of the contract, and such allocation is bona fide and reasonable in terms of the costs of materials and nature of the work to be performed, taxation will be in accordance with the allocation. For example, a residential developer builds and sells a home on a cost plus basis, but the contract provides separately stated prices for the sale and installation of certain optional free standing appliances that are tangible personal property and are not classified as real property fixtures. The contractor may purchase those appliances using a resale certificate and charge sales tax on the price paid for the appliances, including installation, by the home buyer. The contractor is responsible for paying tax on all the materials that are included in the cost plus price of the home, other than the separately itemized appliances. Similarly, a manufacturer who sells and installs a mechanical conveyor system in a warehouse could state a separate charge in the contract for providing reinforced concrete with embedded steel plates in the warehouse floor to support the conveyor. The conveyor system is machinery or equipment and is therefore tangible personal property. The concrete and plates would be considered a real property improvement. The contractor should pay tax on the materials used for the real property part of the contract and not charge tax to the customer on the related charge. The customer should pay tax on the rest of the contract price allocable to the conveyor machinery itself.

(e) This subsection does not affect any exemption provided in Chapter 212, F.S., for machinery or equipment that may be claimed by a contractor based on a temporary tax exemption permit, affidavit, or other authorized certification by the owner of real property. For example, purchases of certain equipment for generating electrical power or of certain machinery for manufacturing tangible personal property for sale are exempt from sales and use taxes. In order for the property owner to receive the benefit of these exemptions, it has been specifically provided that contractors who purchase and install the exempt items may claim the exemption based on the property owner's providing the required documentation of entitlement. The guidelines on mixed contracts are not intended to impact these exemptions. In the case of a mixed contract that is treated as a real property contract, the contractor is still entitled to purchase the qualified equipment or machinery tax-exempt. In the case of a mixed contract treated as a sale of tangible personal property, the contractor would purchase the equipment or machinery using a resale certificate and accept the property owner's authorized

documentation of exemption in lieu of charging tax on the subsequent sale of the equipment or machinery to the property owner.

(9) Dual operators. Some contractors both use materials themselves in the performance of contracts and resell materials either in over-the-counter sales or under contracts described in paragraph (3)(d). Those contractors should register as dealers. When they purchase materials that they may either use themselves or that they may resell, they may issue a resale certificate. Florida tax should be remitted when a subsequent event determines the appropriate taxation of the materials. If the materials are subsequently resold, tax should be collected from the buyer and remitted to the state. If the materials are used by the contractor, use tax should be paid to the State instead.

(10) Use tax on fabrication costs. Contractors may maintain shops, plants, or similar facilities where they manufacture, produce, compound, process, or fabricate items for their own use in performing contracts. Contractors are required to pay use tax on the fabricated cost of those items. The elements that must be included in the taxable cost of such items are set forth in Rule 12A-1.043, F.A.C. In the case of real property contractors, the taxable cost of an item manufactured, produced, compounded, processed, or fabricated for use in performing a contract does not include labor that occurs at the job site where the item will be incorporated into a real property improvement or transportation from the plant where an item was fabricated to the job site. Examples of real property contractors who are subject to tax under this subsection include cabinet contractors who build custom cabinets in their shops, roofing contractors who operate tile plants, or heating/air conditioning/ventilation contractors who maintain sheetmetal shops for making ductwork. Real property contractors that are required to remit use tax on fabricated items must register as dealers for purposes of remitting such tax if they are not already registered as dual operators.

(11) Percent of contract price method.

(a) The Department is authorized to adopt rules that establish an elective percent of contract price method for calculating use tax obligations of real property contractors that manufacture, produce, compound, process, or fabricate tangible personal property for their own use in performing contracts. For example, a rule could be adopted to provide that cabinet makers that build cabinets at their own shops and install them could elect to pay use tax on a certain percentage of the contract price paid by the real property holder, rather than keeping track of the elements of taxable cost of the fabricated cabinets.

(b) In order to initiate a rulemaking project to adopt the percent of contract price method for an industry group, the Department must receive a petition from the majority of the members of the group or from a statewide association representing the group. The petition must be accompanied by a

proposal setting forth the percent of contract price the group believes should be adopted in the rule and by sufficient information and documentation to establish that the proposed percentage is based on a reasonable estimate of average taxable costs incurred by members of the petitioning group. The industry group may propose and the Department may in appropriate cases establish alternative percentages for members of the group who are registered dealers and do not pay tax on purchases of direct materials that are incorporated into fabricated items and for members of the group who pay sales tax on those purchases. The Department will consider the information supplied with the petition, as well as any other relevant information that is available. Petitions should be submitted to Department of Revenue, Technical Assistance and Dispute Resolution, Post Office Box 7443, Tallahassee, Florida 32314-7443.

(c) The Department may review rules adopted at the petition of industry groups and amend them to adjust the percentage to insure it continues to reflect a reasonable estimate of taxable costs for that industry group. The percentage of contract price established in a rule described in this subsection can not be amended during the first five years after its adoption. After that time, the Department may review and amend the rule, but all such reviews must be at least five years apart. In conducting a review, the Department will consider any information submitted by the industry group affected, as well as any other available information.

(d) If the Department adopts a percent of contract price rule for an industry group, members of that group may elect to apply the method on a contract-by-contract basis or to apply it to all contracts in any period by timely accruing and remitting tax using the method. Timely accrual and remittance means accrual as of the time invoices are issued based on applying the established percentage to the amount invoiced to calculate the taxable cost and remittance with a timely filed return filed in the reporting period immediately after the accrual (i.e., in the month following the issuance of the invoice and accrual of the tax for a contractor who is required to file on the regular monthly schedule). The contractor must maintain records to document the timely accrual and payment of the tax on each contract for which the method is used.

(e) Application of the established percentage to the contract price is intended to capture the taxable cost of fabricated items used in performing the contract. If the contractor pays sales tax on purchases of materials incorporated into the fabricated items, the use tax due on the fabricated cost under the percent of contract method should be reduced to reflect the tax already paid on those materials. For example, a real property contractor who fabricates some of the items used in performing contracts is entitled by rule to use a 50% of contract price method to compute use tax on fabricated cost. The contractor agrees to fabricate and install items for a lump sum price of \$10,000. The contractor pays sales tax on all

purchases of materials and supplies. The cost of materials incorporated into the fabricated items for the contract is \$3,000, on which the contractor has already paid \$180 ( $\$3,000 \times 6\%$ ) in sales tax to the supplier. Those materials costs on which tax has already been paid are subtracted from the taxable percentage of the contract price before calculating the use tax due on the finished item. The use tax to be accrued and remitted under the percent of contract method is  $\$120$  ( $50\%$  of  $\$10,000 = \$5,000 - \$3,000 = \$2,000 \times 6\% = \$120$ ).

(f) Use of the percent of contract price method applies only to the use tax owed on fabricated items. Other taxes may also be owed in connection with performance of a contract. For example, a real property contractor who fabricates some of the items used in performing contracts is entitled by rule to use a 50% of contract price method to compute use tax on fabricated cost. The contractor agrees to fabricate items, install those items, and supply materials and labor for on-site work that does not require shop fabrication. The contract is for a lump sum price of \$10,000. The contractor also makes over-the-counter sales. He is therefore a registered dealer and buys all the materials involved using a resale certificate. The cost of materials used for the on-site work is \$1000. Use tax must be remitted on 50% of the contract price for the fabricated items and on \$1,000 for the on-site materials. The total tax owed is  $\$360$  ( $\$5,000 + \$1,000 = \$6,000 \times 6\% = \$360$ ).

(g) The percent of contract price method involves an alternative way to calculate the use tax owed and alternative timing for accrual and payment of tax. It does not change the nature of the tax liability. The tax involved is still a use tax on fabricated cost. It is not a tax on the income earned from contracts. Election of the method, therefore, does not affect the jurisdiction where the tax is owed. Tax is owed in the jurisdiction where fabrication occurs, not in the jurisdiction where the contract is performed. For example, if a real property contractor purchases materials and fabricates items in Florida for a contract, taxable fabrication has occurred in Florida and tax is owed to Florida. Subsequent transportation of the item to another state for installation does not make the fabrication exempt from Florida use tax.

(12) Asphalt contractors. Contractors that manufacture asphalt for their own use in the performance of improving real property must calculate the tax on that asphalt based on the sum of the following:

(a) the cost of materials that become a component part or that are an ingredient of the finished asphalt multiplied by 6%; plus

(b) the costs of transportation of such components and ingredients to the plant site multiplied by 6%; plus

(c) an indexed tax per ton representing all other costs associated with the manufacture of the asphalt.

If sales tax has been paid on the purchase of materials or transportation in (a) or (b) above, the cost of such materials or transportation is not included in computing the total use tax



due. The indexed tax is computed based on the "materials and components for construction" series of the producer price index, as calculated and published by the United States Department of Labor, Bureau of Statistics. The indexed tax is revised annually, effective each July 1. The Department is responsible for publishing the new rate each year in time to permit timely accruals and payment of use tax by asphalt contractors.

(13) Use tax on rock, shell, fill dirt, or similar materials. A real property contractor is taxable on the cost of rock, shell, fill dirt, or similar materials the contractor uses to perform a real property contract for another person.

(a) If the contractor acquires the materials from a location the contractor owns or leases, the contractor must remit use tax based on one of the following methods:

1. the fair retail market value, which means either the price the contractor would have to pay on the open market or the price at which the contractor would sell the materials to third parties; or

2. the cost of the land plus all costs of clearing, excavating, and loading the materials, including labor, power, blasting, and similar costs.

(b) If the contractor purchases the materials and as part of the agreement excavates and removes them from the seller's land (including state-owned submerged land), the taxable cost is the purchase price paid to the seller plus all the costs incurred by the contractor in clearing, excavating, and removing the materials, including labor.

(c) A contractor on a road project owes no tax on borrow materials that are provided at no charge by the Department of Transportation, including materials extracted from pits that are provided at no charge by that department.

(14) Mobile homes. A contractor who makes improvements or repairs to a mobile home is required to ascertain the status of that home as real property or as tangible personal property to determine how tax should be paid. If the mobile home has a real property decal, the contract should be treated as a real property contract. In that case, the contractor generally will be subject to tax on the materials used, and the customer will pay no tax. If the mobile home does not have a real property decal, improvements or repairs are generally treated as contracts to improve or repair tangible personal property. The contractor should charge tax on the full price paid by the customer, including charges for labor. In that case, the contractor is not subject to tax on the materials that are incorporated into and become a part of the improvement or repair of the mobile home. Upon initial installation of a mobile home, classification is dependent on the method of installation and whether title to the land and the mobile home are held by the same person. See Rule 12A-1.007, F.A.C., for further discussion on the taxation of contracts involving mobile homes.

(15) Contracts performed for nongovernmental tax-exempt entities. Contractors who perform lump sum, cost-plus, guaranteed price, or time and materials contracts for nongovernmental entities that are exempt from sales taxes, such as private schools, hospitals, or churches, are taxable on materials the contractor purchases for use in performing those contracts. Such contractors are not permitted to use the consumer's certificate of exemption issued to the exempt entity in order to purchase materials for the contract exempt from taxes. The entity's exempt status is not relevant, because it applies only to sales of tangible personal property to the entity, not to the contractor. The contractor, not the exempt entity, is the taxable consumer of the materials the contractor purchases to use in performing that contract. The fact that an exempt entity will bear the economic burden of the taxes paid by the contractor in the form of a higher contract price does not change the contractor's tax liabilities.

(16) Subdivision and similar improvements.

(a) Subdivision owners and developers or their contractors are subject to tax on purchases of materials for use in the construction of streets, roadways, water distribution systems, sewers, and similar improvements that the owner or developer subsequently transfers to a municipality or other governmental unit. These transfers are not donations or sales of tangible personal property to a governmental unit.

(b) If a municipality or other governmental unit purchases and installs water mains and distribution pipes for a property owner, including a subdivision developer, under an arrangement whereby the municipality retains ownership, possession, and control of the mains and pipes, but recovers all or part of its cost from the property owner through the collection of an installation charge, such installation charge is equivalent to an assessment for benefits. It is not taxable.

(17) Specific activities classified as real property contracts. Contractors who are engaged in the following activities are generally considered to be real property contractors, although any particular job may be determined not to involve an improvement to real property:

(a) Awning installation;

(b) Block, brick, and stone masonry;

(c) Bridge construction;

(d) Burglar and fire alarm system installation;

(e) Cabinetry (built-in only);

(f) Carpentry;

(g) Carpeting installed with tacks, glue, or other permanent means and serving as the finished floor;

(h) Cement and concrete work;

(i) Closet system installation;

(j) Dock, pier, seawall, and similar construction, maintenance, or repair;

(k) Door and window installation or on-site repair;

(l) Driveway installation or repair;

(m) Electrical system installation and repairs, including structural wiring and cabling, meter boxes, switches, receptacles, wall plates, and similar items;

(n) Elevator and escalator installation and maintenance;

(o) Fencing and gates installation intended for permanent use;

(p) Flooring;

(q) Foundations;

(r) Glass and mirror installation if installed in a permanent manner;

(s) Heating, ventilating, and air conditioning system work;

(t) Insulation of structures or structural components;

(u) Iron work, such as railings, banisters, and stairs, incorporated into buildings;

(v) Landscaping work, including walls, walkways, permanent structures such as greenhouses, arbors, or gazebos, and permanent plantings such as trees, perennial shrubs, and lawns;

(w) Lathing;

(x) Painting of buildings, decks, and other real property structures;

(y) Paving and surfacing work, including driveways, parking lots, patios, roadwork, and sidewalks;

(z) Plastering;

(aa) Plumbing work;

(bb) Radio and telephone transmission towers;

(cc) Roofing work;

(dd) Septic tank installation or maintenance;

(ee) Sheetmetal/ductwork;

(ff) Siding installation;

(gg) Site work, including clearing, grading, demolition, and excavation;

(hh) Signs that are permanently attached to realty and are not excluded as trade fixtures;

(ii) Solar systems;

(jj) Sprinkler system installation for lawn and garden irrigation or for fire prevention;

(kk) Stucco;

(ll) Structural steel and concrete installation;

(mm) Swimming pool installation, including accessories and parts that are permanently attached or are plumbed or wired into plumbing or electrical systems;

(nn) Tile work;

(oo) Utility poles and lines installation and maintenance;

(pp) Wallpaper installation;

(qq) Water, sewer, and drainage systems;

(rr) Waterproofing of structures, decks, driveways, and other real property components; and

(ss) Well drilling and installation.

(18) Specific activities not classified as real property contracts. The sale, installation, maintenance, or repair of the following items is not considered to be a real property contract.

(a) Area rugs and carpets;

(b) Art work (paintings, statuary);

(c) Cabinets and shelving (freestanding);

(d) Computer system components;

(e) Drapes, curtains, blinds, shades, etc.;

(f) Entertainment system (e.g., stereo systems, home theater systems) components;

(g) Furniture;

(h) Household appliances (unless built in and directly wired);

(i) Lawn markers;

(j) Mail boxes;

(k) Mirrors (freestanding);

(l) Radio and television antennas;

(m) Sprinkler systems for lawns or gardens if made up of unburied hoses or tubing and movable sprinkler heads;

(n) Stepping stones;

(o) Telecommunications system components;

(p) Television satellite dishes;

(q) Temporary fencing and gates (e.g., for construction sites); and

(r) Window air conditioning units.

(19) Cross references

(a) For partial exemption of tax on the cost of asphalt manufactured for one's own use in performing contracts for governmental entities, see s. 212.06(1)(c), F.S.

(b) For exemption of charges for repairs of industrial machinery and equipment, see s. 212.08(7)(zz), F.S.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(4),(7),(16),(15),(19),(20),(21), 212.06(1), 212.06(14), 212.07(1),(8), 212.08(6), 212.14(5), 212.183 FS. History—Revised 10-7-68, 1-7-70, 6-16-72, Amended 2-3-80, 3-27-80, 6-3-80, 8-26-81, 11-15-82, 6-11-85, Formerly 12A-1.51, Amended 1-2-89, 8-10-92, 7-27-99.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Linda W. Bridges, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9412

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed substantial rewording of Rule 12A-1.051, F.A.C., Sales to or by Contractors Who Repair, Alter, Improve and Construct Real Property, was

noticed for a first Rule Development Workshop in the Florida Administrative Weekly on May 28, 1999 (Vol. 25, No. 21, pp. 2499-2507). The first rule development workshop was held on June 14, 1999, in the Auditorium of the R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida. The proposed substantial rewording of Rule 12A-1.051, F.A.C., Sales to or by Contractors Who Repair, Alter, Improve and Construct Real Property, was noticed for a second Rule Development Workshop in the Florida Administrative Weekly on July 16, 1999 (Vol. 25, No. 28, pp. 3177-3185). The second rule development workshop was held on August 4, 1999, in the Auditorium of the R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida. Comments received at both workshops are incorporated into the proposed substantial rewording.

**DEPARTMENT OF CORRECTIONS**

**RULE TITLE:** Admissible Reading Material **RULE NO.:** 33-501.401

**PURPOSE AND EFFECT:** The proposed rule is needed in order to clarify provisions related to handling of rejected publications. The effect of the proposed rule is to set forth guidelines for the handling of impounded materials pending review and for the confiscation of rejected materials found in inmates' property.

**SUMMARY:** The proposed rule sets forth guidelines for the handling of impounded materials pending review and for the confiscation of rejected materials found in inmates' property.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** None.

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

**SPECIFIC AUTHORITY:** 944.09, 944.11 FS.

**LAW IMPLEMENTED:** 944.11 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., November 30, 1999

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

**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:**

33-501.401 Admissible Reading Material.

(1) The provisions of this section shall apply to all publications, including, books, novels, educational reference and correspondence study materials, religious materials, legal materials, newspapers, magazines, brochures, flyers and catalogues, and any other printed materials addressed to a specific inmate or found in the personal property of an inmate.

(2) Inmates shall be permitted to receive and possess publications per terms and conditions established in this rule unless ~~except when~~ the publication is found to be detrimental to the security, order or disciplinary or rehabilitative interests of any institution of the department, or any privately operated institution under contract with the department, or when it is determined that the publication might facilitate criminal activity. Publications shall be rejected when one of the following criteria is met:

(a) It depicts or describes procedures for the construction of or use of weapons, ammunition, bombs, chemical agents, or incendiary devices;

(b) It depicts, encourages, or describes methods of escape from correctional facilities or contains blueprints, drawings or similar descriptions of Department of Corrections facilities or institutions, or includes road maps that can facilitate escape from correctional facilities;

(c) It depicts or describes procedures for the brewing of alcoholic beverages, or the manufacture of drugs or other intoxicants;

(d) It is written in code;

(e) It depicts, describes or encourages activities which may lead to the use of physical violence or group disruption;

(f) It encourages or instructs in the commission of criminal activity;

(g) It is dangerously inflammatory in that it advocates or encourages riot, insurrection, disruption of the institution, violation of department or institution rules, ~~the violation of which would present a serious threat to the security, order or rehabilitative objectives of the institution or the safety of any person;~~

(h) It threatens physical harm, blackmail or extortion;

(i) It pictorially depicts sexual conduct ~~as defined by s. 847.001, F.S.,~~ as follows:

1. Actual or simulated sexual intercourse;
2. Sexual bestiality;
3. Masturbation;
4. Sodomasochistic abuse;

5. Actual contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast;

6. Any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed.

(j) It pictorially depicts ~~presents~~ nudity or a lewd exhibition of the genitals in such a way as to create the appearance that sexual conduct is imminent, i.e., display of contact or intended contact with a person's unclothed genitals, pubic area, buttocks or female breasts orally, digitally or by foreign object, or display of sexual organs in an aroused state.

(k) It otherwise presents a threat to the security, order or rehabilitative objectives of the correctional system or the safety of any person.

(3) A subscription to a periodical publication cannot be totally rejected by the institution, but each issue of the subscription shall be reviewed separately and impoundment or rejection shall be based on the criteria established in subsection (2).

(4) Incoming publications previously rejected by the literature review committee.

(a) An incoming publication that has previously been rejected by the department's literature review committee due to inclusion of subject matter held to be inadmissible per the criteria established in subsection (2) shall not be reviewed again unless the publisher presents proof to the literature review committee that it has been revised and in the revision process the material resulting in the original rejection has been removed. When a rejected publication is received at an institution, it shall be impounded and shall not be issued to inmates. The warden or designee shall notify the inmate in writing within 15 calendar days of receipt that the publication has been rejected by the department's literature review committee and cannot be received. The notice shall also advise the inmate that he or she has 30 days to make arrangements to have the rejected publication picked up by an approved visitor or sent to a relative or friend or the sender at the inmate's expense, or the institution will destroy it. The 30 day limit shall not include any time that a grievance appeal is pending provided that the inmate has provided the warden with the written notice required in (7)(b) of this rule. The actual date that the notice is mailed to the publisher or sender shall be documented by date stamp on the copies provided to the publisher or sender and the institution's copy. For purposes of this subsection, the warden's "designee" may include the mailroom supervisor. A rejection notice shall address only one publication; if a single mailing notice includes more than one rejected publication, separate rejection notices shall be prepared for each.

(b) A list of books and individual issues of periodicals that have been rejected by the department's literature review committee shall be maintained in the institution mail room ~~and shall not be required to be reviewed again unless the book or~~

~~periodical issue has been revised and in the revision process the material resulting in the original rejection has been removed.~~

(5) Incoming publications that have not been previously rejected by the literature review committee.

(a) The warden or designee shall impound and not issue to inmates ~~reject~~ any publication which he or she finds to be inadmissible pursuant to the criteria in subsection (2) within 15 calendar days of receipt of the publication at the institution. If only a portion of a publication meets one of the criteria for rejection established in subsection (2), the entire publication shall be impounded ~~rejected~~. For the purposes of approving the impoundment ~~rejection~~ of publications, the warden's "designee" shall be limited to the assistant warden or chief of a work camp, road prison, or forestry camp.

(b) The warden or designee shall advise the inmate in writing of the specific reasons for the impoundment ~~rejection~~ within 15 calendar days of receipt of the publication at the institution and shall provide two copies of the impoundment notice to the inmate. The warden or designee of the institution that originated the impoundment shall also provide a copy of the notice to the publisher or sender with a copy of the rejection notice. The actual date that the rejection notice is mailed to the publisher or sender shall be documented by date stamp on the copies provided to the publisher or sender and the institution's copy. An impoundment notice shall only address one publication; if a single mailing or package includes more than one publication and more than one are determined to be inadmissible, separate impoundment notices shall be prepared for each.

(c) The inmate shall be informed that the impounded or rejected publication shall be held at the institution for 30 days, and that he or she must make arrangements to have it picked up by an approved visitor or sent to a relative or friend or the sender at the inmate's expense. The inmate shall also be advised that if the material is not picked up or mailed out within 30 days, the institution shall ~~discard or~~ destroy it. The 30 day limit shall not include any time that a grievance appeal is pending provided that the inmate has provided the warden with the written notice required in (7)(6)(b) of this rule. However, if the inmate fails to provide the warden with written notice of his or her appeal within 15 days of the impoundment or rejection, the institution shall not be required to store the publication beyond 30 days.

(d) The impoundment of a publication by a warden or authorized designee of any correctional facility of the department shall result in that publication being impounded at all correctional facilities until such time as the literature review committee reviews the action. Inmates at other institutions who also receive the impounded publication shall be provided a written notice explaining that it has been impounded pending review for admissibility; the notice shall also detail the specific

reasons why the publication was impounded. For purposes of this subsection, the warden's "designee" may include the mailroom supervisor.

~~(e)(4)~~ Due to the necessity of securing outside translation assistance, the time frames for review of admissible reading material specified in this section shall not apply to foreign language publications.

(6) Admissible Reading Material in an Inmate's Property.

(a) The review criteria established in subsection (2) of this rule also apply to publications found in an inmate's personal property. If correctional staff find a publication that has been rejected by the department, the publication shall be impounded and DC Form DC6-220, Inmate Impounded Personal Property List, shall be completed as required by rules 33-602.201 and 33-602.203. The inmate shall be provided with two copies of the completed DC Form DC6-220. Form DC6-220 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for forms to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is \_\_\_\_\_.

(b) If correctional staff believe that a publication found in an inmate's personal property is inadmissible per section (2) of this rule, it shall be impounded and DC Form DC6-220, Inmate Impounded Personal Property List, shall be completed as required by rules 33-602.201 and 33-602.203. The publication shall then be forwarded to the warden or his or her designee for review. The Warden or warden's designee shall review the publication within 15 days of impoundment. If the publication is found to be inadmissible, the warden or warden's designee shall prepare an impoundment notice that advises the inmate of the specific reasons for the impoundment. The impoundment notice shall only address one publication; if more than one publication is determined to be inadmissible, separate impoundment notices shall be prepared for each. The inmate shall be provided with two copies of the impoundment notice.

~~(7)(6)~~ Inmates may appeal the impoundment or rejection of reading material through use of the inmate grievance procedure, chapter 33-103, Florida Administrative Code. When publications are impounded or rejected pursuant to the criteria established in this rule, inmates shall may bypass the informal and formal institutional level of review, and file grievances direct to the office of the secretary.

(a) If the inmate decides to appeal the impoundment or rejection to the office of the secretary, he or she shall file the appeal within 15 calendar days of the impoundment or rejection and must include a copy of the impoundment or rejection notice with the appeal. The inmate shall identify the grievance as being related to admissible reading material by writing the words "Admissible Reading Material" at the top of the grievance. Only one impounded or rejected publication shall be addressed in the appeal.

(b) If the inmate intends to appeal the impoundment or rejection decision and wishes to have the order to dispose of the publication within 30 days stayed while the appeal is proceeding, the inmate must provide written notice to the warden on form DC6-236 DC3-005, Inmate Request, that he or she intends to appeal the impoundment or rejection to the office of the secretary. The written notice must be filed within 15 calendar days of the impoundment or rejection, and shall include a statement that the inmate intends to appeal the impoundment or rejection of admissible reading material and must specifically identify the publications on which the appeal is to be based. Form DC6-236 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for forms to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is \_\_\_\_\_.

(c) If the inmate fails to file within 15 calendar days, fails to provide the impoundment or rejection notice as an attachment to his or her appeal, fails to provide a copy of DC Form DC6-220 as an attachment to his or her appeal when appealing the impoundment of rejected publications found in the inmate's property, addresses more than one impounded or rejected publication or in any other way violates the grievance procedure as described in chapter 33-103, his or her appeal shall be returned without response to the issue raised.

(d) If the inmate's appeal is denied, he or she shall have 30 days to make arrangements to have the publication picked up by an approved visitor, relative or friend, or pay to have the publication sent to one of these approved individuals or to the sender. If the publication is not picked up or mailed out within 30 days, the institution shall ~~discard or~~ destroy it.

~~(8)(7)~~ Literature Review Committee.

(a) There shall be a literature review committee to act as the final reviewing authority for appeals regarding reading material impounded or rejected pursuant to criteria established in this rule. The committee shall be composed of:

1. Chief of bureau of security operations or designee;
2. Chief of bureau of inmate grievance appeals or designee;
3. Library services administrator or designee;

(b) The library services administrator or designee shall be designated chairman of the literature review committee and shall be responsible for coordinating all activities of the committee.

(c) Upon receipt of impoundment notices from correctional facilities or inmate appeals, the library services administrator or designee shall schedule a meeting of the literature review committee to review institutional decisions to impound publications and inmate the appeals within ~~thirty (30)~~ days of receipt. The literature review committee shall meet at least once every month if impoundment notices or appeals

have been received. The committee shall review the inmate's appeal, or, in the case of institutional impoundment decisions, the rule authority and reasons for the impoundment cited on the notice, the portions of the publication that have been cited as cause for impoundment rejected as inadmissible, and any other specific material relating to the decision to impound the publication or the inmate's appeal rejection. The committee shall affirm or overturn the impoundment decision, or approve or deny the appeal based upon the criteria set forth in this rule. Decisions shall be by majority vote. The decision of the committee shall be final.

(d) Decisions relating to the review of impounded or rejected publications shall be communicated to all institutions of the department and all privately operated institutions under contract with the department. When an impoundment decision is overturned, institutions shall issue the publication to all affected inmates as soon as possible. Decisions relating to grievance appeals shall be communicated to tThe chief of the bureau of inmate grievance appeals or designee who shall then approve or deny the grievance based upon the committee's decision of the literature review committee.

(9)(8)(a) The publisher, wholesale or mail order distributor, bookstore or sender may obtain an independent review of the warden's decision to impound a publication by writing to the library services administrator at 2601 Blair Stone Road, Tallahassee, Florida 32399-2500 within 15 days following receipt of the notice of impoundment or rejection by the warden. The request for review must be accompanied by:

1. A copy of the impoundment or warden's rejection notice; and
2. A copy of the impounded or rejected publication. The name and the DC number of the inmate that the rejected material was addressed to; and
3. The name of the institution at which the rejection occurred.

(b) The library services administrator shall forward this information to the literature review committee for review. If the appeal is approved, the publisher, wholesale or mail order distributor, bookstore or sender shall be notified of the decision. The decision shall also be communicated to all institutions of the department, and all privately operated institutions under contract with the department.

(10)(9)(a) Inmates may subscribe to no more than one daily or weekly general circulation newspaper and four other periodicals, except as otherwise provided in rules 33-601.801-601.813;

(b) No inmate shall be allowed to receive or keep more than one copy of any volume, issue or edition of any book, periodical or other publication. For example, an inmate will be allowed to keep the January and February 1994 issues of a specific magazine, but will not be allowed to keep two copies of the January 1994 issue. No inmate shall be issued admissible reading material if he or she can not store it in his or

her personal living area without creating a fire, safety, or sanitation hazard. Effective July 1, 1998, inmates shall be limited to no more than 4 singles issues of a periodical or newspaper title. Inmates shall be allowed to order single issues of periodicals and newspapers from publishers' wholesale or mail-order distributors and bookstores in lieu of purchasing subscriptions; however, inmates shall still be limited to possession of not more than four issues of a single general circulation newspaper title, and not more than four issues of any single periodical title (maximum of four titles, including those received by subscription).

(c) Inmates subscribe to periodicals or other reading materials at their own risk and expense. Inmates will not be reimbursed by the Department of Corrections for materials which are rejected.

(d) Except as otherwise provided in rules 33-601.801-601.813, effective July 1, 1998, inmates shall be limited to the possession of 4 books. Religious testaments, and law books not in the institution's law library collection, shall not be counted against this limit. Religious testaments include sacred texts, prayer books and devotionals.

(11)(40) Due to security concerns, inmates at Florida State Prison Main Unit or in death row or close management status in any institution shall not be allowed to receive hard-bound books. However, if a book is unavailable in soft-cover and no alternatives exist to allow access to the book, the inmate may receive the book only after the hard cover has been removed. The inmate shall make the decision whether to return the book to the sender or to receive the admissible portions after the institution has excised the hard cover, and the inmate may appeal an institution's determination that the hard cover must be excised or returned. The institution shall not take any action to excise the hard cover or return the book to sender until the inmate's appeal is concluded or the time for appeal has passed. Documentation of the inmate agreeing to the removal of the hard cover shall be obtained prior to removal of the cover. This documentation shall at a minimum be filed in the inmate file. If the inmate does not agree or does not provide documentation that he or she wishes to have the cover removed, the publication shall be returned to the publisher or sender.

(12)(41) Books, periodicals or other publications shall be sent directly from the publishers, wholesale or mail order distributors or bookstores to the inmate unless otherwise authorized by the warden.

(13)(42) Books, periodicals or other publications forwarded to inmates must be sent through the United States Postal Service. Materials received from other sources shall be returned to the sender with a notice explaining the reason for the rejection.

(14)(43)(a) Publications and training materials selected for use in authorized programs of the Department, or in private correctional institutions operated under contract with the Department, PRIDE or the Corrections Medical Authority shall

be reviewed by the department head or person designated by the warden to ensure that the subject matter contained therein is admissible and does not meet any of the criteria for inadmissibility in subsection (2).

(b) Institutions shall permit inmates to enroll in correspondence study programs provided that the subject matter of course materials is not inadmissible pursuant to the criteria stated in subsection (2). The warden shall designate one or more department heads to screen and approve all materials received pursuant to participation in correspondence study programs. Upon delivery to the institution, course or training materials shall be forwarded to the department head that approved the request for inspection prior to delivery to the inmate.

~~(14) Inmates shall be prohibited from removing any pictures or other portions from books or publications. Such alteration will cause the entire book or publication to be deemed contraband and will subject the inmate to disciplinary action.~~

(15) Inmates shall be prohibited from posting or otherwise displaying any pictures or portions of books or publications. Such activity will subject the inmate to disciplinary action and will cause the posted or displayed material to be confiscated as contraband.

Specific Authority 944.09, 944.11 FS. Law Implemented 944.11 FS. History—New 10-8-76, Formerly 33-3.12, Amended 3-3-81, 9-24-81, 6-9-87, 3-11-91, 12-17-91, 3-30-94, 11-2-94, 5-10-98, 10-20-98, Formerly 33-3.012, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Nimer  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 11, 1999  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 17, 1999

**DEPARTMENT OF CORRECTIONS**

RULE TITLES: Searches of Inmates  
Inmate Substance Abuse Testing

RULE NOS.: 33-602.204  
33-602.2045

PURPOSE AND EFFECT: The purpose of the proposed rules is to clarify and simplify the Department’s inmate drug testing procedures. The effect of the proposed rules is to provide for easier reading by placing all provisions related to inmate drug testing in a separate inmate drug testing rule, and to provide detailed procedures for handling specific issues related to collection of urine samples.

SUMMARY: A separate inmate drug testing rule is created which provides detailed procedures for collection and testing of urine samples.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09, 944.472, 944.473 FS.

LAW IMPLEMENTED: 944.09, 944.472, 944.473 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., November 23, 1999

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

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 RULES IS:

33-602.204 Searches of Inmates.

Searches of inmates will be conducted to control the introduction and movement of contraband as well as to prevent escapes. These searches are to be made with discretion.

(1) through (3) No change.

~~(4) Random Substance Abuse Testing.~~

~~(a) Random substance abuse testing of inmates through urinalysis is authorized pursuant to s. 944.473, F.S.~~

~~(b) Definitions:~~

~~1. Random Selection — a process of selection which utilizes a computerized random selection model to obtain a sample of inmates to be tested for drugs and alcohol. Every inmate in the custody of the department has an equal chance of being selected.~~

~~2. Collector — a correctional officer designated by the warden or officer in charge to collect urine samples and who has been trained in the proper procedures for collection and maintenance of the chain of evidence.~~

~~3. Tester — a correctional officer who has been designated by the warden or officer in charge of the facility to test urine samples and who has been trained and certified by the contractor as competent to operate the urinalysis testing equipment.~~

~~4. Contractor — the vendor responsible, by contract, for provision and maintenance of testing equipment, and training regarding operation of testing equipment.~~

~~5. Random List — the randomly selected sample of inmates to be tested for drugs and alcohol.~~

~~(c) Institutions and facilities shall, on no less than a monthly basis, receive a list of the names and numbers of inmates generated through random selection for substance abuse testing. The Office of Security and Institutional Management shall generate the random list and electronically~~

transmit the random list to the warden of each major institution or the Major of each regional community facility. Each time an inmate's name appears on the random list, he or she shall be tested regardless of whether or not he or she has been previously tested.

(d) Procedure.

1. Responsibility. The Office of Security and Institutional Management shall be responsible for generating the random sample list of inmates to be tested and providing for the transmission of the list to the wardens of major institutions and the majors of regional community facilities. The wardens and majors shall be responsible for the development of local procedures to ensure the security of the list and the ensuing collection, transport of samples for testing, documentation, and, at designated testing sites, the testing process.

2. Chain of evidence.

a. At a minimum, the chain of evidence documentation of the collection process must include collector identification, initials by both the inmate and the collector, and date and time of collection.

b. The collector must document any unusual observations regarding the behavior of the inmate and the nature of any specimen on the chain of evidence form, DC4-621, during the collection process.

c. All urine specimens collected must be properly labeled and sealed with tamper evident tape upon collection and must be accompanied by a properly completed chain of evidence form. One form can be used to accompany multiple urine specimens collected and transported together.

d. The collector, upon receiving an inmate's urine specimen, will enter the inmate's DC number and collection date and time in the designated spaces. The collector will instruct each inmate to place his or her initials on the chain of evidence form to verify that his or her specimen was collected, that the specimen labeling information was correct, and that the specimen was securely sealed in the inmate's presence.

e. If an inmate is unable or unwilling to enter his or her initials on the chain of evidence form, the collector will make a notation in the comment section of the chain of evidence form and leave the space blank. The collector will not under any circumstances sign the chain of evidence form for an inmate.

f. The collector will total the number of urine specimens collected during the collection procedure and place this number in the designated space which is located at the bottom of the chain of evidence form.

g. The collector will enter his or her name on the "to" line and fill in the spaces for the date and time the collection process was completed.

h. If the collector transfers the custody of the urine specimens to another person, the collector will sign his or her name on the "from" line and the person who is receiving the urine samples will sign on the "to" line and fill in the spaces for

the date and time the transfer was completed. This procedure will continue until the tester enters his or her name on the "to" line.

i. If the collector transfers the custody of urine specimens to temporary refrigerated storage, the collector will sign his or her name on the "from" line and enter "refrigerated storage" on the "to" line and fill in the spaces for the date and time the transfer was completed. When the specimens are removed from refrigerated storage the person receiving the specimens will enter "refrigerated storage" on the "from" line, and enter the date and time of removal.

j. The name on the "from" line will always be the person who is relinquishing control of the urine specimens, while the name on the "to" space will always be the person who is receiving the urine specimens, or refrigerated storage.

k. An entry shall be made on the chain of evidence form, DC4-621, each time the urine specimens are transferred to the custody of another individual.

3. Collection of urine specimens.

a. All collections shall be performed under direct observation, where the collector directly observes the voiding of urine into the specimen cup. Direct observation may also be accomplished through use of mirrors strategically mounted in the collection rest room.

b. Under no circumstances is direct observation by a collector of the opposite sex from the inmate allowed.

c. Collector must ensure that there is a positive inmate identification. The collector shall identify the inmate who has been selected for testing by sight, name, and DC number prior to collecting a urine specimen.

d. The collector shall search the inmate to ensure that the inmate is not concealing any substances or materials which could be used to alter or substitute the inmate's urine specimen. If any such substances or materials are found, a disciplinary report will be issued.

e. The collector shall instruct the inmate to wash his or her hands thoroughly with soap and water prior to collecting the inmate's urine specimen.

f. The collector shall give each inmate a closed specimen cup with an identification label containing the inmate's name and DC number prior to collecting the inmate's urine specimen. The collector shall ensure that the inmate acknowledges his or her correct identity information on the label of the specimen cup.

g. Any unusual behavior of the inmate or unusual appearance of the specimen provided shall be noted in the comment section of the chain of evidence form, DC4-621.

h. An inmate who indicates a claimed inability to provide an adequate urine specimen shall be detained in the presence of the collector or other designated person for a period not to exceed 1 hour to provide an adequate specimen. During that time, the inmate shall be allowed to consume one cup (8 oz.) of water or other beverage every 1/2 hour, not to exceed a total of



2 cups during this time period. If after the 1 hour period an inmate still fails to submit a valid adequate urine specimen, the inmate shall be considered to have refused to provide a urine specimen and a disciplinary report shall be prepared in accordance with rules 33-601.301-601.314. The collector shall note such failure to provide a specimen on the chain of evidence form, DC4-621.

i. Any attempt by an inmate to provide other than a fresh, unsubstituted, unadulterated or undiluted specimen will be viewed as a test refusal in violation of department rules and a disciplinary report will be issued.

j. After the inmate has voided a urine specimen into the cup, the collector shall direct the inmate to close the cup tightly before placing the cup into the collector's custody.

k. The collector shall visually inspect all urine specimens placed in his or her custody to ensure that it is a valid, fresh, unadulterated, undiluted urine specimen. Urine specimens which are discovered to be obviously altered (i.e., cold, having an unusual color, containing foreign objects), will not be accepted as valid specimens. A suspect urine specimen will be discarded and the inmate will be required to submit another urine specimen. If the inmate cannot submit a urine specimen, then the procedure outlined in i. above for a claimed inability to provide a urine specimen shall apply.

l. If a urine specimen contains blood or appears to contain blood, the inmate who produced the specimen shall be referred immediately to medical for evaluation. If no valid reason exists for having blood in the specimen, the inmate will be required to provide another urine specimen. If the inmate cannot submit a urine specimen, then the procedure outlined in i. above for a claimed inability to provide a urine specimen shall apply.

m. Upon receipt of the urine specimen which has been securely closed by the inmate, the collector shall attach a tamper-evident security label across the lid of the sample cup under the inmate's observation and shall instruct the inmate to place his or her initials on the chain of evidence form verifying that the urine specimen was collected and sealed under the inmate's observation and that the specimen cup identification is correct.

n. The urine specimens should be transferred on the day of collection. If extraordinary circumstances prevent the transfer of the urine specimens, then all specimens shall be refrigerated in a secure location pending transfer. If refrigeration is not available, then an ice pack shall be stored in the container with the urine specimens pending transfer to the testing facility.

4. Testing of urine specimens.

a. Only testing personnel who have successfully completed training as provided by the contractor regarding proper procedures in operating and maintaining the testing instrument and ensuring the accuracy of test results are authorized to test urine specimens.

b. Testing personnel shall examine each specimen prior to testing to ensure that the tamper-evident seal is intact and that the specimen labeling and the chain of evidence form, DC4-621, is in proper order. Any discrepancies shall be recorded. In the event that the tamper-evident seal is damaged or the chain of evidence form is not accurate or complete, the tester shall not test those urine specimens.

e. Any specimens found to be positive upon initial testing shall be retested at the department testing facility that day with a fresh sample of the specimen prior to reporting test results. Specimens testing negative on the retest shall be reported as negative.

d. When a urine specimen's initial test results are positive, the tester shall follow the following procedures:

i. After double checking the positive specimen's identity, the tester shall pipette a second urine sample from the original urine specimen cup and conduct the urinalysis testing procedure again, testing each positive specimen only for those drugs found positive on the initial test. Batch runs of several initial positive specimens are authorized.

ii. If a specimen's results are negative on repeat testing, the tester shall document the test results on the random sample list and chain of custody form and dispose of the urine specimen and specimen cup.

iii. If the urine specimen's test results are again positive on repeat testing, the tester shall document the test results as positive on the random list and substance abuse list and chain of custody form.

5. On site testing of urine specimens. Community correctional centers are authorized to conduct on-site testing of urine specimens in lieu of transporting specimens to testing facilities for initial testing.

a. Collection procedures. Collectors shall follow collection procedures in (4)(d)3.a. through 1.

b. Testing procedures. All on site testing procedures shall be conducted in the presence of the inmate in accordance with the manufacturer's protocols.

i. After the collector has taken a sample of urine from the specimen cup for the test, the inmate shall be directed to close the cup tightly.

ii. After the collector has followed the steps specified in the manufacturer's protocols, the collector shall record the test results on the chain of evidence form.

e. Negative test results. The collector shall inform the inmate of the negative test results of the on-site test. The collector shall record all negative test results on the chain of evidence form and dispose of the remaining specimen, specimen cup and test device. All chain of custody forms shall be retained in accordance with state law and rules governing the retention of records.

d. Positive test results. The collector shall inform the inmate of the positive test results of the on-site test. The collector shall record the positive test results on the chain of

custody form and prepare the urine specimen for transfer to the designated testing facility in accordance with (4)(d)3.m. and n. for a verification urine drug test. Inmates with positive test results on the initial test shall immediately be placed in administrative confinement until a second test is conducted pursuant to (4)(d)4. and results are obtained.

(e) Forms. Form DC4 621 is hereby incorporated by reference. Copies of this form may be obtained from any institution or from the Office of Security and Institutional Management, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a self-addressed, stamped envelope.

The effective date of this form is March 24, 1997.

(5) For Cause Testing.

(a) Inmates suspected of involvement with drugs or alcohol shall be subject to for cause testing upon order of the warden, the major of the community facility, or their designees. An inmate can be tested for a minimum of two drugs on a for cause basis.

(b) For cause drug testing means drug testing based on a belief that an inmate is using or has used drugs or alcohol based on specific facts and reasonable inferences drawn from those facts in light of experience. Such facts and inferences shall be based upon:

1. Observable phenomena such as direct observation of drug or alcohol use or of the physical symptoms or manifestations of being under the influence of drugs or alcohol (such as slurred or incoherent speech, erratic or violent behavior, uneven gait, or other behaviors or physical symptoms unusual for the inmate based on the staff member's knowledge of the inmate).

2. Evidence that the inmate has tampered with or attempted to tamper with a drug test.

3. Evidence or intelligence reports determined to be of a reliable basis that an inmate has used, possessed, sold, solicited or transferred drugs or alcohol.

(c) When for cause testing is ordered, an incident report shall be prepared including:

1. Dates and times of reported drug-related events;
2. Rationale leading to the request for testing; and
3. The two drugs or more recommended for testing.

(d) The senior correctional officer on duty shall be notified that the staff member has a suspicious inmate who meets the for cause drug testing criteria. The senior correctional officer shall ensure that an incident report is prepared. The incident report shall contain all pertinent information concerning the inmate which prompted the request for testing, to include any supporting evidence.

(e) A copy of the incident report shall be attached to the chain of evidence form and both documents shall be immediately forwarded to the testing facility.

(f) The collector shall denote "C" for "for cause" testing on the lid of the urine specimen cup for identification purposes.

(g) Record keeping. Each testing facility shall keep all records pertaining to the testing program. This includes chain of evidence documentation, hard copy instrument printouts of calibration and testing, results of performance on proficiency test specimens, results of performance on inspections, and instrument and other equipment maintenance records. All records shall be kept in accordance with state law and rules regarding retention of records.

Specific Authority 944.09, 944.473 FS. Law Implemented 944.09, 944.472, 944.473, 944.47 FS. History--New 4-8-81, Formerly 33-3.065, Amended 7-3-85, 11-2-86, 6-2-94, 1-25-96, 3-24-97, 9-9-97, 12-15-98, Formerly 33-3.0065, Amended \_\_\_\_\_.

33-602.2045 Inmate Substance Abuse Testing.

The Bureau of Security and Institutional Operations shall be responsible for the development and implementation of the department's substance abuse testing program.

(1) Definitions.

(a) Random Selection – A computerized random selection model utilized to obtain a sample of inmates to be tested for drugs or alcohol. Every inmate in the custody of the department has an equal chance of being selected.

(b) Collector – a correctional officer who has been trained and certified by certified testing personnel or by other personnel who have been certified on the proper procedures for collecting, handling, and disposing of urine specimens, and on the procedures for completing the chain of evidence form.

(c) Tester – a correctional officer who has been trained and certified as competent by the contractor or a master trainer to operate the drug testing equipment, and to review and certify test results.

(d) Random List – the randomly selected sample of inmates to be tested for drugs or alcohol.

(e) Chain of evidence form – the form used to document the identity and integrity of an inmate's specimen from time of collection, through specimen transport, testing, and reporting of results. Form DC6-217 is used for this purpose.

(f) Test refusal – failure on the part of an inmate to fully comply with the department's substance abuse testing procedures, which includes failing to provide a valid urine specimen, attempting to alter his or her urine specimen with adulterants, and using substitute urine in makeshift devices or objects.

(2) The Department of Corrections conducts the following types of inmate substance abuse testing:

(a) For-Cause or Reasonable Suspicion Testing.

1. Inmates suspected of involvement with drugs or alcohol shall be subject to for-cause testing upon order of the warden, the major of the community facility, or their designees. An inmate can be tested for a minimum of three drugs on a for-cause basis.

2. For-cause drug testing means drug testing based on a belief that an inmate is using or has used drugs or alcohol based on specific facts and reasonable inferences drawn from those facts in light of experience. Such facts and inferences shall be based upon:

a. Observable phenomena such as direct observation of drug or alcohol use or of the physical symptoms or manifestations of being under the influence of drugs or alcohol (such as slurred or incoherent speech, erratic or violent behavior, uneven gait, or other behaviors or physical symptoms unusual for the inmate based on the staff member's knowledge of the inmate).

b. Evidence that the inmate has tampered with or attempted to tamper with a urine specimen.

c. Evidence or intelligence reports determined to be of a reliable basis that an inmate has used, possessed, sold, solicited or transferred drugs or alcohol.

3. When for-cause testing is ordered, an incident report shall be prepared including:

a. Dates and times of reported drug-related events;

b. Rationale leading to the request for testing.

4. The senior correctional officer on duty shall be notified that the staff member has identified a suspicious inmate who meets the for-cause drug testing criteria. The highest ranking correctional officer shall ensure that an incident report is prepared. The incident report shall contain all pertinent information concerning the inmate which prompted the request for testing, to include any supporting evidence.

5. Upon approval of the warden or major or their designees, collection and testing procedures shall be conducted immediately pursuant to this rule.

6. A copy of the incident report shall be attached to the chain of evidence form and both documents shall be immediately forwarded to the testing facility.

(b) Random Substance Abuse Testing. All correctional facilities shall receive on a weekly basis a list of the names and DC numbers of inmates generated through random selection for substance abuse testing. The list will be electronically transmitted from the Offender Base Information System to the secure printer of the warden of each major institution and to the major of each community correctional center. Each time an inmate's name appears on the random list, he or she shall be tested regardless of whether or not he or she has been previously tested.

(c) Substance Abuse Program Testing. Inmates participating in substance abuse programs will be subject to substance abuse testing as a condition of the program.

(3) Procedures.

(a) Chain of evidence.

1. At a minimum, the chain of evidence form, DC6-217, must include offender and collector identification, initials by both the inmate and the collector, date and time of collection, and type of test (i.e., random, for-cause or substance abuse treatment program).

2. The chain of evidence form, DC6-217 allows for any comments by the collector regarding any unusual observations. Any failure by the inmate to cooperate with the collection process, and the unusual nature (e.g., discolored urine or urine containing foreign objects) of any specimen provided shall be noted.

3. The collector shall ensure that all collected urine specimens are properly labeled and sealed with a security evidence label. The collector shall also ensure that the chain of evidence form for all collected urine specimens is completed in accordance with procedures. One form can be used to accompany multiple urine specimens collected and transported together.

4. If an inmate is unable or unwilling to enter his or her initials on the chain of evidence form, the collector will make a notation in the comment section of the chain of evidence form and leave the space blank. The collector will not under any circumstances sign the chain of evidence form for an inmate.

5. An entry shall be made on the chain of evidence form, DC4-621, each time the urine specimens are transferred to the custody of another individual.

(b) Specimen Collection Procedures.

1. The collector shall ensure that all urine specimens are collected in accordance with procedures. All collections shall be performed under direct observation, where the collector directly observes the voiding of urine into the specimen cup. Direct observation may also be accomplished through use of mirrors strategically mounted in the collection rest room.

2. Under no circumstances is direct observation by a collector of the opposite sex from the inmate allowed.

3. The collector shall ensure that there is positive inmate identification prior to collecting the inmate's urine specimen. Sight, name, DC number, and examination of picture identification card shall provide positive identification of the inmate selected for drug testing.

4. The collector shall search the inmate to ensure that the inmate is not concealing any substances or materials which could be used to alter or substitute his or her urine specimen. If any such substances or materials are found, the inmate will be charged with refusing to submit to a substance abuse test.

5. If an inmate attempts to alter his or her urine specimen during the collection process through the use of adulterants or substitute urine, the inmate will be charged with refusing to submit to substance abuse testing.

6. The collector shall give each inmate a closed specimen cup with an identification label containing the inmate's name and DC number prior to collecting the inmate's urine

specimen. The collector shall ensure that the inmate acknowledges his or her correct identity information on the label of the specimen cup.

7. The inmate is expected to provide a minimum of 30 ml of urine. If the inmate provides less than this amount, the collector shall again attempt to collect an adequate specimen. If the inmate cannot immediately submit another urine specimen, then the procedure outlined in 8. below for a claimed inability to provide a urine specimen shall apply.

8. An inmate who indicates a claimed inability to provide an adequate urine specimen shall be detained in the presence of the collector or other designated person for a period not to exceed 1 hour to provide an adequate specimen. During that time, the inmate shall be allowed to consume one cup (8 oz.) of water or other beverage every 1/2 hour, not to exceed a total of 2 cups during this time period. If after the 1 hour period an inmate still fails to submit a valid adequate urine specimen, the inmate shall be considered to have refused to provide a urine specimen and a disciplinary report shall be prepared in accordance with rules 33-601.301-601.314. The collector shall note such failure to provide a specimen on the chain of evidence form, DC4-621. If an inmate claims an inability to urinate due to a "bashful bladder" condition, procedures set forth in (3)(c) shall apply.

9. After the inmate has voided a urine specimen into the cup, the collector shall direct the inmate to close the cup tightly before placing the cup into the collector's custody.

10. The collector shall visually inspect all urine specimens placed in his or her custody to ensure that a valid, fresh, unadulterated urine specimen was provided. Urine specimens which are discovered to be obviously altered (e.g., discolored or containing foreign objects), will not be accepted as valid specimens. A suspect urine specimen will be discarded and the inmate will be required to submit another urine specimen. If the inmate cannot submit a urine specimen, then the procedure outlined above for a claimed inability to provide a urine specimen shall apply.

11. If a urine specimen contains blood or appears to contain blood, the inmate who produced the specimen shall be referred immediately to medical for evaluation. If no valid reason exists for having blood in the specimen, the inmate will be required to provide another urine specimen. If the inmate cannot submit a urine specimen, then the procedure outlined above for a claimed inability to provide a urine specimen shall apply.

12. Once the urine specimen has been securely closed by the inmate, the collector shall attach a security evidence label across the lid of the sample cup under the inmate's observation. The collector shall instruct the inmate to place his or her initials on the chain of evidence form verifying that the urine specimen was collected and sealed under the inmate's observation and that the specimen cup identification is correct.

(c) "Bashful bladder" procedure. Upon notification from an inmate that he is unable to urinate due to "bashful bladder", the officer shall verify with medical staff that the inmate possesses a specific medical condition or is taking medication which inhibits the inmate from urinating within the designated time frame. Upon receiving such verification, the inmate shall be given the opportunity to provide a urine specimen under the following conditions:

1. The inmate shall be informed that he or she will be placed in a holding cell until he or she can provide a valid urine specimen. The inmate shall be issued a hospital or other type privacy gown during the time that he or she is housed in the holding cell.

2. The inmate shall remove the contents of his or her pockets, and his or her shirt, shoes, pants and hat. The inmate shall be thoroughly searched prior to entering the holding cell to prevent him or her from using any adulterants such as bleach or cleanser to alter his or her urine specimen.

3. The collector shall give the inmate a closed specimen cup with an identification label containing the inmate's name and DC number. The collecting officer shall ensure that the inmate acknowledges his or her correct identity information on the label of the specimen cup.

4. The inmate shall be allowed to consume one cup (8 oz.) of water or other beverage every 1/2 hour, not to exceed a total of two cups during the time spent in the holding cell.

5. A physical check shall be made on the inmate once every 30 minutes to see if he or she has provided a valid urine specimen.

6. Upon receipt of the urine specimen that has been securely closed by the inmate, the collector shall attach a security evidence label across the lid of the sample cup under the inmate's observation. The inmate shall be instructed to place his or her initials on the chain of evidence form verifying that the urine specimen was collected and that the specimen cup identification is correct.

(d) Testing of urine specimens.

1. Only certified testing personnel are authorized to operate the drug testing equipment.

2. Certified testers shall examine each specimen prior to testing to ensure that the security evidence label is intact and that the specimen labeling and the chain of evidence form, DC6-217, is in proper order. In the event that the tamper-evident seal is damaged or the chain of evidence form is incomplete, the tester shall not test those urine specimens.

3. Any specimens found to be positive upon initial testing shall be re-tested at the department testing facility that day with a fresh aliquot of the specimen prior to reporting test results. Specimens testing negative on the retest shall be reported as negative.

4. When a urine specimen's initial test results are positive the tester shall follow the following procedures:

a. After double-checking the positive specimen's identity, the tester shall pipette a second urine sample from the original urine specimen cup and conduct the urinalysis testing procedure again, testing each positive specimen only for those drugs found positive on the initial test. Batch runs of several initial positive specimens are authorized.

b. If a specimen's results are negative on repeat testing, the tester shall document the test results on the random sample list and chain of custody form and dispose of the urine specimen and specimen cup.

c. If the urine specimen's test results are again positive on repeat testing, the tester shall document the test results as positive on the random list and substance abuse list and chain of custody form.

(e) On-site testing of urine specimens. Community correctional centers are authorized to conduct on-site testing of urine specimens in lieu of transporting specimens to testing facilities for initial testing.

1. Specimen collection procedures. Collectors shall follow collection procedures in (3)(b), with the exception that a security evidence label shall not be placed on the lid of the cup unless the specimen is found to be positive.

2. Testing procedures. All on-site testing procedures shall be conducted in the presence of the inmate in accordance with the manufacturer's protocols.

a. After the collector has taken a sample of urine from the specimen cup for the test, the inmate shall be directed to close the cup tightly.

b. After the collector has followed the steps specified in the manufacturer's protocols, the collector shall record the test results on the chain of evidence form.

3. Negative test results. The collector shall inform the inmate of the negative test results of the on-site test. The collector shall record all negative test results on the chain of evidence form and dispose of the remaining specimen, specimen cup and test device. All chain of custody forms shall be retained in accordance with state law and rules governing the retention of records.

4. Positive test results. The collector shall inform the inmate of the positive test results of the on-site test. The collector shall record the positive test results on the chain of custody form and prepare the urine specimen for transfer to the designated testing facility in accordance with (3)(b) for a verification urine drug test. Inmates with positive test results on the initial test shall immediately be placed in administrative confinement pending investigation until a second test is conducted pursuant to (3)(d) and results are obtained.

5. All correctional facilities shall maintain a record of all reasonable suspicion substance abuse tests conducted. This record shall be maintained by the correctional officer chief. Form DC6-237, Reasonable Suspicion Testing Tracking Form, shall be utilized for this purpose.

(f) Record keeping. Each testing facility shall keep all records pertaining to the testing program. This includes chain of evidence documentation, hard copy instrument printouts of calibration and testing, results of performance on proficiency test specimens, results of performance on inspections, and instrument and other equipment maintenance records. All records shall be kept in accordance with state law and rules regarding retention of records.

(g) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a self-addressed, stamped envelope.

1. Form DC6-217, Chain of Evidence, effective date \_\_\_\_\_.

2. Form DC6-237, Reasonable Suspicion Testing Tracking Form, effective date \_\_\_\_\_.

Specific Authority 944.09, 944.472, 944.473 FS. Law Implemented 944.09, 944.472, 944.473 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stan Czerniak

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 11, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 17, 1999

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Procedures RULE NO.: 53-19.003

PURPOSE, EFFECT AND SUMMARY: The rule amendment clarifies the disciplinary action for employees who qualify as a candidate for, or holds, public office without obtaining prior approval.

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: 24.105(10)(j) FS.

LAW IMPLEMENTED: 24.105(20)(d) 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., November 24, 1999

PLACE: Department of the Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane D. Schmidt, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4011, (850)487-7724

THE FULL TEXT OF THE PROPOSED RULE IS:

53-19.003 Procedures.  
(1) through (5) No change.

(6) An employee who qualifies as a candidate for, or holds, public office without obtaining prior approval in accordance with Section 53-19.003, F.A.C., shall be subject to disciplinary action up to and including termination shall be ineligible for continued employment with the Lottery and shall be deemed to have resigned employment from the Lottery.

Specific Authority 24.105(10)(j) FS. Law Implemented 24.105(20)(d) FS. History--New 2-25-93, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane D. Schmidt, Office of the General Counsel  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth H. Hart, Jr. General Counsel  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 1999  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 1999

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Cost Management and Control**

RULE TITLES: Reporting Instructions  
Manual Submission of Data

RULE NOS.: 59B-9.015  
59B-9.021

PURPOSE AND EFFECT: The proposed rule amendments add options for the reporting of data electronically using new technology and eliminate options not used or rarely used.  
SUMMARY: The proposed rule amendments add provisions for CD-ROM submission and the use of the Internet by ambulatory centers to send ambulatory patient data to the agency. The proposed rule amendments eliminate the requirement that the number of diskettes used to submit data must be eight diskettes or fewer for each report. Multi-facility data tapes will no longer be accepted. The proposed rule amendments reorganize the text of rule 59B-9.015.

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 in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 408.15(8) FS.  
LAW IMPLEMENTED: 408.061, 408.062, 408.063 FS.

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

TIME AND DATE: 1:00 p.m., November 30, 1999  
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 RULES IS: Jerry Mayer, Director, State Center for Health Statistics, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULES IS:

59B-9.015 Reporting Instructions.

(1) Ambulatory centers shall submit ambulatory patient data according to ~~the AHCA Ambulatory Patient Data Rule Format described in~~ Rules 59B-9.018, 59B-9.019, and 59B-9.020, F.A.C.

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

(a) Surgery services to which the following included in the Current Procedural Terminology (CPT) codes are assigned: CPT codes 10000 through 69999 and 93500 through 93599 Code Book. Codes must be valid in the current or the immediately preceding year's code book to be accepted: ~~CPT codes 10000 through 69999 and 93500 through 93599.~~

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

(3) Ambulatory centers shall report one record for each patient per visit. If more than one visit for the same patient occurs on the same date, report one record which includes all required data for all visits of that patient to the ambulatory center occurring on that date. If more than one visit occurs on different dates by the same patient, report one record for each date of visit, unless the dates of visits are directly associated to the service. See 59B-9.013(5), F.A.C.

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

~~(5) Licensed short term acute care hospitals shall report data for all ambulatory or outpatient visits in which the following services are provided:~~

~~(a) Non-emergency room surgical services to which the following Current Procedural Terminology (CPT) codes are assigned. CPT codes must be valid in the current or immediately preceding year's code book to be accepted: CPT codes 10000 through 69999 and 93500 through 93599.~~

~~(b)~~ Radiological services as listed in the Current Procedural Terminology (CPT) codes 77000 through 77999 (i.e.: Radiation Oncology).

(5) Beginning with the report of patient visits occurring between January 1 and March 31, 2000, inclusive, and thereafter, ambulatory centers shall submit ambulatory patient data reports to agency using one of the following methods described in (a) or in (b) below:

(a) Internet Transmission. The Internet address established for receipt of ambulatory patient data is www.fdhc.state.fl.us. Reports sent to the Internet address shall be electronically transmitted with the ambulatory data in a text (ASCII) file. The file shall contain a complete set of ambulatory patient data for the calendar quarter. Each record of the text file must be terminated with a carriage return (hex '0D') and line feed mark (hex '0A'). The data in the text file shall contain the same data elements and codes, the same record layout and meet the same data standards required for tapes or diskettes mailed to the agency as described in Rules 59B-9.018, 59B-9.019 and 59B-9.020.

~~(b)(6)~~ Tapes, CD-ROM or diskettes shall be sent to the agency's mailing address: Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308. Attention: State Center for Health Statistics. Electronic media Tape/Diskette specifications are:

1. ~~(a)~~ Tape:

- a.1. Density – 1600 or 6250 BPI, 9 track
- b.2. Collating Sequence – EBCDIC or ASCII
- c.3. Record Length – 400 Characters, Fixed
- d.4. Blocking – Unblocked
- e.5. Labeling – No Label

6. Multiple files can be submitted on one tape.

2. ~~(b)~~ Diskette and CD-ROM:

- a.1. MS-DOS formatted
- b.2. PC Text File (ASCII)
- c.3. Record Length: – Header Record – 400 Characters, Ambulatory Data Record – 400 Characters, Fixed Trailer Record – 400 Characters, Fixed. Carriage return and line feed are not included in the stated record length counts.

d.4. Type: 3.5" diskette, 1.4MB, hd; or CD-ROM ~~1-120~~ diskette, 120MB.

e.5. FILENAME: (e.g., AS10QYY.TXT) The 5th position shall ~~should~~ contain the quarter (1-4) and the 6th and 7th position contain the year. TXT indicates a text file.

~~f.(7)~~ Each record must be terminated with a carriage return of hex '0D' and line feed mark of hex '0A'.

~~g.(8)~~ A maximum of eight (8) diskettes is acceptable for each data set or file. Only one (1) file per diskette set or CD-ROM is allowable. Data requiring more than one diskette shall have the same internal file name. Data requiring more than one (1) diskette shall ~~should~~ be externally labeled 1 of x, 2 of x, etc. (x = total number of diskettes).

~~(6)(9)~~ Ambulatory centers shall submitting tapes or diskettes, shall affix with the following external identification, or for CD-ROM, use a standard CD-ROM external label with the following information affixed:

- (a) Ambulatory center name
- (b) AHCA center identification in the AHCA ~~eight (8)~~ digit format
- (c) Reporting period
- (d) Number of records excluding the header record and the trailer record
- (e) Tape Density: 1600/6250 BPI
- (f) Tape Collating Sequence
- (g) Diskette or CD-ROM Filename as in Rule 59B-9.015, F.A.C., above.
- ~~(h) Diskette Capacity: 1.4MB or 120MB~~
- ~~(h)(i)~~ The description: "AMBULATORY PATIENT DATA"

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History--New 9-6-93, Formerly 59B-7.015, Amended 6-29-95, 12-28-98.

59B-9.021 Manual Submission of Data.

Each facility or entity shall submit to the Agency data for the reporting period on diskette or computer tape media. Facilities having more than 199 reportable visits and fewer than 300 reportable visits in a quarter shall ~~may~~ submit the ambulatory patient data using either form AHCA-2000-MIS-13, or according to the requirements in Rule 59B-9.015 ~~diskette or computer tape media.~~

(1) Form AHCA-2000-MIS-13, may be obtained from the Agency for Health Care Administration, Ambulatory Patient Data Section, 2727 Mahan Drive, Fort Knox Building #3, Tallahassee, Florida 32308-5403.

~~(2) All ambulatory centers submitting data in compliance with Rules 59B-9.010 through 59B-9.021, F.A.C., shall certify that the data submitted for each reporting period are accurate and complete. Certification is via form APD1.~~

~~(2)(3)~~ Form AHCA-2000-MIS-13 is titled "Ambulatory Patient Detail Reporting Form". The effective date of the form is July 1, 1995. Form AHCA-2000-MIS-13 is incorporated by reference.

Specific Authority 408.15(8) FS. Law Implemented 408.006(5), 408.061 FS. History--New 9-6-93, Formerly 59B-7.021, Amended 6-29-95.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jerry Mayer, Director, State Center for Health Statistics  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., Director, Agency for Health Care Administration  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 19, 1999  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 1999

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Care Cost Containment Board**

RULE TITLE: Reporting Instructions  
 RULE NO.: 59E-7.012

PURPOSE AND EFFECT: The proposed rule amendments add options for the reporting of data electronically using new technology and eliminate options not used or rarely used.  
 SUMMARY: The proposed rule amendment adds provisions for CD-ROM submission and the use of the Internet by acute care hospitals and short-term psychiatric hospitals to send inpatient discharge data to the agency. The proposed rule amendments eliminate the requirement that the number of diskettes used to submit data must be four diskettes or fewer for each report. Multi-facility tapes will no longer be accepted. The proposed rule amendments provide that extensions shall be requested by the hospital's data contact and eliminate duplicative precertification requirements. The proposed rule amendments reorganize the text of rule 59E-7.012.

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 in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 408.061(1)(e), 408.15(8) FS.

LAW IMPLEMENTED: 408.061, 408.08(1), 408.08(2), 408.15(11) FS.

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

TIME AND DATE: 10:00 a.m., November 30, 1999

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 IS: Jerry Mayer, Director, State Center for Health Statistics, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

59E-7.012 Reporting Procedures.

(1) All acute care hospitals and all short term psychiatric hospitals (hereinafter referred to as "hospital/hospitals"), in operation for all or any of the reporting periods described in Rule 59E-7.012(2) below, shall submit hospital inpatient discharge data in a format consistent with requirements of Rules 59E-7.011 through 59E-7.016 to the Agency following the provisions of this Rule, commencing with discharges for the 1st quarter 1997 (01/01/97 - 03/31/97).

(2) For purposes of submission of hospital inpatient discharge data, hospital shall be any hospital in the following groups as set out in the Florida Hospital Uniform Reporting System Manual: Groups 1 through 9, 12 through 17, and any new hospital assigned to these groups as defined in 59E-7.012. Additionally, long-term psychiatric hospitals, Group 13 in the Florida Hospital Uniform Reporting Manual, are required to submit aggregated data following the format and context as presented in the Psychiatric Reporting Format AHCA PSY III dated 9/12/88 and herein incorporated by reference.

(3) Each premises shall report separately, as set forth in Rules 59E-7.012 and 59E-7.014, F.A.C. ~~Multi-facility tapes may be submitted provided all records are identifiable to a premises and there is a listing attached that identifies each premises, their AHCA number and a contact person.~~

(4) Upon notification by the AHCA Agency staff, all hospitals shall provide access to all required information from the medical records and billing documents underlying and documenting the hospital inpatient discharge reports submitted, as well as other inpatient related documentation deemed necessary to conduct successful inpatient data audits of hospital data, regardless of reporting format. No inpatient discharge records ~~that which~~ support inpatient discharge data are exempt from disclosure to AHCA for audit purposes.

(5) All hospitals reporting their inpatient discharge data ~~using the Discharge Data Tape/Diskette Format pursuant to Rule 59E-7.014~~ shall report according to the following schedule commencing with 1st quarter data 1997 (01/01/97 - 03/31/97):

(a) Each report submitted for the 1st quarter covering inpatient discharges occurring between January 1 and March 31, inclusive, of each year, shall be submitted no later than June 1 of the calendar year during which the discharge occurred. This is considered to be the first quarter, regardless of the hospital's fiscal year.

(b) Each report submitted for the 2nd quarter covering inpatient discharges occurring between April 1 and June 30, inclusive, of each year, shall be submitted no later than September 1 of the calendar year during which the discharge occurred. This is considered to be the second quarter, regardless of the hospital's fiscal year.

(c) Each report submitted for the 3rd quarter covering inpatient discharges occurring between July 1 and September 30, inclusive, of each year, shall be submitted no later than December 1 of the calendar year during which the discharge occurred. This is considered to be the third quarter, regardless of the hospital's fiscal year.

(d) Each report submitted for the 4th quarter covering inpatient discharges occurring between October 1 and December 31, inclusive, of each year, shall be submitted no later than March 1 of the calendar year following the year in which the discharge occurred. This is considered to be the fourth quarter, regardless of the hospital's fiscal year.



~~(6)~~ Hospitals must certify each calendar quarter's data at the time the report is submitted. This certification of data is pursuant to Rule 59E-7.012(12). Extensions to this period may be granted pursuant to 59E-7.012(7).

~~(6)(7)~~ Extensions to the initial submission due date will be granted by the Administrator, Hospital Data Collection Section of the Agency staff, for a maximum of 30 days from the initial submission due date in response to a written request signed by the hospital's data contact Chief Executive Officer. The request must be received prior to the initial submission due date and the delay must be due to unforeseen and unforeseeable factors beyond the control of the reporting hospital. These factors must be specified in the written request for the extension along with documentation of efforts undertaken to meet the filing requirements. Extensions shall not ~~cannot~~ be granted verbally.

~~(7)(8)~~ Failure to file the report on or before the due date without an extension, and failure to correct a report which has been filed but contains errors or deficiencies within 10 working days from notification of errors or deficiencies, is punishable by fine pursuant to Rule 59E-7.013.

~~(8)(9)~~ Beginning with the inpatient data report for the 1st Quarter of the year 2000 (January 1, 2000 through March 31, 2000), reporting facilities shall submit inpatient discharge reports in one of the following formats. ~~The following instructions apply to hospitals reporting in the Discharge Data Tape/Diskette Format pursuant to Rule 59E-7.014 Discharge Data Reports:~~

(a) Tapes, CD-ROM or Diskettes shall be sent to the agency's mailing address: Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308. Attention: State Center for Health Statistics. Refer to the Data Elements and Formatting Requirements 59E-7.014. Electronic media specifications are:

1. 9-Track Tape:

- a. IBM label or nonlabel tapes
- b. Density 1600 or 6250 BPI
- c. Collating sequence: EBCDIC or ASCII
- d. Record Format: Header Record-480 characters, Inpatient Discharge Record-480 characters, Trailer Record-480 characters.

2. Diskette and CD-ROM:

- a. Format-MS-DOS text file (ASCII)
- b. Type-3.5" (1.44mb) diskette or CD-ROM
- c. A header record must accompany each data set and must be placed as the first record on the first diskette of the data set. Each record must be terminated with a carriage return (hex '0D') and line feed mark (hex '0A').
- d. Record length: Header Record-480 characters, Inpatient Discharge Record-480 characters, Trailer Record-480 characters. Carriage return and line feeds are not included in the stated record length.

e. Only one file per diskette set or CD-ROM is allowable. Data requiring more than one diskette shall be externally labeled 1 of n, 2 of n, etc.

f. Data reported quarterly shall follow the format: ddddqyy.txt where dddd=data type; q=reporting quarter (1-4); yy=year. EXAMPLE: PD10394.TXT.

g. Data requiring more than one diskette must have the same internal file name.

h. Compressed, backup, or PKZIP files are not acceptable.

3. Tapes or diskettes shall be submitted with the following information on an externally affixed label, or for CD-ROM, use a standard CD-ROM external label with the following information:

- a. "HOSPITAL INPATIENT DISCHARGE DATA"
- b. Hospital Name: (As on file at AHCA)
- c. Hospital Number: (In the AHCA format)
- d. Reporting Period for Discharges
- e. Number of Records excluding the Header and Trailer records

f. Tape Density: 1600 or 6250 BPI

g. File Format: (TAPES) EBCDIC or (DISKETTES) ASCII

h. Filename: Data reported on diskettes or CD-ROM shall be reported in the following format: ddddqyy.txt where dddd=data type; q=quarter (1-4); yy=year FILENAME EXAMPLE: PD10394.TXT

i. IBM Labeled tapes require the label identifier (name)

~~(a) Submit AHCA Discharge Data Reports according to the AHCA Discharge Data Tape/Diskette Data Set only (refer to the Data Elements and Formatting Requirements 59E-7.014(1)(a), (b) and (c)).~~

(b) Internet Transmission: The Internet address for the receipt of inpatient data reports is: www.fdhc.state.fl.us. Internet transmission specifications are:

1. The file shall contain a complete set of inpatient discharge data for the reporting quarter.

2. Reports submitted to the Internet address shall be electronically transmitted with the inpatient data in a text (ASCII) file. Each record of the text file must be terminated with a carriage return (hex '0D') and line feed mark (hex '0A').

3. The data in the text file shall comply with the formatting requirements specified in Rules 59E-7.014 and 59E-7.016.

~~(c)(b)~~ All acute, intensive care, and short term psychiatric live discharges and deaths including newborn live discharges and deaths ~~shall~~ ~~should~~ be reported.

~~(e) Tape/Diskette specifications are:~~

~~1. 9-Track Tape:~~

- ~~a. IBM label or nonlabel tapes:~~
- ~~b. Density 1600 or 6250 BPI:~~
- ~~c. Collating sequence — EBCDIC or ASCII:~~
- ~~d. Record Format — Fixed length records:~~

e. Record Length: Header Record — 480 characters, Inpatient Discharge Record — 480 Characters, Trailer Record — 480 Characters.

f. All merging of hospital inpatient discharge data documentation, on discharge data tapes or diskettes, is the hospital's responsibility.

2. Diskette:

a. Format — MS-DOS text file (ASCII).

b. Diskette type — 3.5" (1.44 mb) or 5.25" (1.2 mb) ds/hd.

c. A header record must accompany each data set and must be placed as the first records on the first diskette of the data set. Each record must be terminated with a carriage return (hex '0D') and line feed mark (hex '0A').

d. Record length: Header Record — 480 characters, Inpatient Discharge Record — 480 characters, Trailer Record — 480 characters; Fixed. Carriage return and line feed are not included in the record counts.

e. A maximum of 4 diskettes (approximately 12,000 records) is acceptable for each data set or file. Only one file per diskette set is allowable. A data set or file that requires more than 4 diskettes must be submitted by tape. Data requiring more than one diskette should be externally labeled 1 of n, 2 of n, etc., where n is the total number of diskettes.

f. Data reported quarterly should follow the following format: ddddqyy.txt. dddd=data type; q=quarter (1-4); yy=year. EXAMPLE PD10394.TXT.

g. Data requiring more than one diskette must have the same internal file name.

h. Compressed, backup, or PKZIP files are not acceptable.

(d) Tapes or diskettes shall be submitted with the following information on an externally affixed label:

1. "HOSPITAL INPATIENT DISCHARGE DATA"

2. Hospital Name: (As on file at AHCA)

3. Hospital Number: (In the AHCA 6 digit format)

4. Reporting Period for discharges.

5. Number of Records excluding the Header and Trailer records:

6. Tape Density: 1600/6250 BPI

7. File Format: (TAPES) EBCDIC or ASCII; (DISKETTES) ASCII.

8. Filename: Data reported on diskettes should be reported in the following format: ddddqyy.txt

dddd = data type

q = quarter (1-4)

yy = year

FILENAME EXAMPLE: PD10394.TXT

9. IBM Labeled tapes require the label identifier (name)

(d)(e) Submit one record per inpatient discharge, to include all newborn admissions, transfers and deaths.

(9)(10) All hospitals submitting data in compliance with Rules 59E-7.011 through 59E-7.014 shall certify that the data submitted for each quarter is accurate, complete, and verifiable

using Certification Form for Inpatient Discharge Data, AHCA Form 4200-0002, dated 10/93 and incorporated by reference. AHCA Form 4200-0002 can be obtained from the Agency's office at the Agency for Health Care Administration, State Center for Health Statistics, Hospital Patient Data Section, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308.

(11) Upon each initial submission and subsequent resubmission, both the Chief Executive Officer and Chief Financial Officer or designee shall certify in writing that a complete review was performed to assure that all data submitted is accurate, complete, and verifiable.

(10)(12) Each hospital must precertify each calendar quarter's data at the time that the data is submitted pursuant to Rule 59E-7.012(5)(a) through (d). Hospitals not certified within six (6) calendar months following the last day of the reporting quarter shall be subject to penalties pursuant to Rule 59E-7.013. Extensions to this six (6) month period will not be granted.

(11)(13) Changes and/or corrections to hospital data will be accepted from hospitals to improve their data quality for a period of eighteen (18) months following the initial submission of data. Any changes to a hospital's data after this eighteen-month period shall be subject to penalties pursuant to Rule 59E-7.013.

Specific Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.061, 408.08(1), 408.08(2)(13), 408.15(11) FS. History—New 12-15-96, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Jerry Mayer, Director, State Center for Health Statistics

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., Director, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 19, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 1999

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Construction Industry Licensing Board**

RULE TITLE: List of Approved Forms; Incorporated

RULE NO.: 61G4-12.006

PURPOSE AND EFFECT: The purpose is to incorporate a new form pursuant 489.118, Florida Statutes.

SUMMARY: To incorporate a list of approved forms which are utilized by the Board in its dealing with the public.

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: 489.108 FS.  
LAW IMPLEMENTED: 120.52(15), 489.108, 489.115, 489.118, 489.119, 489.1195 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., Monday, November 22, 1999  
PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rodney Hurst, Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-12.006 List of Approved Forms; Incorporation.  
The following forms used by the Board in its dealings with the public are hereby adopted and incorporated by reference, and can be obtained from the Board at the following address:

Florida Construction Industry Licensing Board  
7960 Arlington Expressway  
Suite 300  
Jacksonville, Florida 32211-7467

(1) through (6) No change.

(7) Application for Certification of Registered Contractor Form, DBPR/CILB/032/9-95.

Specific Authority 489.108 FS. Law Implemented 120.52(15), 489.108, 489.115, 489.118, 489.119, 489.1195 FS. History--New 1-6-80, Formerly 21E-12.06, Amended 1-1-89, Formerly 21E-12.006, Amended 1-4-94, 2-24-94, 11-23-95, 2-6-96, 7-22-96, 11-25-97, 8-2-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 1999

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Construction Industry Licensing Board**

RULE TITLE: \_\_\_\_\_ RULE NO.: 61G4-12.009  
Fees

PURPOSE AND EFFECT: The purpose is to amend this rule to notify applicants that pursuant to 489.111, Florida Statutes that the application fee for certification of a registered contractor shall be \$100.

SUMMARY: Applicants are notified of the application fee of certification of a registered contractor would be \$100.

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: 455.213(2), 455.217(2), 455.219(1), 455.271(8), 489.108, 489.118 FS.

LAW IMPLEMENTED: 120.07(1)(a), 455.213(2), 455.217(2), 455.219(1), 455.271(7), (8), 489.109 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., Monday, November 22, 1999  
PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rodney Hurst, Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-12.009 Fees.

The following fees are prescribed by the Board:

(1) through (12) No change.

(13) The application fee for certification of a registered contractor pursuant to 489.118, F.S., shall be \$100.

Specific Authority 455.213(2), 455.217(2), 455.219(1), 455.271(8), 489.108, 489.118 FS. Law Implemented 119.07(1)(a), 455.213(2), 455.217(2), 455.219(1), 455.271(7), (8), 489.109 FS. History--New 10-1-79, Formerly 21E-12.01, Amended 1-6-80, 12-16-80, 3-15-81, 5-31-81, 11-14-82, 4-3-84, Formerly 21E-12.09, Amended 2-4-87, 1-26-88, 6-21-88, 9-19-88, 4-18-89, 5-23-89, 8-23-89, 5-29-90, 3-20-91, 12-21-92, 1-28-93, 7-14-93, Formerly 21E-12.009, Amended 7-18-94, 6-27-95, 8-29-95, 9-18-96, 2-4-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 1999

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Construction Industry Licensing Board**

RULE TITLE: \_\_\_\_\_ RULE NO.: 61G4-15.030  
Certification of Registered Contractors

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule entitled "Certification of Registered Contractors".

SUMMARY: This rule is to insert an additional rule.

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: 489.108, 489.118 FS.

LAW IMPLEMENTED: 489.118 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., Monday, November 22, 1999

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rodney Hurst, Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.030 Certification of Registered Contractors.

(1) Any registered contractor who wishes to become a certified contractor in the appropriate category pursuant to the "grandfathering" provisions of Section 489.118, F.S., shall submit a completed "Application for Certification of Registered Contractors" (CILB Form # 032).

For the purposes of this section the following terms are defined as follows:

(a) A valid registered license is one in which the registered contractor's certificate of competency is registered with the Board and a State Registration Number is issued.

(b) A substantially similar examination is one which is written and proctored and which covers content and reference materials appropriate for the licensure category for which it is administered. The determination of appropriate content will be made by comparing the content outline and reference list for the examination to that used for the current state certification examination for the same license category.

For Division I categories, the examination must include, at a minimum, a two hour business and financial management section and a six hour trade knowledge section. For Division II categories, the examination must include, at a minimum, a two hour business and financial management section and a three hour trade knowledge section.

(c) Experience – Five years licensed and state registered; the experience need not be consecutive.

(d) Discipline, for purposes of Section 489.118(4), F.S., is defined as action taken by any local enforcement body and action taken by the Board against the licensee.

(2) Building code administrators and inspectors who hold a registered construction license or licenses may also apply for certification under the "grandfathering" provisions of Section 489.118, F.S. In order to be eligible such inspector or administrator must have five years experience as an inspector in the category sought, or, if an administrator, must have five years experience with oversight in the category sought, at the time of application. The five years of experience may be a combination of experience under the registered construction license and experience under the inspector or administrator license.

(3) If a registered contractor did not successfully pass a written, proctored examination in order to receive the registered license, he or she may be considered for certification under this rule if he or she successfully passes an examination substantially similar to the examination required for certified licensure such as those produced by the National Assessment Institute, Block and Associates, or NAI/Block prior to application.

Specific Authority 489.108, 489.118 FS. Law Implemented 489.118 FS. History—New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 1999

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE TITLE: Continuing Education Requirements for

RULE NO.:

Certificateholders and Registrants

61G4-18.001

PURPOSE AND EFFECT: The proposed amendment shall grant a maximum of four hours of continuing education credit to any licensee who serves as a member of a technical advisory committee to the Florida Building Code Commission.

SUMMARY: To grant continuing education credit to licensees who are members of a technical advisory committee to the Florida Building Code Commission.

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: 455.213(7), 489.108 FS.  
LAW IMPLEMENTED: 489.105(14), 489.115, 489.116 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., Monday, November 22, 1999  
PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rodney Hurst, Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-18.001 Continuing Education Requirements for Certificateholders and Registrants.

(1) through (3) No change.

(4) The Board shall grant a maximum of four (4) hours of continuing education credit, on an hour for hour basis, to any licensee who participates as member of any technical advisory committee to the Florida Building Code Commission within the Department of Community Affairs

~~(5)~~(4) No change.

Specific Authority 455.213(7), 489.108 FS. Law Implemented 489.105(14), 489.115, 489.116 FS. History--New 12-2-93, Amended 5-19-94, 8-16-94, 10-12-94, 1-18-95, 2-4-98.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 16, 1999

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: Colonic Irrigation Application Deadline  
RULE NO.: 64B7-25.0011

PURPOSE AND EFFECT: The purpose of the amendment is to increase the time for an applicant to have his or her application in the Board office from "thirty days" to "45 days" prior to colonic irrigation examination and reexamination, as requested by the Department of Health testing services.

SUMMARY: This rule increases the time from thirty to 45 days in which an applicant must have a completed application for examination/reexamination to the board office prior to taking the colonic irrigation test.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 480.041(4)(b) FS.

LAW IMPLEMENTED: 480.041(4)(b) 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., November 23, 1999

PLACE: Northwood Centre, 2639 North Monroe Street, Suite 60, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill Buckhalt, Executive Director, Board of Massage Therapy, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, FL 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-25.0011 Colonic Irrigation Application Deadline.

An applicant for the colonic irrigation examination or for re-examination must file in the Board office a complete application, including proof of completion of an approved course of study or an apprenticeship at least ~~45~~ <sup>thirty</sup> days prior to the examination date. The examination or re-examination fee must accompany the application.

Specific Authority 480.041(4)(b) FS. Law Implemented 480.041(4)(b) FS. History--New 11-25-80, Amended 7-12-82, Formerly 21L-25.011, Amended 3-12-90, Formerly 21L-25.0011, Amended 9-30-93, 9-15-94, 7-2-96, Formerly 61G11-25.0011, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Massage Therapy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 1999

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: HIV/AIDS Course Required for  
Initial Licensure  
RULE NO.: 64B7-25.0012

PURPOSE AND EFFECT: Is to delete Cosmetology and Barbers' Boards which are not within the Department of Health.

SUMMARY: This rule deletes the final statement "...or by the Cosmetology and Barbers' Board," because these boards are not under the Department of Health.

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: 455.607(5) FS.

LAW IMPLEMENTED: 455.607(4) FS.

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

TIME AND DATE: 9:00 a.m., November 23, 1999

PLACE: Northwood Centre, 1940 North Monroe, Ste. 60, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill Buckhalt, Executive Director, Board of Massage Therapy/MQA, 2020 Capital Circle, S. E., Bin #C09, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-25.0012 HIV/AIDS Course Required for Initial Licensure.

As a condition to granting an initial license, the applicant is required to complete a 3-hour educational course approved by the Board on human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS). Courses that have received Board approval are sponsored by: the Department of Health, Division of Health Quality Assurance, the American Red Cross, or directly by the Board, Board approved massage schools or by the Cosmetology and Barbers' Board.

Specific Authority 455.607(5) FS. Law Implemented 455.607(4) FS. History--New 9-15-94, Formerly 61G11-25.0012, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Massage Therapy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 1999

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLES: Licensure of Massage Establishments 64B7-26.002 Periodic Inspections 64B7-26.005

PURPOSE AND EFFECT: The purpose of the amendment to Rule 64B7-26.002 is to delete references to the fictitious name filing requirements because licensees under the Department of Health are exempt. The purpose of the amendment to Rule 64B7-26.005 is to mandate at least yearly inspections.

SUMMARY: These rules setforth licensure requirements and criteria for mandatory yearly inspections of licensed massage establishments.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 480.043(7),(9) FS.

LAW IMPLEMENTED: 480.043(1),(2),(7),(9) 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., November 23, 1999

PLACE: Northwood Centre, 2639 North Monroe Street, Suite 60, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bill Buckhalt, Executive Director, Board of Massage Therapy/MQA, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES IS:

64B7-26.002 Licensure of Massage Establishments.

(1) through (2) No change.

(3) An owner may operate an establishment under a name other than the name of the owner, provided such name is submitted to the Board on the application for licensure; including the fictitious name registration number pursuant to Section 865.09, Florida Statutes. Any advertisement by the establishment of massage therapy must include the business name, and must comply with Rule 64B7-33.001.

(4) No change.

Specific Authority 480.043(2),(7),(9) FS. Law Implemented 480.043(1),(2),(7),(9) FS. History--New 11-27-79, Formerly 21L-26.02, Amended 1-7-86, Formerly 21L-26.002, Amended 3-9-95, 9-25-95, Formerly 61G11-26.002, Amended 7-16-98, \_\_\_\_\_.

64B7-26.005 Periodic Inspections.

The Department shall ~~may~~ make periodic inspections of all massage establishments licensed in this state no less than once each year. Such inspection shall include, but not be limited to, whether the establishment is in compliance with Rule 64B7-26.003 governing the establishment's operation facilities, personnel, safety, sanitary requirements, and a review of existing insurance coverage.

Specific Authority 480.043(2),(9) FS. Law Implemented 480.043 FS. History--New 11-27-79, Formerly 21L-26.05, Amended 4-30-87, Formerly 21L-26.005, 61G11-26.005, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Massage Therapy  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 1999  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 1999

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: Display of Licenses  
PURPOSE AND EFFECT: The purpose of the amendment to Rule 64B7-28.008 is to delete references to provisional licenses, which were deleted from § 480.041 F.S.  
SUMMARY: This amendment deletes references to provisional licenses in conformity with § 480.041 F.S.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 480.035(7), 480.043(1),(2) FS.  
LAW IMPLEMENTED: 480.043(1),(2) 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., November 23, 1999  
PLACE: Northwood Centre, 1940 North Monroe, Suite 60, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill Buckhalt, Executive Director, Board of Massage Therapy/MQA, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-28.008 Display of Licenses.

- (1) No change.
- (2) Each apprentice ~~or provisional licensee~~ shall conspicuously display his or her apprentice certificate ~~or provisional license approval~~ issued by the Board office, in the establishment for which it has been issued.
- (3) No change.

Specific Authority 480.035(7), 480.043(1),(2) FS. Law Implemented 480.043(1),(2) FS. History--New 4-21-86, Formerly 21L-28.008, 61G11-28.008, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William Buckhalt, Executive Director  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 1999  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 1999

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLES: Disciplinary Guidelines  
PROBABLE CAUSE PANEL  
RULE NOS.: 64B7-30.002  
64B7-30.007

PURPOSE AND EFFECT: The purpose of the amendment to proposed Rule 64B7-30.002 is to delete references to "provisional licensee" and bring the Rule in conformity with the statute." The purpose of proposed Rule 64B7-30.007 is to establish a probable cause panel pursuant to statute.

SUMMARY: The rule amendment to 64B7-30.002 deletes "provisional licensee" to conform with the statute; and the new rule 64B7-30.007 establishes a probable cause panel.

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: 455.621(4), 455.627(1),(3),(4), 480.035(7) FS.

LAW IMPLEMENTED: 455.627(1),(3), 480.041, 480.046, 480.047 FS.

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

TIME AND DATE: 9:00 a.m., November 23, 1999  
PLACE: Northwood Centre, 2639 North Monroe Street, Suite 60, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bill Buckhalt, Executive Director, Board of Massage, 2020 Capital Circle, Southeast, BIN #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES IS:

64B7-30.002 Disciplinary Guidelines.

(1) When the Board finds that an applicant, apprentice, ~~provisional licensee~~ or licensee whom it regulates under Chapter 480, Florida Statutes, has committed any of the acts set forth in Sections 480.047 and 455.624, Florida Statutes, it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

- (a) through (u) No change.
- (2) through (8) No change.

Specific Authority 455.621(4), 455.627(1),(3),(4), 480.035(7) FS. Law Implemented 455.621(4), 455.627(1),(3),(4), 480.041, 480.046, 480.047 FS. History--New 3-26-87, Formerly 21L-30.002, Amended 9-30-93, 12-12-93, 8-16-94, 10-1-95, 2-5-96, 5-12-96, 5-29-97, Formerly 61G11-30.002, Amended 2-18-98, 11-4-98, \_\_\_\_\_.

64B7-30.007 Probable Cause Panel.

The determination of probable cause shall be made by the probable cause panel of the board. The probable cause panel shall consist of two members, and may include a former board member. The chair of the board shall appoint the panel members.

Specific Authority 455.621(4) Law Implemented 455.621(4) History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Massage Therapy  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 1999  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 1999

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: Colonic Irrigation  
RULE NO.: 64B7-31.001  
PURPOSE AND EFFECT: The Board proposes to amend this rule by deleting provisional licensee in order to conform the rule to § 480.041, Florida Statutes.  
SUMMARY: The Board finds it necessary to amend the rule so that it conforms with § 480.041, Florida Statutes.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 480.035(7), 480.041(4) FS.

LAW IMPLEMENTED: 480.032, 480.033, 480.041(4) FS.

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

TIME AND DATE: 9:00 a.m., November 23, 1999

PLACE: Northwood Centre, 2639 North Monroe Street, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill Buckhalt, Executive Director, Board of Massage Therapy/MQA, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-31.001 Colonic Irrigation.

(1) No change.

(2) Prior to the practice of colonic irrigation, any licensed massage therapist, or apprentice ~~or provisional licensee~~ shall be required to present certification to the Board of successful completion of examination by a Board approved massage school after completion of a supervised classroom course of study in colonic irrigation or in the case of a duly authorized apprenticeship training program, evidence of having completed 100 hours of colonic irrigation training, including a minimum of 45 hours of clinical practicum with a minimum of 20 treatments given.

(3) Prior to the practice of colonic irrigation, any licensed massage therapist, or apprentice ~~or provisional licensee~~ shall be required to successfully complete and pass the colonic irrigation examination administered by the Department of Health.

Specific Authority 480.035(7), 480.041(4) FS. Law Implemented 480.032, 480.033, 480.041(4) FS. History--New 12-18-84, Formerly 21L-31.01, Amended 1-30-90, 2-13-91, Formerly 21L-31.001, 61G11-31.001, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Massage Therapy  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 1999  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 1999



**DEPARTMENT OF HEALTH**

**Board of Medicine**

**RULE TITLE:**

Disciplinary Guidelines

**RULE NO.:**

64B8-8.001

**PURPOSE AND EFFECT:** The proposed rule amendments are intended to add additional violations, increase fines, and add new statutory citations to the rule in response to recent statutory changes.

**SUMMARY:** The proposed rule amendments increase administrative fines, and set forth additional violations with regard to the disciplinary guidelines. Additionally, the rule amendments provide additional statutory citations in response to recent statutory changes.

**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:** 458.331(5), 458.309, 455.627 FS.

**LAW IMPLEMENTED:** 458.331(5), 455.624, 455.627 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:** 4:00 p.m., or as soon thereafter as can be heard, December 4, 1999

**PLACE:** Tampa Airport Marriott, Tampa International Airport, Tampa, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Tanya Williams, Executive Director, Board of Medicine/MQA, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

**THE FULL TEXT OF THE PROPOSED RULE IS:**

64B8-8.001 Disciplinary Guidelines.

(1) No change.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Section 120.57(1) and 120.57(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 violations set forth below. 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.

VIOLATION

- (a) Attempting to obtain a license or certificate by bribery, fraud or through an error of the Department or the Board  
(458.331(1)(a), F.S.)  
(455.624(1)(h), F.S.)
- (b) Action taken against license by another jurisdiction.  
(458.331(1)(b), F.S.);  
(455.564 (1)(h), F.S.)

1. Action taken against license by another jurisdiction involving Medicare or Medicaid fraud in dollar amounts in excess of \$5,000.00.

2. Action taken against license by another jurisdiction involving Medicare or Medicaid fraud in dollar amounts of \$5,000.00 or less.

- (c) Guilty of crime directly relating to practice or ability to practice.  
(458.331(1)(c), F.S.);  
(455.624(1)(c), F.S.)

1. Involving a crime directly related to Medicare or Medicaid fraud in dollar amounts in excess of \$5,000.00.

2. Involving a crime directly related to Medicare or Medicaid fraud in dollar amounts of \$5,000.00 or less.

- (d) False, deceptive, or misleading advertising.  
(458.331(1)(d), F.S.)

- (e) Failure to report another licensee in violation.  
(458.331(1)(e), F.S.)  
(455.624(1)(i), F.S.)

- (f) Aiding unlicensed practice.  
(458.331(1)(f), F.S.)  
(455.624(1)(j), F.S.)

- (g) Failure to perform legal obligation.  
(458.331(1)(g), F.S.)  
(455.624(1)(k), F.S.)

- 1. Failing to register a laser device.  
(455.624(1)(d), F.S.)

RECOMMENDED RANGE  
OF PENALTY

- (a) From denial or revocation of license with ability to reapply upon payment of ~~\$5,000.00~~ ~~\$1,000.00~~ fine to denial of license without ability to reapply, or permanent revocation.

- (b) From imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had 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 ~~\$1,000.00~~ ~~\$250.00~~ to \$5,000.00.

1. Revocation or in the case of application for licensure, denial of licensure.

2. A ~~\$10,000.00~~ ~~\$5,000.00~~ administrative fine, and suspension of the license, followed by a period of probation.

- (c) From probation to revocation or denial of the license and an administrative fine ranging from ~~\$1,000.00~~ ~~\$250.00~~ to ~~\$10,000.00~~ ~~\$5,000.00~~.

1. Revocation or in the case of application for licensure, denial of licensure.

2. A ~~\$10,000.00~~ ~~\$5,000.00~~ administrative fine, compliance with any criminal probation, a reprimand and suspension of the license, followed by a period of probation.

- (d) From reprimand to one (1) year suspension or denial, and an administrative fine from ~~\$1,000.00~~ ~~\$500.00~~ to \$5,000.00.

- (e) From a reprimand to probation or denial, and an administrative fine from ~~\$1,000.00~~ ~~\$250.00~~ to \$5,000.00.

- (f) From probation to revocation or denial, and an administrative fine from ~~\$1,000.00~~ ~~\$250.00~~ to ~~\$10,000.00~~ ~~\$5,000.00~~.

- (g) For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm, from ~~From~~ a reprimand to revocation or denial and an administrative fine from ~~\$1,000.00~~ ~~\$250.00~~ to ~~\$10,000.00~~ ~~\$5,000.00~~.

- 1. If the device is an approved device, from an administrative fine of \$1,000.00 to \$5,000.00; if the device is not approved, from an administrative fine from \$5,000.00 to a suspension or denial and an administrative fine of \$10,000.00.

2. Continuing medical education (CME) violations.  
(455.624(1)(e), F.S.)  
(455.624(1)(s), F.S.)

a. Failure to document required HIV/AIDS and related infections of TB CME.

b. Failure to document required domestic violence CME.

c. Failure to document required HIV/AIDS and related infections of TB and failure to document domestic violence CME.

3. Failure to comply with the requirements of ss. 381.026 and 381.0261, F.S., to provide patients with information about patient rights.  
(455.624(1)(t), F.S.)

4. Failing to comply with the requirements for profiling and credentialing.

(455.624(1) (v), F.S.);

(458.319, F.S.);

(458.565, F.S.)

a. Involving a violation of any provision of Chapter 455, Part II, F.S., for failing to comply with the requirements for profiling and credentialing, by failing to timely provide updated information, on a profile, credentialing, or initial or renewal licensure application.

b. Involving violations of any provision of Chapter 455, Part II, F.S., for making misleading, untrue, deceptive, or fraudulent representations on a profile, credentialing, or initial or renewal licensure application.

5. Failing to report to the board within 30 days after the licensee has been convicted of a crime in any jurisdiction.

Convictions prior to the enactment of this section must be reported in writing to the board, on or before October 1, 1999.

(455.624(1)(w), F.S.)

6. Failing to comply with obligations regarding ownership and control of medical records, patient records; report or copies of records to be furnished.

(455.667, F.S.)

(458.331(1)(m), F.S.)

7. Failing to maintain confidentiality of communication between a patient and a psychiatrist. (455.671, F.S.)

8. Failing to report final disposition of professional liability claims and actions. (455.697, F.S.)

9. Failing to disclose financial interest to patient.  
(455.701, F.S.)

2. Within twelve months of the date of the filing of the final order, the licensee must submit certified documentation of completion of all CME requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, Respondent must document compliance with the CME requirements for the relevant period; AND:

a. An administrative fine of \$500.00 to \$1,000.00.

b. An administrative fine of \$500.00 to \$1,000.00.

c. An administrative fine of \$1000.00 to \$2,000.00.

3. Administrative fine of up to \$100.00 for the second and subsequent nonwillful violations; and an administrative fine from \$250.00 to \$500.00 for the second and subsequent willful violations with each intentional and willful violation a separate violation subject to said fine.

a. If the licensee complies within six (6) months of the violation, then an administrative fine of up to \$2,000.00; if compliance after six (6) months, an administrative fine of up to \$5,000.00 and a reprimand.

b. Referral to State Attorney for prosecution pursuant to Sections 455.631 and 455.634, F.S., and from suspension and a reprimand and a \$5,000.00 administrative fine to revocation or denial.

5. From an administrative fine of \$2,000.00 to a fine of \$5,000.00 and a reprimand or denial without the ability to reapply.

6. From a reprimand to denial or two (2) years suspension followed by probation and an administrative fine from \$1,000.00 to \$5,000.00.

7. From a \$5,000.00 administrative fine and a reprimand to suspension and a \$10,000.00 administrative fine or denial.

8. If the licensee complies within six (6) months of the violation then an administrative fine of up to \$2,000.00; if compliance after six (6) months, an administrative fine of up to \$5,000.00 and a reprimand.

9. From an administrative fine of \$1,000.00 to a reprimand and an administrative fine of \$5,000.00.

(h) Filing a false report or failing to file a report as required.  
(458.331(1)(h), F.S.)  
(455.624(1)(l), F.S.)

1. Involving Medicare or Medicaid fraud in dollar amounts in excess of \$5,000.00.
  2. Involving Medicare or Medicaid fraud in dollar amounts of \$5,000.00 or less.
- (i) Kickbacks or split fee arrangements.  
(458.331(1)(i), F.S.)

(j) Exercising influence to engage patient in sex. (458.331(1)(j), F.S.);  
(458.329, F.S.)  
455.624(1)(u), F.S.)

(k) Deceptive, untrue, or fraudulent representations in the practice of medicine.  
(458.331(1)(k), F.S.)  
(455.624(a),(m), F.S.)

1. Deceptive, untrue, or fraudulent representations in the practice of medicine involving Medicare or Medicaid fraud in dollar amounts in excess of \$5,000.00.
  2. Deceptive, untrue, or fraudulent representations in the practice of medicine involving Medicare or Medicaid fraud in dollar amounts of \$5,000.00 or less.
- (l) Improper solicitation of patients.  
(458.331(1)(l), F.S.)

(m) Failure to keep legible written medical records.  
(458.331(1)(m), F.S.)

1. Failure to keep legible written medical records that is related to Medicare or Medicaid fraud in dollar amounts in excess of \$5,000.00.
2. Failure to keep legible written medical records that is related to Medicare or Medicaid fraud in dollar amounts of \$5,000.00 or less.

(n) Exercising influence on patient for financial gain.  
(458.331(1)(n), F.S.)  
(455.624(1)(n), F.S.)

(o) Improper advertising of pharmacy.  
(458.331(1)(o), F.S.)

(p) Performing professional services not authorized by patient.  
(458.331(1)(p), F.S.)

(q) Inappropriate or excessive prescribing.  
(458.331(1)(q), F.S.)

(h) From one (1) year probation to revocation or denial, and an administrative fine from \$1,000.00 ~~\$250.00~~ to \$10,000.00 ~~\$5,000.00~~.

1. Revocation or in the case of application for licensure, denial of licensure.
  2. A \$10,000.00 ~~\$5,000.00~~ administrative fine, suspension of the license, followed by a period of probation.
- (i) From six (6) months suspension to revocation or denial, and an administrative fine from \$1,000.00 ~~\$250.00~~ to \$10,000.00 ~~\$5,000.00~~.

(j) From one (1) year suspension and a reprimand and an administrative fine of \$5,000.00 to revocation or denial, and an administrative fine of \$10,000.00 ~~from \$250.00 to \$5,000.00~~.

(k) From probation to revocation and ~~or~~ denial, and an administrative fine from \$1,000.00 ~~\$250.00~~ to \$10,000.00 ~~\$5,000.00~~.

1. Revocation or in the case of application for licensure, denial of licensure.
2. A \$10,000.00 ~~\$5,000.00~~ administrative fine, suspension of the license, followed by a period of probation.

(l) From one (1) year suspension to revocation or denial, and an administrative fine from \$1,000.00 ~~\$250.00~~ to \$10,000.00 ~~\$5,000.00~~.

(m) From a reprimand to denial or two (2) years suspension followed by probation, and an administrative fine from \$1,000.00 ~~\$250.00~~ to \$10,000.00 ~~\$5,000.00~~.

1. Revocation or in the case of application for licensure, denial of licensure.
2. A \$10,000.00 ~~\$5,000.00~~ administrative fine, suspension of the license, followed by a period of probation.

(n) From probation to denial or two (2) years suspension, and an administrative fine from \$5,000.00 ~~\$250.00~~ to \$10,000.00 ~~\$5,000.00~~.

(o) From a reprimand and \$250.00 fine to one (1) year probation, and an administrative fine from \$250.00 to \$5,000.00.

(p) From a reprimand to denial or two (2) years suspension, and an administrative fine from \$1,000.00 ~~\$250.00~~ to \$10,000.00 ~~\$5,000.00~~.

(q) From one (1) year probation to revocation or denial, and an administrative fine from \$1,000.00 ~~\$250.00~~ to \$10,000.00 ~~\$5,000.00~~.

(r) Prescribing or dispensing of a scheduled drug by the physician to himself.

(458.331(1)(r), F.S.)

(s) Inability to practice medicine with skill and safety.

(458.331(1)(s), F.S.)

(t) Gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

(458.331(1)(t), F.S.)

1. Gross Malpractice

2. Repeated Malpractice

3. Failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent physician as being acceptable under similar conditions and circumstances.

(u) Performing of experimental treatment without informed consent.

(458.331(1)(u), F.S.)

(v) Practicing beyond scope permitted.

(458.331(1)(v), F.S.)

(455.624(1)(o), F.S.)

(w) Delegation of professional responsibilities to unqualified person.

(458.331(1)(w), F.S.)

(455.624(1)(p), F.S.)

(x)1. Violation of law, rule, ~~order~~, or failure to comply with subpoena.

(458.331(1)(x), F.S.)

455.624(1)(b),(q), F.S.)

2. Violation of an order of the Board.

(y) Conspiring to restrict another from lawfully advertising services.

(458.331(1)(y), F.S.)

(z) Aiding an unlawful abortion.

(458.331(1)(z), F.S.)

(aa) Presigning prescription forms.

(458.331(1)(aa), F.S.)

(bb) Prescribing a Schedule II substance for office use.

(458.331(1)(bb), F.S.)

(r) From one (1) year probation to revocation or denial, and an administrative fine from \$1,000.00 ~~\$250.00~~ to \$5,000.00.

(s) From probation to denial or indefinite suspension until licensee is able to demonstrate ability to practice with reasonable skill and safety followed by probation, and an administrative fine from \$1,000.00 ~~\$250.00~~ to \$5,000.00.

(t) From two (2) years probation to revocation or denial, and an administrative fine from \$1,000.00 ~~\$250.00~~ to \$10,000.00 ~~\$5,000.00~~.

1. From one (1) year suspension followed by three (3) years probation to revocation or denial, and an administrative fine from ~~\$250.00~~ \$1,000.00 to ~~\$5,000.00~~ \$10,000.00 and licensee shall be subject to reexamination.

2. From three (3) years probation to revocation or denial, and an administrative fine from \$1,000.00 ~~\$250.00~~ to \$10,000.00 ~~\$5,000.00~~ and licensee shall be subject to reexamination.

3. From two (2) years probation to revocation or denial, and an administrative fine from \$1,000.00 ~~\$250.00~~ to \$10,000.00 ~~\$5,000.00~~.

(u) From one (1) year suspension to revocation or denial, and an administrative fine from \$1,000.00 ~~\$250.00~~ to \$10,000.00 ~~\$5,000.00~~.

(v) From two (2) years suspension to revocation or denial, and an administrative fine from \$1,000.00 ~~\$250.00~~ to \$10,000.00 ~~\$5,000.00~~.

(w) From one (1) year probation to denial or five (5) years suspension followed by probation, and an administrative fine from \$1,000.00 ~~\$250.00~~ to \$10,000.00 ~~\$5,000.00~~.

(x)1. From a reprimand to revocation or denial, and an administrative fine from \$1,000.00 ~~\$250.00~~ to \$10,000.00 ~~\$5,000.00~~.

2. Reprimand and an administrative fine from \$5,000.00 to \$10,000.00 and probation.

(y) A reprimand and an administrative fine ranging from \$1,000.00 ~~\$250.00~~ to \$5,000.00.

(z) From one (1) year suspension to revocation or denial, and an administrative fine from \$1,000.00 ~~\$250.00~~ to \$10,000.00 ~~\$5,000.00~~.

(aa) From a reprimand to two (2) years probation, and an administrative fine from \$1,000.00 ~~\$250.00~~ to \$5,000.00.

(bb) From a reprimand to probation with CME in pharmacology, and an administrative fine from \$1,000.00 ~~\$250.00~~ to \$5,000.00.

(cc) Improper prescribing of Schedule II amphetamine or sympathomimetic amine drug.

(458.331(1)(cc), F.S.)

(dd) Failure to adequately supervise assisting personnel.

(458.331(1)(dd), F.S.)

(ee) Improper use of substances for muscle building or enhancement of athletic performance.

(458.331(1)(ee), F.S.)

(ff) Use of amygdalin (laetrile).

(458.331(1)(ff), F.S.)

(gg) Misrepresenting or concealing a material fact

(458.331(1)(~~gg~~)(~~hh~~), F.S.)

(hh) Improperly interfering with an investigation or a disciplinary proceeding

(458.331(1)(~~hh~~)(~~ii~~), F.S.)

455.624(1)(r), F.S.

(ii) Failing to report any licensee in violation who practices in a hospital or an H.M.O.; or failing to report any person in violation of Chapter 455, Part II, F.S. M.D. or D.O.

(458.331(1)(~~ii~~)(~~jj~~)F.S.)

(455.624(1)(i), F.S.)

(jj) Providing written medical opinion without reasonable investigation.

(458.331(1)(~~jj~~)(~~kk~~), F.S.)

(kk) Failure to report disciplinary action by another jurisdiction. (458.331(1)(~~kk~~)(~~ll~~), F.S.)

(ll) Improper holding oneself out as a specialist.

(458.331(1)(ll), F.S.)

(mm) Improper use of information about accident victims for commercial or any other solicitation of the people involved in such accidents.

(455.624(x), F.S.)

(nn) Theft or reproduction of an examination.

(455.577, F.S.)

(oo) Violation of Patient Self Referral Act

(455.654, FS.)

(cc) From probation to denial or two (2) years suspension followed by probation, and an administrative fine from \$1,000.00 ~~\$250.00~~ to \$10,000 ~~\$5,000.00~~.

(dd) From probation to denial or two (2) years suspension followed by probation, and an administrative fine from \$1,000.00 ~~\$250.00~~ to \$5,000.00.

(ee) From one (1) year suspension to revocation or denial, and an administrative fine from \$1,000.00 ~~\$250.00~~ to \$5,000.00.

(ff) From one (1) year suspension to revocation or denial, and an administrative fine from \$1,000.00 ~~\$250.00~~ to \$10,000.00 ~~\$5,000.00~~.

(gg) From denial or revocation of license with ability to reapply upon payment of \$1,000.00 fine to denial of license without ability to reapply.

(hh) From denial or revocation of license with ability to reapply upon payment of \$1,000.00 fine to denial of license without ability to reapply.

(ii) From a reprimand to probation or denial and an administrative fine from \$1,000.00 ~~\$250.00~~ to \$5,000.00.

(jj) From denial or revocation of license with ability to reapply upon payment of \$1,000.00 fine to denial of license without ability to reapply.

(kk) From an administrative fine of \$2,000.00 to a fine of \$5,000.00 and a reprimand to denial or revocation of license with ability to reapply upon payment of \$1,000.00 fine to denial or revocation of license with license without ability to reapply.

(ll) From reprimand to one year suspension or denial and an administrative fine from \$500 to \$5,000.00.

(mm) From an administrative fine of \$1,000.00 to a fine of \$5,000.00, reprimand and probation.

(nn) Revocation or denial without ability to reapply.

(oo) In addition to any civil penalty imposed pursuant to s. 455.654, for each separate violation, from an administrative of \$5,000.00 to an administrative fine of \$10,000.00.

(3) No change.

(4) It is the intent of the Board to notify applicants and licensees whom it regulates under Chapter 458, F.S., of the seriousness with which the Board deals with sexual misconduct in or related to the practice of medicine. In particular, the Board has identified those situations in which the sexual misconduct is predatory in its character because of the particular powerlessness or vulnerability of the patient, or because of the licensee's history or manipulation of the physician/patient relationship. Therefore, it is the policy of the Board, where any one of the following aggravating conditions are present in a sexual misconduct case, to consider revocation as an appropriate penalty:

(a) Where controlled substances have been prescribed, dispensed or administered inappropriately or excessively, or not in the course of the physician's professional practice, or not in the patient's best interests.

(b) Where the relationship between the licensee and the patient involved psychiatric or psychological diagnosis or treatment.

(c) Where the patient was under the influence of mind altering drugs or anesthesia at the time of any one incident of sexual misconduct.

(d) Where the licensee is under suspension or probation at the time of the incident.

(e) Where the licensee has any prior action taken against the authority to practice their profession by any authority, or a conviction in any jurisdiction, regardless of adjudication, relating to sexual misconduct, in appropriate relationships with patients, or sex-related crimes.

(f) Where the patient is physically or mentally handicapped at the time of the incident.

(g) Where the patient is a minor at the time of the incident.

(h) Where the patient is an alien, whether legal or illegal; or a recipient of federal or state health care benefits, or state family aid at the time of the incident.

(i) Where the patient has a history of child sexual abuse, domestic violence, or sexual dysfunction, which history is known to the licensee at the time of the sexual misconduct.

~~(5)(4)~~ No change.

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

~~(7)(6)~~ No Change.

Specific Authority 458.331(5), 458.309, 455.627 FS. Law Implemented 458.331(5), ~~455.624~~, 455.627 FS. History-New 12-5-79, Formerly 21M-20.01, Amended 1-11-87, 6-20-90, Formerly 21M-20.001, Amended 11-4-93, Formerly 61F6-20.001, Amended 6-24-96, 12-22-96, Formerly 59R-8.001, Amended 5-14-98,\_\_\_\_\_.

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: October 8, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 30, 1999

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Formulary  
RULE NO.: 64B8-30.008

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate additional drugs into the P.A. formulary.

SUMMARY: The proposed rule amendment makes additions appropriate to the P.A. formulary.

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, 458.347(4)(f)3. FS.

LAW IMPLEMENTED: 458.347(4)(e), (f) 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: 4:00 p.m., or as soon thereafter as can be heard, December 4, 1999

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-30.008 Formulary.

THE APPROVED FORMULARY FOR THE WRITING OF PRESCRIPTIONS BY PHYSICIAN ASSISTANTS APPROVED TO PRESCRIBE MEDICINAL DRUGS UNDER THE PROVISIONS OF SECTIONS 458.347(4)(e) AND 459.022(4)(e), FLORIDA STATUTES:

(1) through (2) No change.

(3) Formulary.

(a) No change.

(b) Subject to the requirements of this subsection, Sections 458.347 and 459.022, F.S., and the rules enacted thereunder, only the following drugs may be delegated by a Supervising Physician to a Physician Assistant to prescribe. Medicinal drugs not specifically included in this formulary are excluded. Excluded medicinal drugs may not be prescribed, regardless of whether they are in a pure form or in combination with a drug included in this formulary.

- 1. through 31. No change.
- 32. Amprenavir
- 33. through 38. 32. through 37. No change.
- 39. Atropine/Scopolamine/Hyoscyamine/Phenobarbital
- 40. through 84. 38. through 82. No change.
- 85. Candesartan Cilexetil
- 86.83. Cantharidin
- 87. Capsaicin
- 88. through 102. 84. through 98. No change.
- 103. Celecoxib
- 104. through 123. 99. through 118. No change.
- 124. Cilostazol
- 125. through 128. 119. through 122. No change.
- 129. Citalopram
- 130. through 184. 123. through 177. No change.
- 185. Dihydroergotamine Mesylate
- 186. through 202. 178. through 194. No change.
- 203. Efavirenz
- 204. through 235. 195. through 226. No change.
- 236. Fenofibrate
- 237. through 328. 227. through 318. No change.
- 329. Levalbuterol
- 330. through 414. 319. through 403. No change.
- 415. Nicotine
- 416. through 441. 404. through 429. No change.
- 442. Orlistat
- 443. through 482. 430. through 469. No change.
- 483. Polyethylene Glycol
- 484. through 530. 470. through 516. No change.
- 531. Rizatriptan Benzoate
- 532. Rofecoxib
- 533. Rosiglitazone Maleate
- 534. through 543. 517. through 526. No change.
- 544. Sildenafil Citrate
- 545. through 573. 527. through 555. No change.
- 574. Synthetic Conjugated Estrogens, A
- 575. 556. Tamsulosin HCl
- 576. 557. Tazarotene
- 577. Telmisartan
- 578. through 588. 558. through 568. No change.
- 589. Tiagabine
- 590. through 638. 569. through 617. No change.

Specific Authority 458.309, 458.347(4)(f)3. FS. Law Implemented 458.347(4)(e), (f) FS. History—New 3-12-94, Formerly 61F6-17.0038, Amended 11-30-94, 2-22-95, 1-24-96, 11-13-96, 3-26-97, Formerly 59R-30.008, Amended 11-26-97, 1-11-99,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Formulary Committee, Board of Medicine  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: October 7, 1999  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: September 24, 1999

**DEPARTMENT OF HEALTH**

**Board of Speech-Language Pathology and Audiology**

RULE TITLE: Professional Employment Experience  
 RULE NO.: 64B20-2.004  
 PURPOSE AND EFFECT: Rule 64B20-2.004 is being amended to update the rule text with regard to professional employment experience.

SUMMARY: The Board is amending Rule 64B20-2.004 to include new rule text which will prevent applicants from duplicating documentation that would otherwise be included in proof of meeting/exceeding the educational academic requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 468.1135(4) FS.

LAW IMPLEMENTED: 468.1165 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Speech-Language Pathology and Audiology/MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B20-2.004 Professional Employment Experience.  
Every applicant for licensure as a speech-language pathologist or audiologist with a doctoral degree who meets the requirements of Section 468.1155, F.S. and can demonstrate experience in the doctoral program is exempt from this requirement. Every applicant for licensure as a speech-language pathologist or audiologist with a masters degree shall demonstrate to the Board, prior to licensure, nine (9) months of full-time professional employment or the equivalent in part-time professional employment, pertinent to the license being sought.

(1) During the nine (9) months of professional employment required by Section 468.1165, F.S., the monitoring licensee shall evaluate the provisional licensee



each one-third of the provisional period separately, and shall record the evaluation on Form SPA-2B, Supplementary Evaluations for Each One-Third of the Professional Employment Experience, which is incorporated by reference herein, will be effective March 25, 1991, and a copy can be obtained from the Board office of Speech-Language Pathology and Audiology, Department of Health, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0782. These evaluations shall be included with the final supervisory report, Form SPA-2C, Supervisory Report for Provisional Licensees, which is incorporated by reference herein, will be effective March 25, 1991, and a copy can be obtained from the Board office of Speech-Language Pathology and Audiology, Department of Health, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0782. All evaluation forms as well as the final supervisory report shall be submitted to the Department within thirty (30) days of the completion of the professional employment experience. For the purpose of this section, 9 months of full-time professional employment is equivalent to 30 hours per week for 36 weeks. For purposes of this section, part-time professional employment is equivalent to a minimum of 15 hours per week for 72 weeks.

(2) through (3) No change.

Specific Authority 468.1135(4) FS. Law Implemented 468.1165 FS. History--New 3-14-91, Formerly 21LL-2.004, 61F14-2.004, Amended 9-26-95, Formerly 59BB-2.004, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Speech-Language Pathology and Audiology  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Speech-Language Pathology and Audiology  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 30, 1999  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 27, 1999

**DEPARTMENT OF HEALTH**

**Board of Speech-Language Pathology and Audiology**

RULE TITLE: Duplicate License Fee  
RULE NO.: 64B20-3.011  
PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text.

SUMMARY: The Board has determined that it is necessary to amend this rule to include language which states that the fee for a duplicate wall certificate shall be \$25.00.

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: 455.587(6), 468.1145(1) FS.

LAW IMPLEMENTED: 455.587(6) 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Speech-Language Pathology and Audiology/MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B20-3.011 Duplicate License Fee.

(1) The fee for a duplicate license shall be \$25.00.

(2) The fee for a duplicate wall certificate shall be \$25.00.

Specific Authority 455.587(6), 468.1145(1) FS. Law Implemented 455.587(6) FS. History--New 8-21-91, Formerly 21LL-3.011, 61F14-3.011, 59BB-3.011, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Speech-Language Pathology and Audiology  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Speech-Language Pathology and Audiology  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 30, 1999  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 27, 1999

**DEPARTMENT OF HEALTH**

**Board of Speech-Language Pathology and Audiology**

RULE TITLES: Continuing Education as a Condition for Renewal or Reactivation  
RULE NOS.: 64B20-6.001  
Standards for Approval of Continuing Education Activities and Providers 64B20-6.002

PURPOSE AND EFFECT: The Board proposes to amend Rule 64B20-6.001 by deleting certain rule text. The Board finds it necessary to amend Rule 64B20-6.002 to require that the number assigned and approved by the Board office shall appear on all continuing education course announcements and certificates of course completion.

SUMMARY: The Board proposes to amend Rule 64B20-6.001 by deleting certain rule text which will eliminate the limit a licensee's self directed continuing education hours to reflect the trend toward alternative education methods such as computer interactive, satellite, and other technological means of delivery. The Board finds it necessary to amend Rule 64B20-6.002 to include language which requires the number assigned and approved by the Board office shall appear on all

continuing education course announcements and certificates of course completion. In addition, unnecessary language contained in subsection (1)(h) is also being deleted.

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: 455.564, 468.1135(4)(a), 468.1195(1),(3), 468.1205(1) FS.

LAW IMPLEMENTED: 468.1195(1),(3), 468.1205(1) 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Speech-Language Pathology and Audiology/MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B20-6.001 Continuing Education as a Condition for Renewal or Reactivation.

(1) As a condition of the biennial renewal of an active status license, the licensee shall attend and certify attending 30 credit hours, per biennium, of Board approved continuing education, twenty (20) of which shall be clinically related as defined in 64B20-6.002(5). Those licensed as both audiologists and speech-language pathologists shall attend and certify attending 50 credit hours, per biennium, of Board approved continuing education, forty (40) hours of which shall be clinically related, twenty (20) in each specialty. ~~Unless otherwise allowed by the Board for an emergency or hardship case, a maximum of ten hours of continuing education may be earned through Board approved, licensee/assistant directed continuing education activities as defined in 64B20-6.002(6).~~

(2) through (15) No change.

Specific Authority 468.1135(4)(a), 468.1195(1),(3), 468.1205(1) FS. Law Implemented 468.1195(1),(3), 468.1205(1) FS. History-New 3-14-91, Amended 8-11-91, 5-28-92, 2-24-93, Formerly 21LL-6.001, Amended 1-31-94, 7-5-94, Formerly 61F14-6.001, Amended 3-28-95, 10-1-95, 11-20-95, 4-1-96, Formerly 59BB-6.001, Amended 7-7-98.

64B20-6.002 Standards for Approval of Continuing Education Activities and Providers.

(1) Any institution, organization, agency or individual may apply to the Board for approval to provide a continuing education activity by making application at least sixty (60) days prior to the course offering on form CEA-3, effective 3-28-95, entitled Institution, Organization or Agency or

Individual Application for Prior Approval of a Continuing Education Activity, which is incorporated by reference herein, and payment of a fee as specified in 64B20-3.017. Form CEA-3 may be obtained from the Board of Speech-Language Pathology and Audiology, Department of Health, 1940 North Monroe Street, Tallahassee, Florida 32399-0778. If the Board grants approval of a continuing education activity, then the Board office shall issue the applicant an approved program number that shall be valid for the biennium which coincides with the biennial licensure cycle. This number shall appear on all continuing education course announcements and certificates of course completion. Upon receipt of a complete application and payment of the application fee, the Board shall approve a continuing education activity which meets the following criteria:

(a) through (g) No change.

(h) For the purposes of these rules one continuing education hour is defined as a 60-minute clock hour, ~~in which there is no less than 50 minutes of uninterrupted instruction.~~

(2) through (7) No change.

Specific Authority 455.564, 468.1135(4), 468.1195(3) FS. Law Implemented 468.1195 FS. History-New 3-14-91, Formerly 21LL-6.002, Amended 9-20-93, Formerly 61F14-6.002, Amended 3-28-95, 10-1-95, Formerly 59BB-6.002, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Speech-Language Pathology and Audiology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Speech-Language Pathology and Audiology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 30, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 27, 1999

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLES:	RULE NOS.:
Legal Base	65A-33.001
Definitions	65A-33.003
Eligibility Factors Other Than Income	65A-33.004
Determination of Eligibility Based On Income	65A-33.005
Income	65A-33.006
Verification	65A-33.007
Program Administration	65A-33.008
Type and Amount of Assistance	65A-33.011

PURPOSE AND EFFECT: These proposed rule amendments will correct statutory, technical and rule content deficiencies. The amendments are the result of a rule review conducted to specifically identify and correct any rule deficiencies. The proposed amendments also will reflect a changed administrative and service delivery structure for this program.

SUMMARY: These proposed amendments will accomplish the following: delete existing purpose statements; delete definitions that have been placed in statute subsequent to promulgation of these rules; correct citation of other rules in the body of the rule(s); remove eligibility requirements regarding a pregnant woman; remove statements regarding household housing emergencies that are redundant of statute, clarify good cause requirements in relation to voluntary termination or a strike, clarify criteria in relation to ability to avoid the specified emergencies; remove a statement that assistance to meet the emergency must be secured; reflect a change from local level, walk-in application processing to central processing of mail-in applications with appropriate form revisions; make social security numbers required for the applicant and all household members; and, reflect hearings in accordance with standard department procedures rather than expedited procedures.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory costs was not prepared for these proposed rule amendments.

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: 414.16 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., November 22, 1999

PLACE: Building 3, Room 414, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Wilbur Williams, Coordinator for Special Programs, 1317 Winewood Boulevard, Building 3, Room 412J, Tallahassee, Florida 32399-0700, Telephone (850)921-6959

THE FULL TEXT OF THE PROPOSED RULES IS:

65A-33.001 Purpose and Legal Base.

~~(1) The purpose of the Emergency Financial Assistance for Housing Program is to prevent family displacement, breakdown, or hardship due to homelessness, or the immediate threat thereof, by assisting eligible low income families who are totally without shelter or who are in imminent danger of becoming homeless due to external factors, such as unemployment or other loss of income, personal or family life crises, or the shortage of low income housing, meet the cost of the housing emergency.~~

~~(1)(2) No change.~~

~~(3) This program will be operational provisional to and to the extent that, state and federal funding is authorized and appropriated.~~

1Specific Authority 414.45 FS. Law Implemented 414.16 FS. History--New 3-13-88, Formerly 10C-33.001, Amended \_\_\_\_\_.

65A-33.003 Definitions.

The following terms shall have the following meanings, except where the context clearly indicates a different meaning:

~~(1) "Department" means the Department of Children and Family Services.~~

~~(1)(2) No change.~~

~~(3) "Homeless" means having a nighttime residence:~~

~~(a) In a public or private emergency shelter, such as an armory, school, church, government building, or where a temporary voucher is provided by a public or private agency, in a hotel, apartment, or boarding home.~~

~~(b) On the streets or under a bridge or aqueduct, in a park, subway, bus terminal, railroad station, airport, abandoned building, or vehicle, or in any other public or private space that is not designed for shelter.~~

~~(4) "Child" means an individual under the age of 18.~~

~~(5) "Specified relative" or "specified relationship" means a person in one of the following groups:~~

~~(a) Any blood relative, including those of half blood, and including first cousins, nephews, or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great great.~~

~~(b) Stepfather, stepmother, stepbrother, and stepsister.~~

~~(c) Person who legally adopts a child or the child's parent as well as the natural and legally adopted children of such person, and other relatives of the adoptive parents in accordance with state law.~~

~~(d) Spouses of any persons named in the above groups even after the marriage is terminated by death or divorce.~~

~~(e) A pregnant woman.~~

~~(6) "Household" means the child and the child's caretaker or a pregnant woman, and all other individuals, whether related or unrelated, who are living together with the child and caretaker or with the pregnant woman as one economic unit.~~

~~(2)(7) "Liquid assets" means all of a person's negotiable property that is or can be converted into cash in one working day. Liquid assets include items such as savings accounts, checking accounts, cash and checks regardless of the source, money orders, certificates of deposit and government savings bonds. Liquid assets do not include items such as automobiles, furniture or real estate.~~

~~(8) "Ability to avoid the emergency" means that the applicant experienced unusual circumstances which gave rise to the housing emergency for which he/she could not have planned or avoided with his/her available income and resources.~~

Specific Authority 414.45 FS. Law Implemented 414.16 FS. History—New 3-13-88, Amended 7-15-93, Formerly 10C-33.003, Amended.

65A-33.004 Eligibility Factors Other Than Income.

~~(1) The household requesting assistance must contain a child as defined in 65A 33.003(4) or a pregnant woman.~~

~~(2) The child must be living with a family member specified relative, as defined in 65A 33.004(5), at the time of application or have lived with a specified relative within the 6 months prior to the month of application, in a place of residence maintained by the relative as a home.~~

~~(1)(3) No change.~~

~~(2)(4) No change.~~

~~(3)(5) The household must have a housing emergency. The term "a household with a housing emergency" is synonymous with "A family is also considered in an emergency situation." A housing emergency is considered to exist when a:~~

~~(a) The household is totally without shelter, or;~~

~~(b) Faces the loss of shelter due to any of the following:~~

~~1. Nonpayment of rent or mortgage which resulted in legal notice of impending eviction or foreclosure;~~

~~2. A household disaster, such as fire, flood, or other incident which renders the home uninhabitable;~~

~~3. A natural disaster, such as a tornado or hurricane, which renders the home uninhabitable, but is not a presidentially declared disaster.~~

~~(4)(6) The household is ineligible if a loss of income which resulted in the housing emergency was the result of a strike or voluntary termination of employment, unless good cause is determined to exist for the voluntary termination.~~

~~(a) The determination of whether or not good cause exists for striking or voluntary termination of employment is made by the department's eligibility worker assigned to the case, with the concurrence of the unit supervisor.~~

~~(b) Reasons for a finding of good cause for voluntary termination of employment are:~~

~~1. through 7. No change.~~

~~(5)(7) The household must not have liquid assets, which are or can be made available, in sufficient amount to meet or exceed the emergency housing need. The liquid assets of all household members, except for recipients of Supplemental Security Income, are considered.~~

~~(6)(8) In order to determine if that the applicant could or could not have planned for or avoided the crisis which caused his/her housing emergency, a management review will be conducted by the department's eligibility worker during the face-to-face client interview. As part of the management review, all the client's bills and income for the three month's prior to the application month, as well as available assets, will be reviewed totaled. It will be noted which ones have been paid and if any were paid by vendor payment. If the amount of bills~~

exceeds total income, the applicant must explain the reason or situation that caused the housing emergency and provide proof of the crisis.

(a) No change.

~~(a)1. The applicant was responsible for too many bills and just ran out of money before housing payment was due and could not pay it. Bills that the applicant is responsible for shall include: rent or mortgage; water, garbage, sewage; electricity; fuel oil or gas; dependent care; medical; burial; vehicle payments and repairs; vehicle costs such as gas, oil, or insurance; other transportation costs such as bus, taxi, etc.; loan payments; alimony or child support payments; school expenses and supplies; food and additional household supplies; insurance payments; maintenance fee for school or work clothing; post-secondary education tuition; and telephone.~~

~~1.2. The applicant experienced unusual circumstances that were unavoidable or unforeseen which resulted in a decrease in income or created an additional added expense(s), such as:~~

~~a. Emergencies Crisis situations caused by tornado, flood, fire, accident, illness, medical or dental needs, or death, and there was no other means to meet the emergency.~~

~~b. Unemployment or Loss of employment or income, not due to voluntarily quitting a job or voluntarily decreasing available work hours.~~

~~c. Emergencies Crisis due to car repairs; broken air conditioners or heaters; leaky roofs; stopped up plumbing or septic tank; or the need to repair for or mechanical failure of an appliance, such as a refrigerator, stove, fan, or hot water heater.~~

(b) No change.

~~1. Emergencies Crisis created because money that could have been used to pay for rent, and therefore could have averted the crisis, was used to purchase or pay bills on gifts or other non-essential household expenses or unreasonable expenses.~~

~~2. Crisis created by using money for other than a reasonable expense or caused by circumstances for which there is not a good explanation, i.e., gambling, drugs, etc.~~

~~(7)(9) The household must not have been able to avoid the crisis which caused the housing emergency or rent arrearages. The housing emergency must not have resulted from the mishandling of available income or resources by the household.~~

(a) No change.

(b) If the eligibility worker accepts the explanation and documentation of the cause of the housing emergency following the management review, eligibility can be determined. If not, the case must be denied.

~~4. If total income exceeds the amount of paid bills, and the difference between them is enough to solve the housing emergency, the applicant has the income to pay the rent or mortgage and does not have a bonafide housing emergency. The case is not eligible and must be denied.~~

~~2. If the amount of bills exceeds total income, the applicant must explain the reason or situation that caused the housing emergency and provide proof of the crisis.~~

~~3. If the amount of paid bills exceeds the total reported income, and the source of the income to pay the bills was not explained, the case must be denied. If the source(s) is explained, i.e., vendor payment, loan, gift, etc., or previously unreported income, count the income toward the management/eligibility review.~~

Specific Authority 414.45 FS. Law Implemented 414.16 FS. History—New 3-13-88, Amended 7-15-93, Formerly 10C-33.004, Amended \_\_\_\_\_.

65A-33.005 Determination of Eligibility Based on Income.

~~(1) The income of all household members except recipients of Supplemental Security Income is considered in determining eligibility.~~

~~(1)(2) All monthly income received during the month of application is considered.~~

~~(2)(3) The total income, after applicable exclusions, of all household members except Supplemental Security Income recipients is rounded to the nearest whole dollar and then is compared to Chart One of the WAGES AFDC Consolidated Need Standards by for the household size as shown in 10C-1.103, to determine whether the household is eligible on the factor of income.~~

~~(3)(4) A household whose adjusted income equals or is less than the Chart One AFDC WAGES Consolidated Need Standard corresponding to the household's size is income eligible. A household whose income exceeds the standard is ineligible.~~

Specific Authority 414.45 FS. Law Implemented 414.16 FS. History—New 3-13-88, Formerly 10C-33.005, Formerly 65A-33.005, Amended \_\_\_\_\_.

65A-33.006 Income.

(1) Income is gross cash received at regular intervals. Both earned and non-earned income are considered. The total income received by household members during the month of application minus exclusions specified in (2) is counted as adjusted income.

(a) through (b) No change.

~~(e) The amount deducted from Social Security and Railroad Retirement benefits for the premium for Medicare is counted as part of the gross amount of income.~~

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

(g) The pro rata portion of income from interest, dividends, mortgages or commissions which is received during the month of application but which accrued for a prior month.

(h) through (i) No change.

Specific Authority 414.45 FS. Law Implemented 414.16 FS. History—New 3-13-88, Formerly 10C-33.006, Formerly 65A-33.006, Amended \_\_\_\_\_.

65A-33.007 Verification.

(1) through (3) No change.

~~(4) Verification of the pregnancy of the caretaker relative must be provided when there is no eligible child in the home except when the caretaker relative's condition is obvious. A written or verbal statement from a medical professional confirming the pregnancy is acceptable verification.~~

(5) through (6)(c) renumbered (4) through (5)(c) No change.

~~(6)(d) If the applicant is facing eviction, the applicant must provide his most recent rent receipt if he received one. In the absence of a rent receipt, a collateral contact with the landlord or landlord's representative must be made to verify eviction and the amount owing.~~

~~(d)(e) In instances of inaccurate or questionable information, a collateral contact with the county property appraiser's office should be made to verify that the landlord issuing the eviction notice is also the owner of the property. If the landlord is not the same as the one named on the eviction notice, a collateral contact must be made with the person who signed the notice.~~

~~(6)(7) At the discretion of the department's eligibility worker, the applicant will must provide verification of all costs which will be incurred in resolving the housing emergency.~~

~~(7)(8) The applicant must present proof of his present living address, e.g., a utility bill or a rent receipt.~~

~~(8)(9) The applicant must present proof of that he did not have the "inability to plan for or avoid the emergency crisis." This would include proof of the crisis which caused the housing emergency and proof that the emergency was caused by factors beyond the applicant's outside of his/her control.~~

(a) Acceptable types of proof verification would include:

1. A written statement from an employer when the emergency crisis situation was caused by loss or decrease of income;

2. A receipt or bill marked "paid" from a vendor who provided a service or repair, delivery or installation of an appliance; a vendor who provided or repaired a roof, plumbing, septic tank, or heater/air conditioner; or a person who provided a primary means of transportation if needed for work;

3. A receipt or a written statement from a vendor that goods or services were provided to the applicant to meet an emergency crisis caused by tornado, flood, fire, accident, illness, medical or dental need, or a death, etc.

~~(8)(9)(b) Failure of the applicant to supply requested information without good cause or to meet required deadlines to establish that he did not have the ability to plan for or avoid the emergency was unavoidable will necessitate that the case be found ineligible, and the case will be denied. Good cause will be determined on a case-by-case basis by the department's eligibility ease-worker's supervisor.~~

2. Prior to a "good cause" determination by the supervisor, the worker must have exhausted all collateral contacts to prove the reason for the applicant's housing emergency, i.e., through vendors, employers, friends or family of the applicant, etc.

(c) The worker must fully record the management review and the resulting eligibility determination on the worksheet.

Specific Authority 414.45 FS. Law Implemented 414.16 FS. History—New 3-13-88, Amended 4-2-91, 7-15-93, Formerly 10C-33.007, Amended \_\_\_\_\_.

65A-33.008 Program Administration.

(1) The program will be operated on a statewide basis ~~by through the district offices of the department.~~

(2) No change.

(3) All individuals have the right to apply for assistance and have a determination of eligibility, and if eligible, the amount of assistance, made available without discrimination as to race, color, sex, age, handicap, religion, national origin, or political belief.

(4) Applications for assistance under the chapter must be made on the CFHRS-ES Form 2682, May 99 Feb 93, Application for Emergency Financial Assistance for Housing, which is incorporated by reference.

(5) No change.

(6) Applications for Emergency Financial Assistance for Housing will be accepted only at must be mailed to a centralized locations designated by the department each district. Applicants will be informed of this the designated centralized locations when inquiring about the program at district department economic self-sufficiency services offices or at other accessible local sites where applications and program information is made available. Applications for assistance will be accepted only at the centralized location.

(7) All applications will be date-stamped with the date received and accepted by the centralized department a designated HRS office.

(8) The application date is the date the application form is received and date-stamped at the centralized a designated location. The application date establishes the month for which eligibility is determined and priority in handling.

(9) No change.

(10) ~~A face-to-face interview with the applicant is required at a department economic services office.~~

(a) ~~The interview will be scheduled by the department and held on the application date, when possible, but no later than 2 working days after the application date.~~

(b) ~~If the applicant fails to come to the interview or to contact the department to arrange another appointment to be held within 1 working day of the missed appointment, the application will be denied.~~

(c) ~~The applicant must provide proof of identification. If the applicant has no identification through loss or other circumstances, a collateral contact with a nonrelative must be completed to verify the identification of the applicant.~~

(d) ~~If identification cannot be verified after all possibilities have been exhausted and the applicant has cooperated to the best of his ability, the Economic Self-Sufficiency Services Program Manager, Program Supervisor, or Program Analyst have the discretion to decide on a case by case basis whether or not to accept the individual worker's recommendation and the applicant's written statement of identification.~~

(11) No change.

(a) The applicant will be informed ~~orally and~~ in writing and, if possible, by telephone at the interview what additional information is required. ~~A CFHRSES Form 2685 2695, May 99 Feb 93~~, Request for Information, which is incorporated by reference, will be used when requesting further information from the applicant.

(b) The applicant will be given a deadline of 10 3 working days to provide the necessary information.

(c) No change.

(d) The application will be denied if the required information is not provided within 2 4 working days following the deadline or extended deadline date.

(12) A decision will be made on the application within 3 4 working days following receipt of all necessary information or expiration of the deadline for provision of information.

(13) Each applicant will be sent, when possible, a written notice of approval or denial. Applicants with no fixed mailing address should must contact the department's office to arrange pick up of the notice at a designated location. Notice will be given on the CFHRS-ES Form 2684, May 99 Feb 93, Notice of Disposition, which is incorporated by reference.

(14) Where determined appropriate by the department's eligibility worker, written notice of application approval, or denial will be accompanied by letters referring applicants to local community resources available to assist them with their particular needs.

(15)(14) Emergency assistance payments will be made through a departmental district or regional revolving fund. See 65A-33.011 for the rule on type and amount of assistance.

(16)(15) The revolving fund check will be made available to the landlord for each eligible applicant as quickly as possible following issuance. The department Each district or regional financial office will determine a feasible, expeditious method of handling and issuing these checks. Absent circumstances beyond the control of the department, the check will be mailed available to the landlord vendor no later than 5 3 working days following the date eligibility is established. ~~The vendor or his representative may choose to pick up the check at the office or have the check mailed.~~ Circumstances beyond the control of

the department include: the check is lost in the mail; postal employees go on strike; a natural disaster occurs; money is not put into the revolving fund; or there is a power failure.

(a) Prior to receipt of the check, the ~~landlord~~ vendor or his representative must sign an CFHRS-ES Form 2698, May 99 Feb 93, Vendor/Security Deposit Payment Agreement, which is incorporated by reference.

~~(16) An eligible household is limited to receipt of assistance during one period of 30 consecutive days in any 12 consecutive months.~~

~~(17) An applicant who is dissatisfied with the action taken on the household's application has the right to request a hearing to be conducted by the department's Office of Appeal Hearings pursuant to the provisions of Ch. 65-2, FAC. The request must be submitted to the District's local office in which the application for assistance was filed.~~

~~(a) In lieu of a hearing conducted by the Office of Appeal Hearings, the applicant may elect to request an expedited hearing to be conducted by a designated hearing officer for the District in which the application was filed. The Department shall inform applicants orally or in writing of the opportunity to request an expedited hearing and the differences between an expedited and regular hearing. The applicant or his/her authorized representative shall file the request for an expedited hearing within 3 days of the date the applicant received the notice of the action taken to deny the application, exclusive of mailing. The request shall be made, in writing or orally, at the District local office in which the application for assistance was filed.~~

~~1. A written request by the applicant for a hearing shall state the reason for dissatisfaction, be signed and dated by the applicant, and entered in the applicant's case record by the District worker. Hearing requests made orally by the applicant shall be recorded, signed and dated by the District worker, and filed in the applicant's case record.~~

~~2. All verbal instructions given to the applicant regarding hearings by the District worker are to be put in writing, signed and dated, and given or mailed to the applicant, with a copy filed in the applicant's case folder.~~

~~(b) Expedited hearings shall conform with the procedural requirements set forth in F.A.C. 65-2, Part VI, except as modified herein. The applicant's request for an expedited hearing shall be deemed a waiver of his/her right to a hearing under F.A.C. 65-2, Part VI, to the extent necessary to initiate and conduct an expedited hearing.~~

~~(c) The procedure for conducting an expedited hearing is as follows:~~

~~1. On the date the request is made or received, or if not practicable, on the following business day, the District local office shall:~~

~~a. Contact the Office of Appeal Hearings and request the assignment of a case number;~~

~~b. Contact the designated hearing officer and schedule a hearing to be held within 5 days of the date the expedited hearing is requested;~~

~~c. Schedule a supervisory review of the application to be conducted within 3 days of the date of the hearing request at which the applicant or his/her authorized representative must attend. The supervisory review shall be conducted by an EFAHP supervisor. It shall be conducted by telephone if the applicant requests a telephone hearing. If the applicant or his/her authorized representative fails to attend the supervisory review without good cause and a favorable decision cannot be issued based on the file, the applicant's request for an expedited hearing shall be cancelled and the case shall be referred to the Office of Appeal Hearings for a regularly scheduled hearing pursuant to F.A.C. 65-2; and~~

~~d. Provide the applicant or his/her authorized representative, verbally first and then followed up with a written notice, of the time and date and place of the expedited hearing and the time and date and place of the supervisory review, as well as the opportunity to request that the supervisory review be conducted by telephone. This notice shall be provided at the time the hearing is requested, to the extent practicable. Otherwise, a written notice shall be mailed within two working days from the date the expedited hearing is requested.~~

~~2. Within 3 days of the hearing, the designated hearing officer shall issue the Final Order.~~

~~3. The original Final Order, together with the recording of the hearing and all exhibits, shall be preserved and transferred to the Office of Appeal Hearings for permanent storage.~~

~~4. If the applicant or his/her authorized representative fails to attend the expedited hearing at the time, place and date specified without good cause or without first giving written or oral notice to the District local office of his/her intention not to attend the hearing, the designated hearing officer's authority to issue a final order shall not be affected.~~

~~5. If the applicant or his/her authorized representative give notice orally or in writing of an intention not to attend the expedited hearing prior to the date of the hearing regardless of whether good cause exists, the expedited hearing shall be cancelled and the applicant's case shall be forwarded to the Office of Appeal Hearings, where a hearing will be held in accordance with the hearing requirements of F.A.C. 65-2, Part VI.~~

~~6. Circumstances beyond the applicant's control shall constitute the sole grounds for good cause for failure to attend the supervisory review or hearing or to give notice as required under this rule.~~

~~(18) No change.~~

~~(19) All forms may be obtained from the Economic Self-Sufficiency Services Program Office, Benefit Recovery and Special Programs Unit, 1317 Winewood Boulevard, Building 36, Room 412 460, Tallahassee, Florida 32399-0700.~~

(20) Disclosure of social security numbers (SSN) for the applicant and all household members is ~~required voluntary and will not affect eligibility if not provided~~. Social security numbers are used to identify household members and to verify that assistance has not been received more than one time in the twelve month period prior to the month of the current application. The SSN for the applicant becomes the case number. ~~In the absence of a SSN for any household member, a pseudo social security number will be assigned to that individual in order to assist in case management.~~

Specific Authority 414.45 FS. Law Implemented 414.16 FS. History—New 3-13-88, Amended 4-2-91, 7-15-93, Formerly 10C-33.008, Amended

65A-33.011 Type and Amount of Assistance.

(1) through (3) No change.

(4) When the minimum assistance needed by the eligible household to avoid eviction or foreclosure exceeds the \$400 limit, the household must indicate exactly how the excess cost will be paid prior to assistance being granted. ~~Assistance will not be granted for rent or mortgage payments to prevent eviction or foreclosure unless the total minimum amount needed to prevent eviction or foreclosure can be secured.~~ In such situations, assistance can be granted to pay for alternate housing for the eligible household.

(5) Payment will be made in the form of a one-party check made payable to the landlord, mortgage holder or vendor for all eligible payments. The vendor or his representative will be required to sign a Vendor/Security Deposit Payment Agreement, CFHRS-ES Form 2698, (incorporated by reference in rule 65A-33.008, FAC) prior to receiving the check.

Specific Authority 414.45 FS. Law Implemented 414.16 FS. History—New 3-13-88, Amended 4-2-91, 7-15-93, Formerly 10C-33.011, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Rodney McInnis

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE FAW: April 30, 1999

### Section III Notices of Changes, Corrections and Withdrawals

#### PUBLIC SERVICE COMMISSION

DOCKET NO. 960258-WS

RULE NO.:

25-30.431

RULE TITLE:

Used and Useful Consideration

#### NOTICE OF CHANGE

Notice is hereby given that the following change have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 23, No. 27, July 3, 1997, issue of the Florida Administrative Weekly:

25-30.431 Used and Useful Consideration Margin Reserve.

(1) ~~“Margin reserve” is defined as the amount of plant capacity needed to preserve and protect the ability of utility facilities to serve existing and future customers in an economically feasible manner that will preclude a deterioration in quality of service and prevent adverse environmental and health effects.~~

(2) ~~“Margin reserve period” is defined as the time period needed to install the next economically feasible increment of plant capacity.~~

(3) ~~Margin reserve is an acknowledged component of the used and useful rate base determination that when requested and justified shall be included in rate cases filed pursuant to section 367.081, Florida Statutes.~~

(4) ~~Unless otherwise justified, the margin reserve period for water source and treatment facilities and wastewater treatment and effluent disposal facilities will be 18 months. In determining whether property is needed to serve customers more than five full years after the end of the test period as provided by section 367.081(2)(a)2.c., Florida Statutes (1999) another margin reserve period is justified, the Commission shall consider the rate of growth in the number of equivalent residential connections (ERCs); the time needed to meet the guidelines of the Department of Environmental Protection (DEP) for planning, designing, and construction of plant expansion; and the technical and economic options available for sizing increments of plant expansion.~~



~~(2)(5)(a)~~ Property needed to serve customers after the end of the test year Margin reserve for water source and treatment facilities and wastewater treatment and effluent disposal facilities shall be calculated as follows:

$$EG \times \frac{PTMP}{UD} \times D = \frac{PNMR}{100}$$

where:

EG = Equivalent Annual Growth in ERCs determined pursuant to (b) or (c) below, not to exceed 5 percent per year

PTMP = Post Test Year Margin Reserve Period determined pursuant to section 367.081(2)(a)2.b. and c., Florida Statutes (1999) subsection (4)

UD = Unit of measurement utilized Demand per ERC (customer demand applied in the used and useful calculations for plant components water and wastewater facilities)

PNMR = Property needed Margin reserve expressed in the units of measurement utilized gallons per day (GPD)

(b) The equivalent annual growth in ERCs (EG) is measured in terms of the projected annual growth and shall be calculated in Schedules F-9 and F-10 of Form PSC/WAW 19 for Class A utilities and Form PSC/WAW 20 for Class B utilities, incorporated by reference in Rule 25-30.437.

(c) The utility shall also submit a linear regression analysis using average ERCs for the last 5 years. The utility may submit other information that will affect growth in ERCs.

~~(3)(6)~~ As part of its application filed pursuant to Rule 25-30.437, the utility shall submit its most recent wastewater capacity analysis report, if any, filed with DEP.

~~(7)~~ Contributions in aid of construction (CIAC) shall be imputed when a margin reserve is authorized. The amount of imputed CIAC shall be determined based on 50 percent of the number of ERCs included in the margin reserve period and the projected CIAC that will be collected from those ERCs. However, the imputed CIAC shall not exceed the rate base component associated with margin reserve.

Specific Authority 367.121 FS. Law Implemented 367.081(2)(a)2.b.c. FS. History—New \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NOS.:	RULE TITLES:
33-601.801	Close Management – General
33-601.803	Privileges in Close Management
33-601.805	Assignment to Close Management
33-601.806	Review of Assignment to Close Management
33-601.809	Close Management – Case Management Responsibilities
33-601.810	Close Management Facilities
33-601.811	Close Management – Other Conditions and Privileges
33-601.812	Close Management Records and Forms

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 35, September 3, 1999, issue of the Florida Administrative Weekly. Note: These rules were published in the notice of proposed rulemaking as 33-38.001, 33-38.003, 33-38.005, 33-38.006, 33-38.009, 33-38.010, 33-38.011 and 33-38.012, respectively, but have since been renumbered as indicated above.

References to the below-listed forms appearing throughout the above rules are changed as follows:

- Receipt for Personal Property, Form ~~DC6-227~~ ~~DC3-304~~
- Daily Record of Segregation, Form ~~DC6-229~~ ~~DC4-815~~
- Report of Close Management, Form ~~DC6-233c~~ ~~DC4-813e~~
- Observation Checklist/~~Restraint Observation Checklist~~, Form DC4-650
- Incident Report, Form ~~DC6-210~~ ~~DC3-304~~
- Inspection of Special Housing ~~Confinement~~ Record, Form ~~DC6-228~~ ~~DC4-814~~

33-601.801 Close Management – General.

(1) No change.

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

(c) Prior to ~~When~~ escorting an inmate from a cell the inmate shall be thoroughly searched. If the inmate is being taken outside the immediate housing unit, leg irons and other ~~appropriate~~ restraint devices shall be applied.

(d) No change.

33-601.803 Privileges in Close Management.

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

(d) 1. No change.

2. Close management I and II inmates shall be allowed to purchase a maximum of 5 non-food canteen items. In making this determination, with the exception of stamps and notebook paper it is the number of non-food items that is considered, not the type of item. ~~For example, three security pens count as three items, not one item. 25 stamps or fewer count as one item and two packages or less of notebook paper count as one item.~~

(e) through (3) No change.

33-601.809 Close Management – Case Management Responsibilities.

(1) No change.

(2) Any inmate assigned to close management for more than 30 continuous days shall be given a psychological assessment by ~~appropriate~~ mental health staff to determine his mental condition. For inmates who remain in confinement beyond 90 continuous days, a psychological assessment shall be completed each 90 day period. The assessment shall include a personal interview. All psychological assessments will be documented in the inmate’s mental health record. Only those cases recommended for a change in status need to have a report

prepared for the warden. The warden shall then make a final decision regarding continuation of confinement based on the facts and recommendations in the report.

(3) No change.

(4)(a) No change.

(b) ~~As frequently as necessary, but not less than W~~weekly, by the inmate's assigned correctional probation officer to ensure that the inmate's welfare is properly provided for, and to determine the need for any program change recommendations.

(c) No change.

(5) A documented visual health and welfare and security check shall be made of all inmates in close management:

(a) through (7) No change.

33-601.810 Close Management Facilities.

(2) All close management cells will be equipped with toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off when necessary ~~due to~~ to ensure safety and security of inmates and staff ~~misbehavior~~. In such event, the inmate occupant shall be furnished with an adequate supply of drinking water by other means to prevent dehydration. This action shall be documented on Form DC6-229 ~~DC4-815~~, Daily Record of Segregation.

(3) through (4) No change.

33-601.811 Close Management – Other Conditions and Privileges.

(1) No change.

(2) Inmates shall be allowed to retain personal property including stamps, watches, rings and health and comfort items unless there is an indication of a threat to the safety of the inmate or the institution ~~security concern~~, in which case removal of any item will be documented on form DC6-229 ~~DC4-815~~ and a property receipt issued. The warden shall determine, based on institutional considerations, whether additional property is to be allowed. Radios, tape players, record players, television sets, and other electronic entertainment devices are not authorized for inmates in close management, except as authorized by rule 33-602.101(17).

(3) through (7) No change.

(8) Clothing and Bedding – Inmates in close management shall be provided the same clothing and clothing exchange as the general inmate population unless there are facts to suggest that on an individual basis exceptions are required for the welfare of the inmate or the security of the institution. In such cases, the exceptions shall be documented on Form DC6-229 ~~DC4-815~~ and approved by the correctional officer chief. Shower slides may be substituted for regulation shoes. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself or herself or others or to prevent the destruction of property or equipment. If an inmate's clothing is removed, a modesty ~~shroud~~ garment shall be immediately obtained and given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in

the cell and this action shall be documented on Form DC6-229 ~~DC4-815~~. Under no circumstances shall an inmate be left without a means to cover himself or herself.

2. No change.

(9) through (11) No change.

(12)(a) No change.

(b) The Inspector General shall notify the warden and ~~or~~ regional director of any officer involved in eight or more use of force incidents in an 18 month period. The regional director will review the circumstances for possible reassignment.

33-601.812 Close Management Records and Forms.

(1) through (3) No change.

(4) The following forms referenced in the close management rules are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator. Form DC4 813(e), Report of Close Management, is hereby incorporated by reference. A copy of this form is available from the Office of the General Counsel Security and Institutional Management, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If the form is to be mailed, a self-addressed stamped envelope must accompany the request. The effective date of this form is October 1, 1995.

(a) Form DC6-229, Daily Record of Segregation, effective date \_\_\_\_\_.

(b) Form DC6-233c, Report of Close Management, effective date \_\_\_\_\_.

(c) Form DC6-227, Receipt for Personal Property, effective date \_\_\_\_\_.

(d) Form DC6-228, Inspection of Special Housing Record, effective date \_\_\_\_\_.

(e) Form DC4-650, Observation Checklist/Restraint Observation Checklist, effective date \_\_\_\_\_.

(f) Form DC6-210, Incident Report, effective date.

DEPARTMENT OF CORRECTIONS

RULE NOS:	RULE TITLES:
33-602.220	Administrative Confinement
33-602.221	Protective Management
33-602.222	Disciplinary Confinement
33-602.223	Special Management Meal

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 35, September 3, 1999, issue of the Florida Administrative Weekly. Note: These rules were published in the notice of proposed rulemaking as 33-3.0081, 33-3.0082, 33-3.0084 and 33-3.0085, respectively, but have since been renumbered as indicated above.

References to the below-listed forms appearing throughout the above rules are changed as follows:

Report of Administrative Confinement, Form DC6-233a  
~~DC4-813(a)~~

Daily Record of Segregation, Form DC6-229 ~~DC4-815~~

Report of Protective Management, Form DC6-234 ~~DC4-868~~

Observation Checklist/Restraint Observation Checklist, Form  
DC4-650

Incident Report, Form DC6-210 ~~DC3-304~~

Inspection of Special Housing Confinement Record, Form  
DC6-228 ~~DC4-814~~

Record of Protective Management, Form DC6-235 ~~DC4-867~~

Special Management Meal Report, Form DC6-218 ~~DC3-013~~

33-602.220 Administrative Confinement.

(1) through (3) No change.

(4) Procedures for Placement in Administrative  
Confinement.

(a) When a decision is made to place an inmate in administrative confinement, the reason for such placement shall be explained to the inmate and the inmate shall be given an opportunity to present verbal comments on the matter. The inmate shall also be allowed to submit a written statement. Prior to placing the inmate in administrative confinement, the inmate shall be given a pre-confinement health assessment to include a physical and mental health evaluation that shall be documented in the health care record. When an official places an inmate in administrative confinement, this action shall be documented on a Report of Administrative Confinement, Form DC6-233a, including the reasons for the action and a summary of the inmate's comments. Form DC6-233a is incorporated by reference in (10)(e) of this rule. The heading and Section I shall be completed by the official who placed the inmate in administrative confinement. This section shall fully state the circumstances surrounding and reasons for placing the inmate in administrative confinement. The reason shall correspond with one of the reasons for placement stated in subsection (5) of this rule. Once Section I has been completed, the official who placed the inmate in administrative confinement shall sign Section I and forward the report to classification prior to the end of his or her shift or workday.

(b) The actions of the official placing the inmate in administrative confinement shall be reviewed within 72 hours by a correctional probation officer (CPO). The CPO shall review the reasons and circumstances surrounding the placement of the inmate in administrative confinement and shall personally interview the inmate. If the review cannot be completed within 72 hours by the CPO due to holiday or weekend, a senior correctional officer, who was not the official who originally placed the inmate in administrative confinement, shall complete the review. The review completed by a senior correctional officer shall be documented on Form DC6-229, Daily Record of Segregation, and the CPO shall complete a review within two working days after the weekend or holiday. Form DC6-229 is incorporated by reference in

(10)(e) of this rule. The CPO shall either concur with the placement of the inmate in administrative confinement or recommend the release of the inmate. The CPO's action shall be documented in section II of the Report of Administrative Confinement, Form DC6-233a. The CPO shall also document that the 72 hour review was completed by a senior correctional officer in section II of Form DC4-813(a), if necessary. If the CPO concurs with the placement of the inmate in administrative confinement, the DC6-233(a) does not need to be forwarded to the warden and shall be processed for filing. If the CPO recommends that the inmate be released from confinement, the DC6-233a shall be forwarded to the warden or assistant warden for a final decision. The warden's or assistant warden's decision shall be documented in section III of Form DC6-233a. The completed DC6-233a shall be forwarded to classification for filing.

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

(c)1. The institutional special review team shall initiate an investigation to gather information. A member of the special review team shall complete the heading and section IA of the DC6-234, Report of Protective Management. Form DC6-234 is incorporated by reference in (10)(e) of this rule. The team member shall utilize the documentation in the DC6-233a, Report of Administrative Confinement, for the information necessary to complete this portion of the report. The report shall then be forwarded to the investigative official assigned to investigate the reasons for protection. The investigator shall complete Section IB of the report and return it to the special review team.

2. If the inmate submits a request for release in writing at any time during a review for protection process that was initiated by the inmate, a member of the special review team shall interview the inmate as soon as possible and shall have the inmate complete Form DC6-203, Protection Waiver/ Appeal Decision Form. Form DC6-203 is incorporated by reference in (10)(e) of this rule. The special review team shall release the inmate from administrative confinement if it appears that the inmate does not need protection. If administrative confinement pending review for protection was imposed on the inmate, the process set forth in this rule shall continue until completed.

3. through 6. No change.

(d) through (f) No change.

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

(c) Any inmate assigned to administrative confinement for more than 30 days shall be given a psychological assessment by ~~appropriate~~ mental health staff to determine his mental condition. The assessment shall include a personal interview. The psychologist or psychological specialist shall prepare a report to the warden with the facts of the case. The warden shall then make a final decision regarding continuation of confinement. All such assessments shall be documented in the mental health record. If the decision is to continue confinement

and that confinement extends beyond 90 days, a new psychological assessment shall be completed each 90-day period.

(d) Inmates in administrative confinement shall receive a personal contact a minimum of:

1. No change.

2. ~~As frequently as necessary, but not~~ less than weekly, by a correctional probation officer to ensure that the inmate's welfare is properly provided for, and to determine the time and method of release or any program changes.

3. No change.

(e) A documented visual health and welfare ~~and~~ security check shall be made of all inmates in administrative confinement:

1. through 2. No change.

(f) No change.

(g) Any inmate who has demonstrated behavior that is or could be harmful to himself or herself shall be designated as a special risk inmate. If the inmate demonstrates bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted to determine if special watch or suicide watch procedures shall be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or health care staff provides observation. Visual checks shall be made in accordance with medical protocols or at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist/Restraint Observation Checklist, until the inmate is no longer considered a special risk inmate. All actions taken by staff with regard to special risk inmates shall be documented on Form DC6-229 and followed with an Incident Report, Form DC6-210. Form DC6-210 is incorporated by reference in (10)(e) of this rule.

(7)(a) No change.

(b) All administrative confinement cells shall be equipped with ~~appropriate~~ toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off when necessary due to misbehavior. In such event, the inmate occupant shall be furnished with an adequate supply of drinking water by other means to prevent dehydration. This action shall be documented on Form DC6-229, Daily Record of Segregation.

(c) No change.

(d) The administrative confinement cells shall be physically separate from disciplinary confinement cells, whenever possible given the physical design of the facility and the number of inmates housed in confinement areas. Whenever such location is not possible, physical barriers shall preclude the cross association of those in disciplinary confinement with those in administrative confinement. Administrative confinement cells shall be built to permit verbal communication and unobstructed observation by the staff.

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

(c) ~~Prior to~~ ~~When~~ escorting an inmate from a cell, the inmate shall be thoroughly searched. If the inmate is being taken outside the immediate housing unit, leg irons and other appropriate restraint devices shall be applied.

(d) through (e) No change.

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

(e) Legal Access – Legal materials shall be as accessible to inmates in administrative confinement as to inmates in general population as long as security concerns permit. An inmate in confinement may be required to conduct legal business by correspondence rather than a personal visit to the law library if security requirements prevent a personal visit. However, all steps shall be taken to ensure the inmate is not denied needed access while in confinement. Although the inmate may not be represented by an attorney at any administrative hearing, access shall be granted for legal visits at any reasonable time during normal business hours to the inmate's attorney or aide to that attorney. Indigent inmates shall be provided paper and writing utensils in order to prepare legal papers. Inmates who are not indigent shall be allowed to purchase paper and envelopes for this purpose through a canteen order. Typewriters or typing services are not considered required items and shall not be permitted in confinement cells.

(f) through (j) No change.

(k) Clothing and Bedding.

1. Inmates in administrative confinement shall be provided the same clothing and clothing exchange as the general inmate population unless there are facts to suggest that on an individual basis exceptions are necessary for the welfare of the inmate or the security of the institution. In such cases, the exceptions shall be documented on Form DC6-229 and approved by the correctional officer chief. Shower slides may be substituted for regulation shoes. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself or herself or others or to prevent the destruction of property or equipment. If an inmate's clothing is removed, a modesty ~~shroud~~ garment shall be immediately obtained and given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229. Under no circumstances shall an inmate be left without a means to cover himself or herself.

2. No change.

(l) through (n) No change.

(o) Writing utensils. Inmates in administrative confinement shall possess only security pens, with a possession limit of four pens. Other types of pens shall be confiscated and stored held until the inmate is released from administrative confinement status. A security pen is a specially designed pen, approved by the Bureau of Security Operations, that is flexible so that it bends under pressure and has a tip that retracts under excessive pressure. If no security pens are available, the inmate shall be allowed to sign out a regular pen from the confinement unit

officer. All care shall be taken to ensure that an inmate who requests access to a pen in order to prepare legal documents or legal mail or to file a grievance with the department has access to a pen for a time period sufficient to prepare the legal mail, documents, or grievances.

(10)(a) No change.

(b) An Inspection of Special Housing Record, Form DC6-228, shall be maintained in each administrative confinement area. Each staff person shall sign such record when entering and leaving the confinement area. Prior to leaving the confinement area, each staff member shall indicate any specific problems including any inmate who requires special attention. Upon completion, the DC6-228 will be maintained in the housing area and forwarded to the correctional officer chief on a weekly basis where it will be maintained on file pursuant to the current retention schedule. Form DC6-228 is incorporated by reference in (10)(e) of this rule.

(c) A Daily Record of Segregation, Form DC6-229, shall be maintained for each inmate as long as he is in administrative confinement. The DC6-229 shall be utilized to document any and all activities, including cell searches, any items removed, showers, recreation, haircuts and shaves. If items that inmates in administrative confinement are not normally prohibited from possessing are denied or removed from the inmate, the shift officer-in-charge or the confinement lieutenant must approve the action initially. The items denied or removed will be documented on Form DC6-229 and the chief correctional officer will make the final decision in regard to the appropriateness of that action no later than the next working day following the action. The supervising officer will make a notation of any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action will also be noted. The DC6-229 shall be maintained in the housing area for one week, at which time the form will be forwarded to the warden for review. Once reviewed, these forms will be forwarded to classification to be filed in the institutional inmate record.

(d) No change.

(e) The following forms referenced in this rule are hereby incorporated by reference. A copy of any of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel Security and Institutional Management, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, a self-addressed stamped envelope must accompany the request.

1. Form DC6-233a ~~DC4-813(a)~~, Report of Administrative Confinement, effective date \_\_\_\_\_.

2. Form DC6-228 ~~DC4-814~~, Inspection of Special Housing Confinement, effective date 7-10-90.

3. Form DC4-650, Observation Checklist/Restraint Observation Checklist, effective date \_\_\_\_\_.

4. Form DC6-210, Incident Report, effective date \_\_\_\_\_.

5. Form DC6-234, Report of Protective Management, effective date \_\_\_\_\_.

6. Form DC6-229, Daily Record of Segregation, effective date \_\_\_\_\_.

7. Form DC6-203, Protection Waiver Appeal Decision, effective date \_\_\_\_\_.

(11) No change.

33-602.221 Protective Management.

(1) through (4)(b) No change.

(c) The institutional special review team shall cause a formal evaluation report to be prepared every 30 days on each inmate in protective management. The team shall review the report. Such reports may be in brief paragraph form stating the basis of the assignment, what has transpired since the last report, and any new facts relevant to the decision to continue protective management. Any inmate assigned protective management for more than 30 days shall be given a psychological assessment by ~~appropriate~~ mental health staff to determine his mental condition. The assessment shall include a personal interview. The psychologist or psychological specialist shall prepare a report to the warden with the facts of the case. The warden shall then make a final decision regarding continuation of protective management. All such assessments shall be documented in the mental health record. If the decision is to continue protective management that extends beyond 90 days, a new psychological assessment shall be accomplished each 90-day period.

(d) Any inmate who has demonstrated behavior that is or may be harmful to himself or herself shall be designated as a special risk inmate. If the inmate demonstrates bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted to determine if special watch or suicide watch procedures shall be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or medical staff provide observation. Visual checks shall be made in accordance with medical protocols or at least every 30 minutes and shall be documented on Form DC4-650 until the inmate is no longer considered a special risk inmate. All actions taken by staff with regard to special risk inmates shall be documented on Form DC6-235 and followed with preparation of an Incident Report, Form DC6-210. Forms DC4-650, DC5-235 and DC6-210 are incorporated by reference in (11) of this rule.

(5) No change.

In (6) (a), the first sentence should read: Exercise – an exercise schedule shall be implemented to ensure a minimum opportunity of three ~~two~~ hours per week of exercise out of doors.

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

(c) A Record of Protective Management, Form DC6-235, shall be maintained for each inmate as long as the inmate is in protective management. Once the inmate is released from protective management, Form DC6-235 will be forwarded to the warden for review. Once reviewed, these forms will be forwarded to classification to be filed in the institutional inmate record. This form shall be used to record any action, remarks or disposition made on a specific inmate. Notations shall be made by medical staff, the special review team, or other staff dealing directly with the inmate. If items are denied or removed from the inmate, the senior correctional officer on duty must approve the action. The items denied or removed will be documented on the Form DC6-235 and the chief correctional officer will make the final decision in regard to the appropriateness of that action no later than the next working day following this action. The supervising officer will document any unusual occurrences or changes in the inmate's behavior and any action taken, ~~if necessary~~. Changes in housing location or any other special action will also be documented.

(11) The following forms referenced in this rule are hereby incorporated by reference. A copy of the forms may be obtained from the Forms Control Administrator, Office of the General Counsel, Security and Institutional Management, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If the form is to be mailed, a self-addressed stamped envelope must accompany the request.

(a) Form DC6-235 ~~DC4-867~~, Record of Protective Management, effective date December 4, 1990.

(b) Form DC6-234 ~~DC4-868~~, Report of Protective Management, effective date \_\_\_\_\_.

(c) Form DC4-650, Observation Checklist/Restraint Observation Checklist, effective date \_\_\_\_\_.

(d) Form DC6-210, Incident Report, effective date \_\_\_\_\_.

(e) Form DC6-228, Inspection of Special Housing Record, effective date \_\_\_\_\_.

33-602.222 Disciplinary Confinement.

(1) Confinement Facilities and Conditions.

(a) Cells. Inmates placed in disciplinary confinement should ~~normally~~ be placed in single cells. The confinement cells should be approximately the same square footage as utilized for general population inmates. Inmates will not be housed in disciplinary confinement cells in greater number than there are bunks in the cells. The only exception to this policy would be during an emergency situation as approved by the warden. However, if this exception exists in excess of twenty-four (24) hours, the warden must get specific authorization from the regional director to continue to house inmates in this manner.

1. All disciplinary confinement cells shall be equipped with ~~appropriate~~ toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off

when necessary due to misbehavior. In such event, the inmate occupant will be furnished an adequate supply of drinking water by other means to prevent dehydration. This action shall be documented on Form DC6-229, Daily Record of Segregation.

2. No change.

3. Disciplinary confinement cells shall be physically separate from administrative confinement and protective management cells, whenever possible given the physical design of the facility and the number of inmates housed in confinement areas. Whenever such location is not possible, physical barriers shall preclude the cross association of those in disciplinary confinement with those in administrative confinement and protective management. Disciplinary confinement units shall be built to permit verbal communication and unobstructed observation by staff.

4. through 5. No change.

(b) Restraint and Escort Requirements.

1. through 2. No change.

3. ~~Prior to~~ When escorting an inmate from a cell, the inmate shall be thoroughly searched. If the inmate is being taken outside the immediate housing unit, leg irons and other appropriate restraint devices shall be applied.

4. through 5. No change.

(c) Clothing and Bedding.

1. Inmates in disciplinary confinement shall be provided the same clothing and clothing exchange as the general inmate population unless there are facts to suggest that on an individual basis exceptions shall be made for the welfare of the inmate or the security of the institution. In such cases, the exceptions should be noted on the DC6-229 Form and approved by the correctional officer chief. Shower slides may be substituted for regulation shoes. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself or herself or others or to prevent the destruction of property or equipment. If an inmate's clothing is removed, a modesty ~~shroud~~ garment shall be immediately obtained and given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229. Under no circumstances shall an inmate be left without a means to cover himself or herself.

2. No change.

(d) through (i) No change.

(j) 1. through 3. No change.

4. ~~Indigent~~ inmates will be provided paper and writing utensils in order to prepare legal papers. Inmates who are not indigent shall be allowed to purchase paper and envelopes for this purpose through a canteen order. Typewriters or typing services are not considered required items and will not be permitted in confinement cells.

(k) through (o) No change.

(p) Canteen Items. Inmates in disciplinary confinement shall be allowed to purchase canteen items once every other week with the following restrictions:

1. Inmates in disciplinary confinement are prohibited from possessing or purchasing any canteen food items.

2. Inmates in disciplinary confinement shall be allowed to purchase a maximum of five non-food canteen items. In making this determination, with the exception of stamps and notebook paper, it is the number of non-food items that is counted, not the type of item. For example, three security pens counts as three items, not one item. Twenty-five stamps or fewer will count as one item and two packages or less of notebook paper will count as one item. Non-food items shall be limited to security pens, paper, stamps, envelopes, roll-on or stick deodorant and shower slides.

(q) through (r) No change.

(2) (a) No change.

(b) No inmate will be held in disciplinary confinement to exceed the maximum penalty for the rule violation. Any inmate assigned to disciplinary confinement for 30 days shall be given a psychological assessment by ~~appropriate~~ mental health staff to determine his mental condition. The assessment shall include a personal interview. The psychologist shall prepare a report to the warden with the facts of the case. If a recommendation to release the inmate from confinement is made by the psychologist, the warden shall, after a review of the documentation provided by the CPO and security staff on the inmate's Daily Record of Segregation, DC6-229, make a final decision regarding confinement. The warden will then make a final decision regarding continuation of confinement. All such assessments shall be documented in the mental health record. If the decision is to continue confinement and that confinement extends beyond 90 days, a new psychological assessment will be completed each 90-day period. If no psychological staff are available at the institution or facility, the warden shall make the decision whether to continue the disciplinary confinement.

(3)(a) No change.

(b) A documented visual health and welfare and security check shall be made of all inmates in disciplinary confinement:

1. Daily by the housing area supervisor.

2. At least every 30 minutes by a correctional officer, but on an irregular schedule.

(c) No change.

(d) Any inmate who has demonstrated behavior that is or could be harmful to himself or herself shall be designated as a special risk inmate. If the inmate exhibits bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted to determine if special watch or suicide watch procedures should be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or medical staff provide observation. Visual checks shall be made in accordance with medical

protocols or at least every 30 minutes and shall be documented on Form DC4-650 until the inmate is no longer considered a special risk inmate. Form DC4-650 is incorporated by reference in (7) of this rule. All actions taken by staff with regard to special risk inmates shall be noted on Form DC6-229 and shall be followed with an incident report, Form DC6-210. Forms DC6-229 and DC6-210 are incorporated by reference in (7) of this rule.

(4) Daily Record of Segregation.

(a) A Daily Record of Segregation, Form ~~DC6-229 DC4-815~~, will be maintained on each inmate in disciplinary confinement. The supervising officer of ~~all three shifts the day and the evening shift~~, health care staff, and a disciplinary team member will sign the ~~DC6-229 DC4-815~~ form whenever they make a visit to a specific inmate. Full and complete remarks are to be made in the following situations:

1. Security Department – Supervising Officer.

a. Whenever a check of inmates is made on ~~a routine or~~ special basis.

b. through 3. No change.

(5) Inspection of ~~Special Housing Confinement~~ Record. Form ~~DC6-228 DC4-814~~, Inspection of ~~Special Housing Confinement~~ Record, shall be maintained in each disciplinary confinement area. Each staff person shall sign the form when entering and leaving the disciplinary confinement area. Prior to leaving the disciplinary confinement area, each staff member shall indicate any specific problems, including identification of any inmate who required special attention. Additionally, security personnel assigned to this area shall use this form to document all routine security checks. The officer-in-charge shall sign the DC6-228 when conducting his or her daily routine visit to the confinement area. Entries on this form by security staff, as referenced above, shall specifically state that each cell in the disciplinary confinement area has been visited and will indicate any specific problem, including identification of any inmate who required special attention. Upon completion, the DC4-814 will be maintained in the housing area and will be forwarded to the correctional officer chief on a weekly basis where it will be maintained on file pursuant to the current retention schedule.

(6) Staffing issues.

(a) Officers assigned to a confinement unit shall be rotated every 18 months to another assignment for a period of at least one year before reassignment to this type of housing unit. Any officer assigned to a confinement post shall be authorized a minimum period of five days annual leave or a five day assignment to a less stressful post every six months.

(b) No change.

(7) Forms. The following forms referenced in this rule are hereby incorporated by reference. A copy of any of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee,

Florida 32399-2500. If the request is for forms to be mailed, the request must be accompanied by a self-addressed stamped envelope.

(a) Form DC6-229, Daily Record of Segregation, effective date \_\_\_\_\_.

(b) Form DC6-228, Inspection of Special Housing Record, effective date \_\_\_\_\_.

(c) Form DC6-210, Incident Report, effective date \_\_\_\_\_.

(d) Form DC4-650, Observation Checklist/Restraint Observation Checklist, effective date \_\_\_\_\_.

33-602.223 Special Management Meal.

(1) through (3) No change.

(4) Placement on the Special Management Meal.

(a) When any employee observes inmate behavior that he believes meets the criteria for application of the special management meal, the employee shall prepare Form DC6-218 ~~DC3-013~~, Special Management Meal Report, and forward the report to the correctional officer chief for review. Form DC6-218 ~~DC3-013~~, Special Management Meal Report, is hereby incorporated by reference. A copy of this form may be obtained from the Forms Control Administrator, Office of the General Counsel Security and Institutional Management, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, a self-addressed stamped envelope must accompany the request. The effective date of this form is \_\_\_\_\_.

(b) No change.

(c) The warden ~~or his designee~~ shall approve or disapprove all recommendations for placement on the special management meal based on the criteria set forth in subsection (2) above.

(5) through (8) No change.

**DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY**

**Division of Workers' Compensation**

RULE NOS.:	RULE TITLES:
38J-1.002	Definitions
38J-1.003	Right to Make Informed Choice
38J-1.004	Division Services – General
38J-1.005	Additional Requirements for Providing Certain Services
38J-1.006	Division Decisions and Appeal Procedures
38J-1.007	Case Closure

**NOTICE OF WITHDRAWAL**

NOTICE IS HEREBY GIVEN that the above-listed proposed rules, as noticed in Vol. 23, No. 31 (August 1, 1997), Florida Administrative Weekly, have been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Barbers'**

RULE NO.: 61G3-19.011  
 RULE TITLE: Barbershop Requirements

**NOTICE OF PUBLIC HEARING**

The Board of Barbers' hereby gives notice of a public hearing on the above-referenced rule to be held on November 1, 1999, at 10:00 a.m., at the Sheraton Suites Tampa Airport, 4400 West Cypress Street, Tampa, Florida 33607. The rule was originally published in Vol. 25, No. 31, of the August 6, 1999, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ed Broyles, Executive Director, Board of Barbers', Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

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

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule published in the Florida Administrative Weekly, Vol. 25, No. 33 on August 20, 1999, in accordance with s. 120.54(3)(d)1., F.S. The changes are in response to comments received from the Joint Administrative Procedures Committee.

61J1-6.001 Experience Requirement.

(1) through (6) No change.

(7) An applicant for licensure or certification who is employed by state or local government in Florida or by the federal government may have the experience requirement verified by an official statement affidavit when the applicant, due to statutory restrictions on the release of appraisal related work product, is unable to verify experience on forms 501.3 and 501.4. The experience for such an applicant must be verified by an official statement affidavit from a licensed or certified real estate appraiser who is in an appraisal supervisory capacity to the applicant. The filing of an official statement is enforceable pursuant to s. 837.06, Florida Statutes.

Specific Authority 475.614 FS. Law Implemented 475.617 FS. History—New 10-15-91, Formerly 21VV-6.001, Amended 9-22-93, 9-6-94, 2-19-98, 9-6-98, \_\_\_\_\_.



**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 99-34R

RULE CHAPTER NO.: 62-769  
RULE CHAPTER TITLE: Florida Petroleum Liability and Restoration Insurance Program

RULE NOS.: 62-769.800  
RULE TITLES: Abandoned Tank Restoration Program  
62-769.900 Forms

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the Notice of Repeal of Rules 62-769.800 and 62-769.900, Florida Administrative Code, as noticed in Vol. 25, No. 36, September 10, 1999, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Division of Recreation and Parks**

DOCKET NO.: 99-23R

RULE CHAPTER NO.: 62D-2  
RULE CHAPTER TITLE: Operation of Division of Recreation Areas and Facilities

RULE NO.: 62D-2.013  
RULE TITLE: Park Property and Resources

**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. 25, No. 37, September 17, 1999, issue of the Florida Administrative Weekly:

62D-2.013 Park Property and Resources.

(4) Plant Life.

(a) No change.

(b) No person shall transplant or remove any plant life from any park, except as provided herein. The Division shall control ~~manage~~ invasive exotic plants where appropriate for the restoration, maintenance, and preservation of native ~~certain~~ plant communities.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NOS.: 64B8-3.002  
RULE TITLES: Licensure Fees  
64B8-3.003 Renewal 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. 25, No. 33, of the August 20, 1999, issue of the Florida Administrative Weekly. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. Rule 64B8-3.002(1)(e), shall be changed to read, "(e) As provided in Section 458.317(4), F.S., if the person converting a full unrestricted license to a limited license, submits a written statement from the employing agency or institution that the licensee will not receive compensation for any service involving the practice of medicine, the application fee, all licensure fees, and neurological injury compensation assessments shall be waived."

2. Rule 64B8-3.003(2)(a)2., shall be changed to read, "2. If the licensee is converting a full, unrestricted license to a limited license, pursuant to section 458.317(4), F.S., the licensure renewal fee shall be waived."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-7.002  
RULE TITLE: Previously Inactive Applicants; Limited License

**NOTICE OF CHANGE**

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 33, of the August 20, 1999, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The change is as follows:

The last sentence of subsection (3) shall be reworded to read, "In this event a waiver of fees is provided as set forth in section 458.317(4), Florida Statutes."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE NO.: 64B11-4.003  
RULE TITLE: Standards of Practice; Discipline

**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. 25, No. 25, June 25, 1999, issue of the Florida Administrative Weekly. The changes are in response to comments received from the staff of the Joint Administrative Procedures Committee. The Board discussed this rule and determined that it is necessary to do a substantial rewording of the rule since most of the rule text is being affected. The rule shall now read as follows:

64B11-4.003 Standards of Practice; Discipline.

(1) Purpose. The legislature created the Board to assure protection of the public from persons who do not meet minimum requirements for safe practice or who pose a danger to the public. Pursuant to Section 455.627, F.S., the Board provides within this rule disciplinary guidelines which shall be imposed upon applicants or licensees whom it regulates under Part III, Chapter 468, F.S. The purpose of this rule is to notify applicants and licensees of the ranges of penalties which will routinely be imposed unless the Board finds it necessary to deviate from the guidelines for the state reasons given within this rule. Each range includes the lowest and highest penalty and all penalties falling in between. The purposes of the imposition of discipline are to punish the applicants or licensees for violation and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants or licensees from violations.

(2) Among the range of punishments in increasing severity are:

(a) Reprimand and a minimum administrative fine of \$100.

(b) Probation with conditions to include limitations on the type of practice or practice setting, requirement of supervision by a licensee of the Board, employer and self reports, periodic appearances before the Board, counseling or participation in the Physician's Recovery Network, payment of administrative fines, and such conditions to assure protection of the public.

(c) Suspension for a minimum of ninety days and thereafter until the licensee appears before the Board to demonstrate current competency and ability to practice safely and compliance with any previous Board orders.

(d) Denial of licensure with conditions to be met prior to any reapplication.

(e) Permanent Revocation.

(3) Aggravating and Mitigating Circumstances. Based upon consideration of aggravating and mitigating factors present in an individual case, the Board may deviate from the penalties recommended below. The Board shall consider as aggravating or mitigating factors the following:

(a) Exposure of patients or public to injury or potential injury, physical or otherwise; none, slight, severe, or death;

(b) Legal status at the time of the offense; no restraints, or legal constraints;

(c) The number of counts or separate offenses established;

(d) The number of times the same offense or offenses have previously been committed by the licensee or applicant;

(e) The disciplinary history of the applicant or licensee in any jurisdiction and the length of practice;

(f) Pecuniary benefit or self-gain inuring to the applicant or licensee;

(g) Any efforts at rehabilitation, attempts by the licensee to correct or to stop violations, or refusal by the licensee to correct or to stop violations;

(h) Any other relevant mitigating factors.

(4) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Section 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range of corresponding to the violations set forth below. 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.

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
(a) Attempting to obtain a license or certificate by bribery, fraud or through an error of the Department or the Board. (468.217(1)(a), 455.624(1)(h), F.S.) <u>First Offense</u>	Denial/revocation with ability to reapply and \$1000 fine	Denial/revocation with ability to reapply and \$3000 fine.
<u>Second Offense</u>	Revocation with ability to reapply and \$3000 fine	Revocation with ability to reapply and \$6000 fine
<u>Third Offense</u>	Revocation with ability to reapply and \$6000 fine	Revocation with no ability to reapply and \$10,000 fine
(b) Action taken against license by another jurisdiction. (468.217(1)(b), 455.624(1)(f) F.S.) <u>First Offense</u>	Imposition of discipline which would have been if the substantive violation occurred in Florida and \$1000 fine	Suspension/denial until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken and \$1000 fine. Impaired practioners working in Florida may be ordered into the PRN.
<u>Second Offense</u>	Imposition of discipline which would have been if the substantive violation occurred in Florida and a \$1000 fine	Revocation until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken and \$2000 fine. Impaired practioners working in Florida may be ordered into the PRN.
(c) Guilt of a crime directly relating to practice or ability to practice. (468.217(1)(c), F.S.) <u>First Offense</u>	6 months probation with conditions and \$1000 fine	Denial/revocation and \$5000 fine
<u>Second Offense</u>	1 year suspension and \$5000 fine	Revocation and \$10,000 fine
(d) False, deceptive, or misleading advertising. (468.217(1)(d), F.S.) <u>First Offense</u>	Reprimand	6 months suspension and \$250 fine
<u>Second Offense</u>	6 months suspension and \$250 fine	9 months suspension and \$500 fine
<u>Third Offense</u>	9 months suspension and \$500 fine	1 year suspension \$1000 fine

(e) Advertising, practicing under a name other than one's own name. (468.217(1)(c), F.S.)			(l) Deceptive, untrue, or fraudulent representations in the practice of occupational therapy. (468.217(1)(l), 455.624(1)(a), F.S.)		
<u>First Offense</u>	Reprimand	6 months suspension and \$100 fine	<u>First Offense</u>	1 year probation with conditions and \$500 fine	1 year suspension, 1 year probation with conditions and \$1500 fine
<u>Second Offense</u>	6 months suspension and \$100 fine	9 months suspension and \$500 fine	<u>Second Offense</u>	1 year suspension, 1 year probation with conditions and \$1500 fine	Denial/revocation \$3000 fine
<u>Third Offense</u>	9 months suspension and \$500 fine	1 year suspension and \$1000 fine	<u>Third Offense</u>	2 years suspension, 2 years probation with conditions and \$3000 fine	Denial/revocation \$5000 fine
(f) Failure to report another licensee in violation. (468.217(1)(f), 455.624(1)(i), F.S.)			(m) Improper solicitation of patients. (468.217(1)(m), F.S.)		
<u>First Offense</u>	Reprimand	Reprimand and \$100 fine	<u>First Offense</u>	1 year probation with conditions and \$500 fine	6 months suspension, 1 year probation with conditions and \$1000 fine
<u>Second Offense</u>	Reprimand and \$100 fine	6 months probation with conditions and 500 fine	<u>Second Offense</u>	6 months suspension, 1 year probation with conditions and \$1500 fine	1 year suspension, 2 years probation with conditions and \$3000 fine
<u>Third Offense</u>	6 months probation with conditions and \$500 fine	6 months probations with conditions and \$1000 fine	<u>Third Offense</u>	1 year suspension, 2 years probation with conditions and \$3000 fine	Denial/revocation \$5000 fine
(g) Aiding unlicensed practice. (468.217(1)(g), 455.624(1)(i), F.S.)			(n) Failure to keep written medical records. (468.217(1)(n), F.S.)		
<u>First Offense</u>	1 year probation with conditions and \$1000 fine	6 months suspension, 1 year probation with conditions and \$3000 fine	<u>First Offense</u>	Reprimand and \$100 fine	Reprimand or denial and \$1000 fine
<u>Second Offense</u>	6 months suspension, 1 year probation with conditions and \$3000 fine	2 years probation with conditions and \$6000 fine	<u>Second Offense</u>	Reprimand and \$1000 fine	6 months suspension, 1 year probation with conditions and \$3000 fine
<u>Third Offense</u>	1 year suspension, 2 years probation with conditions and \$6000 fine	Revocation and \$10,000 fine	<u>Third Offense</u>	6 months suspension, 1 year probation with conditions and \$3000 fine	1 year suspension, 2 years probation with conditions and \$5000 fine
(h) Failure to perform legal obligation. (468.217(1)(h), 455.624(1)(k), F.S.)			(o) Exercising influence on patient for financial gain. (468.217(1)(o), 455.624(1)(n), F.S.)		
<u>First Offense</u>	Reprimand and \$100 fine	6 months probation with conditions and \$100 fine	<u>First Offense</u>	1 year probation with conditions and \$1000 fine	1 year suspension, 2 years probation with conditions or denial and \$5000 fine
<u>Second Offense</u>	6 months probation with conditions and \$100 fine	6 months suspension, 1 year probation with conditions and \$500 fine	<u>Second Offense</u>	Revocation and \$5000 fine	Revocation and \$10,000 fine
<u>Third Offense</u>	6 months suspension, 1 year probation with	Revocation and \$1000 fine conditions and \$500 fine	<u>Third Offense</u>	6 months probation with conditions and \$3000 fine	6 months probation with conditions and \$3000 fine
(i) Filing a false report or failing to file a report as required. (468.217(1)(l), 455.624(1)(i), F.S.)			(p) Performing professional services not authorized by patient. (468.217(1)(q), F.S.)		
<u>First Offense</u>	1 year probation with conditions and \$100 fine	6 months suspension, 1 year probation with conditions and \$250 fine	<u>First Offense</u>	Reprimand and \$100 fine	Reprimand and \$1000 fine
<u>Second Offense</u>	6 months suspension, 1 year probation with conditions and \$250 fine	Denial/revocation and \$500 fine	<u>Second Offense</u>	Reprimand and \$1000 fine	6 months probation with conditions and \$3000 fine
<u>Third Offense</u>	1 year suspension, 2 years probation with conditions and \$500 fine	Denial/revocation and \$1000 fine	<u>Third Offense</u>	6 months probation with conditions and \$3000 fine	Revocation and \$5000 fine
(j) Kickbacks or split fee arrangements (468.217(1)(j) F.S.)			(q) Malpractice. (468.217(1)(q), F.S.)		
<u>First Offense</u>	6 months suspension, 1 year probation with conditions and \$500 fine	Denial/revocation and \$1000 fine	<u>First Offense</u>	1 year probation with conditions and \$1000 fine	1 year suspension, 2 years probation with conditions or denial and \$5000 fine
<u>Second Offense</u>	1 year suspension, 2 years probation with conditions and \$1000 fine	Denial/revocation and \$2500 fine	<u>Second Offense</u>	1 year suspension, 2 years probation with conditions and \$5000 fine	Revocation and \$10,000 fine
<u>Third Offense</u>	2 years suspension, 3 years probation with conditions and \$2500 fine	Denial/revocation and \$5000 fine	(r) Performing of experimental treatment without informed consent. (468.217(1)(r), F.S.)		
(k) Exercising influence to engage patient in sex. (468.217(1)(k), F.S.)			<u>First Offense</u>	1 year suspension, 1 year probation with conditions and \$1000 fine	2 years suspension, 2 years probation with conditions or denial and \$5000 fine
<u>First Offense</u>	1 year suspension, 4 years probation with conditions referral to PRN and \$5000 fine	Denial/revocation and \$7500 fine	<u>Second Offense</u>	Revocation and \$5000 fine	Revocation and \$10,000 fine
<u>Second Offense</u>	Revocation and \$7500 fine	Revocation and \$10,000 fine			

(s) Practicing beyond scope permitted. (468.217(1)(s), 455.624(1)(o), F.S.)			(y) Unlicensed practice. (468.207, F.S.)		
<u>First Offense</u>	Reprimand and \$100 fine	6 months suspension, 6 months probation with conditions or denial and \$1500 fine	<u>First Offense</u>	6 months probation with conditions and \$1000 fine	Denial/revocation \$1000 fine plus \$50 per day for over 10 worked Up to \$5000 Revocation and \$10,000 fine
<u>Second Offense</u>	6 months suspension, 6 months probation with conditions and \$1500 fine	1 year suspension, 1 year probation with conditions and \$3000 fine	<u>Second Offense</u>	Revocation and \$1000 fine plus \$50 per day for over 10 worked up to \$5000	
<u>Third Offense</u>	1 year suspension, 1 year probation with conditions and \$3000 fine	Revocation and \$5000 fine	(z) Intentionally violating any rule adopted by the Board or the Department as appropriate. (455.624(1)(b), F.S.)		
(t) Inability to practice occupational therapy with skill and safety. (468.217(1)(t), F.S.)			<u>First Offense</u>	6 months suspension, 1 year probation with conditions and \$1000 fine	1 year suspension, 2 years probation with conditions and \$2000 fine
<u>First Offense</u>	Submit to mental/physical examination and impose conditions on practice	Submit to mental/physical examination and suspension until able to demonstrate ability to practice with reasonable skill and safety	<u>Second Offense</u>	1 year suspension, 2 years probation with conditions and \$2000 fine	2 years suspension with conditions and \$4000 fine Revocation and \$10,000 fine
<u>Second Offense</u>	Submit to mental/physical examination and suspension until able to demonstrate ability to practice with reasonable skill and safety	Submit to mental/physical examination and suspension until able to demonstrate ability to practice with reasonable skill and safety	<u>Third Offense</u>	2 years suspension, 4 years probation with conditions and \$4000 fine	
<u>Third Offense</u>	Submit to mental/physical examination, suspension until able to demonstrate ability to practice with reasonable skill and safety and \$3000 fine	Submit to mental/physical examination and suspension until able to demonstrate ability to practice with reasonable skill and safety and \$3000 fine Revocation and \$5000 fine	(aa) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice a licensee's profession. (455.624(1)(c), F.S.)		
			<u>First Offense</u>	6 months probation with conditions and \$1000 fine	Denial/revocation and \$5000 fine
			<u>Second Offense</u>	1 year suspension and \$5000 fine	Revocation and \$10,000 fine
(u) Delegation of professional responsibilities to unqualified person. (468.217(1)(u), 455.624(1)(p), F.S.)			(bb) Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome. (455.624(1)(c), F.S.)		
<u>First Offense</u>	1 year probation with conditions and \$1000 fine	6 months suspension, 1 year probation with conditions and \$3000 fine	<u>First Offense</u>	Reprimand	6 months probation with conditions and \$100 fine
<u>Second Offense</u>	6 months suspension, 1 year probation with conditions and \$3000 fine	1 year suspension, 2 years probation with conditions and \$6000 fine	<u>Second Offense</u>	6 months probation with conditions and \$100 fine	1 year probation with conditions and \$500 fine
<u>Third Offense</u>	1 year suspension, 2 years probation with conditions and \$6000 fine	Revocation and \$10,000 fine	<u>Third Offense</u>	1 year probation with conditions and \$500 fine	2 years probation with conditions and \$1000 fine
(v) Violation of law, rule, order, or failure to comply with subpoena. (468.217(1)(v), 455.624(1)(g), F.S.)			(cc) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee. (455.624(1)(g), F.S.)		
<u>First Offense</u>	Suspension until law, rule, order, or subpoena complied with and \$500 fine	Revocation and \$1500 fine	<u>First Offense</u>	1 year probation with conditions and \$1000 fine	6 months suspension, 1 year probation with conditions and \$2000 fine
<u>Second Offense</u>	6 months suspension, 1 year probation with conditions and \$1500 fine	Revocation and \$5000 fine	<u>Second Offense</u>	6 months suspension, 1 year probation with conditions and \$2000 fine	1 year suspension, 2 years probation with conditions and \$4000 fine
			<u>Third Offense</u>	1 year suspension, 2 years probation with conditions and \$4000 fine	Revocation and \$10,000 fine
(w) Conspiring to restrict another from lawfully advertising services. (468.217(1)(w), F.S.)			(dd) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession. (455.624(1)(m), F.S.)		
<u>First Offense</u>	Reprimand	Reprimand and \$100 fine	<u>First Offense</u>	1 year probation with conditions and \$500 fine	1 year suspension, 1 year probation with conditions and \$1500 fine
<u>Second Offense</u>	Reprimand and \$100 fine	Reprimand and \$500 fine	<u>Second Offense</u>	1 year suspension, 1 year probation with conditions and \$1500 fine	Denial/revocation and \$3000 fine
<u>Third Offense</u>	Reprimand and \$500 fine	Reprimand and \$1000 fine	<u>Third Offense</u>	2 years suspension, 2 years probation with conditions and \$3000 fine	Denial/revocation and \$5000 fine
(x) False representation of registration. (468.223(1), F.S.)					
<u>First Offense</u>	Reprimand and \$100 fine	1 year probation with conditions or denial and \$500 fine			
<u>Second Offense</u>	1 year probation with conditions and \$500 fine	6 months suspension, 1 year probation with conditions and \$750 fine			
<u>Third Offense</u>	6 months suspension, 1 year probation with conditions and \$750 fine	Revocation and \$1000 fine			

(ee) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.

(455.624(1)(r), F.S.)

<u>First Offense</u>	6 months probation with conditions and \$1000 fine	6 months suspension, 1 year probation with conditions and \$2000 fine
<u>Second Offense</u>	6 months suspension, 1 year probation with conditions and \$2000 fine	1 year suspension, 2 years probation with conditions and \$4000 fine
<u>Third Offense</u>	1 year suspension, 2 years probation with conditions and \$4000 fine	Revocation and \$10,000 fine

(ff) Engaging or attempting to engage a patient in verbal or physical sexual activity.

(455.624(1)(u), F.S.)

<u>First Offense</u>	1 year suspension, 4 years probation with conditions referral to PRN and \$5000 fine	Denial/revocation and \$7500 fine
<u>Second Offense</u>	Revocation and \$7500 fine	Revocation and \$10,000 fine

(gg) Failing to report to the board within 30 days after the licensee has been convicted or found guilty of, or entered a plea of no contendere to, regardless of adjudication, a crime in any jurisdiction.

(455.624(w), F.S.)

<u>First Offense</u>	Reprimand	6 months suspension, 1 year probation with conditions and \$500 fine
<u>Second Offense</u>	6 months suspension, 1 year probation with conditions and \$500 fine	1 year suspension, 2 years probation with conditions and \$1000 fine
<u>Third Offense</u>	1 year suspension, 2 years probation with conditions and \$1000 fine	Revocation and \$2000 fine

(hh) Using information about people involved in motor vehicle accidents which has been derived from accident reports made by law enforcement officers for the solicitation of the people involved in the accidents.

(455.624(x), F.S.)

<u>First Offense</u>	1 year probation with conditions and \$1000	6 months suspension, 1 year probation with conditions and \$2000 fine
<u>Second Offense</u>	6 months suspension, 2 year probation with conditions and \$2000 fine	1 year suspension, 2 years probation with conditions and \$4000 fine
<u>Third Offense</u>	1 year suspension, 2 years probation with conditions and \$4000 fine	Revocation and \$10,000 fine

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE NO.: 64B11-5.0065  
 RULE TITLE: Exemption of Spouse of Member of Armed Forces from License Renewal Requirements

**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. 25, No. 25, June 25,

1999, issue of the Florida Administrative Weekly. The changes are in response to comments received from the staff of the Joint Administrative Procedures Committee. The rule shall now read as follows:

**64B11-5.0065 Exemption of Spouse of Member of Armed Forces from License Renewal Requirements.**

A licensee who is the spouse of a member of the Armed Forces of the United States shall be exempt from all licensure renewal provisions for any period of time which the licensee is absent from the State of Florida due to the spouse's duties with the Armed Forces. The licensee must document the absence and the spouse's military status to the Board.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-27.220  
 RULE TITLE: Medicinal Drugs which may be Ordered by Pharmacists

**NOTICE OF CORRECTION**

Notice is hereby given that the above-referenced rule, which was advertised in the September 24, 1999, issue of the Florida Administrative Weekly contained a typographical error in the date the notice of rule development was published in the Florida Administrative Weekly. The correct date for the date of publication of the notice of rule development was August 13, 1999. This change does not in any way affect the substance of the proposed rule.

THE PERSON TO BE CONTACTED REGARDING THE RULE IS: John Taylor, Executive Director, Board of Pharmacy, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254

**DEPARTMENT OF HEALTH**

**Council of Licensed Midwifery**

RULE NO.: 64B24-6.005  
 RULE TITLE: Criteria for Continuing Education Programs

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 6, February 12, 1999, Florida Administrative Weekly, has been withdrawn.

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE NO.: 64F-2.005  
 RULE TITLE: Healthy Start Coalitions

**NOTICE OF RULE WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 24, June 18, 1999, Florida Administrative Weekly, has been withdrawn.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Freshwater Fish and Wildlife**

RULE NO.:	RULE TITLE:
68A-12.007	Hunting Dogs; Molesting Game in Closed Season; Training; Field Trials; Prohibited for Certain Hunting

**NOTICE OF CHANGE**

Notice is hereby given that the following change, in accordance with subparagraph 120.54(3)(d)1., F.S., has been made to subsection (2) of this proposed rule which was published in Volume 25, Number 35, Florida Administrative Weekly, September 3, 1999, so that when adopted, it will read as follows:

- (1) No change.
- (2) The purpose and intent of this subsection is to empower the Fish and Wildlife Conservation Commission, upon the complaint of a landowner or lessee, to enforce against the unauthorized use of dogs for hunting. No person owning, having the care of, or using any dogs shall permit such dog to trail, pursue or molest wildlife on the lands of another person without written permission from the landowner or lessee of said lands. Written permission shall be in the possession of each person using such dog on the lands of another person, and shall be presented for inspection upon request of any Commission wildlife officer or other law enforcement officer as referred to in subsection 68A-3.002(3), F.A.C.

- (4) No change.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Freshwater Fish and Wildlife**

RULE NO.:	RULE TITLE:
68A-15.005	Quota Permits; Antlerless Deer Permits; Special-Opportunity Permits

**NOTICE OF CHANGE**

Notice is hereby given that the following changes, in accordance with subparagraph 120.54(3)(d)1., F.S., have been made to this proposed rule which was published in Volume 25, Number 35, Florida Administrative Weekly, September 3, 1999, so that when adopted, it will read as follows:

- (a) South Region
  - 36. Withdraw proposed spring turkey quotas which were proposed for Walk-in-the-Water WMA.
  - No change to remainder of (a).
- (b) Northeast Region

51. Holton Creek, mobility-impaired spring turkey (each hunt) – 10 by spring turkey application (no exemptions).

- (c) Northwest Region
  - 31. Tate’s Hell, spring turkey (each hunt) – 25 by spring turkey application.
  - Renumber remainder of (c) accordingly.
- (d) Everglades Region – No change.
- (e) Central Region
  - 9. Withdraw proposed spring turkey quotas which were proposed for Citrus WMA.
  - No change to remainder of (e).

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Freshwater Fish and Wildlife**

RULE NO.:	RULE TITLE:
68A-15.006	Regulations Relating to Miscellaneous Areas

**NOTICE OF CHANGE**

Notice is hereby given that the following changes, in accordance with subparagraph 120.54(3)(d)1., F.S., have been made to this proposed rule which was published in Volume 25, Number 35, September 3, 1999, so that when adopted, it will read as follows:

68A-15.006 Regulations Relating to Miscellaneous Areas. The Commission may establish specific regulations for wild hog areas and miscellaneous areas to regulate and manage the lands or waters therein the best interest of the state. Regulations are set forth as follows:

- (1) Kissimmee River Public Use Area
  - (a) Open seasons:
    - 1. Non-migratory game – Zonal seasons established under Rule 68A-13.004, F.A.C., except that open season for rabbit shall be during the zonal squirrel season only.
    - 2. Migratory game birds – Statewide regulations established under Rules 68A-13.003 and 68A-13.008, F.A.C., except that open season for crow shall be during the first phase of crow season only.
    - 3. Furbearers – During the zonal antlered deer season only except that bobcat, mink, and otter may be taken only after November 30.
    - 4. Fishing and frogging – Permitted throughout the year.
      - (b) Legal to take: All legal game, furbearers, fish, and frogs. Wild hogs may be taken as provided in Rules 68A-13.004 and 68A-21.004, F.A.C. Bag and possession limits and shooting hours shall be those established under Rules 68A-13.003, 68A-13.004, and 68A-13.008, F.A.C., except that shooting hours for turkeys during the spring season shall be from one-half hour before sunrise until 1 p.m.
  - (c) General regulations:

1. The possession of center-fire rifles in the marshes and uplands shall be prohibited. The marshes shall be those lands outside the Kissimmee River channel and the Istokpoga canal.

2. No person shall possess any gun upland of the line marked by South Florida Water Management District blue management area signs except during the period beginning on the opening day of rail season established in Rule 68A-13.008, F.A.C., and ending on the closing day of spring turkey season established in Rule 68A-13.004, F.A.C.

3. Shooting frogs shall be permitted only during hunting seasons established for this area and only with guns that are legal to use during each particular open hunting season.

4. All public use shall be prohibited in those areas posted as closed to afford protection to biologically sensitive resources or sites, protection of archeological or cultural resources, or for public safety reasons. Hunting shall be prohibited within 300 yards of any active construction site.

Specific Authority Art. IV, Sec 9, Fla. Const. Law Implemented Art IV, Sec 9, Fla. Const. History—New\_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Freshwater Fish and Wildlife**

RULE NO.: 68A-15.061  
RULE TITLE: Specific Regulations for Type I Wildlife Management Areas – South Region  
NOTICE OF CHANGE

Notice is hereby given that the following changes, in accordance with subparagraph 120.54(3)(d)1., F.S., have been made to this proposed rule which was published in Volume 25, Number 35, Florida Administrative Weekly, September 3, 1999.

- (1) No change.
- (7) Arbuckle Wildlife Management Area
  - (a) Open season:
    - 4. Spring turkey – March 21-23, April 4-6, and April 18-20.

No change to the remainder of (7).

~~(10) Kissimmee River Wildlife Management Area~~

~~(a) Open season:~~

- ~~1. Small game – November 13 through January 9.~~
- ~~2. Early duck – In the September season as established by Rule 68A-13.003, F.A.C., until noon.~~
- ~~3. Migratory game birds – During the migratory game bird seasons as established by Rules 68A-13.003 and 68A-13.008, F.A.C. During the duck and coot season, hunting is limited to the period one half hour before sunrise until noon.~~
- ~~4. Falconry – During the falconry season as established by Rules 68A-13.004 and 68A-13.008, F.A.C.~~
- 5. Fishing and frogging – Permitted throughout the year.

~~(b) Legal to take: All legal small game, fish, frogs and furbearers.~~

~~(c) Camping: Prohibited during the small game season and on the Fort Basinger Unit.~~

~~(d) General regulations:~~

- ~~1. The possession or use of firearms other than shotguns is prohibited.~~
- ~~2. The use of dogs, other than retrievers, bird dogs and dogs with a shoulder height of 15 inches or less, is prohibited.~~
- ~~3. The use of vehicles, motorcycles or three or four wheelers (ATVs) is prohibited.~~
- ~~4. All vehicles shall be parked in the designated parking area. Bicycles may be ridden from the parking area to any other location on the wildlife management area.~~
- ~~5. Persons may enter the area no earlier than one half hour before sunrise and shall exit no later than one half hour after sunset.~~
- ~~6. Hunters shall check in at a designated check station when entering and exiting the area, and record all game taken.~~

~~(11) No change.~~

~~(12) Kissimmee River Wildlife Management Area – Pool A East Unit.~~

~~(a) Open season: Fishing – Permitted throughout the year.~~

~~(b) Legal to take: All legal fish.~~

~~(c) Camping: Prohibited.~~

~~(d) General regulations:~~

- ~~1. The possession or use of guns and dogs is prohibited.~~
  - ~~2. The use of all terrain vehicles and airboats is prohibited.~~
- Renumber remainder of rule accordingly.

(13) Withdraw all proposed amendments to (13), which were spring turkey season dates and associated regulations for Walk-in-the-Water Wildlife Management Area.

(14) No change.

(15) No change.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Freshwater Fish and Wildlife**

RULE NO.: 68A-15.062  
RULE TITLE: Specific Regulations for Type I Wildlife Management Areas – Northeast Region

NOTICE OF CHANGE

Notice is hereby given that the following changes, in accordance with subparagraph 120.54(3)(d)1., F.S., have been made to this proposed rule which was published in Volume 25, Number 35, Florida Administrative Weekly, September 3, 1999, so that when adopted, it will read as follows:

- (1) No change.
- (22) Holton Creek Wildlife Management Areas
  - (a) Open season:

- 2. Mobility-impaired spring turkey – March 24-26 and April 14-16.
- 3. No change.
- (d) General regulations:
- 5. No change.
- 6. No change.
- 9. All mobility-impaired hunters are required to attend a pre-hunt orientation meeting.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Freshwater Fish and Wildlife**

RULE NO.:                    RULE TITLE:  
 68A-15.065                Specific Regulations for Type I  
                                  Wildlife Management Areas –  
                                  Central Region

**NOTICE OF WITHDRAWAL**

Notice is hereby given that all proposed amendments to 68A-15.065(2), Citrus Wildlife Management Area spring turkey season, as published in Volume 25, Number 35, September 3, 1999, have been withdrawn. Proposed amendments to the remainder of the rule will be adopted as proposed.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Marine Fisheries**

RULE CHAPTER TITLE: Reef Fish	
RULE TITLES:	RULE NOS.:
Purpose and Intent, Repeal of Section 370.11(2)(a)8., F.S., Designation as Protected Species, Designation as Restricted Species	68B-14.001
Definitions	68B-14.002
Size Limits: Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper	68B-14.0035
Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Exception, Wholesale/Retail Purchase Exemption	68B-14.0036
Commercial Harvest Requirements; Licenses, Closures, Special Restrictions	68B-14.0045

**NOTICE OF CHANGES TO PROPOSED RULES**

The Fish and Wildlife Conservation Commission announces changes to proposed amendments to Rules 68B-14.001, 68B-14.002, 68B-14.0035, 68B-14.0036, and 68B-14.0045, F.A.C., as published in the September 3, 1999 issue of the Florida Administrative Weekly. The changes are in response to public comment, testimony, and Commission discussion contained in the record of the public hearing held by the Commission on October 7, 1999, in St. Petersburg, Florida. Each rule was changed by adding a January 1, 2000 effective date, as follows:

68B-14.001 Purpose and Intent, Repeal of Section 370.11(2)(a)8., F.S., Designation as Protected Species, Designation as Restricted Species.

(4) No change.

PROPOSED EFFECTIVE DATE: January 1, 2000.

Specific Authority Art. IV, Sec. 9, Fla. Const., sections 7 & 9 of chapter 83-134, Laws of Florida, as amended by chapter 84-121, Laws of Florida. Law Implemented Art. IV, Sec. 9, Fla. Const., sections 7 & 9 of chapter 83-134, Laws of Florida., as amended by chapter 84-121, Laws of Florida. History–New 7-29-85, Formerly 46-14.001, Amended 12-11-86, 2-1-90, 3-1-94, 12-31-98,\_\_\_\_\_.

68B-14.002 Definitions.

For purposes of this chapter, except where the context clearly requires otherwise:

(15) No change.

PROPOSED EFFECTIVE DATE: January 1, 2000.

Specific Authority Art. IV, Sec. 9, Fla. Const., Law Implemented Art. IV, Sec. 9, Fla. Const.. History–New 7-29-85, Formerly, 46-14.002, Amended 12-11-86, 2-1-90, 12-31-92, 3-1-94, 1-1-98, 12-31-98,\_\_\_\_\_.

68B-14.0035 Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper.

No person shall harvest in or from state waters at any time, land, possess, unnecessarily destroy, or sell or offer for sale (except as provided in Rule 68B-14.0045), any of the following species, of a length less than set forth as follows:

(1) through (7) No change.

PROPOSED EFFECTIVE DATE: January 1, 2000.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 12-31-98, Formerly, 46-14.0035, Amended 3-1-99,\_\_\_\_\_.

68B-14.0036 Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Exception, Wholesale/ Retail Purchase Exemption.

(2) No change.

(6) No change.

(7) No change.

(8) No change.

PROPOSED EFFECTIVE DATE: January 1, 2000.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 12-31-98, Formerly, 46-14.0036, Amended 3-1-99,\_\_\_\_\_.

68B-14.0045 Commercial Harvest Requirements; Licenses, Season Closures, Special Restrictions.

(1) through (3) No change.

PROPOSED EFFECTIVE DATE: January 1, 2000.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 2-1-90, Formerly, 46-14.0045, Amended 12-31-92, 10-18-93, 3-1-94, 6-15-95, 1-1-96, 11-27-96, 12-31-98, 3-1-99,\_\_\_\_\_.



**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Marine Fisheries**

RULE CHAPTER TITLE: Amberjack

RULE NOS.:	RULE TITLES:
68B-40.001	Purpose and Intent, Designation as Restricted Species
68B-40.002	Definitions
68B-40.003	Size Limits; Prohibition of Sale of Undersize Fish
68B-40.004	Bag Limits
68B-40.005	Harvest for Commercial Purposes, Seasonal Prohibition From Sale

**NOTICE OF CHANGES TO PROPOSED RULES**

The Fish and Wildlife Conservation Commission announces changes to the proposed repeal of Rule Chapter 68B-40, F.A.C., as published in the September 3, 1999 issue of the Florida Administrative Weekly. The changes are in response to public comment, testimony, and Commission discussion contained in the record of the public hearing held by the Commission on October 7, 1999, in St. Petersburg, Florida. The effective date of the repeals has been included as part of the rules to coincide with the effective date of the proposed amendment of Rule Chapter 68B-14, F.A.C., where the substantive provisions regarding amberjack are being inserted as part of reef fish regulations. The repeals, with the added effective dates are as follows:

68B-40.001 Purpose and Intent; Designation as Restricted Species.

PROPOSED EFFECTIVE DATE: January 1, 2000.

Specific Authority 370.01(20), 370.027(2) FS. Law Implemented 370.01(20), 370.025, 370.027 FS. History--New 2-1-90, Formerly, 46-40.001, Amended 12-31-92, 12-31-98, Repealed \_\_\_\_\_.

68B-40.002 Definitions.

PROPOSED EFFECTIVE DATE: January 1, 2000.

Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History--New 2-1-90, Formerly, 46-40.002, Amended 12-31-92, 1-1-98, Repealed \_\_\_\_\_.

68B-40.003 Size Limits; Prohibition of Sale of Undersize Fish.

PROPOSED EFFECTIVE DATE: January 1, 2000.

Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History--New 2-1-90, Formerly, 46-40.003, Amended 12-31-92, 1-1-98, Repealed \_\_\_\_\_.

68B-40.004 Bag Limits.

PROPOSED EFFECTIVE DATE: January 1, 2000.

Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History--New 2-1-90, Formerly, 46-40.004, Amended 12-31-92, 4-1-96, 1-1-98, Repealed \_\_\_\_\_.

68B-40.005 Harvest for Commercial Purposes, Seasonal Prohibition From Sale.

PROPOSED EFFECTIVE DATE: January 1, 2000.

Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History--New 2-1-90, Formerly, 46-40.005, Amended 12-31-92, 3-18-96, 1-1-98, 12-31-98, Repealed \_\_\_\_\_.

**Section IV  
Emergency Rules**

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game 81 Specifics  
RULE NO.: 53ER99-46

SUMMARY OF THE RULE: Instant Game Number 81 Specifics, "WHEEL OF FORTUNE®," will be sold by Florida Lottery retailers commencing on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, procedures to be followed on how to play the game, the number and size of prizes in the game, and the specifics of the WHEEL OF FORTUNE® PLAY-AT-HOME BONUS Promotion.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER99-46 Instant Game 81 Specifics.

(1) Name of Game. Instant Game Number 81 "WHEEL OF FORTUNE®."

(2) Price. WHEEL OF FORTUNE® tickets sell for \$2.00 per ticket.

(3) WHEEL OF FORTUNE® Lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a VIRN under the latex area on the ticket. To be a valid winning WHEEL OF FORTUNE® Lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the validity of any WHEEL OF FORTUNE® Lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The "WHEEL LETTERS" play symbols and play symbol captions in WHEEL OF FORTUNE® are as follows:

INSERT SYMBOLS

(5) The "YOUR LETTERS" play symbols and play symbol captions in WHEEL OF FORTUNE® are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbol captions in WHEEL OF FORTUNE® are as follows:

INSERT SYMBOLS

(7) Determination of Prize Winners. In order for a ticket to be a winning ticket,

one or more of "YOUR LETTERS" must match one or more of the "WHEEL LETTERS." Players may win more than one prize per ticket.

(a) The holder of a ticket having a letter in the "YOUR LETTERS" play area that matches any letter in the "WHEEL LETTERS" play area, shall be entitled to a prize of the amount shown for that letter, or if "TICKET" is exposed in the prize play area, shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that totals \$2.00.

(b) The holder of a ticket having a "WHEEL" symbol in the "YOUR LETTERS" play area shall be entitled to a prize of \$20.00.

(c) The holder of a ticket having multiple winning matches on a ticket shall be entitled to a prize of the sum of all winning prize amounts.

(8) Prize amounts which may appear in the prize area are: \$1.00, \$2.00, \$3.00, \$5.00, \$10.00, \$20.00, \$40.00, \$50.00, \$200, \$1,000, \$5,000 and \$25,000.

(9) Number and Size of Prizes. The following prizes will be available in Instant Game Number 81:

(a) Approximately 1,633,444 prizes falling in the cash categories per 84 pools of 120,000 tickets each.

(b) The expected value, number of prizes, and odds of winning in Instant Game Number 81 are as follows:

<u>MATCH ANY OF YOUR LETTERS TO ANY WHEEL LETTER OR GET WHEEL SYMBOL</u>		<u>NUMBER IN 84 POOLS OF 120,000 TICKETS</u>		<u>ODDS</u>
<u>WITH PRIZE(S) OF:</u>		<u>120,000 TICKETS</u>	<u>ODDS</u>	
<u>FREE TICKET</u>	<u>TICKET</u>	1,209,600	1 in 8.33	
\$1 x 2	\$2	806,400	1 in 12.50	
\$2	\$2	134,400	1 in 75.00	
\$1 x 4	\$4	67,200	1 in 150.00	
\$2 + \$2	\$4	67,200	1 in 150.00	
\$1 x 5	\$5	67,200	1 in 150.00	
\$1 x 2 + \$3	\$5	67,200	1 in 150.00	
\$1 x 10	\$10	134,400	1 in 75.00	
\$2 x 5	\$10	67,200	1 in 150.00	
WHEEL (\$20)	\$20	134,400	1 in 75.00	
\$2 x 10	\$20	67,200	1 in 150.00	
\$1 x 3 + \$2 + \$5 x 3 + \$10 x 2	\$40	7,728	1 in 1,304.35	
\$5 x 4 + \$10 x 2	\$40	7,728	1 in 1,304.35	

\$5 x 10	\$50	2,520	1 in 4,000.00
\$5 x 4 + \$10 x 3	\$50	840	1 in 12,000.00
\$5 x 2 + \$10 x 4	\$50	840	1 in 12,000.00
\$10 x 10	\$100	420	1 in 24,000.00
\$10 x 5 + \$50	\$100	336	1 in 30,000.00
\$10 + \$40 + \$50	\$100	168	1 in 60,000.00
\$50 x 10	\$500	20	1 in 504,000.00
\$50 x 2 + \$200 x 2	\$500	20	1 in 504,000.00
\$1,000	\$1,000	10	1 in 1,008,000.00
\$5,000	\$5,000	10	1 in 1,008,000.00
\$5,000 x 5	\$25,000	2	1 in 5,040,000.00
\$25,000	\$25,000	2	1 in 5,040,000.00
DRAWING			
10 Trips	\$5,000	10	1 in 1,008,000.00

(10) The over-all odds of winning any prize in Instant Game Number 81 are 1 in 3.55.

(11) For reorders of Instant Game Number 81, the expected value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(12) WHEEL OF FORTUNE® Play-At-Home Bonus. The Florida Lottery will award ten four-day, three-night trips for two to Hollywood, California. Each trip includes roundtrip airfare from a gateway of the winner's choice, one hotel room, studio and airport shuttle for two people, one audition for a chance to become a contestant on the WHEEL OF FORTUNE® game show, and \$2,000 in cash. If the winner is selected during his or her audition to be a contestant on the WHEEL OF FORTUNE® game show, the winner will receive an additional three-day, two-night trip for two people. This trip includes roundtrip airfare from the gateway of the winner's choice to Hollywood, California, one hotel room, and studio and airport shuttle. The winner will be responsible for all personal expenses, including travel to and from the gateway airport, airport-parking fees, phone calls, personal purchases and their associated state and federal taxes. The cost of any additional services purchased, such as upgrades or fees associated with cancellation or change of reservations, will be the responsibility of the winner.

(13) Any federal, state and/or local taxes or other fees are the responsibility of the winner.

(14) Trip scheduling is dependent upon the audition schedule for the Wheel of Fortune® TV game show. The trip must be taken within one year of the drawing in which the winner is selected.

(15) After a claim has been completed, the winner may transfer his or her Wheel of Fortune® audition to another person who meets the eligibility requirements of this rule upon completion of required transfer forms.

(16) How to enter. To enter the promotion a player must mail a non-winning WHEEL OF FORTUNE® instant ticket completed as described in paragraph (16)(c), below, to the address shown in paragraph (16)(d), below. A "non-winning ticket" is defined as any ticket that does not entitle the player to receive a cash prize or free ticket.

(a) Participants must be at least eighteen years of age.

(b) Persons prohibited by Section 24.116, Florida Statutes, from purchasing a Florida Lottery ticket are not eligible to win.

(c) The player must watch the syndicated WHEEL OF FORTUNE® game show and clearly enter the following information on the back on the WHEEL OF FORTUNE® instant ticket: date player watched the WHEEL OF FORTUNE® game show; name of television station (call letters) which aired the WHEEL OF FORTUNE® game show; and the player's name, street address, city, state, zip code, and telephone number. The player must circle the position of the winning game show player for the corresponding date the WHEEL OF FORTUNE® game show was watched.

(d) The player should mail one entry in a specified WHEEL OF FORTUNE® envelope or in an envelope with a total area no larger than 4.5" x 9.5" addressed to WHEEL OF FORTUNE® Drawing, Tallahassee, FL 32395-0098.

(e) Only one name per entry should be used. If more than one name appears on an entry, the winner will be the person whose name appears first on the line designated for the name.

(f) Only one prize will be awarded per envelope. If an envelope contains multiple entries bearing different names, the Lottery will select one entry by random selection and the winner will be the individual whose name appears on that entry.

(g) Only valid entries are eligible for Play-At-Home Bonus Drawings. An entry will be declared invalid and shall be disqualified if the WHEEL OF FORTUNE® game show information described in paragraph (16)(c), above, is not verified by the television station named, or if any part of the entry is illegible, altered, mutilated, tampered with, duplicated or defaced.

(h) Winning lottery tickets submitted for payment in a WHEEL OF FORTUNE® envelope will not be paid or honored, unless the envelope is selected in the Play-At-Home Bonus Drawings, and opened.

(17) Play-At-Home Bonus Drawings.

(a) For the initial ten million tickets ordered, there will be two Play-At-Home Bonus Drawings conducted. In each drawing, five winners will be selected. The first draw date will be determined by the Lottery based upon WHEEL OF FORTUNE® instant ticket sales. This draw date will be scheduled when approximately one-half of the tickets available for sale have been sold. The second drawing will be held thereafter on a date to be determined by the Lottery. If there is not a reorder of WHEEL OF FORTUNE® instant tickets as described in paragraph (17)(b), below, the second drawing will be held after the official end of game date.

(b) For any reorders of Instant Game Number 81, the number of Play-At-Home Bonus Drawings will be proportionate to the number of tickets reordered and the drawing(s) will be held on a date or dates to be determined by the Lottery with the final drawing occurring after the official end of game date.

(c) All entries must be mailed to the Lottery no later than 60 days after the announced end of game for the WHEEL OF FORTUNE® instant game. The odds of winning a Play-At-Home Bonus prize are dependent upon the number of entries received.

(18) Participants need not be present to win. The Florida Lottery will attempt to notify winners by telephone or certified mail not later than two weeks after winners are announced. Each winner must complete Winner Claim Form DOL-173-2, Revised 07/93, and Acceptance and Release Form DOL-400, Revised 10/14/99, which forms are incorporated herein by reference and may be obtained from the Florida Lottery, Winner Validation, Capitol Complex, Tallahassee, Florida 32399-4027, and return them to the Florida Lottery no later than thirty days from the date of the notification letter sent by the Lottery. Winners not returning their Winner Claim Form and Acceptance and Release Form will forfeit their right to claim the prize, and alternate winners will be selected from the alternates drawn and will be announced within two weeks from the original Winner Claim Form deadline. First alternates must return their Winner Claim Form and Acceptance and Release Form to the Florida Lottery no later than 30 days from the date of the notification letter sent by the Lottery. First alternates not returning their Winner Claim Form and Acceptance Release Form will forfeit their right to claim the prize, and second alternate winners will be selected from the alternates drawn and announced within two weeks from the first alternate's Winner Claim Form deadline. Second alternates must return their Winner Claim Form and Acceptance and Release Form to the Florida Lottery no later than thirty days from the date of notification letter sent by the Florida Lottery, or forfeit their right to claim the prize.

(19) Entry into the WHEEL OF FORTUNE® Play-At-Home Bonus promotion constitutes permission for the Florida Lottery to photograph and/or videotape and record the prizewinner with or without prior notification and to use the name, photographic and/or videotaped image, and/or voice recording of the prizewinner for advertising and/or publicity purposes without additional compensation.

(20) Cash will not be awarded in lieu of stated prizes. If a winner is identified as owing an outstanding debt to a state agency or child support collected through a court in an amount less than the cash portion of the prize, the prize, less the amount owed, shall be awarded. If a winner is identified as owing an outstanding debt to a state agency or child support collected through a court in an amount greater than the cash portion of the prize, the winner will be required to clear the debt and provide proof of such from the claiming agency, before the prize will be awarded. If the winner fails to clear the debt and provide proof of such, the cash portion of the prize will be forwarded to the claiming agency as provided in

Section 24.115, Florida Statutes, and the winner will forfeit his or her right to the remainder of the prize. No alternate winner shall be selected.

(21) All prizes are subject to the provisions of Chapter 24, Florida Statutes, and rules promulgated thereunder. Entry into the WHEEL OF FORTUNE® Play-At-Home Bonus promotion constitutes agreement to abide by the official rules of the promotion.

(22) The Florida Lottery will publish a complete list of all the WHEEL OF FORTUNE® Play-At-Home Bonus winners following the conclusion of the promotion, including the city and state of residence. To receive a copy of the winner's list, write to: Florida Lottery, Public Information, Capitol Complex, Tallahassee, Florida 32399-4016.

(23) A copy of the complete official rules for the WHEEL OF FORTUNE® Play-At-Home Bonus promotion may be obtained by writing to: Florida Lottery, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(10)(a),(b),(c),(d),(e) 24.109(1) FS. Law Implemented 24.105(10)(a),(b),(c),(d),(e) FS. History—New 10-15-99.

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

EFFECTIVE DATE: October 15, 1999

**Section V**

**Petitions and Dispositions Regarding Rule Variance or Waiver**

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN that the Department issued a Final Order on October 19, 1999, in response to the Petition for Waiver filed by Martin County and assigned the number DCA99-WAI-158.

Notice of receipt of this petition appeared August 27, 1999, in Vol. 25, No. 34 of the Florida Administrative Weekly. It is ordered that the Petition for Waiver by Petitioner Martin County be, and by this Final Order is, hereby GRANTED and limited to recognition of the Mathews parcel, acquired by the Petitioner on April 23, 1999, as an eligible source of local match in a P10A grant application to be timely submitted to Florida Communities Trust by the Petitioner for funding for the acquisition of the Indian River Park Addition project site.

A copy of the Final Order may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Department issued a Final Order on October 19, 1999, in response to the Petition for Waiver filed by Palm Beach County and assigned the number DCA99-WAI-160.

Notice of receipt of this petition appeared August 27, 1999, in Vol. 25, No. 34 of the Florida Administrative Weekly. It is ordered that the Petition for Waiver by Petitioner Palm Beach County be, and by this Final Order is, hereby GRANTED with respect to Florida Communities Trust Project number 98-067-P8A.

A copy of the Final Order may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

**PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from Florida Power Corporation, filed October 8, 1999, in Docket No. 991526-EQ, seeking waiver of the ten year term for standard offer contracts set forth in Rule 25-17.0832(4)(e)(7), Florida Administrative Code. The rule provides that standard offer contracts must have a ten year minimum term.

Comments on the petition should be filed with the Commission's Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days after publication of this notice.

A copy of the petition can be obtained from the Division of Records and Reporting. For additional information, please contact Grace Jaye, Esquire, Division of Legal Services, at the above address or telephone (850)413-6199.

**DEPARTMENT OF MANAGEMENT SERVICES**

The Capitol Center Planning Commission hereby gives notice that it has received a petition, filed on October 7, 1999, from Jodie Dodson, Manausa Lewis & Dodson Architects, Inc., seeking a waiver or variance of Rule 60F-3.005(5)(a), Florida Administrative Code, with respect to allowing the construction of an ornamental canopy on a non-conforming building.

Comments on this petition should be filed with the Capitol Center Planning Commission, 4030 Esplanade Way, Suite 380, Tallahassee, FL 32399-0950, within 14 days of publication of this notice.

For a copy of the petition, contact Trent Price, Executive Director, Capitol Center Planning Commission, at the above address or telephone (850)488-2074.

**DEPARTMENT OF HEALTH**

The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling hereby gives notice that it received an Emergency Petition for Waiver or Variance of Rule 64B4-3.003(5)(b)1., filed on September 28, 1999, from Marilyn Ekladios. The Petitioner is seeking an emergency waiver or variance of Rule 64B4-3.003(5)(b)1., with respect to the requirement that an applicant must receive a passing score of 75. The Board will discuss this matter at a regularly

scheduled board meeting on October 22, 1999, at 9:00 a.m., or shortly thereafter, at The Naples Beach Hotel and Golf Club, 851 Gulf Shore Boulevard North, Naples, Florida 34102.

A copy of the Petition for Waiver and Variance may be obtained by writing: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, Department of Health, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258.

For additional information, contact Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, at the above address or telephone (850)414-7557.

The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling hereby gives notice that the petition received from Arlene J. Gurwich, seeking a waiver or variance of Rule 64B4-3.003(5)(b)1., FAC, has been approved.

The petitioner filed a petition on June 9, 1999, seeking a waiver or variance of Rule 64B4-3.003(5)(b)1., FAC, with respect to the requirement that the applicant must have a passing score of 75. The petition was published in Vol. 25, No. 26 of the July 2, 1999, and an amended petition was published in Vol. 25, No. 38 of the July 16, 1999 issue of the Florida Administrative Weekly.

The Board discussed the petition on July 27, 1999, and the Board voted to approve the petition. An Order was issued and filed with the Clerk on August 24, 1999.

The person to be contacted regarding the Order is: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, Department of Health, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258.

Section VI

Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

DATE AND TIME: November 9, 1999, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

PURPOSE: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215, F.S. and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Information Resource Commission will take action on matters duly presented on its agenda, which may include administrative procedures matters, adoption of rules, approval of agency plans for the use of information technology resources, adoption of policies for the use of such resources, and other matters under the commission's authority pursuant to law.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation And Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

**CABINET AIDES BRIEFING:** On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members, 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee,

Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

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#### DEPARTMENT OF STATE

The Board of Directors of the **Central West Florida Preservation, Inc.** announces a public meeting to which all persons are invited.

**DATE AND TIME:** Wednesday, November 10, 1999, 3:00 p.m.

**PLACE:** Tarpon Springs Cultural Center, 101 South Pinellas Avenue, Tarpon Springs, Florida 34689

**PURPOSE:** General Business Meeting.

A copy of the agenda may be obtained by writing: Division of Historical Resources, Tampa Regional Office, 1802 East 9th Avenue, Tampa, Florida 33605.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Chapter 286, Florida Statutes, any handicapped person wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request special assistance.

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

**DATE AND TIME:** Tuesday, November 9, 1999, 10:00 a.m.

**PLACE:** Department of Management Services, Division of Building Construction, Building 4030, Room 335-N, 4050 Esplanade Way, Tallahassee, FL 32399-0950, (850)488-2774

**PURPOSE:** To hold an Orientation Meeting to determine potential artwork sites for Art in State Buildings Project No. DMS 9803/6000, Shared Resource Center, Leon County, Florida.

**COMMITTEE:** Art Selection Committee

**DATE AND TIME:** Tuesday, November 30, 1999, 9:00 a.m.

**PLACE:** Department of Management Services, Division of Building Construction, Building 4030, Room 335-N, 4050 Esplanade Way, Tallahassee, FL 32399-0950, (850)488-2774

**PURPOSE:** To hold a Proposal Review Meeting to review and discuss final proposals for Art in State Buildings Projects No. DMS 9702/6000 and DMS 9801/9000, Department of Health, Leon County, Florida.

**COMMITTEE:** Art Selection Committee

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

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review.

This meeting will not be taped by the Division of Cultural Affairs. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Kirby Mole, (850)487-2980, Ext 133. If you are hearing or speech impaired, please contact the agency by calling TT (850)488-5779.

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

DATE AND TIME: Wednesday, November 17, 1999, 1:30 p.m.

PLACE: Moffitt Research Center, Conference Room 3065, 12902 Magnolia Drive, Tampa, FL 33612

PURPOSE: Initial Art in State Buildings Program selection committee meeting, Moffitt Research Tower project.

COMMITTEE: Art Selection Committee

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.

Pursuant to the provisions of the Americans With Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Vincent Ahern at the above listed phone number. If you are hearing or speech impaired, please contact the agency.

#### DEPARTMENT OF LEGAL AFFAIRS

The **Florida Commission on the Status of Women** will hold a meeting on:

DATES AND TIMES: November 15, 1999, 1:00 p.m. – 5:00 p.m.; November 16, 1999, 9:00 a.m. – 1:00 p.m.

PLACE: The Capitol, Cabinet Meeting Room LL03, Tallahassee, Florida, (850)487-1534.

PURPOSE: To discuss general issues.

Please call (850)414-3300, for instructions on participation.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

#### DEPARTMENT OF BANKING AND FINANCE

The **Unclaimed Property Advisory Board** announces a Continuation of the October 13, 1999, Board Meeting and all persons are invited to attend.

DATE AND TIME: November 2, 1999, 10:00 a.m. – 5:00 p.m.

PLACE: 101 E. Gaines Street, 547 Fletcher Building, Tallahassee, Florida

PURPOSE: Continuation of the Board Meeting on Legislation. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise Anne Bodiford, (850)410-9923, at least 48 hours before the meeting. If you are hearing or speech impaired, contact Anne Bodiford via the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

**NOTICE OF CHANGE – The Funeral and Cemeteries Legislative Advisory Board** has amended its meeting time to include its committees at its public meeting and all persons are invited to attend.

DATE AND TIME: November 16, 1999, 8:00 a.m. – 5:00 p.m.

MEETING: Care and Maintenance Trusting Rate Committee

DATE AND TIME: November 16, 1999, 8:00 a.m. – 9:00 a.m.

MEETING: Internet Sales/Advertising Committee

DATE AND TIME: November 16, 1999, 9:00 a.m. – 10:00 a.m.

MEETING: Sales Practices and Preneed Sales Agents Committee.

DATE AND TIME: November 16, 1999, 10:00 a.m. – 11:00 a.m.

MEETING: Pre-Need Trusting Rate Committee.

DATE AND TIME: November 16, 1999, 11:00 a.m. – 12:00 Noon

MEETING: Advisory Board Meeting.

DATE AND TIME: November 16, 1999, 1:00 p.m. – 5:00 p.m.

PURPOSE: Discussion of Chapter 497 and proposed legislation.

PLACE: Hyatt Regency Tampa, Tampa City Center, Two Tampa City Center, Tampa, Florida

To obtain further information contact: Gladys Hennen, Administrative Assistant II, Division of Finance, 101 East Gaines St., Fletcher Bldg., Room 649B, Tallahassee, FL 32399-0350, Telephone (850)410-9898.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise Gladys Hennen,

(850)410-9898, at least 48 hours before the meeting. If you are hearing or speech impaired, contact Gladys Hennen via the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The Florida **Department of Agriculture and Consumer Services** announces a regular business meeting of the Florida Coordinating Council on Mosquito Control to which all persons are invited. This meeting will be held in conjunction with the Florida Mosquito Control Association meeting which meets November 14-17, 1999.

DATE AND TIME: November 17, 1999, 10:00 a.m.

PLACE: Adam's Mark Resort, 100 North Atlantic Avenue, Daytona Beach, Florida, (904)254-8200

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

Welcome and Introductions

Approval of Minutes from Previous Meeting

General Comments and Business Items, to include:

- Report from the Subcommittee on Managed Marshes
- Report and recommendations from Subcommittee on Aerial Spray
- Other items to be announced

Questions and Comments may be directed to either Steven E. Dwinell, Chairman, (850)921-4177 or T. Wayne Gale, Mosquito Control Administrator, (850)922-7011.

The Florida **Department of Agriculture and Consumer Services** announces a meeting of the Florida City State Farmers' Market Advisory Committee:

DATE AND TIME: Tuesday, November 9, 1999, 12:00 p.m.

PLACE: Florida City State Farmers' Market, 300 North Krome Avenue, Florida City, Florida 33034

PURPOSE: To discuss and review the budget, examine operational procedures, maintenance and construction projects and to conduct other business as necessary.

A copy of the agenda may be obtained from: Paul Cardwell, Market Manager.

If special accommodations are needed to attend this meeting because of a disability, please contact Mr. Paul Cardwell, (305)246-6334, as soon as possible.

**DEPARTMENT OF EDUCATION**

The **Department of Education** announces a meeting of an instructional materials study group appointed by the Commissioner of Education to which all interested persons are invited.

DATES AND TIMES: November 4, 1999, 9:00 a.m. – 5:00 p.m.; November 5, 1999, 8:30 a.m. – 4:00 p.m.

PLACE: Sheraton Suites, Tampa Airport Hotel, 440 West Cypress Street, Tampa, Florida

PURPOSE: The purpose of the meeting is to conduct general business necessary for the study team to develop recommendations and receive public input regarding changes to instructional materials policy.

For additional information call: Office of Instructional Materials, (850)487-8791, Suncom 277-8791.

A meeting to review and evaluate proposals received in response to the Implementation of Operational Tasks for **Florida High School Competency Test (HSCT)** Request for Proposals (RFP) #2000-05 will be held:

DATES AND TIME: November 8-10, 1999, 9:00 a.m. – 4:30 p.m.

PLACE: Turlington Building, Room 1701, Tallahassee, FL

To obtain additional information and request an agenda for this meeting, please contact Dr. Judith Keck by calling (850)488-8198.

The **State Board of Nonpublic Career Education** announces a public meeting to which all persons are invited.

DATE AND TIME: November 12, 1999, 9:00 a.m.

PLACE: Ramada Inn Gulfview, 521 South Gulfview Boulevard, Clearwater Beach, Florida 33767

PURPOSE: Consider licenses for appropriate schools, cases for licensure as specified in the agenda and other general Board business.

Any person who decides to appeal a decision of the Board with respect to any matter considered at this meeting or hearing may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by writing: State Board of Nonpublic Career Education, Department of Education, 325 W. Gaines Street, Tallahassee, Florida 32399-0400.

The **Board of Regents** of the State University System of Florida announces a meeting to which the public is invited. This meeting will be held to negotiate the 2000-2001 Re-Opener Agreement between the Board of Regents and the United Faculty of Florida.

DATE AND TIME: November 1, 1999, 9:30 a.m. – 4:00 p.m.

PLACE: Florida Education Center, Room 1721, 325 West Gaines Street, Tallahassee, Florida

The Board welcomes participation from any interested members of the public.



Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity Programs, (850)201-7160 (Voice), (850)201-7164 (TDD), at least 7 days in advance, so that their needs can be accommodated.

**DEPARTMENT OF COMMUNITY AFFAIRS**

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

**DATES AND TIMES:** November 6, 1999, 9:00 a.m. – 5:00 p.m.; November 7, 1999, 9:00 a.m. – 6:00 p.m.; November 8, 1999, 8:00 a.m. – 6:00 p.m.; November 9, 1999, 8:00 a.m. – 4:30 p.m.

**PLACE:** The Registry Resort, 475 Seagate Dr., Naples, Florida 34103, (941)597-3232

**PURPOSE:** Hold a facilitated Public Hearing for soliciting comments on Draft II of the Florida Building Code. Meetings of the South Florida Integration Ad hoc Committee for Wind Load Design, Code Formatting Ad hoc, Education Task Group (TG), Special Occupancy TAC, and Certification of Threshold Building Inspectors. Meeting of the Commission to: (1) adopt Commission’s updated work-plan, (2) review and adopt recommendations from the Threshold Inspector Committee, (3) review and adopt recommendations on disaster relief response guidelines, (4) review and adopt recommendations on inspection criteria, (5) review and adopt recommendations on code formatting, (6) review and adopt windload design recommendations for Draft III of the Florida Building Code, (7) review and adopt recommendations on conflicting requirements of the code, (8) adopt building code rule for adopting draft III and (9) review assignments for next month.

November 6, 1999 – Meeting of South Florida Integration Ad hoc Committee on Windload Design.

November 7, 1999 – Meetings of the Education Task Group (TG), Special Occupancy Technical Advisory Committee and Code Formatting Ad hoc Committee.

November 8, 1999 – Plenary Session of the Commission: Hold facilitated Public Hearing on Draft II of the Florida Building Code; review and adopt updated Commission’s Workplan and tasks list; hear and discuss recommendations for revising laws and rules defining the system from the Threshold Inspector Committee; hear and discuss recommendations regarding disaster relief response guidelines and inspection criteria for Chapter 1A from the Code Enforcement TAC; hear and discuss recommendations from the Code Formatting Ad hoc Committee and the South Florida Integration Ad hoc Committee on Windload Design; hear and discuss the status of the Core Curriculum and Information System for the Florida Building Code; and hold meeting of the Threshold Inspector Certification Committee.

November 9, 1999 – Plenary Session of the Commission: Hear, discuss and adopt the Technical Advisory Groups’ (TACs) new proposed modifications to Draft II of the Florida Building Code; hear public comment, adopt draft III of the Florida Building Code; present status update on copyright/royalty agreements; hear report from the Threshold Inspector Committee; and review assignments for December’s Commission meeting. Declaratory Statement regarding a two story structure with a Mezzanine.

November 15, 1999 – Hold meeting of the State Agency Review Ad hoc Committee

**DATES AND TIME:** November 8-15, 1999, 9:00 a.m. – 5:00 p.m.

**PLACE:** Sheraton Hotel, 2900 S. W. 13th Street, Gainesville, Florida 32608, (352)377-4000

**PURPOSE:** To formulate recommendations for the Commission on standards development and enforcement for state agencies rules.

A copy of the Committee and Commission meeting agendas may be obtained by sending a request in writing: Jean Easom, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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

**NOTICE OF CHANGE** – Notice is hereby given that the meeting scheduled for November 2, 1999 for the **Community Development Block Grant (CDBG)** Advisory Council has been rescheduled for:

**DATE AND TIME:** November 10, 1999, 10:00 a.m.

**PLACE:** Sadowski Building, Conference Room 260N, Tallahassee, FL

The **Department of Community Affairs** announces a meeting of the Florida Small Cities Community Development Block Grant (CDBG) Advisory Council. All interested parties are invited to attend.

**DATE AND TIME:** November 10, 1999, 10:00 a.m. – 4:00 p.m.

PLACE: Sadowksi Building, 2555 Shumard Oak Boulevard, Second Floor, Conference Room 260N, Tallahassee, Florida

PURPOSE: To discuss recommendations for improving the administration of the CDBG program, the current status of the program in Congress, and other CDBG related business.

A copy of the agenda may be obtained by writing: Dr. Susan M. Cook, Community Program Administrator, Department of Community Affairs, Division of Housing and Community Development, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or appearing in person at the agency headquarters.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the CDBG Program Unit, (850)487-3644, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the CDBG Program Unit using the Florida Dual Party Relay System, which can be reached at (850)922-5609 (TDD).

**DEPARTMENT OF LAW ENFORCEMENT**

The Florida **Department of Law Enforcement, Missing Children Information Clearinghouse Advisory Board** announces a public meeting to which all persons are invited.

DATE AND TIME: November 16, 1999, 9:00 a.m.

PLACE: Jimmy Ryce Center for Victims of Predatory Abduction, 5151 Collins Avenue, Miami, Florida

PURPOSE: Quarterly MCIC Advisory Board Meeting

A copy of the agenda may be obtained by writing: Hyatt Sudano, The Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Hyatt Sudano, Missing Children Information Clearinghouse.

A meeting, for the purpose of notice herein, is limited to a gathering for the purpose of conducting public business by members of a collegial body constituting the agency head.

The **Department of Law Enforcement, Florida Crime Laboratory Council** announces a Conference Call Meeting.

DATE AND TIME: Monday, November 8, 1999, 1:00 p.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Quad A, Room A3035, Tallahassee, Florida 32308

PURPOSE: Florida Crime Laboratory Council Conference Call Meeting

Any person requiring a special accommodation at this Conference Call Meeting because of disability or physical impairment should contact the Crime Laboratory Council Office, (850)410-8300, at least five (5) working days prior to the meeting.

If a person decides to appeal any decision made by the Council with respect to any matter considered during this Conference Call 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 to be connected to this call or a copy of the agenda may be obtained by contacting: Mr. Dale H. Heideman, Forensic Coordinator, Criminal Investigation and Forensic Science Program, Florida Crime Laboratory Council, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-8300.

**DEPARTMENT OF TRANSPORTATION**

The Florida **Department of Transportation** announces two public meetings of the Fast Track Economic Growth Transportation Initiative Selection Committee and one public meeting of the Florida Freight Stakeholders Task Force to which all interested persons are invited.

MEETING: FAST TRACK Economic Growth Transportation Initiative Selection Committee

DATE AND TIME: November 8, 1999, 9:00 a.m. – 5:00 p.m.

PLACE: Florida Department of Transportation, 605 Suwannee Street, Secretary’s Conference Room, Haydon Burns Building, Tallahassee, FL 32399

MEETING: Florida Freight Stakeholders Task Force

DATE AND TIME: November 17, 1999, 9:00 a.m. – 3:00 p.m.

PLACE: Florida Department of Transportation Auditorium, 605 Suwannee Street, Tallahassee, FL 32399

MEETING: FAST TRACK Economic Growth Transportation Initiative Selection Committee

DATE AND TIME: November 18, 1999, 9:00 a.m. – 5:00 p.m.

PLACE: Florida Department of Transportation, 605 Suwannee Street, Secretary’s Conference Room, Haydon Burns Building, Tallahassee, FL 32399

PURPOSE: General Business Meetings. Selection Committee and Task Force.

A copy of the agenda for each meeting may be obtained one week in advance by writing: Robert G. Hebert, Jr., Administrator-Ports/Intermodal, Florida Department of Transportation Rail Office, M.S. 25, 605 Suwannee Street, Tallahassee, Florida 32399-0450.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in the meetings should advise: Robert G. Hebert, Jr., (850)414-4546.

The **Department of Transportation**, District Two announces public hearings (Tentative Work Program for Fiscal Years beginning July 1, 2000 through June 30, 2005) to which all persons are invited to attend and be heard.

1. Jacksonville Hearing: Specific notice is provided to the Jacksonville Metropolitan Planning Organization (MPO) and the County Commissions for Nassau, Baker, Putnam, St. Johns, Duval and Clay counties serving as MPO for their respective counties.

DATE AND TIME: Thursday, November 18, 1999, 5:30 p.m.

PLACE: Jacksonville Urban Office, Training Facility, 2250 Irene Street, Jacksonville, Florida 32204

2. Gainesville Hearing: Specific notice is provided to the Gainesville Metropolitan Transportation Planning Organization (MTPO) and the County Commissions for Dixie, Gilchrist, Union, Levy Bradford and Alachua counties serving as MPO for their respective counties.

DATE AND TIME: Monday, November 29, 1999, 5:30 p.m.

PLACE: Jack Durrance Auditorium, 12 S. E. First Street, Gainesville, Florida

3. Live Oak Hearing: Specific notice is provided to the County Commissions for Taylor, Madison, Columbia, Lafayette, Hamilton, and Suwannee counties serving as MPO for their respective counties.

DATE AND TIME: Tuesday, November 30, 1999, 5:30 p.m.

PLACE: Suwannee River Water Management District, Board Room, 9225 County Road 49, Live Oak, Florida 32060

PURPOSE: These Public Hearings are being conducted pursuant to Section 339.135(4)(c), Florida Statutes, to consider the Department's Tentative Work Program for the period 1999-00 through 2004-05, and to consider the necessity of making any changes to the Program.

The proposed improvements have been developed in accordance with the Civil Rights Act of 1964, and the Civil Rights Act of 1968. Under Title VI and Title VIII of the United States Civil Rights Act any person(s) or beneficiary who believes they have been subjected to discrimination because of race, color, religion, sex, age, national origin, disability or familial status may file a written complaint to the Florida Department of Transportation's Minority Programs Office in Tallahassee or contact the District's Title VI and Title VIII Coordinator.

Central Office: Florida Department of Transportation, Minority Programs Office, 605 Suwannee Street, Tallahassee, FL 32399-0450

District Office: Florida Department of Transportation, District 2, District Contract Compliance Office, Post Office Box 669, M.S. 2809, Jacksonville, FL 32276-6669

Written comments from the Commissions and other interested parties will be received by the Department at the Public Hearings and within ten days thereafter.

Comments should be addressed to: Huey Hawkins, District Secretary, Florida Department of Transportation, District 2, P. O. Box 1089, Lake City, FL 32056-1089, Telephone 1(800)749-2967.

Assistance for disabled persons may be arranged by contacting Mr. James Dees, District Planning Manager, Lake City District Office, 1(800)749-2967, at least ten days in advance of the Public Hearings.

The Florida **Department of Transportation**, District 3, Tentative Program of Work for Fiscal Years July 1, 2001 through June 30, 2005, hereby announces public hearings to which all persons are invited. Specific notice is provided to the Pensacola Metropolitan Planning Organization and the County Commissioners for Escambia and Santa Rosa Counties serving as MPO for their respective counties; the Tallahassee Metropolitan Planning Organization and the County Commissioners for Leon, Gadsden, Liberty, Wakulla, Franklin and Jefferson Counties serving as MPO for their respective counties; the Fort Walton Beach Metropolitan Planning Organization and the County Commissioners for Okaloosa and Walton Counties serving as MPO for their respective counties and the Panama City Metropolitan Planning Organization and the County Commissioners for Bay, Gulf, Washington, Jackson, Holmes and Calhoun Counties serving as MPO for their respective counties.

The Public Hearings are scheduled as follows:

1. Bay, Gulf, Washington, Jackson, Holmes and Calhoun Counties:

DATE AND TIME: November 18, 1999, District Three Work Program, 2:30 p.m.– 3:30 p.m., (CST)

PLACE: Commission Chamber Room, Panama City Hall, 9 Harrison Avenue, Panama City, Florida

2. Escambia and Santa Rosa Counties:

DATE AND TIME: November 16, 1999, District Three Work Program, 2:30 p.m. – 3:30 p.m., (CST)

PLACE: Pensacola City Hall, 180 Governmental Center, Pensacola, Florida 32501

3. Okaloosa and Walton Counties:

DATE AND TIME: November 17, 1999, District Three, Work Program, 2:30 p.m. – 3:30 p.m. (CST)

PLACE: Council Chamber Room, Fort Walton Beach City Hall, 107 Miracle Strip Parkway, S. W., Fort Walton Beach, Florida

4. Leon, Gadsden, Liberty, Wakulla, Franklin and Jefferson Counties:

DATE AND TIME: November 9, 1999, District Three, Work Program, 2:30 p.m. – 3:30 p.m. (EST)

PLACE: Commission Chamber Room, Tallahassee City Hall, 300 South Adams Street, Tallahassee, Florida

PURPOSE: These Public Hearings are being conducted pursuant to Section 339.135(4)(c), Florida Statutes. The hearings serve two purposes. The purpose of the public hearings is to consider the Department's Improved Tentative

Work Program for District Three, for the period 2000/2001 through 2004/2005, and to consider the necessity of making any changes to the Program.

Any comments or input are welcome from all local and regional interest groups, governmental entities, business enterprises, and the general public.

These Hearings are held in conformance with Public Law 101-336, the Americans with Disabilities Act (ADA). Assistance for disabled persons may be arranged by contacting the Title VI/VII Coordinator, (904)638-0250, Extension 511, at least 10 working days in advance of the public hearing.

Written comments from MPOs and other interested parties will be received by the Department at the Public Hearings and within 10 days after the Public Hearings. Comments should be addressed to: Mr. H. E. Prescott, District Secretary, Department of Transportation, District Three, Post Office Box 607, Chipley, Florida 32428.

The Florida **Department of Transportation**, District Four, Tentative Work Program, Fiscal Years July 1, 2000 through June 30, 2005 announces public hearings to which all interested person are invited. Specific notice is provided to the Broward County, Indian River County (Vero Beach), Martin County (Stuart), Palm Beach County and St. Lucie County Metropolitan Planning Organizations.

**PURPOSE:** These public hearings are being conducted pursuant to Section 339.135(4)(c), Florida Statutes, as amended. To present the Department's Tentative Five Year Work Program for Fiscal Years 2000/2001 – 2004/2005 which contains listing of Project Phases to be undertaken during that time frame. These Hearings also will include consideration of proposed projects for Florida's Turnpike System as applicable.

1. Broward County:

**DATE AND TIME:** Thursday, December 9, 1999, 1:30 p.m.  
**PLACE:** Broward County Governmental Center, 115 South Andrews Avenue, Room 301, Fort Lauderdale, Florida 33301

2. Palm Beach County:

**DATE AND TIME:** Thursday, December 16, 1999, 1:30 p.m.  
**PLACE:** Palm Beach County Planning, Building and Zoning, 100 Australian Avenue, Third Floor, Conference Room, West Palm Beach, Florida 33406

3. Martin County (Stuart):

**DATE AND TIME:** Monday, November 15, 1999, 1:30 p.m.  
**PLACE:** Martin County Administration Center, County Commission Chambers, 2401 Southeast Monterey Road, Stuart, Florida 34996

4. Indian River County (Vero Beach):

**DATE AND TIME:** Wednesday, December 8, 1999, 1:30 p.m.  
**PLACE:** Indian River County Governmental Center, County Commission Chambers, 1840 25 Street, Vero Beach, Florida 32960

5. St. Lucie County:

**DATE AND TIME:** Thursday, December 2, 1999, 4:00 p.m.  
**PLACE:** St. Lucie County Governmental Center, County Commission Chambers, 2300 Virginia Avenue, Ft. Pierce, Florida 34982

All interested persons are invited to attend and be heard. Assistance for disabled persons may be arranged by contacting Michael DeRosa, (954)777-4627 or Julie Lucas, (954)777-4601, Florida Department of Transportation, District Four, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421, at least ten working days prior to the public hearings.

Written comments from the Metropolitan Planning Organizations and other interested parties will be received by the Department at the public hearing and within ten days after the public hearing. Comments should be addressed to: Mr. Rick Chesser, P. E., District Secretary, Florida Department of Transportation, District Four, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421.

**STATE BOARD OF ADMINISTRATION**

**NOTICE OF CANCELLATION – NOTICE IS HEREBY GIVEN** by the **State Board of Administration** of a cancellation of a meeting of the Advisory Council to the Florida Hurricane Catastrophe Fund to which all persons are invited. The meeting described below which was printed in the Florida Administrative Weekly on October 22, 1999, is cancelled.

**DATE AND TIME:** Tuesday, November 30, 1999, 1:00 p.m. – 2:00 p.m.

**PLACE:** Hermitage Room, Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

**PURPOSE:** This will be a conference call to discuss the adoption of Rule 19-8.011, the loss reimbursement rule and the general business of the Council.

Anyone wishing a copy of the agenda should contact: Anne Bert, Florida Hurricane Catastrophe Fund, P. O. Drawer 13300, Tallahassee, FL 32317-3300.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend the meeting is requested to call Patti Elsbernd, (850)413-1346, five days prior to the meeting so that appropriate arrangements can be made.

**DEPARTMENT OF CITRUS**

The **Department of Citrus** announces a public meeting of the Florida Citrus Commission to which all person are invited.

**DATE AND TIME:** November 15-16, 1999, 9:00 a.m., General Counsel Selection Committee Meeting

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To interview possible candidates to serve as an independent counsel to the Florida Citrus Commission.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone, (941)499-2510.

**FLORIDA PAROLE COMMISSION**

The Florida Parole Commission announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 10, 1999, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blairstone Road, Bldg. C, Third Floor, Tallahassee, Florida

PURPOSE: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980). A copy of the agenda may be obtained by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice, Telephone (850)488-3417.

**PUBLIC SERVICE COMMISSION**

The Florida Public Service Commission announces its Internal Affairs Meeting for Monday, November 15, 1999, to which all interested persons are invited.

DATE AND TIME: Monday, November 15, 1999, 9:30 a.m.

PLACE: Room 140, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

The Commission will take public comment regarding any undocketed matters of concern to the public at 9:30 a.m. Please note that the "open microphone" portion of the Internal Affairs Meeting is subject to cancellation without notification.

PURPOSE: 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 Records and Reporting, 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 Records and Reporting, (850)413-6770, at least 48 hours prior to the conference.

Any person who is hearing or speech impaired should contact the Commission through the Florida Relay Service by using the following numbers: 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

In the event of a scheduling conflict, this meeting may be moved to Tuesday, November 16, 1999, immediately following the Commission Conference, in Room 140.

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. 960545-WS – Investigation of utility rates of Aloha Utilities, Inc. in Pasco County.

DATE AND TIME: November 15, 1999, 1:30 p.m.

PLACE: Commission Conference Room 140, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: 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 Records and Reporting, (850)413-6770, at least 48 hours prior to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida Public Service Commission announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 981294-TC – Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 4606 issued to Vertex Enterprize & Investment, Inc. for violation of Rule 25-4.0161, FAC, Regulatory Assessment Fees; Telecommunications Companies.

DATE AND TIME: November 15, 1999, 1:30 p.m.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: 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 Records and Reporting, (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).

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The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 990649-TP – Investigation into pricing of unbundled network elements.

DATE AND TIME: November 15, 1999, 1:30 p.m.

PLACE: Commission Hearing Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: 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 Records and Reporting, (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).

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The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: November 16, 1999, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Rule 25-22.002, FAC), by contacting the Division of Records and Reporting, (850)413-6770, or writing: Director, Division of Records and Reporting, Florida Public

Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870. The agenda and recommendations are also accessible on the PSC Homepage, <http://www.scri.net/psc>, 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 Records and Reporting, (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).

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#### DEPARTMENT OF CORRECTIONS

The **Correctional Medical Authority** announces a meeting to be held at Tallahassee, Florida, to which all persons are invited:

DATE AND TIME: November 19, 1999, 8:30 a.m. – 12:30 p.m.

PLACE: Department of Corrections, Building C, Room 307, Parole Commission Hearing Room, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500, (850)487-3580

PURPOSE: Continued discussion of issues relating to correctional health care in the Florida Department of Corrections.

A copy of the agenda may be obtained by writing: Linda A. Keen, Executive Director, Correctional Medical Authority, 4025 Esplanade Way, Tallahassee, Florida 32399 or calling (850)487-3580.

Please note the above address is new.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

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#### DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

The Florida **Department of Labor and Employment Security, Division of Workers' Compensation**, Special Disability Trust Fund Privatization Commission announces a meeting to which the public is invited.

DATE AND TIME: Tuesday, November 16, 1999, 1:30 p.m. – 5:00 p.m.

PLACE: Room 214, The Capitol, Tallahassee, Florida

PURPOSE: To receive and discuss information pertaining to the Administrator RFP #99-046-DB-RFP and Qualified Entity RFP #99-045-DB-RFP. No public testimony will be taken.

For further information regarding the meeting, please contact: Anne Mackenzie, (850)488-4896.

Persons with a disability or handicap requiring reasonable accommodations should contact Anne Mackenzie by telephone at least two business days in advance to make appropriate arrangements. If you are hearing or speech impaired, please contact Anne Mackenzie using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The Florida **Department of Labor and Employment Security, Division of Workers' Compensation**, Special Disability Trust Fund Privatization Commission announces a meeting to which the public is invited.

DATE AND TIME: Monday, November 22, 1999, 9:00 a.m. – 11:00 p.m.

PLACE: Room 214, The Capitol, Tallahassee, Florida

PURPOSE: Is for the Commission to make a decision regarding privatization of the Special Disability Trust Fund. No public testimony will be taken.

For further information regarding the meeting, please contact: Anne Mackenzie, (850)488-4896.

Persons with a disability or handicap requiring reasonable accommodations should contact Anne Mackenzie by telephone at least two business days in advance to make appropriate arrangements. If you are hearing or speech impaired, please contact Anne Mackenzie using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The **Department of Labor and Employment Security** and the **Department of Education** announces the following committee meeting dates of the Occupational Access and Opportunity Commission by telephone or "in person" to redesign the Florida Vocational Rehabilitation system.

DATES: October 20-21, 1999; October 27-28, 1999; November 3-4, 1999; November 10, 1999; November 17-18, 1999; November 24, 1999; December 1-2, 1999; December 8-9, 1999; December 15-16, 1999; December 22-23, 1999

For information on meeting places and times, please contact Susan Mason, (850)487-3431, Ext. 121 or 1(800)451-4327.

In accordance with the Americans with Disabilities Act, persons in need of special accommodations to participate in these meetings should contact Ken Baer no later than two days before the meeting, 2002 Old St. Augustine Road, Building A, Tallahassee, FL 32399-0696, or toll free at 1(800)451-4327.

This agenda is available in alternative formats upon request.

Should you not be able to attend, but would like a copy of the minutes, please contact: Ken Baer, (850)487-3431 or toll free at 1(800)451-4327.

The **Department of Labor and Employment Security, Division of Vocational Rehabilitation** and the Florida Rehabilitation Council in partnership with the Occupational Access and Opportunities Commission announces the following public forums. The purpose is to receive comments, suggestions and recommendations concerning both the reassignment of the Division from the Department of Labor to the Occupational Access and Opportunities Commission in the Department of Education and the redesign of the system for delivering Vocational Rehabilitation services to the citizens of Florida. In addition, this information will assist in the development of the State Plan.

DATE AND TIME: November 8, 1999, 4:00 p.m.

PLACE: Pinellas Technical Education Center, Building 12, Lecture Hall, 6100 154th Avenue, North, Clearwater, FL, Contact Vi Bennett, (813)871-7300

DATE AND TIME: November 9, 1999, 4:00 p.m.

PLACE: Jefferson High School, 4401 West Cypress Street, Tampa, FL, Vi Bennett, (813)871-7300

Interpreters for the deaf will be available. Individuals requiring other accommodations or assistance should contact the individuals listed above no later than November 3, 1999. Written comments may be sent to: Tamara Allen, Director, Division of Vocational Rehabilitation, 2002 Old St. Augustine Road, Building A, Tallahassee, FL 32399-0696.

The **Department of Labor and Employment Security** and the Department of Education announces the following meeting dates of the Occupational Access and Opportunity to redesign the Florida Vocational Rehabilitation system.

DATE AND TIME: November 9-10, 1999, 9:00 a.m. – 4:30 p.m.

PLACE: To be announced

For information on the meeting, please contact: Susan Mason, (850)487-3431, Ext. 121 or 1(800)451-4327.

In accordance with the Americans with Disabilities Act, persons in need of special accommodations to participate in these meetings should contact Susan Mason no later than November 1, 1999, 2002 Old St. Augustine Road, Building A, Tallahassee, FL 32399-0696 or (850)487-3431, Ext. 121 or toll free 1(800)451-4327.

The meeting agenda will be available in alternative formats upon request.

Should you not be able to attend, but would like a copy of the minutes, please contact: Susan Mason (850)487-3431, Ext. 121 or toll free at 1(800)451-4327.

**WATER MANAGEMENT DISTRICTS**

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: November 9, 1999, 9:00 a.m.

PLACE: Santa Fe Community College, Jones-Rosenberg Building, 201 East Call Street, Starke, Florida

PURPOSE: Board Meeting. To consider District business and conduct public hearings on regulatory and land acquisition matters.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire, (904)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **St. Johns River Water Management District** announces the following public meetings and hearing to which all persons are invited:

**PERSONNEL COMMITTEE MEETING**

DATE AND TIME: Tuesday, November 9, 1999, 9:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

PURPOSE: Discussion of Personnel Committee agenda items followed by committee recommendations to be approved by the full Governing Board.

**GOVERNING BOARD MEETING**

DATE AND TIME: Tuesday, November 9, 1999, 10:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

PURPOSE: Discussion and consideration of District business including regulatory and non-regulatory matters.

**FINANCE COMMITTEE MEETING**

DATE AND TIME: Wednesday, November 10, 1999, 8:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

PURPOSE: Discussion of Finance Committee agenda items followed by committee recommendations to be approved by the full Governing Board.

**GOVERNING BOARD MEETING AND PUBLIC HEARING**

DATE AND TIME: Wednesday, November 10, 1999, 9:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

PURPOSE: Discussion and consideration of District business including regulatory and non-regulatory matters.

A copy of the agenda for meetings on November 9 or 10, 1999 may be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, Attention: Ann Freeman, Governing Board Support Specialist.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or hearing by contacting: Ann Freeman, (904)329-4101. If you are hearing or speech impaired, please contact the District by calling (904)329-4450 (TDD).

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **Southwest Florida Water Management District** announces the following public meetings to which all persons are invited.

**LAKE PANASOFFKEE RESTORATION COUNCIL MEETING**

DATE AND TIME: Monday, November 8, 1999, 5:00 p.m.

PLACE: Sumter County Court House, 209 North Florida Street, Bushnell, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Consideration of Council business.

**MANASOTA BASIN BOARD WORKSHOP/MEETING**

DATE AND TIME: Tuesday, November 9, 1999, 10:00 a.m.

PLACE: City of Venice, 401 W. Venice Avenue, Venice, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Discussion of Basin business.

**GOVERNING BOARD MEETING, PUBLIC HEARING AND COMMITTEE MEETINGS**

DATE AND TIME: Tuesday, November 16, 1999, 9:00 a.m.

PLACE: District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Conduct of Meeting, Public Hearing and Committee Meetings.

GOVERNING BOARD MEETING AND PUBLIC HEARING (Items not completed at Tuesday's meeting may be carried over to Wednesday's meeting. If all business is concluded at Tuesday's meeting, there will be no meeting on Wednesday.)

DATE AND TIME: Wednesday, November 17, 1999, 9:00 a.m.

PLACE: District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Conduct of Meeting and Public Hearing.



**HILLSBOROUGH RIVER BASIN BOARD WORKSHOP**

DATE AND TIME: Thursday, November 18, 1999, 9:00 a.m.  
PLACE: Tampa Service Office, 7601 U.S. Highway 301 North, Tampa, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED:  
Tampa Bay Partnership projects.

A copy of the agenda for the above meetings may be obtained by writing: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34609-6899.

If a party decides to appeal any decision made with respect to any matter considered at a meeting, that party will need a record of the proceedings, and for such purpose that party 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.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)423-1476 (Florida), or (352)796-7211, Extension 4604, Fax (904)754-6874, TDD ONLY 1(800)231-6103 (Florida).

The **Southwest Florida Water Management District** announces a public workshop to which all persons are invited:

DATE AND TIME: Monday, November 8, 1999, 5:00 p.m.  
PLACE: Tampa Service Office, Board Room, 7601 U.S. Highway 301, North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Florida Department of Transportation Mitigation Plan.

A copy of the agenda may be obtained by contacting: Karen E. West, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, Florida 34609-6899, (352)796-7211, Extension 4651.

The Southwest Florida Water Management District does not discriminate on the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided for in the American's With Disabilities Act should contact: Dianne Lee, (352)796-7211 or 1(800)423-1476, Extension 4658, TDD only 1(800)231-6103, Fax (352)754-6878, Suncom 663-6878.

The **South Florida Water Management District** announces public meetings to which all interested parties are invited:

DATE AND TIME: November 8, 1999, 10:00 a.m. – 2:00 p.m.  
PURPOSE: A meeting of the Mitigation Service Area Development Committee.

PLACE: District Headquarters, B-1 Building, Conference Room 2B, 3301 Gun Club Road, West Palm Beach, Florida

DATE AND TIME: November 16, 1999, 10:00 a.m. – 2:00 p.m.

PURPOSE: A meeting of the Mitigation Service Area Development Committee.

PLACE: District Headquarters, B-1 Building, Conference Room 2B, 3301 Gun Club Road, West Palm Beach, Florida

DATE AND TIME: November 23, 1999, 10:00 a.m. – 2:00 p.m.

PURPOSE: A meeting of the Mitigation Service Area Development Committee.

PLACE: District Headquarters, B-1 Building, Storch Room, 3rd Floor, 3301 Gun Club Road, West Palm Beach, Florida

DATE AND TIME: November 30, 1999, 10:00 a.m. – 2:00 p.m.

PURPOSE: A meeting of the Mitigation Service Area Development Committee.

PLACE: District Headquarters, B-1 Building, Conference Room 2B, 3rd Floor, 3301 Gun Club Road, West Palm Beach, Florida

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

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

**COMMISSION FOR THE TRANSPORTATION DISADVANTAGED**

The Florida **Commission for the Transportation Disadvantaged** announces an Audit, Finance and Program Performance meeting to which all persons are invited.

DATE AND TIME: Monday, November 8, 1999, 1:00 p.m. – completion

PLACE: 2740 Centerview Drive, Rhyne Building, Room 308, Tallahassee, Florida, (850)488-6036

PURPOSE: To discuss the status of CTC compliance with Commission Standards, review the Annual Performance Report, review the bonding issue, review AOR subcommittee report, review current and proposed financial audits and discuss the coordination contractor.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)488-6036 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Personnel Committee meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 16, 1999, 4:00 p.m. – completion

PLACE: Sheraton Hotel, 2900 S. W. 13th Street, Gainesville, Florida, (352)377-4000

PURPOSE: To discuss issues related to the Personnel Committee and the evaluation of the Executive Director.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS 49, Tallahassee, FL 32399-0450, (850)488-6036 or 1(800)983-2435 or 1(800)648-6084 (TDD) only. The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Public Hearing to which all persons are invited.

DATE AND TIME: Tuesday, November 16, 1999, 5:30 p.m. – completion

PLACE: Sheraton Hotel, 2900 S. W. 13th Street, Gainesville, Florida, (352)377-4000

PURPOSE: To receive public comments or concerns on transportation disadvantaged services.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS 49, Tallahassee, FL 32399-0450, (850)488-6036 or 1(800)983-2435 or 1(800)648-6084 (TDD) only. The hearing is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Full Commission Meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 17, 1999, 9:00 a.m. – completion

PLACE: Sheraton Hotel, 2900 S. W. 13th Street, Gainesville, Florida, (352)377-4000

PURPOSE: To discuss the regular business of the Commission for the Transportation Disadvantaged.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS 49, Tallahassee, FL 32399-0450,

(850)488-6036 or 1(800)983-2435 or 1(800)648-6084 (TDD) only. The meeting is subject to change upon chairperson's request.

#### REGIONAL UTILITY AUTHORITIES

The **Walton/Okaloosa/Santa Rosa Regional Utility Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: December 1, 1999, 2:00 p.m.

PLACE: Ft. Walton Beach, City Hall, 107 Miracle Strip Parkway, S. W., Ft. Walton Beach, FL 32549

PURPOSE: To conduct general business of the Regional Utility Authority. The RUA-TAC will meet at 1:00 p.m.

A copy of the agenda may be obtained by contacting: Daniel F. Krumel, Executive Director, West Florida Regional Planning Council, P. O. Box 486, Pensacola, Florida 32593-0486.

#### INTERLOCAL AGENCIES

The **New River Solid Waste Association** announces a meeting to which all persons are invited.

DATE AND TIME: November 11, 1999, 6:00 p.m.

PLACE: New River Regional Landfill Office, Raiford, Florida

PURPOSE: To conduct the regular business of the New River Solid Waste Association. The 6:00 p.m. Board Meeting will be preceded by a general workshop, 5:00 p.m.

All persons deciding to appeal any decision of the New River Solid Waste Association with respect to any matter considered at the meeting may need to ensure that a verbatim record of the proceedings is made.

#### SPACEPORT FLORIDA AUTHORITY

The **Florida Space Research Institute** announces a meeting to which the public is invited:

DATE AND TIME: November 30, 1999, 10:30 a.m. – 4:30 p.m.

PLACE: Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003

PURPOSE: The purpose of the meeting will be to identify programs, policies and procedures for the Florida Space Research Institute.

For more information, contact: Mr. Eddie Ellegood, (407)730-5301, Ext. 1105.

To obtain a copy of the agenda write: Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact the Spaceport Florida Authority at least seven (7) days prior to the meeting.

Please note that if a person decides to appeal any decision made by the Board Supervisors with respect to any matter considered at the above cited meeting or hearing, they will need a record of the proceedings and for such purpose, they may need to ensure that a verbatim record of the proceedings, which record includes the testimony and evidence upon which the appeal is to be based.

The **Florida Space Research Institute** announces a meeting to which the public is invited:

DATE AND TIME: November 9, 1999, 10:00 a.m. – 12:00 p.m.

PLACE: Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003

PURPOSE: The purpose of the meeting will be to identify programs, policies and procedures for the Florida Space Research Institute.

For more information, contact: Mr. Keith Witt, (407)730-5301, Ext. 1135.

To obtain a copy of the agenda write: Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact the Spaceport Florida Authority at least seven (7) days prior to the meeting.

Please note that if a person decides to appeal any decision made by the Board Supervisors with respect to any matter considered at the above cited meeting or hearing, they will need a record of the proceedings and for such purpose, they may need to ensure that a verbatim record of the proceedings, which record includes the testimony and evidence upon which the appeal is to be based.

**DEPARTMENT OF ELDER AFFAIRS**

The **State Long-Term Care Ombudsman Council** announces the following conference call which took place on October 29, 1999, 9:00 a.m. – 11:00 a.m.

GENERAL SUBJECT MATTER CONSIDERED: Issues related to the Long-Term Care Ombudsman Program.

You may contact the office of the Long-Term Care Ombudsman, (850)488-6190, for more information.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

The **Agency for Health Care Administration** announces a conference call with the Florida Organ and Tissue Donor Education Panel, to which all persons are invited. Please call in at 10:00 a.m. on the below listed date and phone number.

DATE AND TIME: November 5, 1999, 10:00 a.m.

PLACE: Phone Number (850)921-5400, Suncom 291-5400

PURPOSE: To discuss possible consolidation of the Organ and Tissue Donor Education Panel, the Organ Transplant Advisory Council and the Organ and Tissue Procurement and Transplantation Advisory Board, discuss appointments to the education panel and the normal business of the education panel.

Note: If you need a special accommodation in order to participate in the conference call, because of a disability, please notify: Pat James, Chair, Organ and Tissue Donor Education Panel, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, FL 32308, or by electronic mail to jamesp@fdhc.state.fl.us or Telephone (850)487-3109.

The **Agency for Health Care Administration** announces a public meeting for all commercially licensed health maintenance organizations in Florida. All interested parties are invited to attend at the address listed below:

DATE AND TIME: November 9, 1999, 9:00 a.m. – 4:00 p.m.

PLACE: Hilton, Tampa Airport, Westshore, 2225 Lois Avenue, Tampa, FL

PURPOSE: Review of specific regulatory requirements and open discussion for improving oversight.

A copy of the agenda may be obtained from: Agency for Health Care Administration, Bureau of Managed Health Care, 2727 Mahan Drive, Building 1, Tallahassee, FL 32308.

The **Medicaid Formulary Study Panel** announces a meeting to which all persons are invited:

DATE AND TIME: Thursday, November 10, 1999, 10:00 a.m. – 4:00 p.m.

PLACE: Crowne Plaza Hotel, Miami International Airport, 950 North West LeJeune Road, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Panel discussion of the pros and cons of an open versus closed formulary for the Florida Medicaid Program and to take public testimony about a Medicaid drug formulary.

SPECIAL INSTRUCTIONS: Public testimony limited to 5 minutes. Presenters should provide a written copy of their material, which may include any documentation they wish to task force to consider.

For further information and to obtain a speaker card contact: Donna Hollaway, Agency for Health Care Administration, (850)488-3560 or email: hollawad@fdhc.state.fl.us

Persons in need of special accommodations to participate in the meeting may contact Donna Hollaway at the following address and telephone number: Post Office Box 12600, Tallahassee, FL 32317-2600, (850)488-3560.

The meeting is subject to change upon chairperson's request.

NOTICE OF CHANGE – The **Agency for Health Care Administration** announces a meeting of the Advisory Group on the Submission and Payment of Health Claims to which all

interested parties are invited. This meeting was originally scheduled for Thursday, November 4, 1999, 8:30 a.m., but has been rescheduled:

DATE AND TIME: Monday, November 15, 1999, 8:30 a.m.

PLACE: Agency for Health Care Administration, Building 3, Conference Room A, Tallahassee, FL 32308, (850)922-3809

PURPOSE: To study and make recommendations on trends and issues relating to legislative, regulatory or private-sector solutions for timely and accurate submission and payment of health claims, develop an electronic billing and claims processing for providers and health care facilities, review the form and content of claims, and recommend measures to reduce fraud and abuse relating to the submission and payment of claims.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Emma Hill, (850)922-3809, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Emma Hill, Office of the Executive Director, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, FL 32308.

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#### DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services, Division of Information Technology** announces a workshop on the progress of the Joint Task Force Radio Communications System to which all persons are invited.

DATE AND TIME: November 3, 1999, 10:00 a.m.

PLACE: Orlando Regional Communications Center, 133 South Semoran Boulevard, Orlando, Florida 32807

PURPOSE: To discuss and take action on the items included in the meeting agenda.

A copy of the agenda may be obtained by writing: Lee Moreno, Department of Management Services, Division of Information Technology, 4030 Esplanade Way, Suite 280M, Tallahassee, Florida 32399-0950.

If a person decides to appeal any decision made by the Board with respect to any matter considered at the meeting, he/she will need a record of the proceedings and may need to ensure 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 some accommodation at this hearing because of a physical impairment should call the Division of Information Technology, (850)488-3866, at least five calendar days prior to the meeting. If you are hearing or speech-impaired, please contact the Division of Information Technology by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

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The **Department of Management Services, Division of Information Technology** announces a public meeting of the Board of Directors of the Joint Task Force on State Agency Law Enforcement Communications to which all persons are invited.

DATE AND TIME: November 3, 1999 immediately following the workshop

PLACE: Orlando Regional Communications Center, 133 South Semoran Boulevard, Orlando, Florida 32807

PURPOSE: To discuss and take action on the items included in the meeting agenda.

A copy of the agenda may be obtained by writing: Lee Moreno, Department of Management Services, Division of Information Technology, 4030 Esplanade Way, Suite 280M, Tallahassee, Florida 32399-0950.

If a person decides to appeal any decision made by the Board with respect to any matter considered at the meeting, he/she will need a record of the proceedings and may need to ensure 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 some accommodation at this hearing because of a physical impairment should call the Division of Information Technology, (850)488-3866, at least five calendar days prior to the meeting. If you are hearing or speech-impaired, please contact the Division of Information Technology by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

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#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Board of Cosmetology** announces a Board Meeting open to the public and all persons are invited to participate.

DATES AND TIMES: Sunday, November 14, 1999, 10:00 a.m.; Monday, November 15, 1999, 9:00 a.m. (if necessary)

PLACE: Jacksonville Marriott, 4670 Salisbury Road, Jacksonville, Florida 32256

PURPOSE: Regular Board Business and Committee Matters.

A copy of the agenda may be obtained by writing: Board of Cosmetology, 1940 North Monroe Street, Suite 60, Tallahassee, Florida 32399-0790

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical

State Concern using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Real Estate Appraisal Board** announces a meeting of its Probable Cause Panel.

DATE AND TIME: Monday, November 1, 1999, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 301, Third Floor, 400 W. Robinson Street, North Tower, Orlando, FL 32801

PURPOSE: Official business of the Appraisal Board Probable Cause Panel. PROBABLE CAUSE IS NOT OPEN TO THE PUBLIC.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Real Estate Appraisal Board, (407)245-0800, at least five calendar days prior to the meeting.

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

The Florida **Real Estate Appraisal Board** announces a meeting to which everyone is invited.

DATE AND TIME: Tuesday, December 7, 1999, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 301, Third Floor, 400 W. Robinson Street, North Tower, Orlando, FL 32801, (407)245-0800

PURPOSE: Official business of the Appraisal Board. Including but not limited to: Rule/statute amendments and Disciplinary actions.

Any person who decides to appeal a decision made by the Board with respect to any matter considered at this meeting or hearing will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes 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 Real Estate Appraisal Board, (407)245-0800, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Appraisal Board using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Appraisal Board, P. O. Box 1900, Orlando, Florida 32802-1900.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The **Department of Environmental Protection** announces a meeting for the development of the Lake Okeechobee Total Maximum Daily Load (TMDL) to which all interested persons are invited.

DATE AND TIME: Monday, November 8, 1999, 9:00 a.m. – 1:00 p.m.

PLACE: Okeechobee Health Department Auditorium, 1728 N. W. 9th Ave., Okeechobee, Florida 34972

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the development of a total maximum daily load (TMDL) for phosphorus in Lake Okeechobee. Discussion will include historical and proposed future restoration activities.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Personnel Services Specialist in the Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

A copy of the agenda for the meeting may be obtained by writing: Mr. Greg Knecht, Department of Environmental Protection, 2600 Blair Stone Road, Water Quality Assessment Section, MS 3555, Tallahassee, Florida 32399-2400 or by calling (850)921-2993.

The **Department of Environmental Protection** announces a public hearing to be held before the Environmental Regulation Commission to which all interested persons are invited.

DATE AND TIME: December 2, 1999, 12:00 Noon

PLACE: Bunnell City Hall, 200 S. Church Street, Bunnell, Florida

PURPOSE: To receive testimony and public comment and to take final action on proposed modifications to the FY 1999 Drinking Water State Revolving Fund (DWSRF) priority list in accordance with Florida Administrative Code (FAC) Rule 62-552.680. Modifications to the list may be made if requests and required documentation are received no later than October 29, 1999. The Commission may adopt, modify or deny the proposed actions at the hearing. All interested persons will have the opportunity to testify regarding the list and any proposed actions. After the hearing, the Department will file the Final Order for actions taken at the hearing.

If an accommodation for a disability is needed to participate in this activity, please notify: Personnel Services Specialist, Bureau of Human Resources, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

A copy of the Final Order will be sent to local governments sponsoring the projects at issue and to any person submitting a timely written request. Such written requests must be submitted at the hearing or must be filed with the Department's Office of General Counsel, The Douglas Building,

3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, no later than 5:00 p.m. on the first working day after the public hearing.

The **Land Acquisition and Management Advisory Council** as defined in Section 259.035, Florida Statutes, announces the following public hearings to receive testimony on establishing the 2000 Conservation and Recreation Lands (CARL) list. All interested parties are invited to attend one of the following:

DATE AND TIME: November 15, 1999, 7:00 p.m.  
 PLACE: Palm Beach County, Building 509, West Palm Beach, Florida  
 DATE AND TIME: November 16, 1999, 7:00 p.m.  
 PLACE: Riverview Civic Center, 11020 Park Drive, Riverview, Florida

For further information please contact: Office of Environmental Services, (850)487-1750.  
 If an accommodation is needed for a disability in order to participate in these meetings, please notify Linda Harvey, (850)488-2996, 1(800)955-8771 (TDD), at least seven days prior to the event.

There will be a Public Meeting of the **Florida Springs Task Force**. All interested parties are invited:

DATE AND TIME: November 18, 1999, 9:30 a.m. – 3:30 p.m.  
 PLACE: O’Leno State Park, High Springs, Florida  
 PURPOSE: Develop a strategy to protect Florida’s springs.  
 For further information please contact: Jim Stevenson, Office of Environmental Services, (850)487-1750.

If an accommodation is needed for a disability in order to participate in these meetings, please notify Linda Harvey, (850)488-2996, 1(800)955-8771 (TDD), at least seven days prior to the event.

**DEPARTMENT OF HEALTH**

The **Division of Emergency Medical Services** and Community Health Resources, Office of Rural Health announces a meeting State Certified Rural Health Network to be held:

DATE AND TIME: November 4, 1999, 10:00 a.m.  
 PLACE: Tampa Airport Marriot, Tampa International Airport, Tampa, FL 33607, (813)879-5151  
 PURPOSE AND EFFECT: To provide technical assistance and information to State Certified Rural Health Network executive directors.  
 SUBJECT AREAS TO BE ADDRESSED: State Certified Rural Health Networks.  
 CONTACT PERSONS: Susan Gay or Mike Walsh, Office of Rural Health, Department of Health, 2002 Old St. Augustine Road, Building D, Tallahassee, FL 32301, (850)487-2044.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact the Office of Rural Health, (850)487-2044, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Office of Rural Health using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Department of Health** announces a meeting of The KidCare Coordinating Council to which all persons are invited:

DATE AND TIME: Monday, November 15, 1999, 1:00 p.m. – 4:00 p.m.  
 PLACE: The Capital Health Plan Building, 1491 Governor’s Square Boulevard, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The KidCare Coordinating Council, an advisory body appointed by the Secretary of the Florida Department of Health, will meet on Monday, November 15, 1999, 1:00 p.m. – 4:00 p.m., Tallahassee, FL to discuss KidCare, Florida’s child health insurance program. The council is charged with offering guidance to the Department and to the Secretary as well as other state government groups about possible changes and adjustments to the KidCare Program which may result in recommendations for legislative action, state agency rule change, federal agency rule change or Congressional action.

A copy of the agenda may be obtained from: Francine Millinor, The Chiles Center, (850)487-6277, Website: fmillino@com1.med.usf.edu

The **Department of Health, Board of Hearing Aid Specialists** announces an Annual General Business meeting and a Probable Cause Panel meeting. Several cases in which a finding of probable cause has already been found will be reconsidered. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATES AND TIMES: November 18-19, 1999, General Business meeting, 9:00 a.m. The Probable Cause Panel meeting will begin after the General Business meeting if needed. Only reconsideration’s are open to the public. The remainder of the meeting is not open to the public.

PLACE: Pensacola Grand, 200 East Gregory Street, Pensacola, Florida 32501, (850)433-3336

PURPOSE: General Business Meeting, Probable Cause Panel Meeting and Reconsideration of probable cause cases.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Hearing Aid Specialists, 2020 Capital Circle, Southeast, Bin #C08, Tallahassee, Florida 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster by Friday, November 12, 1999.

The Florida **Board of Medicine** announces a Telephone Conference Call to be held via meet me (850)921-2470, Suncom 291-2470.

DATE AND TIME: Wednesday, November 10, 1999, 12:00 p.m. or soon thereafter

PLACE: Florida Board of Medicine, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-3622

PURPOSE: 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)488-0595, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which is to be based.

The Florida **Board of Medicine**, Quality Assurance Committee announces a meeting to which all persons are invited.

DATE AND TIME: Friday, November 12, 1999, 9:00 a.m. or soon thereafter

PLACE: Tampa Marriott Westshore, 1001 N. Westshore Boulevard, 1001 Tampa, Florida 33607, (813)287-2555

PURPOSE: 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)488-0595, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which is to be based.

The **Department of Health** and the Dietetics and Nutrition Practice Council, under the Board of Medicine announces a meeting to which all persons are invited.

DATE AND TIME: November 12, 1999, 9:00 a.m., or soon thereafter

PLACE: The Tallahassee Regional Airport, 3300 Capital Circle, S. W., Tallahassee, FL 32310, (850)891-7529

PURPOSE: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Dietetics and Nutrition Practice Council, 2020 Capital Circle, S. E., BIN #C05, Tallahassee, Florida 32399-3255, or by calling the Council Office, (850)487-2098.

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 Council Office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the council 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 Florida **Board of Medicine**, Physician Assistants Council Committee announces a meeting to which all persons are invited.

DATE AND TIME: Friday, November 19, 1999, 11:00 a.m. or soon thereafter

PLACE: The Lockheed Room, Tallahassee Airport, Tallahassee, Florida

PURPOSE: 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)488-0595, at least five (5) calendar days prior to the meeting. If you are hearing or speech

impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which is to be based.

The **Board of Optometry**, Probable Cause Panel will hold a duly noticed conference call meeting to which all persons are invited to attend.

DATE AND TIME: Wednesday, November 17, 1999, 7:00 a.m.

PLACE: Hilton Miami Airport and Towers, 5101 Blue Lagoon Drive, Miami, Florida 33126, (305)265-3814

PURPOSE: For cases to previously heard by the panel.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Optometry, (850)487-3052, at least 48 hour prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Optometry 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 or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Ms. Sherra W. Causey, Professional Regulation Specialist II, Florida Board of Optometry, Department of Health, Division of Medical Quality Assurance, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257.

The **Board of Optometry** will hold a duly noticed conference call meeting to which all persons are invited to attend.

DATE AND TIME: Thursday, November 18, 1999, 9:00 a.m.

PLACE: Hilton Miami Airport and Towers, 5101 Blue Lagoon Drive, Miami, Florida 33126, (305)265-3814

PURPOSE: General board business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Optometry, (850)487-3052, at least 48 hour prior to the meeting. If you are hearing or speech impaired, please

call the Florida Board of Optometry 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 or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Ms. Sherra W. Causey, Professional Regulation Specialist II, Florida Board of Optometry, Department of Health, Division of Medical Quality Assurance, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257.

The **Department of Health** and the **Board of Physical Therapy Practice** announces a meeting to which all persons are invited.

DATE AND TIME: November 5, 1999, 8:00 a.m. or soon thereafter and followed at approximately 6:00 p.m., by a rules workshop

PLACE: Courtyard Marriott, 1018 Apalachee Parkway, Tallahassee FL 32301, (850)222-8822.

PURPOSE: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Board of Physical Therapy Practice, 2020 Capital Circle, S. E., BIN #C05, Tallahassee, Florida 32399-3255, or by calling the Board Office, (850)487-2098.

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)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Speech-Language Pathology and Audiology** announces a General Business Meeting conducted by media technology, specifically a telephone conference call. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATE AND TIME: November 12, 1999, 9:00 a.m.

PLACE: Northwood Centre, 1940 North Monroe Street, Tallahassee, FL 32399

PURPOSE: Board Business.



A copy of the agenda may be obtained by writing: Sue Foster, Board Executive Director, Department of Health, Board of Speech-Language Pathology and Audiology, 2020 Capital Circle, S. E., BIN #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster by Friday, November 5, 1999.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The **Department of Children and Family Services**, District 14, Health and Human Services Board announces the following public meetings to which all persons are invited:

Executive Committee meeting

DATE AND TIME: Monday, November 1, 1999, 11:30 a.m.

PLACE: Children and Family Services, Administration Office, Conference Room B, 4720 Old Highway 37, Lakeland, FL

PURPOSE: To development board meeting agenda and conduct general business.

Alcohol, Drug Abuse and Mental Health Council meeting

DATE AND TIME: Monday, November 8, 1999, 2:00 p.m.

PLACE: Children and Family Services, Conference Room 101, 270 Bartow Municipal Airport, Bartow, FL

PURPOSE: To discuss mental health and substance abuse issues.

Management and Accountability Council meeting

DATE AND TIME: Wednesday, November 10, 1999, 3:30 p.m.

PLACE: Children and Family Services, Conference Room 101, 270 Bartow Municipal Airport, Bartow, FL

PURPOSE: To discuss and review budgetary issues.

Child Protection Council meeting

DATE AND TIME: Thursday, November 11, 1999, 3:00 p.m.

PLACE: Children and Family Services, Conference Room 101, 270 Bartow Municipal Airport, Bartow, FL

PURPOSE: To discuss foster care, adoptions, family preservation and other children and family issues.

Family Care Council meeting

DATE AND TIME: Monday, November 15, 1999, 6:30 p.m.

PLACE: Children and Family Services, Conference Room 101, 270 Bartow Municipal Airport, Bartow, FL

PURPOSE: To discuss issues relating to services for the developmentally disabled.

Health and Human Services Board Business meeting

DATE AND TIME: Saturday, November 16, 1999, 4:30 p.m.

PLACE: Children and Family Services, Conference Room 101, 270 Bartow Municipal Airport, Bartow, FL

PURPOSE: Regular board business meeting to conduct general business.

For copies of the agenda, further information or persons needing accommodation to participate in these meetings please contact: Patty Harrison, (941)619-4100, Extension 157, 1(800)342-0825 or TDD (941)648-3337.

The **Department of Children and Family Services**, Health and Human Services Board, District 15 announces the following public meeting to which all persons are invited:

COMMUNITY BASED CARE COALITION SUBCOMMITTEE

DATE AND TIME: November 8, 1999, 9:00 a.m. – 5:00 p.m.

PLACE: Benton Regional Service Center, 337 North 4th Street, Fort Pierce, Florida

For more information, please contact: Betty Robinson, HHSB Liaison, 337 North 4th Street, Fort Pierce, FL 34950, (561)467-4174.

The **Department of Children and Family Services**, Health and Human Services Board, District 15, announces the following public meeting to which all persons are invited:

COMMUNITY BASED CARE COALITION SUBCOMMITTEE

DATE AND TIME: November 9, 1999, 9:00 a.m. – 5:00 p.m.

PLACE: Children’s Home Society, 415 Avenue A, Fort Pierce, Florida

For more information, please contact: Betty Robinson, HHSB Liaison, 337 North 4th Street, Fort Pierce, FL 34950, (561)467-4174

The Florida **Department of Children and Family Services** announces meetings of the District 8, Health and Human Services Board Subcommittees will be held as follows:

Developmental Services and Gulf Coast Center: Not Meeting

Children’s Services: Not Meeting

Economic Self-Sufficiency: Not Meeting

Children’s Substance Abuse Services

DATE AND TIME: November 8, 1999, 11:30 a.m.

PLACE: Regional Service Center, 2295 Victoria Avenue, Room 234D, Fort Myers, Florida

G. Pierce Wood, Adult Mental Health and Substance Abuse Services:

DATE AND TIME: November 8, 1999, 11:30 a.m.,

PLACE: Regional Service Center, 2295 Victoria Avenue, Room 140, Fort Myers, Florida

PURPOSE: Monthly committee meetings.

A copy of the agenda may be obtained by contacting: Department of Children and Family Services, Planning and Evaluation, 2295 Victoria Avenue, Fort Myers, Florida 33901, Telephone (941)338-1435, one week prior to meeting.

In accordance with the Americans With Disabilities Act, persons needing an accommodation to participate in the meetings should contact the Consumer Relations Unit, (941)338-1431 or 1(800)342-0825. Florida Relay Service 1(800)955-8770 (Voice), 1(800)955-8771(TDD).

**A Department of Children and Family Services**, District Administrator Screening Committee will hold initial interviews of candidates for the vacant District Administrator position in District 13. The meeting will be held:

**DATE AND TIME:** Tuesday, November 9, 1999, 8:00 a.m. – 5:00 p.m.

**PLACE:** 1601 West Gulf-Atlantic Highway, Room 1054, Wildwood, Florida

In accordance with the Americans with Disabilities Act, persons needing an accommodation to participate in this meeting should contact Diann Lowery, prior to the meeting at the Department of Children and Family Services, 1317 Winewood Boulevard, Building 1, Room 205, Tallahassee, FL 32399-0700, Telephone (850)488-4306, Suncom 278-4305 or call via The Florida Relay Service, 1(800)955-877 (TDD).

The **Department of Children and Family Services**, District 12 Health and Human Services Board's Community Services Committee announces a public meeting to which all persons are invited.

**DATE AND TIME:** November 12, 1999, 10:00 a.m.

**PLACE:** Daytona Beach Service Center, 210 N. Palmetto Avenue, Conference Room 148, Daytona Beach, Florida

**PURPOSE:** Regular business.

A copy of the agenda may be obtained by writing: Department of Children and Family Services, 210 N. Palmetto Avenue, Daytona Beach, FL 32114-3284, Attn.: Denise Kelly.

If you need special accommodations (i.e. assisted listening devices, sign language interpreter, etc.) please notify Denise Kelly at (904)238-4648, at least 48 hours in advance of the meeting. If you are hearing or speech impaired, please use Florida Relay Service for TDD or TTY at 1(800)955-8771.

The **Department of Children and Family Services**, District 12, Health and Human Services Board's Children's Mental Health Workgroup announces a public meeting to which all persons are invited.

**DATE AND TIME:** November 12, 1999 immediately following Community Services Committee approximately, 11:30 a.m.

**PLACE:** Daytona Beach Service Center, 210 N. Palmetto Avenue, Conference Room 148, Daytona Beach, Florida

**PURPOSE:** Regular business.

A copy of the agenda may be obtained by writing: Department of Children and Family Services, 210 N. Palmetto Avenue, Daytona Beach, FL 32114-3284, Attn.: Denise Kelly.

If you need special accommodations (i.e. assisted listening devices, sign language interpreter, etc.) please notify Denise Kelly, (904)238-4648, at least 48 hours in advance of the meeting. If you are hearing or speech impaired, please use Florida Relay Service for TDD or TTY at 1(800)955-8771.

The **Department of Children and Family Services**, District 12, Health and Human Services Board's Family Care Council announces a public meeting to which all persons are invited.

**DATE AND TIME:** November 15, 1999, 1:00 p.m.

**PLACE:** Daytona Beach Regional Service Center, 210 N. Palmetto Ave., Room 148, Daytona Beach, Florida

**PURPOSE:** Guest Speaker: Aprille Rhynard, Attorney.

A copy of the agenda may be obtained by writing: Department of Children and Family Services, 210 N. Palmetto Avenue, Daytona Beach, FL 32114-3284, Attn.: Denise Kelly.

If you need special accommodations (i.e. assisted listening devices, sign language interpreter, etc.) please notify Denise Kelly, (904)238-4648, at least 48 hours in advance of the meeting. If you are hearing or speech impaired, please use Florida Relay Service for TDD or TTY at 1(800)955-8771.

The Health and Human Services Board of the **Department of Children and Family Services**, District 15, announces the following public meeting to which all persons are invited:

**HEALTH AND HUMAN SERVICES BOARD MEETING**

**DATE AND TIME:** November 24, 1999, 10:00 a.m.

**PLACE:** Benton Regional Service Center, 337 North 4th Street, Room 104, Fort Pierce, FL

For more information, please contact: Betty Robinson, HHSB Liaison, 337 North 4th Street, Fort Pierce, FL 34950, (561)467-4174.

The **Department of Children and Family Services**, District Ten, Health and Human Services Board will conduct the following Sub-committee meetings during the month of November and December:

The Level of Care Review Committee announces a public meeting to which you are invited to attend:

**DATES AND TIME:** December 1, 1999, December 8, 1999, December 15, 1999, December 22, 1999, December 29, 1999, 2:30 p.m.

**PLACE:** Department of Children and Family Services, District Office, 201 W. Broward Blvd., Suite 104-A, Ft. Lauderdale, Florida 33301

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Review of ADM client cases.

The HHSB Officers/ Executive Committee announces a public meeting to which you are invited to attend:

DATES AND TIME: December 1, 1999, December 8, 1999, December 15, 1999, December 22, 1999, December 29, 1999, 3:00 p.m.

PLACE: Department of Children and Family Services, District Office, 201 W. Broward Blvd., Room 408, Ft. Lauderdale, Florida 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues relating to the Department of Children and Family Services.

The HHSB Public Health Committee announces a public meeting to which you are invited to attend:

DATE AND TIME: December 14, 1999, 4:00 p.m.

PLACE: Department of Children and Family Services, District Office, 201 W. Broward Blvd., Suite 510, Ft. Lauderdale, Florida 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues relating Public Health.

The HHSB Child Care Subcommittee announces public meetings to which you are invited to attend:

DATE AND TIME: December 13, 1999, 9:00 a.m.

PLACE: Family Central, 840 S. W. 81 Street, North Lauderdale, Florida 33068

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues/Committees relating to Child Care.

The HHSB Alcohol, Drug Abuse and Mental Health Standing Committee announces a public meeting which you are invited to attend:

DATE AND TIME: December 13, 1999, 3:00 p.m.

PLACE: United Way, 1300 S. Andrews Avenue, Conference Room, Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues/Committees relating to ADM clients and programs.

The HHSB Economic Self Sufficiency Subcommittee announces a public meeting which you are invited to attend:

DATE AND TIME: December 9, 1999, 3:00 p.m.

PLACE: Department of Children and Family Services, District Office, 201 W. Broward Blvd., Ft. Lauderdale, Florida 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues relating to Economic Self-Sufficiency.

The Family Care Council announces a public meeting which you are invited to attend:

DATE AND TIME: November 5, 1999, 10:00 a.m.

PLACE: 950 N. Federal Highway, Suite 111, Pompano Beach, Florida 33062

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues relating to clients who are Developmentally Disabled.

NOTICE OF CHANGE – The Executive Committee for the Promoting Safe and Stable Families Program November 10, 1999 (Meeting canceled) announces a public meeting which you are invited to attend:

DATE AND TIME: November 17, 1999, 2:00 p.m.

PLACE: Department of Children and Family Services, District Office, 201 W. Broward Blvd., Room 104-B, Ft. Lauderdale, Florida 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues relating to promoting safe and stable families.

A copy of the agenda may be obtained by writing: Scott Silverman, Management Review Specialist, Regional Office, 201 W. Broward Blvd., Suite 406, Ft. Lauderdale, FL 33301.

Anyone requiring a special accommodation to participate in this meeting is requested to advise District Administration (Scott Silverman) at least 5 working days before the meeting at (954)467-4298 or (954)467-4509 (TDD).

**FLORIDA HOUSING FINANCE CORPORATION**

The Florida Housing Finance Corporation announces a public meeting of the Corporation, to which all interested persons are invited:

DATE AND TIME: Tuesday, November 9, 1999, 2:30 p.m.

PLACE: Hyatt Sarasota on the Bay, 1000 Boulevard of the Arts, Sarasota, FL 34236-4898

PURPOSE: To conduct a “round table” discussion of the affordable housing needs of Florida’s Farmworker population.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Hawthorne, Deputy Administrative Officer, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, 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 be made, which record include the testimony and evidence upon which the appeal is to be based.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

The Florida Fish and Wildlife Conservation Commission (FWC) announces a meeting of the Management Advisory Group for the Half Moon Wildlife Management Area, located along the Withlacoochee River near Wildwood in Sumter County.

DATE AND TIME: Wednesday, November 17, 1999, 9:00 a.m.

PLACE: Sumterville Campus, Lake/Sumter Community College, Adult Education Building, Room 101, 1425 County Road 526A, Sumterville, Florida

**PURPOSE:** To convene a meeting of stakeholders to provide priority considerations to FWC for future management of the Half Moon Wildlife Management Area. The input received will be used to prepare an update of the five-year Conceptual Management Plan for the wildlife management area.

**ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY**

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited:  
**DATE AND TIME:** November 10, 1999, 8:00 a.m.  
**PLACE:** Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, Florida  
**PURPOSE:** General Business Meeting.

**WAGES BOARD**

The State of Florida, **WAGES/Workforce Development Boards** announce a public meeting to which all persons are invited:  
**DATE AND TIME:** Wednesday, November 10, 1999, 9:00 a.m. – 11:00 a.m.  
**PLACE:** WAGES State Board Office, 102 West Whiting Street, Suite 502, Tampa, FL 33602, Telephone (813)272-3802  
**SUBJECT MATTER:** Workforce Development/WAGES Integration.

**PINELLAS WAGES COALITION COMMITTEE**

**NOTICE OF CHANGE –** The **Pinellas WAGES Coalition** announces the following change in the November committee meeting:  
**DATE AND TIME:** Tuesday, November 16, 1999, 9:00 a.m.  
**PLACE:** 13770 – 58th Street, North, Suite 304, Clearwater, Florida  
**PURPOSE:** Regular meeting of the Hardship Review Commission Steering Committee of the Pinellas WAGES Coalition.  
**ISSUES TO BE DISCUSSED:** Hardship Exemptions.  
 Members of the public are invited to attend and to be heard. Agendas can be obtained 7 days in advance of the meeting at 13770 58th Street, North, Suite 304, Clearwater, FL 33760 or by calling (727)507-6197.  
 Any person wishing to appeal any decision made by the Pinellas WAGES Coalition’s Steering Committee with respect to any matter considered at such meeting will need a record of the proceedings and, for such purpose, may 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. The inclusion of this statement does not create or imply a right to appeal any decision made at this meeting if the right to an appeal does not exist as a matter of law or policy.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this proceeding is asked to advise the agency sending the notice no later than three working days prior to the proceeding at the address given on the notice, telephone (813)507-6197.

The **Pinellas WAGES Coalition** announces the following meeting of its Hardship Review Commission:

**DATE AND TIME:** Wednesday, November 17, 1999, 9:00 a.m. – 5:00 p.m.  
**PLACE:** 3151 3rd Avenue, North, 300 Plaza West, 1st Floor, Conference Room, St. Petersburg, Florida  
**DATE AND TIME:** Monday, November 15, 1999, 9:00 a.m. – 5:00 p.m.  
**PLACE:** 4140 49th Street, North, Conference Room, St. Petersburg, Florida  
**DATE AND TIME:** Thursday, November 18, 1999, 9:00 a.m. – 5:00 p.m.  
**PLACE:** 1100 Cleveland Street, 5th Floor, Conference Room, Clearwater, Florida  
**PURPOSE:** WAGES Hardship Exemption Hearings. Members of the public are invited to attend.  
 Interested parties may appear and be heard at the hearings. Hearing schedules can be obtained 7 days in advance of the meeting by contacting 13770 58th Street, North, Suite 304, Clearwater, FL 33760 or by calling (727)507-6197.

Any person wishing to appeal any decision made by the Pinellas WAGES Coalition’s Hardship Review Commission with respect to any matter considered at such hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based. The inclusion of this statement does not create or simply a right to appeal any decision made at this hearing if the right to an appeal does not exist as a matter of law or policy.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this proceeding is asked to advise the agency sending the notice no later than three working days prior to the proceeding at the address given on the notice, or telephone (727)507-6197.

Appeal may be made through a Fair Hearing with the Department of Children and Family Services and/or through the Coalition’s policy.

The **Pinellas WAGES Coalition** announces the following meeting of its Hardship Review Commission:

**DATE AND TIME:** Wednesday, December 8, 1999, 9:00 a.m. – 5:00 p.m.  
**PLACE:** 3151 3rd Avenue, North, 300 Plaza West, 1st Floor, Conference Room, St. Petersburg, Florida  
**DATE AND TIME:** Monday, December 6, 1999, 9:00 a.m. – 5:00 p.m.

PLACE: 4140 49th Street, North, Conference Room, St. Petersburg, Florida

DATE AND TIME: Thursday, December 9, 1999, 9:00 a.m. – 5:00 p.m.

PLACE: 1100 Cleveland Street, 5th Floor, Conference Room, Clearwater, Florida

PURPOSE: WAGES Hardship Exemption Hearings.

Members of the public are invited to attend. Interested parties may appear and be heard at the hearings. Hearing schedules can be obtained 7 days in advance of the meeting by contacting: 13770 58th Street, North, Suite 304, Clearwater, FL 33760 or by calling (727)507-6197.

Any person wishing to appeal any decision made by the Pinellas WAGES Coalition’s Hardship Review Commission with respect to any matter considered at such hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based. The inclusion of this statement does not create or simply a right to appeal any decision made at this hearing if the right to an appeal does not exist as a matter of law or policy.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this proceeding is asked to advise the agency sending the notice no later than three working days prior to the proceeding at the address given on the notice, or telephone (727)507-6197.

Appeal may be made through a Fair Hearing with the Department of Children and Family Service and/or through the Coalition’s policy.

**FLORIDA SURPLUS LINES**

The **Florida Surplus Lines Service Office**, Board of Governors announces three public meetings via teleconference to which all parties are invited:

Budget Committee

DATE AND TIME: Friday, December 3, 1999, 9:00 a.m.

PLACE: FLSO, 114 S. Duval Street, Tallahassee, FL 32301

PURPOSE: Year 2000 Budget.

Board of Governors

DATE AND TIME: Friday, December 3, 1999, 11:00 a.m.

PURPOSE: Year 2000 Budget.

Compensation Committee

DATE AND TIME: Monday, December 13, 1999, 9:00 a.m.

PURPOSE: General Business Matters.

A copy of the agenda may be obtained by sending a faxed request to Kristen DeVitto, (850)513-9624.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact Kristen a few days prior to the meeting (850)224-7676, Ext. 16.

**FLORIDA RESIDENTIAL PROPERTY AND CASULTY JOINT UNDERWRITING ASSOCIATION**

The **Florida Residential Property and Casualty Joint Underwriting Association** announces a meeting of its Board of Governors to be held:

DATE AND TIME: Thursday, December 9, 1999, 8:00 a.m. (EST)

PLACE: The Hyatt Regency Westshore, 6200 Courtney Campbell Causeway, Tampa, Florida, 1(800)233-1234

PURPOSE: Items of discussion will include, but are not limited to, depopulation proposals.

For additional information, please call 1(800)807-7647, Extension 3761.

**Section VII  
Notices of Petitions and Dispositions  
Regarding Declaratory Statements**

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued a declaratory statement in In Re: Petition for Declaratory Statement, Thomas F. Noonan, Unit Owner, 1800 Atlantic Condominium Association, Inc., Docket Number CD1999125.

The declaratory statement provided, in summary, that 1800 Atlantic Condominium is a residential condominium, as defined by section 718.103(22), Florida Statutes. The remaining issues presented by the petition were denied.

A copy of the declaratory statement may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued a declaratory statement in In Re: Petition for Declaratory Statement, Vistana Falls Condominium Association, Inc., Docket Number TD1999126.

The declaratory statement provided, in summary, that the addition of a television set in each unit and the replacement of trash compactors with garbage disposals do not constitute material alterations or substantial additions to the common elements of the timeshare condominium as contemplated by section 718.113(2), Florida Statutes.

A copy of the declaratory statement may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement in Re: Petition for Declaratory Statement, Essex Park Villas Condominium Association, Inc. The Petitioner requests an interpretation as to whether the owner of 51 of 80 condominium units who rents the units may vote to elect a majority of the board of administration of the association pursuant to Chapter 718, Florida Statutes.

A copy of the Petition for Declaratory Statement, Docket Number CD1999156, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217. Please refer all comments to: Kathryn E. Price, Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Clemons Building, Tallahassee, Florida 32399-2202.

**DEPARTMENT OF HEALTH**

The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling hereby gives notice that the Petition for Declaratory Statement received from Hands of Mercy Clinic has been denied.

The petitioner filed a petition on April 30, 1999, in which the petitioner requests a declaratory statement from the Board which would allow the Hands of Mercy Clinic to provide counseling services for children, youth and families by two registered mental health counseling interns without on-site full-time supervision. The petition was published in Volume 25, Number 20 of the May 21, 1999 issue of the Florida Administrative Weekly.

The Board discussed the petition and denied the petition based on the following: The Board determined that the issuance of a declaratory statement was not appropriate on the grounds that the petition appears to request a statement of general applicability, and the question is adequately answered by

Section 491.005(4)(c), Florida Statutes. An Order Denying Petition for Declaratory Statement was issued and filed with the Clerk on September 7, 1999.

The person to be contacted regarding the Order is: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, Department of Health, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258.

**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:**

848 Holdings, Inc. vs. Department of Community Affairs; Rule No.: 9J-14.027; Case No.: 95-2034RGM

Florida Medical Association vs. Department of Health, Board of Podiatric Medicine; Rule No.: 64B18-23.001(1); Case No.: 99-4167RP

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

Allstate Life Insurance Company and Lincoln Benefit Life Company vs. Department of Insurance; Rule Nos.: 4-150.016(4), 4-150.102(2)(a) and 4-150.114(1); Case No.: 98-3858 RP; Dismissed

**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

COMMITTEE MEETING AGENDA
November 2, 1999
SENATE OFFICE BUILDING LL-42
Committee Room B
10:00 a.m. – 12:00 p.m.

CALL TO ORDER AND ROLL CALL

TAB 1 STATUS REPORT
Carroll Webb, Executive Director and General
Counsel

REPORTS AND APPEARANCES

TAB 2 Presentation by Secretary Thomas Barry, Jr.
Department of Transportation

TAB 3 REPORTS AND APPEARANCES

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

NOTICE TO PROFESSIONAL CONSULTANTS

Florida State University, State of Florida, announces that
Professional Services in the discipline of engineering will be
required for the project listed below:

Project No. BR-286

Project and Location: Utilities/Infrastructure/Capital Renewal
Florida State University, Tallahassee, Florida

The project consists of electrical, steam and
telecommunications infrastructure improvements.
Additionally, the design professional will be responsible for
performing a coordination study and providing a short circuit
analysis for the entire main campus. This project will be a
multi-phased design and construction effort. It is anticipated
that the construction management delivery method will be
employed due to multiple phasing, the tedious nature of
underground utilities and the critical maintenance of student
and pedestrian safety under all construction conditions. The
selected firm will provide design, construction documents and
administration for the referenced project and will be required
to prepare all construction documents on AutoCAD in the
latest version compatible with Florida State University

Facilities Planning. The project is budgeted at \$5,351,000 for
construction. Blanket professional liability insurance will be
required for this project in the amount of \$500,000, and shall
be provided as a part of Basic Services.

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter
of application.

The letter of application should have attached:

1. A completed Board of Regents "Professional Qualifications
Supplement," dated either February, 1999 or September, 1999.
Applications on any other form, or on previous versions, will
not be considered. The scoring practices normally utilized for
the areas of design ability will be waived for this selection
process.

2. A copy of the applicant's current Professional Registration
Certificate from the appropriate governing board. An applicant
must be properly registered at the time of application to
practice its profession in the State of Florida. If the applicant is
a corporation, it must be chartered by the Florida Department
of State to operate in Florida.

Submit five (5) copies of the above requested data bound in the
order listed above. Applications which do not comply with the
above instructions may be disqualified. Application materials
will not be returned.

The plans and specifications for State University System
projects are subject to reuse in accordance with the provisions
of Section 287.055, Florida Statutes. As required by Section
287.133, Florida Statutes, a consultant may not submit a
proposal for this project if it is on the convicted vendor list for
a public entity crime committed within the past 36 months. The
selected consultant must warrant that it will neither utilize the
services of, nor contract with, any supplier, subcontractor, or
consultant in excess of \$15,000.00 in connection with this
project for a period of 36 months from the date of their being
placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive
project information and selection criteria may be obtained
online at www.vpfa.fsu.edu/fpc or by contacting: Lynetta
Mills, Facilities Planning and Construction, 109 Mendenhall
Maintenance, Building A, Florida State University,
Tallahassee, Florida 32306-4152, (850)644-2843 telephone,
(850)644-8351 facsimile.

For further information on the project, contact: Jim Reynolds,
Project Manager, at the address and phone listed above.

Submittals must be received in the above office, by 2:00 p.m.,
local time, Thursday, December 2, 1999. Facsimile (FAX)
submittals are not acceptable and will not be considered.

NOTICE TO PROFESSIONAL CONSULTANTS

The University of South Florida, on behalf of the State of
Florida, Board of Regents, announces that professional
services for a campus service contract are required in the

following discipline(s):

Test and Balance Engineering (2): Tampa, St. Petersburg, Sarasota and Lakeland Campuses.

Projects included in the scope of this agreement will be specific projects for new construction, renovations, alterations, and additions and for which the fee for professional services for individual Test and Balance projects authorized under this notice is \$100,000 or less. Campus Service contracts for these projects provide that the consultant will be available on an as-needed basis for the upcoming fiscal year, July 1-June 30. The consultant receiving this award will not have an exclusive contract to perform services for these projects. The university may have additional campus service professionals under contract during the same time period. Blanket General Liability Insurance will be required for this contract and shall be included as part of the Basic Services.

Firms desiring to provide professional services shall apply by letter specifying the discipline for which they are applying. Proximity of location will be a factor in the selection of the firm.

Attach to each letter of application:

1. A completed Board of Regents "Professional Qualifications Supplement," dated September, 1997. Applications on any other form will not be considered. Submittals of more than 40 pages (which includes the letter of interest) may be disqualified.

2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board, if applicable. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit (six) 6 copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions will not be considered. Application material will not be returned.

Interested firms are invited to attend a meeting to be held 2:00 p.m., Friday, November 19, 1999, at the University of South Florida, Facilities Planning and Construction, Conference Room, FPC 110, to review the scope and requirements of this project. All interested firms are encouraged to attend. Requests for meetings by individual firms will not be granted.

As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualification Supplements, descriptive project information, and selection criteria may be obtained by contacting: Laura Davis, Senior Word Processing Operator, Facilities Planning and Construction, University of South Florida, FPC 110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550, Phone (813)974-0850, Fax (813)974-3542.

Submittals must be received in the University of South Florida, Facilities Planning and Construction Office, FPC 110, by 2:00 p.m., local time, Monday, November 29, 1999 and shall be addressed to: Toufic Moumne, Project Manager, Facilities Planning and Construction, University of South Florida, FPC 110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550. Facsimile (FAX) submittals are not acceptable and will not be considered. The Selection Committee reserves the right to waive any irregularities and may reject all proposals and stop the selection process at any time.

#### NOTICE TO CONSTRUCTION MANAGERS

Florida International University on behalf of the FIU Foundation, announces that construction management services will be required for the project listed below:

Project: Multi-Function Support Complex (Research & Development)

Project Location: Florida International University, University Park

This project consists of the construction of a five-story multi-user facility which would include; English Language Institute; Research Support Offices; Information Resource Management; executive offices for Alumni Affairs and University Advancement; Conference/Classroom/Meeting facility. The site is adjacent to and southeast of the Charles E. Perry building and west of Parking Garage One. Total building area is estimated to be 75,000 GSF. The facility will contain classroom, meeting, and conference spaces, private faculty and staff offices, multiple occupant offices with landscape furnishing, and support spaces. Total project budget is limited to \$12,000,000.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, construct-ability analysis, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, ensuring the inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.



Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program, a description of the final interview requirements and a copy of the standard State University System's construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Board of 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 that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Board of Regents Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting: Facilities Management, Florida International University, University Park, Miami, Florida 33199, Telephone (305)348-4000, or by Faxing a request (305)348-4010. Requests for meetings by individual firms will not be granted. Once the firm acquires the required forms, questions may be directed: Mary V. Witham, Facilities Management, email: withamm@fiu.edu.

Six (6) bound copies of the required proposal data will be submitted to: Victor J. Citarella, P.E., Assistant Vice President/Director, Business and Finance/Facilities Management, Florida International University, University Park, CSC 221, Miami, Florida 33199.

Submittals must be received by 2:00 p.m. local time, Monday, November 29, 1999. Facsimile (FAX) submittals are not acceptable and will not be considered.

For information regarding meeting dates, times, and locations (Shortlist, Interview, Deliberations, etc.) contact Facilities Management, (305)348-4000.

#### CALL FOR BIDS

Made by the University of North Florida, on behalf of the State of Florida, Board of Regents.

PROJECT NAME, NUMBER AND LOCATION: Betty Holzendorf Drive

QUALIFICATION: All Bidders must be qualified at the time of bid opening in accordance with the Instructions to Bidders, Article B-2. Sealed bids will be received on:

DATE AND TIME: November 23, 1999, until 2:00 p.m., local time

PLACE: University of North Florida, 4567 St. Johns Bluff Road, Building 6, Room 1225, Jacksonville, Florida at which time and place they will be publicly opened and read aloud.

PROPOSAL: Bids must be submitted in full and in accordance with the requirements of the drawings and Project Manual, which may be obtained or examined at the office: Architect/Engineer, Reynolds, Smith and Hills, Inc., Sue Skinner, 4651 Sailsbury Road, Jacksonville, Florida 32256.

MINORITY PROGRAM: Bidders are encouraged to utilize Minority Business Enterprises certified by the Minority Business Advocacy and Assistance Office, Department of Labor and Employment Security. Consideration will be given to the percentage of participation, as described in the Instructions to Bidders, in the award of the contract.

PRE-SOLICITATION/PRE-BID MEETING: The Bidder is encouraged to attend the pre-solicitation/pre-bid meeting. Minority Business Enterprise firms are invited to attend to become familiar with the project specifications and to become acquainted with contractors interested in bidding the project. The meeting has been scheduled for:

DATE AND TIME: November 9, 1999, 2:00 p.m., local time

PLACE: University of North Florida, 4567 St. Johns Bluff Road, Building 6, Room 1225, Jacksonville, Florida

DEPOSIT: \$30.00 per set of drawings and Project Manual is required with a limit of three (3) sets per general contractor or prime bidder; and two (2) sets of drawings and Project Manuals for plumbing, heating/ventilating/air conditioning and electrical contractors acting as subcontractors.

REFUND: The deposit shall only be refunded to those general contractors, prime bidders or plumbing, heating/ventilating/air conditioning and electrical contractors acting as either prime or subcontractors, who after having examined the drawings and specifications:

a. submit a bona fide bid, or

b. provide written evidence that they have submitted bids as subcontractors for plumbing, heating/ventilating/air conditioning or electrical work and who return the drawings and Project Manual in good condition within fifteen (15) days after receipt of bids.

**PURCHASE:** Full sets of bidding documents may be examined at the Architect/Engineer's office and local plan rooms. Full sets may be purchased through the Architect/Engineer for \$20.00 per set for the printing and handling cost. Partial sets may be purchased at \$1.00 per sheet of the drawings and \$10.00 per copy of the Project Manual, and are sold subject to the provisions of Article B-27 of the Instructions to Bidders.

**PUBLIC ENTITY CRIMES:** As required by Section 287.133, Florida Statutes, a contractor may not submit a bid for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The successful contractor must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

**DEPARTMENT OF TRANSPORTATION**

District Five Tentative Work Program  
Fiscal Years 2000/2001 – 2004/2005

The Florida Department of Transportation, District Five announces public hearings to which all interested persons are invited. Specific notice is provided to the Brevard, Volusia, Ocala and Orlando Metropolitan Planning Organizations (MPOs) and the County Commissioners for Brevard, Volusia, Marion, Orange, Seminole, Osceola, Lake, Flagler and Sumter Counties.

**DATE/TIME/LOCATION:** Appointed dates, times and locations for specific counties are listed below.

**PURPOSE:** These public hearings are being conducted pursuant to Section 339.135(4)(c), Florida Statutes, as amended. The purpose of these public hearings is to consider the Department's Tentative Five Year Work Program for Fiscal Years 2000/2001 – 2004/2005 and to consider making any changes to the Program.

Prior to each hearing, the public is invited to review and discuss with Department staff, the District's Tentative Five Work Program and other exhibits. Court reporters will also be available to accept public comments for entry into the public hearing records.

**LOCATIONS/SPECIFIC DATES AND TIMES:**

1. Brevard County:

**DATE AND TIME:** November 15, 1999, 5:00 p.m. – Documents/Information available for review. 6:00 p.m. – Public Hearing

**PLACE:** Rockledge City Hall, 1600 Huntington Lane, Rockledge, Florida

2. Marion and Sumter Counties:

**DATE AND TIME:** November 22, 1999, 5:00 p.m. – Documents/Information available for review. 6:00 p.m. – Public Hearing

**PLACE:** Appleton Museum of Art, 4333 East Silver Springs Boulevard, Ocala, Florida

3. Flagler and Volusia Counties:

**DATE AND TIME:** November 30, 1999, 5:00 p.m. – Documents/Information available for review. 6:00 p.m. – Public Hearing

**PLACE:** Volusia County Mobility Management Center "VOTRAN", 950 Big Tree Road, South Daytona, Florida

4. Lake, Orange, Osceola and Seminole Counties:

**DATE AND TIME:** December 9, 1999, 4:00 p.m. – Documents/Information available for review. 5:00 p.m. – Public Hearing

**PLACE:** METROPLAN ORLANDO Board Room, 315 East Robinson Street, Suite 355, Orlando, Florida

These hearings also will include consideration of proposed projects for Florida's Turnpike System as applicable in Lake, Marion, Orange, Osceola, Seminole and Sumter Counties. The proposed projects have been developed in accordance with the Civil Rights Acts of 1964 and the Civil Rights of 1968. Under Title VI and Title VIII of the United States Civil Rights Act, any person(s) or beneficiary who believes they have been subjected to discrimination because of race, color, religion, sex, age, national origin, disability or familial status may file a written complaint to the Florida Department of Transportation's Minority Programs Office in Tallahassee or contact the District's Title VI and Title VIII Coordinator as shown below:

**Central Office:** Florida Department of Transportation, Minority Programs Office, 605 Suwannee Street, M.S. 65, Tallahassee, Florida 32399-0450.

**District Five:** Florida Department of Transportation, District Five, Morris Scott, 719 South Woodland Boulevard, DeLand, Florida 32720.

In compliance with the Americans with Disabilities Act, the Department, if requested, will provide special assistance at the public hearings for those persons who are disabled. Those persons requiring special assistance must notify the Department at least ten days prior to the public hearing, by contacting: Michael Szunyog, Florida Department of Transportation, 133 South Semoran Boulevard, Orlando, Florida 32807, telephone (407)482-7800.

Written comments from all interested parties will be accepted by the Department at the public hearing and within ten days after the public hearing.

Comments should be addressed to: District Secretary, Florida Department of Transportation, District 5, 719 South Woodland Boulevard, DeLand, Florida 32720.

A copy of the agenda may be obtained from: Ms. Lennon Moore, District Planning Manager, Florida Department of Transportation, District 5, 133 South Semoran Boulevard, Orlando, Florida 32807.

**REGIONAL TRANSPORTATION AUTHORITIES**

**INVITATION TO BID NO. 98-4006  
HOLLYWOOD STATION IMPROVEMENTS  
ADVERTISEMENT**

Tri-County Commuter Rail Authority (Tri-Rail), an agency of the state of Florida, operates a seventy-two (72) mile commuter railroad with nineteen (19) stations in Miami-Dade, Broward, and Palm Beach Counties.

THE PURPOSE of this Invitation to Bid (ITB) is to enter into an Agreement to provide all supervision, project coordination, scheduling, construction management, labor, equipment, tools, supplies, insurance, permanent materials, temporary materials, vehicles, storage sheds and incidentals (including acquisition of all agency permits and inspections) required for HOLLYWOOD STATION IMPROVEMENTS, located on the FDOT Rail Corridor, west of Interstate-95, and north of Hollywood Blvd., in Hollywood, Florida (Broward County).

The extent of the Project will include, as a minimum, the following construction trades and/or disciplines: Supervision, Scheduling, Permitting, Safety Coordination, Security, Maintenance of Traffic, Site Clearing, Earthwork, Concrete Work, Metal Fabrication, Platform Construction, Paving, Grading, Drainage, Plumbing, Electrical Work, Landscape Irrigation, and Landscape Plant Installation.

A REQUEST FOR DOCUMENTS should be directed to: Mr. Tom Siciliano, Tri-Rail, 800 N. W. 33 Street, Suite 100, Pompano Beach, FL 33064, (954)788-7912. The cost of the solicitation documents is \$150.00, non-refundable. Checks or money orders, made in favor of Tri-Rail should be forwarded to Tom Siciliano at the address above. Solicitation documents will be available on or about November 1, 1999.

A PRE-BID CONFERENCE will be held in the Tri-Rail Board Room at the address above on Tuesday, November 9, 1999, 10:00 a.m. The purpose of the meeting will be for Tri-Rail to respond to questions from document holders and clarify requirements in an open forum. Attendance is not mandatory but is highly recommended.

REQUESTS FOR CLARIFICATION regarding specifications or bid documents must be submitted to Tri-Rail no less than ten calendar (10) days before the bid opening date.

RECEIPT OF SEALED BIDS: All Bids must be received in a sealed envelope no later than 4:00 p.m., December 1, 1999 at the address above. All envelopes must bear the Tri-Rail provided label that clearly indicates the BIDDER'S NAME, ITB NUMBER and TITLE, and BID OPENING DATE.

Tri-Rail reserves the right to postpone, to accept, or reject any and all Bids in whole or in part. All Bidders must certify that they are not on the State of Florida Comptroller General's List of Ineligible Bidders. All Bids must remain in effect for one hundred eighty (180) days from the date of Bid Opening.

BID SECURITY in the amount of five percent (5%) of the Bid must accompany each Bid in accordance with the Instruction to Bidders and General Terms and Conditions.

TERM: The job completion date for the Agreement shall be April 30, 2000.

ESTIMATED BUDGET: \$1,000,000

FUNDING: This project is funded in part by a grant from the Federal Transit Administration. Any resultant Agreement shall be subject to all federal rules and regulations. Davis-Bacon wage rates and other federal provisions shall apply.

DBE PARTICIPATION: The Disadvantaged Business Enterprise participation goal for this solicitation is twelve percent (12%).

**DEPARTMENT OF CORRECTIONS**

**ADVERTISEMENT FOR BIDS**

Proposals are requested from Qualified General, Underground Utility or Well Drilling Contractors by the State of Florida, Department of Corrections, Bureau of Facilities Services.

CONSTRUCTION OF: Water Wells and Water Main

PROJECT NO: WK-30-WW

PROJECT SITE: Martin Correctional Institution, Indiantown, Florida

PREQUALIFICATION: All bidders must submit evidence that they are qualified to perform the work in accordance with Section B, paragraph B-2 of the Specifications.

BID DATE AND TIME: November 30, 1999, 12:00 p.m., Local Time

PLACE: Conference Room, Martin Correctional Institution, 1150 S. W. Allapattah Road, Indiantown, Florida 34956.

Any person with a qualified disability requiring special accommodations at the pre-bid conference and/or bid/proposal opening shall contact the person listed below at least (5) working days prior to the event. If you are hearing or speech impaired, please contact this office by using the Florida Relay Services which can be reached at 1(800)955-8771 (TDD).

PROPOSALS: Bids must be submitted in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the:

ARCHITECT/ENGINEER: Lindahl, Browning, Ferrari & Hellstrom, Inc., 3550 S. W. Corporate Parkway, Palm City, Florida 34990, Attn.: Richard Shoenborn, (561)286-3883

DRAWINGS/SPECIFICATIONS: Sets of Drawings and Specifications may be purchased for \$79.00 per set. Partial sets may not be purchased. Payment made to "[A/E]".

PRE-BID CONFERENCE: A non-mandatory pre-bid conference will be held on November 3, 1999, 12:00 p.m., Local Time, Administration Building, Conference Room, Martin Correctional Institution.

CONTRACT AWARD: The recommendation for contract award will be sent to all bidders by Facsimile, Return Receipt Required. If no protest is filed per Article B-20 of the Instructions to Bidders, the contract will be awarded by the Secretary, Department of Corrections. Right is reserved to reject any or all bids.

**METROPOLITAN PLANNING ORGANIZATION**

**NOTICE OF CONSULTANT SHORTLISTING  
HERNANDO COUNTY**

PLEASE BE ADVISED THAT THE FOLLOWING CONSULTANTS WERE SELECTED FOR FINAL ACTION:

FPN NUMBER: 25920811401

STATE PROJECT'S NUMBER: 99087-7532

PROJECT: GENERAL PLANNING SERVICE

FINAL CONSULTANT RANKING:

1. Dames & Moore, Inc.
2. Tindale-Oliver & Associates, Inc.
3. Tampa Bay Engineering, Inc.

**WATER MANAGEMENT DISTRICTS**

**INVITATION TO BID**

**SALINE WATER EXPLORATION MONITOR WELL  
CONSTRUCTION AND DATA COLLECTION PROJECT  
BID NUMBER 00B-002**

The Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333, is soliciting sealed bids from licensed water well contractors for the drilling of monitor wells in Santa Rosa, Okaloosa and Walton counties. Construction of approximately four (4) four-inch and six-inch diameter, open hole limestone wells is anticipated. Drilling equipment capable of completing four-inch and six-inch diameter open hole wells to depths of approximately 1,400 feet below land surface is required.

The bids will be opened on Friday, November 12, 1999, 3:00 p.m., EST at the Northwest Florida Water Management District headquarters. All bids must conform to the instructions in the Invitation to Bid. Interested prospective bidders may obtain a copy of the complete Invitation to Bid package at the above address or by calling Maria Culbertson, division secretary or Ruth-Ann Womble, Senior Hydrogeologist, (850)539-5999.

There will be a pre-bid conference at the headquarters of the NFWMD on Wednesday, November 3, 1999, 2:00 p.m., EST. The purpose of the conference is to answer any technical or administrative questions regarding this bid package and the work to be performed.

The bid opening is open to the public. Provisions will be made to accommodate the handicapped (if requested) provided the District is given at least 72 hours advance notice.

All bids must comply with applicable Florida Statutes.

**DEPARTMENT OF MANAGEMENT SERVICES**

**PUBLIC ANNOUNCEMENT OF A/E  
SELECTION RESULTS**

The Department of Management Services, Building Construction, announces that on the date listed below, authority was issued to negotiate and enter into a contract for Professional Services in accordance with the Consultants Competitive Negotiation Act for the following:

DATE: October 13, 1999

NAME OF CLIENT AGENCY: Department of Management Services

PROJECT NUMBER: MSFM-99048000

PROJECT NAME: Hurston Towers Water Intrusion Corrective Work

Zora Neale Hurston Building, Orlando, FL

1. QORE, Inc. – Orlando, FL
2. Tomasino & Associates, Inc. – Temple Terrace, FL
3. Manausa Lewis & Dodson Architects – Tallahassee, FL

**NOTICE TO PROFESSIONAL CONSULTANTS  
PUBLIC ANNOUNCEMENT FOR PROFESSIONAL  
SERVICES FOR  
CONTINUING AREA CONTRACTS AREA 3 FOR  
ARCHITECTURAL SERVICES**

The State of Florida, Department of Management Services, requests qualifications from Architectural firms to provide services as stated in Area 3, counties of Alachua, Baker, Bradford, Clay, Columbia, Duval, Flagler, Gilchrist, Levy, Marion, Nassau, Putnam, Union, Volusia, St. Johns; and other area counties as may be determined necessary by the owner. Two firms may be selected under this Continuing Area Contract and will be responsible for assigned projects having estimated construction costs and study fees not exceeding the threshold amounts of \$500,000 (construction) and \$25,000 (fees) respectively, provided for in section 287.055, Florida Statutes. This will be a multiple award contract for an initial period of one year with an option to renew for two additional one-year periods.

RESPONSE DUE DATE: November 22, 1999, 5:00 p.m., local time

Applications are to be sent to: Carole Nichols, Department of Management Services, Division of Building Construction, 4030 Esplanade Way, Suite 335Q, Tallahassee, Florida 32399-0950, Telephone (850)487-2824.

DATE AND LOCATION OF SHORTLIST: December 2, 1999, Department of Management Services, Division of Building Construction, 4030 Esplanade Way, Suite 335N, Tallahassee, FL 32399-0950.

DATE AND LOCATION OF INTERVIEWS: December 16, 1999, Department of Management Services, Division of Building Construction, 100 Southpark Blvd., Suite 308, St. Augustine, FL 32086

Any changes to the above dates will be published on our website: <http://fcn.state.fl.us/dms/dbc/oppor1.html>

**INSTRUCTIONS**

Firms interested in being considered for this project must submit four (4) copies of their application with a table of contents and tabbed sections containing the following information:

1. Letter of interest which indicates the firm's qualifications, related experience, the firm's abilities to do the work and other pertinent data.
2. Professional Qualifications Supplement (PQS) Form DBC5112, Revised 2/99.
3. A copy of the firm's current Florida Professional Registration License Renewal.
4. For Corporations only: If the firm offering services is a corporation, it must be properly chartered with the Department of State to operate in Florida and must provide a copy of the firm's current Florida Corporate Charter.
5. Completed SF-254.
6. Completed SF-255.

Please include one stamped, self-addressed envelope for notice of selection results. Firms must be properly registered at the time of application to practice their profession in the State of Florida. Representative samples of related work may be submitted in a separate binder. Applications that do not comply with these instructions or those that do not include the requested data may not be considered. All information received will be maintained with the project file and will not be returned. Selections will be made in accordance with Chapter 287.055, Florida Statutes.

Applicants are advised that plans and specifications for A/E projects may be reused. An appropriate contractual agreement will be made with the selected firm should this be necessary. Any protests of the selection must be made within 72 hours of posting the selection results. If no protest is received within 72 hours, negotiation and contract award will proceed with the selected firm. The selected firm will be notified and announcement of selected firms will be published in the Florida Administrative Weekly.

**NOTICE TO PROFESSIONAL CONSULTANTS  
PUBLIC ANNOUNCEMENT FOR PROFESSIONAL  
SERVICES FOR  
CONTINUING AREA CONTRACTS AREA 7 FOR  
ARCHITECTURAL SERVICES**

The State of Florida, Department of Management Services, requests qualifications from Architectural firms to provide services as stated in Area 7, counties of Broward, Dade, Martin, Monroe, Palm Beach, St. Lucie and other area counties as may be determined necessary by the owner. The firm selected under this Continuing Area Contract will be responsible for assigned projects having estimated construction costs and study fees not exceeding the threshold amounts of \$500,000 (construction) and \$25,000 (fees) respectively, provided for in section 287.055, Florida Statutes. This will be a multiple award contract for an initial period of one year with an option to renew for two additional one-year periods.

RESPONSE DUE DATE: November 22, 1999, 5:00 p.m., local time

Applications are to be sent to: Carole Nichols, Department of Management Services, Division of Building Construction, 4030 Esplanade Way, Suite 335Q, Tallahassee, Florida 32399-0950, Telephone (850)487-2824.

DATE AND LOCATION OF SHORTLIST: December 2, 1999, Department of Management Services, Division of Building Construction, 4030 Esplanade Way, Suite 335N, Tallahassee, FL 32399-0950.

DATE AND LOCATION OF INTERVIEWS: December 16, 1999, Department of Management Services, Division of Building Construction, 100 Southpark Blvd., Suite 308, St. Augustine, FL 32086.

Any changes to the above dates will be published on our website: <http://fcn.state.fl.us/dms/dbc/oppor1.html>

**INSTRUCTIONS**

Firms interested in being considered for this project must submit four (4) copies of their application with a table of contents and tabbed sections containing the following information:

1. Letter of interest which indicates the firm's qualifications, related experience, the firm's abilities to do the work and other pertinent data.
2. Professional Qualifications Supplement (PQS) Form DBC5112, Revised 2/99.
3. A copy of the firm's current Florida Professional Registration License Renewal.
4. For Corporations only: If the firm offering services is a corporation, it must be properly chartered with the Department of State to operate in Florida and must provide a copy of the firm's current Florida Corporate Charter.
5. Completed SF-254.
6. Completed SF-255.

Please include one stamped, self-addressed envelope for notice of selection results. Firms must be properly registered at the time of application to practice their profession in the State of Florida. Representative samples of related work may be submitted in a separate binder. Applications that do not comply with these instructions or those that do not include the requested data may not be considered. All information received will be maintained with the project file and will not be returned. Selections will be made in accordance with Chapter 287.055, Florida Statutes.

Applicants are advised that plans and specifications for A/E projects may be reused. An appropriate contractual agreement will be made with the selected firm should this be necessary. Any protests of the selection must be made within 72 hours of posting the selection results. If no protest is received within 72 hours, negotiation and contract award will proceed with the selected firm. The selected firm will be notified and announcement of selected firms will be published in the "Florida Administrative Weekly."

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**NOTICE OF INVITATION TO BID**

**BID NO. BDRS 24-99/00**

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the project listed below:

**PROJECT NAME:** Camping area development and related site improvements

**SCOPE OF WORK:** Construction of a ranger station, recreational vehicle camping area, camping area with 60 electrical and water hook-ups, access road, two camper restrooms and related site improvements.

**PARK LOCATION:** Silver River State Park, 1425 N. E. 58 Avenue, Ocala (Marion Co.), Florida

**PROJECT MANAGER:** Jim Ross, Bureau of Design and Recreation Services, Telephone (850)488-3541

**MINORITY BUSINESS REQUIREMENT:** This project is reserved for competitive sealed bidding only among qualified bidders who agree to use Department of Labor certified minority business enterprises (MBE) as subcontractors or subvendors. A minimum of twenty one (21) percent of the total bid must be expended with certified minority business enterprise subcontractors and subvendors. Verification of the certified minority business enterprise utilization shall be determined by the agency before such bid awards may be made. In order to bid on a project so reserved, the qualified bidder shall identify those certified minority business enterprises which will be used as subcontractors or subvendors by sworn statement. At the time of performance of project

completion, the contractor shall report by sworn statement the payment and completion of work for all certified minority business enterprises used in the contract.

**PREQUALIFICATION:** When the total bid price including alternates exceeds \$200,000, each bidder whose field is governed by Chapter 399, 489 and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

**INSTRUCTIONS:** Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number listed below:

Plans and specifications will be available on Friday, October 29, 1999 at: Silver River State Park, 1425 N. E. 58 Avenue, Ocala, Florida 34470, Attention: Bob Lamont, Park Manager, Telephone (352)236-1827

**ADA REQUIREMENTS:** Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Bureau of Design and Recreation Services, (850)488-3539, at least five (5) workdays prior to opening.

**BID SUBMITTAL DUE DATE:** No later than 3:30 p.m., Tuesday, November 30, 1999 to the below address: Florida Department of Environmental Protection, Bureau of Design and Recreation Services, 3540 Thomasville Road, Tallahassee, Florida 32308

The Department reserves the right to reject any or all bids. Michael Renard, Contracts Manager, Bureau of Design and Recreation Services

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Request for Proposals**

The Department of Children and Family Services, Office of the Secretary for Mental Health, is requesting proposals for the establishment of eight Florida Assertive Community Treatment (FACT) teams in the Department of Children and Family Services, Districts 5 (St. Petersburg), District 6 (Tampa), District 8 (Ft. Myers), District 9 (West Palm Beach), District 10 (Ft. Lauderdale), District 11 (Miami), District 14 (Lakeland), and District 15 (Ft. Pierce). The Request for Proposals (RFP No.99MH743) may be obtained from: Dorothy Bull, Central Mental Health Program Office, 1317 Winewood Boulevard, Building 3, Room 102, Tallahassee, Florida 32399-0700, Telephone (850)487-2920.

To be considered, proposers must submit a notice of intent to submit a proposal and are encouraged to attend a proposers' conference which has been scheduled as published in the RFP. For further instructions regarding these requirements, please refer to the Request for Proposals. To be considered, proposals

must be submitted to, and will be opened at the above address on December 6, 1999, 12:15 p.m. Eastern Standard Time. The proposals will then be forwarded to the appropriate district for review and evaluation.

Certified Minority Business Enterprises are encouraged to participate in the proposal process. The department reserves the right to reject any and all bids or accept minor irregularities if it is in the best interest of the State of Florida.

Any person with a qualified disability requiring special accommodations at the proposers' conference and/or proposal opening shall contact the Department at the phone number referenced above at least (five) 5 working days prior to the event. If you are hearing or speech impaired, please contact this office by using the Florida Relay Service which can be reached at 1(800)347-0106.

**H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE**

**NOTICE TO PROFESSIONAL CONSULTANTS  
PUBLIC ANNOUNCEMENT FOR  
PROFESSIONAL SERVICES FOR  
ENGINEERING/BUILDING COMMISSIONING**

The H. Lee Moffitt Cancer Center and Research Institute at the University of South Florida announces that professional services are required for the project listed below. Qualifications and proposals are to be sent to: Mr. Andrew Dorr, Director Tower Project, H. Lee Moffitt Cancer Center, 12902 Magnolia Drive, MOD 6, TOWER, Tampa, Florida 33612-9497

**SERVICES REQUIRED: BUILDING COMMISSIONING**

**PROJECT LOCATION:** The H. L Lee Moffitt Cancer Center and Research Institute, Tampa, Florida

**SERVICES TO BE PROVIDED:** The services include plan reviews; writing of test specs and procedures; building and systems inspection; electrical testing; test and balance; energy reports; controls commissioning. The project consists of 330,000 SF +/- of clinical and research buildings, a central energy plant, a 600-car parking garage, infrastructure and site work.

**CLIENT:** The H. Lee Moffitt Cancer Center & Research Institute, Inc.

**HLMCC PROJECT DIRECTOR:** Mr. Andrew Dorr, Telephone (813)903-3554

**RESPONSE DUE DATE:** November 9, 1999, 5:00 p.m., local time. The results of the selection will be posted on the H. Lee Moffitt Cancer Center Web site under Call for Proposals. See address below.

**START DATE:** November 1999

Call the Director's Office for a copy of the RFP. The RFP is also available on the H. Lee Moffitt Cancer Center Website: [www.moffitt.usf.edu/facilities/crf.htm](http://www.moffitt.usf.edu/facilities/crf.htm)

**Section XII  
Miscellaneous**

**DEPARTMENT OF BANKING AND FINANCE**

**NOTICE OF FILINGS**

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following applications. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Chapter 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., November 19, 1999):

**APPLICATION FOR A NEW FINANCIAL INSTITUTION**  
Applicant and Proposed Location: Union Credit Bank, 1150 S. Miami Avenue, Miami, Florida 33130

Correspondent: Gerri Raines Dolan, 200 S. Biscayne Blvd., Suite 400, Miami, Florida 33131

Received: October 14, 1999

Applicant and Proposed Location: The Bank of Commerce, 783 South Orange Avenue, Sarasota, Florida 34236

Correspondent: Richard P. Hunt, 321 South Hyde Park Avenue, Suite 202, Tampa, Florida 33606

Received: October 18, 1999

**APPLICATION TO ACQUIRE CONTROL**  
Financial Institution to be Acquired: Clay County Bank, 794 Blanding Boulevard, Orange Park, Florida 32065-5721

Proposed Purchaser: Rebuilding Service, Inc., 2022 Hendricks Avenue, Jacksonville, Florida 32207

Received: October 15, 1999

**EXPANDED FIELD OF MEMBERSHIP**  
Name and Address of Applicant: Florida Telco Credit Union, Post Office Box 16688, Jacksonville, Florida 32245-6688

Expansion Includes: Individuals that work, live or worship in the Florida counties of Duval, Clay, St. Johns, Nassau and Baker.

Received: October 14, 1999

Correspondent and Telephone Number: William R. Braddock, Jr., President, (904)723-6300

**IN RE:**  
STEVEN SANTAMOURIS, Administrative Proceeding  
Oscar Fletcher No. 2844-S-8/99  
Respondents.

NOTICE OF INTENT TO ENTER A FINAL ORDER  
GRANTING RECOVERY FROM THE SECURITIES  
GUARANTY FUND AND NOTICE OF RIGHTS

The State of Florida Department of Banking and Finance, Division of Securities and Investor Protection (the "Department"), being authorized and directed to administer and to accept and pay claims against the Securities Guaranty Fund (the "Fund"), codified in Sections 517.131, 517.141, and 517.151, Florida Statutes, does hereby give Notice of its intention to enter a Final Order granting the application of Oscar Fletcher ("Fletcher," and "Claimant") for payment from the Fund for violations of the Florida Securities and Investor Protection Act by Respondent Steven Santamouris.

The Securities Guaranty Fund is disbursed as provided in Section 517.141, Florida Statutes, to a person who is adjudged by a court of competent jurisdiction to have suffered monetary damages as a result of a dealer, investment advisor, or associated person having violated Sections 517.07 or 517.301, Florida Statutes.

STATEMENT OF FACTS

1. Under the provisions of the Florida Securities and Investor Protection Act (the "Act"), the Department is charged with the responsibility and duty of administering the fund, which includes the duty to approve or deny applications for payment from the Fund, as set forth in Section 517.141(3)(a), Florida Statutes.
2. At all times material hereto, Steven Santamouris ("Santamouris") was registered pursuant to Chapter 517, Florida Statutes (CRD No. 2474969).
3. On or about July 14, 1999, the Department received a letter from Nicholas V. Pulignano, Attorney for the Claimant. The letter provided notice to the Department that Claimant was making a claim against the Securities Guaranty Fund for acts committed by Santamouris. Also, the letter provided a copy of the Final Judgment dated October 5, 1998, from the Circuit Court for the Fourth Judicial Circuit, in and for Duval County, Florida, Case No. 98-01074-CA, finding that Respondent invested Fletcher's funds in unsuitable investments, made false representations and awarding \$45,300.50 plus interest as damages.
4. On or about August 16, 1999, the Department received a letter from Nicholas V. Pulignano, Attorney for the Claimant. The letter provided:
  - a. An Affidavit from Nicholas V. Pulignano, stating that he has made all reasonable and diligent efforts and inquiries in attempt to achieve collection, but the court judgment against Respondents remains completely unsatisfied.
  - b. A copy of the complaint against Santamouris filed in the Circuit Court for the Fourth Judicial Circuit, in and for Duval County, Florida, Case No. 98-01074-CA.
5. On October 13, 1999, the Department received from Nicholas V. Pulignano a report indicating that Steven Santamouris has no assets.

CONCLUSIONS OF LAW

6. The requirements for perfecting a claim to the Fund are found in Sections 517.131 and 517.141, Florida Statutes.
7. Based upon the foregoing Statement of Facts, the Department concludes that the Claimant has satisfied the requirements in Section 517.131, Florida Statutes, in that:
  - a. Claimant has been adjudged by the Circuit Court for the Fourth Judicial Circuit, in and for Duval County, Florida, to have suffered monetary damages in the amount of \$45,300.50;
  - b. Respondent's actions in regards to Claimant's money amounts to a violation of Section 517.301, Florida Statutes;
  - c. Claimant has attempted to collect from the judgement debtor, but he has not recovered any amount from the Respondent, or any other source in satisfaction of these damages;
  - d. At all times material hereto, Respondent Santamouris was licensed under Chapter 517, Florida Statutes; and
  - e. The act for which Claimant seeks recovery occurred after January 1, 1979.
8. Claimant is limited to recovering the amount equal to the unsatisfied portion of his judgment or \$10,000, whichever is less, as set forth in Section 517.141(1), Florida Statutes.
9. The total claims may not exceed \$100,000, and all claims will be prorated based upon the ratio that the person's claim bears to the total claims filed, as set forth in Section 517.141(2), Florida Statutes.
10. Section 517.141(3), Florida Statutes, provides that no payment from the Fund shall be made until 2 years after the first claim has been determined by the Department to be eligible for payment from the Fund. This subsection further provides that any additional claims or potential claims filed with or approved by the Department during the two year period shall also be considered by the Department and provision made for further prorations concerning such additional claims, if any, two years hence.
11. It is the conclusion of the Department that no payment shall be made in connection with the Claimant's claim until two years from the date of this first Final Order regarding Respondent Santamouris.

PROPOSED FINAL ORDER

Upon due consideration of the factual statement set forth above and the law applicable thereto, NOTICE is hereby given that the Department intends to and will issue a Final Order substantially as follows, subject only to the Notice of Rights attached hereto and made a part hereof:

1. The Department hereby grants the claim of Fletcher;
2. No payment from the Fund shall be made until two years from the date of entry of this first Final Order regarding Santamouris;
3. Upon expiration of such period, provided that no further claims are duly received or approved by final order by the Department alleging violations of the Act by Santamouris, and



subject to further proration and limitation as may be required by section 517.141(3) and (4), Florida Statutes, the Department shall pay Oscar Fletcher the amount of up to \$10,000.00 from the Fund;

4. Fletcher shall assign any right, title, and interest in the debt to the extent of and prior to any payment by the Department from the Fund.

Thomas C. Cibula  
Assistant General Counsel  
101 East Gaines Street, Suite 526  
Tallahassee, Florida 32399-0350  
(850)410-9896

**NOTICE OF RIGHTS**

Notice is hereby given that Respondent may request a hearing on the Notice of Intent to enter a Final Order Granting Recovery from the Securities Guaranty Fund to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. Requests for such a hearing must comply with the provisions of Florida Administrative Code 28-106.201, and must be filed with: Clerk, Office of the Comptroller, Department of Banking and Finance, Legal Section, 101 East Gaines Street, The Fletcher Building, Room 526, Tallahassee, Florida 32399-0350, within twenty-one (21) days after Respondent receives a copy of this Notice of Intent to enter a Final Order Granting Recovery from the Securities Guaranty Fund and Notice of Rights, otherwise, Respondent shall be deemed to have waived all rights to such hearing. Should Respondent request such a hearing, he is further advised that at such hearing he will have the right to offer testimony, either written or oral; to call and cross-examine witnesses; and to have subpoena and subpoenas duces tecum issued on their behalf.

**DEPARTMENT OF LAW ENFORCEMENT**

**REQUEST FOR INFORMATION  
CANINE SCENT TRACKING TASK FORCE  
SUBMISSION DEADLINE: December 1, 1999**

**PURPOSE**

The purpose of this request is to identify a scent tracking training and certification program, which can be adopted by the Criminal Justice Standards and Training Commission as a specialized training program. The Criminal Justice Standards and Training Commission will adopt one or more canine scent tracking training and certification programs for use in the State of Florida. Programs that are adopted by the Commission will be obligated to conduct training and certification classes in Florida a minimum of twice a year. The Commission will pay no fees to the programs adopted, however, the programs may charge a reasonable fee to class participants.

**INFORMATION GUIDELINES**

The Criminal Justice Standards and Training Commission must receive the requested information no later than December 1, 1999. Each package shall include:

- Name of the submitting agency/organization.
- A copy of the training curriculum, including all training objectives.
- A written description of the certification requirements, including proficiencies.
- number of years the program has been in existence.
- Three references, their mailing addresses and daytime phone numbers.
- Current fees for course participants and projected fee for participants in the State of Florida.
- Current involvement or projected involvement in Florida (total number of training sessions annually)
- Day contact phone number.
- Email address if available.
- Return mailing address.

Note that the Scent Tracking Task Force will evaluate each program based on its dedication to the Following:

**TRAINING**

- How to identify scent evidence.
- Passive or aggressive response.
- How to handle scent evidence.
- How to identify articles to take scent from.
- Types of scent articles.
- Packaging of scent articles.
- How to teach dogs to scent discriminate and trail.
- How to search for missing persons.
- How to work in contaminated areas.
- Multiple suspects/officer situations.
- Officer/handler safety.
- How to command and read your dog.
- Routine care of the K-9.
- Dog response to gunfire.
- Practical exercise using errrain changes – rural, suburban and urban tracking requiring a lost track and ability of handler to read dog.
- Practical exercise using packaged materials.
- Use of GPS system when tracking more than one suspect.

**CERTIFICATION**

- K-9 proficiency.
- Different stages of testing competencies and incorporating time delays.
- 2-hour time delayed trail.
- 8-hour time delayed trail.
- 24 or 48 hour time delayed trail.
- Hard surface trailing.
- Missing person trailing.
- Cadaver recovery.

Water recovery.

**OTHER**

Accessibility to all criminal justice agencies in Florida.

**Submission of Information**

A completed package must include one original and eight (8) copies of the above-referenced information. Please mail the package to: ATN: Patricia Melton, CJS & T Commission, Canine Scene Tracking Task Force, P. O. Box 1489, Tallahassee, Florida 32302

**QUESTIONS AND ANSWERS**

A meeting will be held at the Florida Department of Law Enforcement Headquarters, 2331 Phillips Road, Tallahassee, Florida on November 15, 1999, 1:00 p.m. – 4:00 p.m. to answer questions relating to this request. Should you have any questions or concerns, please submit them in advance at: dwightfloyd@fdle.state.fl.us or ATN: Patricia Melton, FDLE, P. O. Box 1489, Tallahassee, Florida 32302-1489. Responses to the written questions will be mailed to all persons having made inquiry and posted on the Internet.

**NOTIFICATION OF INFORMATION STATUS**

We will notify you of the status of your inquiry by February 1, 2000.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population**

Pursuant to Section 320.642, Florida Statutes, Harley-Davidson Motor Company, intends to allow the establishment of Brandon Harley-Davidson Shop, as a Secondary Retail Location (SRL) for the sale of Harley-Davidson motorcycles, 9839 Adamo Drive, Tampa (Hillsborough County), Florida 33619, on or after November 30, 1999.

The name and address of the dealer operator(s) and principal investor(s) of Brandon Harley-Davidson Shop are: dealer operator: Somer Huffman, 3444 Justin David Court, Lakeland, Florida 33810; principal investor(s): Preston L. Farrow, 2907 Villa Rosa, Tampa, Florida 33611. James L. Ferman, 1814 Richardson Place, Tampa, Florida 33606. Stephen B. Straske, II, 3302 Mullen Avenue, Tampa, Florida 33609.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Carolyn Mijokovic, Regional Dealer Relations Representative, Harley-Davidson Motor Company, 3700 West Juneau Avenue, Milwaukee, WI 53201.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

**EXPRESSWAY AUTHORITIES**

**NOTICE TO CONSTRUCTION ENGINEERING AND INSPECTION FIRMS**

**REQUEST FOR LETTERS OF INTEREST**

The Miami-Dade Expressway Authority (MDX) is seeking the services of a qualified firm (the "Firm") to provide Construction Engineering and Inspection (CEI) services during the construction of MDX Project 836-001, reconstruction of eastbound SR 836 between N. W. 27th Avenue and Northwest 17th Avenue (the "Project"). The Project's construction period is expected to be 34 months, beginning in February 2000. The selected firm will be responsible for overseeing the Project's construction contract, which has an estimated construction cost of \$30 million.

**FEDERAL AND STATE DEBARMENT:** By signing and submitting a Letter of Interest, the Firm certifies that no principal (which includes officers, directors, or executives) is presently suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal or state or local department of agency.

**SYSTEM:** The Miami-Dade Expressway System is comprised on State Road 112, State Road 836, State Road 874, State Road 878 and State Road 924.

**WORK DESCRIPTION:** The Firm will provide construction engineering and inspection and contract administration services for MDX Project 836-001. The Project includes roadway reconstruction, one mainline and one ramp toll plaza, new bridge construction and bridge widening, along with building renovation work. Individual disciplines required include: civil, architectural, structural, mechanical and electrical. Coordination with the Office of Toll Operation's electronic toll collection contractor will also be required.

MDX has contracted for geotechnical, survey and laboratory materials testing services for the Project. CEI firms will not be required to provide these services.

**SELECTION PROCEDURE:** At least three firms will be shortlisted and requested to provide written technical proposals based on the Scope of Services contained in the Request For Proposals to be issued by MDX. An oral presentation may be required. After ranking of the firms and selection of a firm, the contract and contract fee will be negotiated.

**RESPONSE PROCEDURE:** Qualified firms are encouraged to submit a Letter of Interest to MDX. Two original Letters of Interest (one unbounded) **MUST** be received by the Miami-Dade Expressway Authority, 3790 Northwest 21 Street, Miami, Florida 33142, Attn.: Sam Gonzalez, P. E., Chief Engineer, by November 4, 1999, 12:00 Noon, Eastern Time (the "Deadline Date").

After reviewing the documentation submitted, MDX will notify all firms in writing by November 12, 1999, if they have been shortlisted and will mail one (1) copy of the Requested For Proposal to each shortlisted firm.

**NOTE:** In order to be shortlisted and invited to submit a proposal, a firm submitted a Letter of Interest must satisfy all of the following specific requirements/criteria.

**SUBMITTAL OF LETTER OF INTEREST:** The Letter of Interest shall be in writing, submitted on the letterhead of the Firm and Shall not exceed three (3) pages in length exclusive of attachments. Two originals shall be submitted. The Letter of Interest **MUST** include at a minimum the information set out in the Criteria.

**CRITERIA:** The Letter of Interest shall contain the following information:

1. Project name.
2. Firm's name and address.
3. Documentation acceptable to MDX that the Firm involved in this professional service, as identified in Section 287.055, Florida Statutes, is prequalified by the Florida Department of Transportation Group 10, Construction Engineering and Inspection. And Group 14, Architect.
4. Proposed responsible office for the Firm.
5. Contact person, phone number, fax number and Internet Email address. The contact person shall be a single person who can be contacted to discuss contents or questions regarding references, listed projects or other matters contained in the Letter of Interest.
6. Proposed key personnel and their proposed roles (do not include resumes).
7. Sub-consultant(s) that may be used for the Project.
8. Indication as to whether the primary firm and/or sub-consultants are disadvantaged business enterprises (DBE).
9. An estimate of the Firm's current workload and available resources.

10. A list of similar projects completed **NOT EARLIER THAN** January 1, 1994, with references and phone numbers.

**COMMUNICATION:** Communications between any respondent and any member of MDX or its staff is strictly prohibited from the date of publication of the Request for Letter of Interest through the date of final MDX action with respect to the selection of the Firm or Joint Venture. The only exception to this is any communication at a publicly noticed meeting of MDX or its Operations Committee. Any violation of the requirements set forth in this paragraph shall constitute grounds for immediate and permanent disqualification of the offending respondent.

**DISADVANTAGED BUSINESS ENTERPRISES PROGRAM:** MDX, in accordance with the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 200c et. seq., the Florida Civil Rights Act of 1999, as amended, 750.10 et. Seq., Fla. Stat. (1996) and other federal and state discrimination statutes, prohibits discrimination on the basis of race, color, sex, age, national origin, religion and disability or handicap. MDX notifies all bidders and individuals that it requires and encourages equal employment opportunities for minorities and women as employees in the work force.

MDX encourages small, minority and woman owned business to have full opportunity to submit bids in response to Solicitation Documents issued by MDX, and bidders will not be discriminated against on the basis of sex, race, color, national origin, religion or disability, or other protected status. The overall goal of MDX is to obtain and M/WMBE participation of twenty-five percent (25%) for the aggregate of its projects.

**MDX RESERVES THE RIGHT TO REJECT ANY OR ALL LETTERS OF INTEREST RECEIVED.**

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**AGENCY FOR HEALTH CARE ADMINISTRATION**

On, October 13, 1999, James T. Howell, Secretary, Department of Health, issued an Order of Emergency **SUSPENSION** with regard to the license of Lisa Marie Simmons McGrath, license number 3355762. Lisa Marie Simmons McGrath, last known address is 28043 Leuty Road, Okahumpka, FL 34762. 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 455.621(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.

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**NOTICE OF LITIGATION**

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on October 8, 1999, concerning certificate of need decisions. A brief description of these projects is listed below. Resolution of these requests for hearings by way of a grant or

denial of their certificate of need at issue will determine substantial interest of person. Those persons whose substantial interest may be determined by these proceedings including settlements, grants, and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F.S. as well as Section 28-5.111 and 28-5.207, FAC. In deference to rights of substantially affected person, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

- CON# INITIAL DECISION, PROJECT, CTY, APPLICANT, PARTY REQUEST HEARING (PRH)
- 9197 Approval, construct a 93 bed community nursing home, Leon County, National HealthCare Corp., (PRH) Tandem Health Care, Inc.
  - 9199 Denial, construct a 93 bed skilled nursing facility, Leon County, Tandem Health Care, Inc., (PRH) same as applicant
  - 9201 Denial, replace and relocate a 161 bed community nursing home, Pinellas County, Saint Petersburg Episcopal Community, Inc., (PRH) same as applicant
  - 9203 Approval, the addition of 33 community nursing home beds to CON 8136, Orange County, Adventist Health System/Sunbelt, Inc., (PRH) Tandem Health Care, Inc.
  - 9204 Approval, the addition of 60 community nursing home beds, Orange County, Life Care Centers of America, Inc., (PRH) Tandem Health Care, Inc.
  - 9206 Denial, construct a 110 bed skilled nursing facility, including a partial request for a 77 bed skilled nursing facility, Orange County, Tandem Health Care, Inc., (PRH) same as applicant.

**CERTIFICATE OF NEED  
RECEIPT OF EXPEDITED APPLICATION**

The Agency For health Care Administration received the following Certificate of Need applications for expedited review:

- County: St. Lucie      Service District: 9  
Facility/Project: St. Lucie Medical Center  
Applicant: HCA Health Services of Florida, Inc.  
Project Description: cost overrun CON #8767
- County: Palm Beach      Service District: 9  
Facility/Project: IHS of Florida at West Palm Beach  
Applicant: Central Park Lodges of West Palm Beach  
Project Description: Cost overrun on CON #6140
- County: Martin      Service District: 9  
Facility/Project: Water's Edge Extended Care  
Applicant: Sandhill Cover Properties, Inc.

Project Description: Add 7 sheltered nursing home beds at Water's Edge Extended Care  
AHCA PO #S5900H0396

**CERTIFICATE OF NEED  
EXEMPTIONS**

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes.

- County: Hillsborough      District: 6  
ID #: 9700406C      Issue Date: 9/28/99  
Facility/Project: H. Lee Moffitt Cancer Ctr. & Research Institute Hosp.  
Applicant: H. Lee Moffitt Cancer Ctr & Research Ins. Hosp., Inc.  
Project Description: Expansion of the outpatient surgery area  
Proposed Project Cost: \$13,600,000      Equipment Cost:  
County: Pinellas      District: 5  
ID #: 9800755A      Issue Date: 9/28/99  
Facility/Project: The Abbey Rehabilitation and Nursing Center  
Applicant: Abbey Land Corporation  
Project Description: Renovation to establish a new laundry system  
Proposed Project Cost: \$42,500      Equipment Cost:  
County: Dade      District: 11  
ID #: 9900115A      Issue Date: 10/12/99  
Facility/Project: Miami Heart Institute  
Applicant: Miami Beach Healthcare Group, Ltd.  
Project Description: Renovations due to purchase & replacement of equipment  
Proposed Project Cost: \$1,300,000      Equipment Cost:  
County: Dade      District: 11  
ID #: 9900119A      Issue Date: 10/12/99  
Facility/Project: Miami Heart Institute  
Applicant: Miami Beach Healthcare Group, Ltd.  
Project Description: Add a spiral CT scanner and necessary renovation  
Proposed Project Cost: \$1,000,000      Equipment Cost:

**FLORIDA HOUSING FINANCE CORPORATION**

**MULTIFAMILY MORTGAGE REVENUE  
BOND PROGRAM (MFMRB)  
NOTICE OF FUNDING AVAILABILITY (NOFA)  
YEAR 2000 CYCLE**

The Florida Housing Finance Corporation ("FHFC") announces the Year 2000 Application Cycle for the MFMRB Program. The Application cycle will begin on Friday, October 29, 1999, and end at 5:00 p.m., Tallahassee time, Thursday, December 2, 1999.

Of the anticipated \$165 million State Bond Allocation for FHFC, it is estimated that up to \$115 million will be made available to eligible multifamily rental developments that satisfactorily complete the Completeness and Threshold Check. The amount of the allocation available for the 2000 cycle will vary based upon the 2000 per capita rate; 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, set aside by FHFC's Board of Directors for Demonstration Developments.

The State Bond Allocation initially dedicated to multifamily by the Board will be distributed as follows: 64% to large counties, 26% to medium counties and 10% to small counties. In the event that there is an insufficient number of Applications to use a geographic distribution or if there are any remaining funds in any geographic category that cannot be used to fully fund the next ranked Application within the geographic category, then the remaining unused State Bond Allocation from all three geographic categories shall be combined into one total amount and used to fund the next Application in order of ranking regardless of geographic location (but subject to the requirements of the Ranking Criteria provided in the Application), as long as such Application can be fully funded. This total amount of unused allocation will be applied to the remaining successively ranked Application(s) in order regardless of the geographic distribution and only to the extent that the next ranked Application can be fully funded. Should any additional allocation become available for the Multifamily Bond Program, whether at the direction of the Board, from attrition or from the State Pool, it will be applied to the highest ranking Application regardless of geographic set-aside (but subject to the Ranking Criteria provided in the Application) and only to the extent that the Application can be fully funded. The amount reserved for Demonstration Developments may not exceed 10% of the amount of the State Bond Allocation designated by the Board for the Multifamily Bond Program. The amount that may be needed for pending or settled lawsuits

has not been determined but is estimated to be between \$16 and \$30 million. If FHFC does not receive an adequate number of eligible multifamily rental development Applications, then any remaining funds may be reallocated as directed by the Board.

All Applications will be ranked and funded based on Ranking Criteria pursuant to Rule Chapter 67-21, FAC. An original and the appropriate number of copies as specified in the Application must be submitted by the closing deadline as indicated above to receive priority consideration pursuant to Rule Chapter 67-21, FAC. In accordance with 67-21.007(2), FAC, the Application must include a non-refundable fee of \$11,500.00 which includes the minimum estimated cost for the Limited Restricted Appraisal, Market Study, Completeness and Threshold Check, and TEFRA Fee. The MFMRB2000 Application package may be obtained by submitting a written request along with a \$60 Application Package Fee to Florida Housing Finance Corporation, City Center Building, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, Attention: Sheila Guhl – MFMRB2000 Application Request. All Applications must be submitted to the above address in accordance with the provisions of all applicable Florida Statutes, and Rule Chapter 67-21, FAC.

For more information, call Don Stuart, Administrator, 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 which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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**CHARLOTTE HARBOR NATIONAL ESTUARY PROGRAM**

FIRST NOTICE

NOTICE OF PUBLIC COMMENT PERIOD FOR THE CHARLOTTE HARBOR NATIONAL ESTUARY PROGRAM'S DRAFT COMPREHENSIVE CONSERVATION AND MANAGEMENT PLAN

NOTICE: The Charlotte Harbor National Estuary Program is announcing the formal public comment period for review of the program's draft Comprehensive Conservation and Management Plan (CCMP). Public hearings for the draft CCMP have been scheduled and will be held at the following locations and times: 1) Wauchula, K. D. Revell Building, November 30, 1999, 6:30 p.m.; 2) Punta Gorda, Bayfront Center, December 1, 1999, 5:30 p.m.; 3) Arcadia, Family Services Center, December 2, 1999, 6:30 p.m.; 4) Bartow, Stuart Center, December 3, 1999, 6:30 p.m.; 5) Fort Myers, Calusa Nature Center, Iona House, December 7, 1999, 6:30 p.m.; and 6) Venice, Venice City Hall Community Room, December 8, 1999, 6:30 p.m.

How to request a copy of the draft management plan: A CCMP document may be obtained after November 1, 1999, by contacting: Ms. Patti Armbruster, Charlotte Harbor National Estuary Program, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33917, Telephone (941)995-1777. Written comments will be accepted until December 17, 1999, 5:00 p.m., at the Charlotte Harbor National Estuary Program office.

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**STATEWIDE NOMINATING COMMISSION FOR JUDGES OF COMPENSATION CLAIMS**

The Statewide Nominating Commission for Judges of Compensation Claims is seeking applications from those who wish to serve on the Commission. This Commission was created by Section 440.45, Fla. Stat., and is made up of five members of the Florida Bar appointed by the Board of Governors, five members appointed by the Governor, and five members selected and appointed by the above referenced ten members of the Commission.

The Commission will appoint five members, at least one of whom must be a member of a minority group as defined in Section 288.703(3), Fla. Stat., who reside in each of the territorial jurisdictions of the district courts of appeal. No attorney who appears before any judge of compensation claims more than four times a year is eligible to serve on the Statewide Nominating Commission. The term of office will begin upon appointment and will run through October 1, 2001 for those members residing in the First, Third and Fifth Appellate Districts, and through October 1, 2003 for those residing in the Second and Fourth Districts.

Applications may be obtained by writing or faxing the Commission's Chair, G. Bart Billbrough, Suite 300, 1390 Brickell Avenue, Miami, FL 33131, telefax (305)373-2294. All applications must be received by the Commission chair on or before November 15, 1999.

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN October 12, 1999  
and October 18, 1999

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**STATE BOARD OF ADMINISTRATION**

19-7.013	10/18/99	11/7/99	25/29	
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**DEPARTMENT OF CORRECTIONS**

33-19.013	10/13/99	11/2/99	25/36	
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**FLORIDA LAND AND WATER ADJUDICATORY COMMISSION**

42AA-1.001	10/12/99	11/1/99	25/35	
42AA-1.002	10/12/99	11/1/99	25/35	
42AA-1.003	10/12/99	11/1/99	25/35	

**DEPARTMENT OF MANAGEMENT SERVICES**

**Personnel Management System**

60L-14.001	10/14/99	11/3/99	25/23	25/31
60L-14.002	10/14/99	11/3/99	25/23	
60L-14.003	10/14/99	11/3/99	25/23	25/31
60L-14.004	10/14/99	11/3/99	25/23	25/31
60L-14.005	10/14/99	11/3/99	25/23	25/31

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
60L-14.006	10/14/99	11/3/99	25/23	25/31
60L-14.0061	10/14/99	11/3/99	25/23	25/31
60L-14.007	10/14/99	11/3/99	25/23	

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

61D-11.026	10/13/99	11/2/99	25/28	
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**Board of Auctioneers**

61G2-2.002	10/12/99	11/1/99	25/35	
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**Board of Pilot Commissioners**

61G14-12.001	10/12/99	11/1/99	25/31	
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**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

64B1-1.0035	10/15/99	11/4/99	25/36	
64B1-4.001	10/12/99	11/1/99	25/35	

**Board of Massage**

64B7-26.003	10/15/99	11/4/99	25/36	
64B7-28.010	10/15/99	11/4/99	25/36	

**Board of Orthotists and Prosthetists**

64B14-4.001	10/12/99	11/1/99	25/34	
64B14-4.100	10/12/99	11/1/99	25/34	
64B14-4.110	10/12/99	11/1/99	25/34	