

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: RULE NO.:

Voting Machine Equipment Regulation/
Purchase, Use and Sale 1S-2.004

PURPOSE AND EFFECT: To establish minimum standards for the purchase use and sale of voting systems by governing bodies, political subdivisions and municipalities of the State of Florida.

SUBJECT AREA TO BE ADDRESSED: Redefinition of the purchase amounts and categories of products subject to this rule. Removal of the requirement for prior approval by the Division of Elections for all calls for bids and purchases. Establish standards for "Requests for Proposals" and "Requests for Information". Require vendors of voting systems to provide each purchaser of new systems or upgrades to existing systems with an affidavit certifying that the installation is a specific Florida Certified Voting System.

SPECIFIC AUTHORITY: 101.294 FS.

LAW IMPLEMENTED: 101.292 101.293, 101.294, 101.295 FS.

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

TIME AND DATE: 9:30 a.m., May 4, 2000

PLACE: Director's Conference Room, Room 1801, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Paul Craft, Division of Elections, (850)921-4110

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: RULE NO.:

Purchasing Policies 6A-1.012

PURPOSE AND EFFECT: The purpose of this amendment is to allow school boards to increase their established purchasing bid threshold to the amount established in Section 287.017, Florida Statutes, for state agency category two purchases. The rule continues to require school board rules to specify policies for purchases at amounts less than the bid threshold. This amendment also will clarify school boards' authority to use prices established through the Department of Management Services, Division of Purchasing's negotiated agreement price schedule.

SUBJECT AREA TO BE ADDRESSED: This amendment allows school boards to establish purchasing bid thresholds up to the amount granted to state agencies for category two purchases by Section 287.017, Florida Statutes. This amendment also permits school boards to use Department of Management Services, Division of Purchasing's negotiated agreement price schedule.

SPECIFIC AUTHORITY: 229.02, 237.02(2) FS.

LAW IMPLEMENTED: 237.02(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE TO BE ADVERTISED IN A FUTURE EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY.

Requests for the rule development workshop should be addressed to Wayne V. Pierson, Agency Clerk, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Nancy Rivers, Chief, Bureau of School Business Services, Division of Support Services, Department of Education, 325 West Gaines Street, Room 814, Tallahassee, Florida 32399-0400

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.012 Purchasing Policies.

Each district school board shall establish purchasing rules which shall include but not be limited by the following:

(4) As required by Section 230.23(10)(j), Florida Statutes, the school board shall receive and give consideration to the prices available to it under rules of the Department of Management Services, Division of Purchasing. School boards may use prices established by the Division of Purchasing through its state negotiated agreement price schedule. If school board policy provides for purchasing under this program of negotiated price agreements, the conditions for use shall be those imposed on state agencies.

(6) Except as authorized by law or rule, bids shall be requested from three (3) or more sources for any authorized purchase or contract for services exceeding the amount established in Section 287.017, Florida Statutes, for purchasing category two ~~fifteen thousand (15,000) dollars~~. School boards, by rule, shall set this amount or a lesser amount and shall establish purchasing policy relative to purchases of a dollar value less than this formal bid threshold. The school board shall have the authority to reject any or all bids and request new bids. In acceptance of bids, the school board shall accept the lowest and best bid from a responsive and responsible bidder. The school board is not required to request bids for purchases made from contracts of the Department of

Management Services as referenced in subsection (4) of this rule. Bids are not required for purchases made through the pool purchase provisions of Section 229.79, Florida Statutes.

Specific Authority 229.053(1), 229.79, 237.02(2) FS. Law Implemented 229.79, 230.23(4)(j), 237.02(2) FS. History—Amended 12-17-65, 5-24-67, 9-17-72, 4-19-74, 9-19-74. Repromulgated 12-5-74, Amended 2-21-77, 3-10-85, Formerly 6A-1.12, Amended 6-27-89, 7-5-90, 6-10-92, 6-29-93, 4-25-96, 4-14-97, _____.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Relocation Assistance Regulations	14-66
RULE TITLES:	RULE NOS.:
Purpose	14-66.001
Scope	14-66.002
Definitions	14-66.003
Public Information	14-66.004
Advisory Services	14-66.005
Written Notices	14-66.006
Assistance Program	14-66.007
Moving and Related Expenses	14-66.008
Replacement Housing Payments	14-66.009
Mobile Homes	14-66.010
Claim Filing and Documentation	14-66.011
Appeal Rights	14-66.012

PURPOSE AND EFFECT: The purpose of this rule is to promulgate regulations governing the provision of relocation services, moving costs, replacement housing costs, and other related expenses and to ensure that each person displaced as a direct result of transportation projects is treated fairly, consistently, and equitably, so that such person will not suffer disproportionate injury as a result of projects designed for the benefit of the public as a whole and to ensure that the Florida Department of Transportation implements these regulations in a manner that is efficient and cost effective. This amendment also restructures the rule chapter by repealing 11 of the current 12 rules and consolidating material into an amended Rule 14-66.007.

SUBJECT AREA TO BE ADDRESSED: This amendment restructures the rule chapter by repealing 11 of the current 12 rules and consolidating material into an amended Rule 14-66.007.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 339.09(2),(3), 421.55 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Administrative and Management Support Level IV, Florida

Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-66.001 Purpose.

Specific Authority 20.05, 334.044(2) FS. Law Implemented 339.09(2),(3) FS. History—New 8-9-72, Amended 1-12-83, Formerly 14-66.01, Amended 11-24-92, Repealed _____.

14-66.002 Scope.

Specific Authority 20.05, 334.044(2) FS. Law Implemented 339.09(2),(3) FS. History—New 8-9-72, Amended 1-12-83, Formerly 14-66.02, Amended 11-24-92, Repealed _____.

14-66.003 Definitions.

Specific Authority 20.05, 334.044(2) FS. Law Implemented 339.09(2),(3) FS. History—New 8-9-72, Amended 1-12-83, Formerly 14-66.03, Amended 11-24-92, Repealed _____.

14-66.004 Public Information.

Specific Authority 20.05, 334.044(2) FS. Law Implemented 339.09(2),(3) FS. History—New 8-9-72, Formerly 14-66.04, Amended 11-24-92, Repealed _____.

14-66.005 Advisory Services.

Specific Authority 20.05, 334.044(2) FS. Law Implemented 339.09(2),(3) FS. History—New 8-9-72, Formerly 14-66.05, Amended 11-24-92, Repealed _____.

14-66.006 Written Notices.

Specific Authority 20.05, 334.044(2) FS. Law Implemented 339.09(2),(3) FS. History—New 8-9-72, Formerly 14-66.06, Amended 11-24-92, Repealed _____.

14-66.007 ~~Project Determination of Adequate~~ Relocation Assistance Program.

Pursuant to Sections 339.09 and 421.55, Florida Statutes, the Department may expend transportation tax revenues on federal and non-federal-aid projects which shall include relocation assistance and moving costs to persons displaced by transportation facilities or other related projects. Prior to proceeding with right of way negotiations on a project which will necessitate the relocation of any person, the Department will make a determination that:

- (1) The purpose of this rule is to promulgate regulations governing the provision of relocation services, moving costs, replacement housing costs, and other related expenses and to ensure that each person displaced as a direct result of transportation projects is treated fairly, consistently, and equitably, so that such person will not suffer disproportionate injury as a result of projects designed for the benefit of the public as a whole, and to ensure that the Department implements these regulations in a manner that is efficient and cost effective. This rule shall apply to all persons displaced by any applicable transportation project on which negotiations for right-of-way acquisition begin after the effective date of this

rule. The provisions of 49 C.F.R. Part 24, Uniform Relocation Assistance and Real Property Acquisition Regulations (effective March 15, 1999), as modified herein, are incorporated into this rule by reference. The Department shall require, as a condition of financial participation, that the requirements of this rule be met by the administering Agency on transportation projects or project phases:

(a) that are federalized;

(b) for which there is any anticipation or intent to federalize. Anticipation includes discussion by local or state officials regarding the intended or potential use of federal funds in any phase of the project;

(c) that are on the State Highway System; or

(d) are intended to be on the State Highway System.

(2) This rule does not apply to projects on or intended to be on the State Highway System which are funded by Department long term loan programs to governmental entities which have independent statutory authority to provide transportation projects on the State Highway System.

(3) Definitions. The following definitions, as well as those stated in 49 C.F.R. Part 24, Subpart A, shall apply as used in the context of this rule:

(a) "Agency" shall mean any state, county, district, authority or municipal office, department (including the Florida Department of Transportation), division, board, bureau, commission, or other separate unit of government created or established by law and any other public or private entity, person, partnership, corporation, or business entity acting on behalf of any Agency.

(b) "Carve Out" shall mean the method used in making a typical homesite determination, whereby, that portion of the parent tract which is typical for residential use in the area is separated from the parent tract for the purpose of the replacement housing payment computation.

(c) "Department" shall mean the Florida Department of Transportation.

(d) "Direct Loss Payment" shall mean a remuneration made to displaced persons for personal property that cannot be moved or which the displaced person chooses not to move and is in the form of either of the following:

1. On-Premise Signs remuneration is limited to the lesser of the sign's depreciated reproduction cost minus proceeds from its sale, salvage value, or the costs that would be incurred to move the sign, if it could be moved. If the sign cannot be moved without violating local, state, or federal codes, payment will be limited to the sign's depreciated reproduction cost minus proceeds from its sale or salvage value.

2. Tangible Personal Property remuneration is limited to the lesser of the fair market value of the item for continued use at the displacement site, less the proceeds from its sale, or the estimated cost of moving the item; there shall be no allowance for storage. (The Agency may determine the effort to sell an item is not necessary and when payment for property loss is

claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling price.)

(e) "Displaced Person" shall mean any person who moves from the real property or moves his or her personal property from the real property as defined in 49 C.F.R. Part 24.2 . and is used interchangeably with "displacee" and "relocatee."

(f) "Displacement Dwelling" shall mean the dwelling from which a displaced person is required to move due to a transportation project.

(g) "Displacement Site" shall mean, for purposes of a non-residential fixed payment, the parent tract on which the business is operating.

(h) "Domicile" shall mean the place where a person has his or her true, fixed, permanent home and principal establishment and to which he or she has, when absent, the intention of returning.

(i) "Family" shall mean two or more individuals who are living together and intend to live together at the replacement dwelling.

(j) "Federalized Project" shall mean any project with federal participation in any project phase.

(k) "Gross Monthly Income" shall mean salaries, wages, and all other amounts, whether in cash or in-kind, paid or given to the displaced person.

(l) "Initiation of Negotiations" shall mean the date the initial written offer of just compensation is delivered by the Agency to the owner or representative of the owner to purchase real property for a project.

(m) "Major Exterior Attribute" shall mean any major appurtenant structure exterior to a residential dwelling, or an aesthetically valuable view which substantially contributes to the quality or standard of living of the displaced person(s).

(n) "Market/Economic Rent" shall mean the Agency's determination of the reasonable income expectancy of a dwelling or other property if it were available for rent, and the rent justifiably payable for the right of occupancy of land or improvements.

(o) "Person" shall mean any individual, family, partnership, corporation, or association.

(p) "Personal Property" shall mean, generally, moveable items not permanently affixed to and a part of the real estate, which typically can be removed without serious injury either to the real estate or to the items themselves.

(q) "Post-Move Inventory" shall mean a list of personal property actually moved to the replacement site as a part of a relocation. Such list is prepared by the displaced person or the Agency after the move is completed and is confirmed as correct by the Agency's representative and the displaced person(s).

(r) "Pre-Move Inventory" shall mean a list of items to be included in a move. Such list is prepared prior to the move and confirmed by the displaced person(s).

(s) “Typical Homesite Determination” shall mean a determination, for replacement housing payment computation purposes, of the portion of a tract of land which is typical for residential use in the area.

(4) Advisory Services. The Agency will provide relocation advisory services in accordance with 49 C.F.R. Part 24.205.

(5) Written Notices. The following written notices will be furnished to each displaced person to provide information regarding the benefits and services available to him or her:

(a) A General Information notice shall be furnished to each displaced person as required in 49 C.F.R. Part 24, Subpart C.

(b) A 90-Day Notice will be furnished to each displaced person as delineated in 49 C.F.R. Part 24, Subpart C.

(c) A Notice of Eligibility shall be furnished to all displaced persons. The notice of eligibility shall:

1. Be delivered at the time of initiation of negotiations for owners, and no later than 14 days from the date of initiation of negotiations for tenants; and

2. Provide an explanation of all services and payments to which the occupant is entitled and identify the address of the nearest relocation assistance office where additional information concerning relocation assistance may be obtained.

(d) A Statement of Eligibility shall be furnished to each residential displaced person and shall include:

1. The amount of the maximum payment for which the displaced person is eligible;

2. An identification of the comparable replacement dwelling upon which such amount is based. The comparable replacement dwelling upon which the payment eligibility is based must be available to the displaced person at the time the Statement of Eligibility is delivered; and

3. A statement of the occupancy requirement necessary for obtaining the full amount of the payment.

(6) Relocation Planning. If a transportation project necessitates the relocation of any person, prior to proceeding with right-of-way negotiations, the Agency shall determine the following:

(a)(1) Within a reasonable period of time prior to displacement, adequate replacement dwellings shall ~~will~~ be available or provided for each displaced person and (such determination shall be accompanied by an analysis of all relocation issues involved and a specific plan to resolve such issues); and

(b)(2) The relocation program adequately provides is ~~realistic and is adequate to provide~~ orderly, timely, and efficient relocation of displaced persons, including, when appropriate, Housing of Last Resort as required in 49 C.F.R.; Part 24, and these regulations.

(7) Moving and Related Expenses. Any person, family, business, farm operation, or non-profit organization which qualifies as a displaced person is entitled to payment of his or

her actual moving and related expenses, as the Agency determines to be reasonable and necessary, as outlined in 49 C.F.R. Part 24, subject to the following provisions:

(a) In a residential or non-residential self-move, if the Agency questions the reasonableness of a moving expense, the Agency shall obtain an estimate of customary charges for the appropriate moving activity from a reputable moving firm. If the charges submitted by the commercial moving firm are substantially less than the charges submitted by the displaced person, for the same activity, the Agency shall reimburse the lesser amount.

(b) Prior to moving personal property for a residential move, performed by a commercial mover, or any non-residential move, when the move is expected to exceed \$10,000, at least two estimates of move costs shall be obtained by the Department or the displaced person(s). The amount of the payment is limited to the lower of the two estimates. When a move is expected to cost less than \$10,000, a single move estimate prepared by a commercial mover or a qualified Department employee shall be sufficient.

(c) In the event the Agency requires a move to be monitored, eligibility for payment shall be contingent on a written agreement between the Agency and the displaced person(s) as to:

1. The date and time the move is to begin;

2. The items that are listed as part of the realty in the appraisal report and which are not eligible for moving expense reimbursement; and

3. The displaced person’s list of items to be moved.

(d) The displaced person shall provide the Agency with, or allow the Agency to take, pre-move and post-move inventories. If the pre-move and post-move inventories differ, the Agency will reimburse only costs associated with the actual personal property moved.

(e) After the displaced person receives actual direct loss payment for the items, upon request by the Agency, the displaced person shall transfer ownership of personal property that has not been moved, sold, or traded to the Agency. In the event the Agency acquires personal property as part of the real estate transaction, such personal property shall not be eligible for Relocation Assistance benefits.

(f) If no effort to sell personal property is made by the displaced person(s) and the personal property is abandoned, the displaced person is entitled to neither payment for moving said personal property nor payment for direct loss upon its abandonment.

(g) A business, non-profit organization, or farm operation must provide the Agency with notice of the approximate date of the start of the move at least seven days in advance.

(h) In a non-residential move, the displaced person(s) shall not give permission to a mover to begin the move before receiving authorization from the Agency.

(i) For moves requiring special handling, complete move specifications shall be written by the displaced person(s) or the Agency, or the Agency's designee.

(j) A business may be eligible to choose a fixed payment in-lieu of payment for actual moving and related expenses, and actual reasonable reestablishment expenses, as provided by 49 C.F.R. Parts 24.303 and 24.304. The displaced business is eligible for a fixed payment if the Agency determines that the business meets all qualifying criteria under 49 C.F.R. Part 24.306(a) and (b).

(k) All pollutants or contaminants, as defined in Chapters 376 and 403, Florida Statutes, which are not hazardous wastes, shall not be abandoned and shall be disposed of or moved to the replacement site by the displaced person owner/operator in accordance with those Chapters.

1. The Department shall pay the lesser of the cost of disposal or the cost to move, if the displaced person(s) chooses to dispose of the material. If the displaced person(s) is not permitted to move the pollutant or contaminant, the Department shall pay the actual, reasonable cost of disposal.

2. If the displaced person(s) chooses to move the material to the replacement site, the Department shall pay the actual, reasonable, and necessary costs associated with the move.

3. If the applicable law prohibits the displaced person from obtaining the necessary permit to move the hazardous material to the replacement site, the Department shall pay for the cost of disposal and transportation to the disposal site. The displaced person shall be responsible for the disposal of such material.

4. If disposal of hazardous material is a part of the normal operation of the displaced business, the Department shall not pay for the cost of such disposal. If, however, the operation maintains a schedule for the pick-up or transportation of hazardous material to a disposal site and is required to move the material at an unscheduled time, the Department shall pay the actual, reasonable, and necessary extra costs associated with the move.

(l) All underground or above-ground storage tanks shall be emptied and removed from the site by the displaced owner/operator in accordance with Chapter 376, Florida Statutes, and rules of the Department of Environmental Protection, effective _____, governing underground or above-ground storage tanks.

1. If the displaced person(s) chooses to dispose of the tank contents, the Department shall pay the lesser of the cost of disposal or the cost to move.

2. If the displaced person(s) chooses to move the tank contents to the replacement site, the Department shall pay the actual, reasonable, and necessary costs associated with the move.

3. In cases where the owner/operator is required by Chapter 376, Florida Statutes, and/or rules of the Department of Environmental Protection, effective _____, governing

underground or above-ground storage tanks, to remove tanks, the Department will not reimburse the costs associated with such removal.

(m) While transporting any hazardous material or substance to a replacement site or disposal site the Department shall not be considered the owner or shipper of any hazardous material or substance. In no case shall the Department contract with licensed shippers for the disposal of or moving of hazardous materials nor shall the Department be noted or identified on any manifest relating to the disposal of or moving of hazardous material.

(n) Any individual or business which generates solid waste shall make a hazardous waste determination pursuant to the Resource Conservation and Recovery Act (RCRA), and the Florida Resource and Management Act. All hazardous waste, as defined in 40 C.F.R. Part 261.2 and 262.11, must be disposed of in accordance with Chapter 403, Florida Statutes, and Title 40 C.F.R. Part 262, at the sole cost of the individual or business before the subject site is vacated.

(8) Replacement Housing Payments. Individuals and families displaced from a dwelling acquired for a transportation project are eligible for replacement housing payments in accordance with the payments delineated in 49 C.F.R. Part 24, Subpart E.

(a) A displaced person is eligible for the replacement housing payment for a 180-day homeowner-occupant if he or she meets the criteria of 49 C.F.R. Part 24, Subpart E.

(b) Typical Homesite Determination.

1. Typical Tract for Area: If the acquired dwelling is located on a tract typical in size for residential use in the area, the maximum purchase additive payment is the probable selling price of a comparable replacement dwelling on another typical tract, less the acquisition price of the acquired dwelling and the tract on which it is situated. If an uneconomic remnant remains after a partial taking and the owner declines to sell that remnant to the Agency, the fair market value of the remainder will not be added to the acquisition cost of the acquired dwelling for the purposes of computing the replacement housing payment.

2. Large Tract for Area: If the acquired dwelling is located on a tract larger in size than is typical for residential use in the area, the maximum purchase additive payment is the probable selling price of a comparable replacement dwelling on a typical tract, less the sum of the acquisition price of the acquired dwelling (on the portion of land typical in size for residential use in the area), plus any severance damages to the dwelling or typical homesite area.

3. Higher and Better Use Tract: If the acquired dwelling is located on a tract where the fair market value is established as a higher and better use than residential, the maximum replacement housing payment is the probable selling price of a comparable replacement dwelling on a typical tract, less the sum of the acquisition price of the acquired dwelling (on the

portion of land typical in size for residential use in the area), plus any severance damages to the dwelling or typical homesite.

4. Joint Residential/Business Use: If the acquired dwelling was part of a property that contained another dwelling unit or space used for non-residential purposes, only that portion of the acquisition payment which is actually attributable to the displacement dwelling shall be considered its acquisition cost when computing the price differential. To determine what constitutes the typical homesite, a tract typical for residential use in the area must be used, even if a portion of that tract is used for other than residential purposes.

5. Carve-Outs of Homesites: When determining the typical homesite portion of the acquisition price, the actual price paid for the portion of the homesite in the taking area plus the value of the residential improvements in the taking area, plus any severance damages to either the remainder of the dwelling or homesite area shall be used. If damages are assigned to the entire remainder without an allocation between the remainder of the homesite and the excess land remaining, the damages shall be prorated between these remainders to establish the acquisition price of the dwelling, including the structure and land. In areas where a typical homesite cannot be determined due to differences in tract sizes within a residential area, the area actually utilized for residential purposes by the displaced person shall be used to compute the replacement housing payment. Consideration shall be given to locations of driveways and fences, outbuildings, gardens, and pools, and to the area maintained for residential usage. If all or part of areas occupied by non-residential structures must be included in order to create a homesite tract typical of the area, the typical homesite shall be figured using whatever portion of those areas are necessary. For replacement dwellings which are on tracts larger than typical for residential use in the area where the excess land is used for nonresidential purposes, the replacement housing payment shall be calculated using the actual cost of the replacement dwelling plus the prorated portion of the site which is typical for residential use.

6. If the site of the comparable replacement dwelling lacks a major exterior attribute of the displacement dwelling site, (e.g., the site is significantly smaller or does not contain a swimming pool), the contributory value of such attribute shall be subtracted from the acquisition cost of the displacement dwelling for purposes of computing the payment.

(c) Displaced person(s) are not required to relocate to the same occupancy status (owner or tenant) as existing prior to acquisition, and may choose payment benefits for an alternate occupancy status, if eligible:

1. At the displaced person's request, a dwelling which changes the occupancy status of the displaced person(s) shall be provided, if such a dwelling is available and can be provided more economically.

2. The total rental assistance payment to a 180-day owner may not exceed \$5,250, unless the calculated purchase additive or mortgage interest differential payment eligibility exceeds \$22,500, in accordance with 49 C.F.R. Part 24, Last Resort Housing.

3. The replacement housing payment may not exceed the maximum amount that would have been paid had the displaced person(s) remained in the same occupancy status.

(d) Single Household, Multiple Occupancy: If two or more eligible occupants of the displacement dwelling move to separate replacement dwellings and the Agency determines only one household existed, payment shall be as follows:

1. If a comparable replacement dwelling is not available and the displaced persons are required to relocate separately, a replacement housing payment will be computed for each person separately, based on housing which is comparable to the quarters privately occupied by each individual plus the full value of the community rooms shared with other occupants.

2. If a comparable replacement dwelling is available, the displaced persons are entitled to a prorated share of the singular relocation payment allowable had they moved together to a single dwelling.

(e) Multiple Household, Multiple Occupancy: If two or more eligible occupants of the displacement dwelling move to separate replacement dwellings and the Agency determines that separate households had been maintained in the displacement dwelling, the replacement housing payment computation shall be based on housing which is comparable to the quarters privately occupied by each individual plus a prorated share of the value of community rooms shared with other occupants. If two or more eligible occupants of the displacement dwelling move to a single comparable replacement dwelling, they shall be entitled to only one replacement housing payment under this subsection.

(f) Partial Ownership: When a single-family dwelling is owned by several persons, but not occupied by all of the owners, the replacement housing payment for the displaced owner-occupants is the lesser of the difference between the total acquisition price of the replacement dwelling and the amount determined by the Agency as necessary to purchase a comparable replacement dwelling or the actual cost of the replacement dwelling.

1. The displaced owner-occupants may choose a rent supplement payment instead of a purchase additive. The rent supplement shall be based on the Agency's determination of the fair market/economic rent of the displacement dwelling.

2. To receive the entire replacement housing payment, the owner-occupant must purchase and occupy a replacement dwelling for an amount equal to his or her share of the acquisition payment for the acquired dwelling plus the amount of the replacement housing payment.

(g) A 90-day tenant or owner-occupant displaced from a dwelling is entitled to a replacement housing payment as outlined in 49 C.F.R. Part 24, Subpart E.

(h) Any displaced person eligible for a rental assistance payment, except a 180-day owner occupant, may choose to use that payment as a down payment supplement, including incidental expenses, to purchase a replacement dwelling.

1. Payment shall be the amount of the down payment or percentage of the purchase price ordinarily required to obtain conventional, rather than VA or FHA, financing for the replacement dwelling in an amount that does not require private mortgage insurance ("required down payment"), not to exceed \$5,250. If the actual down payment required of the displaced person(s) exceeds the amount ordinarily required for a conventional loan, the "required down payment" shall be based upon the amount ordinarily required for a conventional loan.

2. If the actual required down payment, plus incidental expenses, exceeds the amount of rental assistance calculated and is no more than \$5,250, payment shall be for the amount of the actual required down payment. If the actual required down payment, plus incidental expenses, is less than the amount of the rental assistance calculated, the payment shall be for the amount of the rental assistance calculated.

3. If the required down payment on the replacement dwelling exceeds \$5,250 and the rental assistance payment allowable does not exceed \$5,250, the down payment supplement shall be limited to \$5,250. If the rental assistance payment allowable exceeds \$5,250, the full amount of the rental assistance payment shall be used as the down payment supplement under the provisions of Last Resort Housing as outlined in 49 C.F.R. Part 24.

4. If other than conventional financing (e.g., VA or FHA) is obtained by the displaced person, he or she shall be advised that, in order to claim the maximum payment benefits, a down payment equal to that required for conventional financing, up to \$5,250, must be paid for the replacement dwelling.

5. The full amount of the down payment assistance payment shall be applied to the purchase price of the replacement dwelling and related incidental expenses and shall be shown on an executed closing statement or similar documentation for the replacement dwelling.

6. The payment to a 90-day owner-occupant shall not exceed the amount the owner would receive as a purchase additive if he or she met the 180-day occupancy requirement.

(i) 90-day occupants may receive rental assistance payments as outlined in 49 C.F.R. Part 24, Subpart E.

(j) Displaced persons who are less than 90-day occupants are entitled to a replacement housing payment as outlined in 49 C.F.R., Part 24, Subpart E. Additionally, to be eligible for a replacement housing payment, displaced persons who are less than 90-day occupants must be in occupancy at the time the Agency obtains title to the property. The displaced person can

be allowed to relocate prior to the Agency taking title to the property if the Agency determines that continued occupancy would be a danger to the health, safety, and welfare of the displaced person or in situations where replacement housing is scarce as determined by the Agency and may not be available at the time the Agency obtains title to the property.

(k) The Agency shall inform a less than 90-day occupant that it is his or her obligation to provide verification of income. No such displaced person shall be determined to be eligible for a replacement housing payment under Section 14-66.007(7)(j), unless he or she documents income through a verifiable source, such as pay stubs, signed copies of income tax returns, an employer's statement, or a bank statement.

(9) Mobile Homes. In addition to the requirements governing the provision of relocation payments to persons displaced from a mobile home or mobile home site as outlined in 49 C.F.R. Part 24, Subpart F, the following provisions also apply:

(a) Under 49 C.F.R. Part 24, Subpart F, the term "acquired" refers to a mobile home that is either acquired as part of the real property and is included in the Agency's acquisition of the fee parcel or is purchased as personal property and not included in the acquisition of the fee parcel.

(b) If the mobile home is considered personal property, the Agency will determine whether or not the mobile home can be relocated.

(c) If the mobile home can be relocated, the owner is eligible for reimbursement for the cost to move the mobile home.

(d) If the Agency determines that the mobile home cannot be relocated, the mobile home is eligible for purchase and the Agency will make an offer to purchase, based on the fair market value of the mobile home. If the mobile home owner does not agree to sell the mobile home to the Agency and the displaced person is the owner-occupant of the mobile home, the price differential described in 49 C.F.R. Part 24, shall be:

1. The lesser of:

a. The reasonable cost of a comparable replacement dwelling; or

b. The purchase price of the decent, safe, and sanitary replacement dwelling actually purchased and occupied by the displaced person;

2. Minus the higher of:

a. The salvage value, or

b. The trade-in value.

(e) If the Agency determines that it is practical to relocate the mobile home, but the owner-occupant elects not to do so, then, for the purposes of calculating a price differential under 49 C.F.R. Part 24, the cost of a comparable replacement dwelling shall be the sum of:

1. The fair market value of the mobile home;

2. The cost of any necessary modifications or repairs. Necessary modifications or repairs shall mean those needed to reestablish the mobile home to its previous state prior to displacement or to make it decent, safe, and sanitary; and

3. The estimated cost to move the mobile home to a replacement site, not to exceed a distance of 50 miles. The mobile home owner-occupant still owns the mobile home and is responsible for moving it from the acquired site. If the mobile home is abandoned, the Agency may remove it from the site.

(f) If a mobile home owner-occupant retains and re-occupies a mobile home which is not decent, safe, and sanitary, the costs necessary to bring it up to decent, safe, and sanitary standards may be claimed from the available price differential or down payment supplement. The amount claimed may not exceed the amount allowed in the replacement housing payment computation. The Agency will not disburse a payment until the mobile home meets decent, safe, and sanitary standards.

(g) If the Agency acquires or purchases a mobile home as personal property, the mobile home owner shall provide, upon request, a bill of sale and a transfer of the title for the mobile home to the Agency.

(10) Claim Filing and Documentation. Each relocation payment claim shall be accompanied by complete documentation supporting expenses incurred, such as bills, receipts, and appraisals. The Agency shall ensure that each displaced person receives reasonable assistance necessary to complete and file any required claim for payment.

(a) Displaced persons shall provide the Agency with valid copies of the closing statement for the replacement dwelling or other documentation of expenses incurred in order to receive reimbursement for incidental closing expenses. Reimbursable expenses which are incurred by the origination of a new mortgage for the replacement dwelling shall be based upon the lesser of the balance of the mortgage on the acquired dwelling or the balance of the new mortgage on the replacement dwelling. Eligible expenses are reimbursable regardless of the length of time a mortgage has been in effect on the acquired dwelling.

(b) In order for a displaced person to receive reimbursement for a rent supplement, the displaced person shall provide the Agency with evidence of rent and utility costs at the displacement dwelling, rent and utility costs at the replacement dwelling, and gross monthly household income.

(c) In order to receive reimbursement for a down payment supplement the displaced person(s) shall provide the Agency with a copy of the purchase contract and a copy of the closing statement for the replacement dwelling.

(d) The eligible displaced person(s) shall certify that the displacement dwelling is the domicile of the displaced person(s) and the length of time he or she has occupied the displacement dwelling. The displaced person(s) shall also

certify the date that the replacement dwelling was occupied and shall state to the best of his or her knowledge, the replacement dwelling meets decent, safe, and sanitary requirements.

(e) Payments shall be made after the move is completed unless a hardship exists.

(f) When advance payments due to hardship are made, displaced persons shall demonstrate the need therefor by providing evidence of low funds, and shall certify in writing that the payment satisfies any further claim for reimbursement of items for which that claim is intended, and that the displaced person will comply with applicable provisions in the move of their personal property.

(g) Displaced persons shall provide written authorization in the application if a replacement housing payment is to be made to other parties on their behalf. If an eligible displaced person wishes the payment for moving costs to be made directly to a vendor, such request must be made in writing.

(h) If a condemnation suit has been filed, prior to receiving a replacement housing payment, the displaced person(s) must agree to a condemnation clause in the written claim for payment. The condemnation clause requires:

1. Upon final determination of the condemnation proceedings, the replacement housing payment shall be recomputed using the acquisition price established by the court or by stipulated settlement and the lesser of the actual price of the decent, safe, and sanitary replacement dwelling or the cost of a comparable replacement dwelling.

2. If the amount awarded exceeds the actual price of a decent, safe, and sanitary replacement dwelling or comparable replacement dwelling, the displaced person(s) shall refund to the Agency an amount equal to the amount of the excess. The refund will not exceed the full amount of the initial replacement housing payment calculation.

(i) In the event the Department determines that the acquisition of a portion of property will require a displacement, the Department will offer to relocate the affected person.

(11) Appeal Rights. Any aggrieved person may file a written appeal with the Agency in any case in which the person believes that the Agency has failed to properly consider the person's claim for assistance under this rule. Such assistance may include those provisions outlined in 49 C.F.R. Part 24, and include the person's eligibility for, or the amount of, a payment required under moving and related expenses, or replacement housing payments. The written appeal shall be filed no later than 60 days after the person receives written notification from the Agency of the claim determination. A person may have legal or other representation in connection with his or her appeal, but solely at his or her expense. The Agency shall consider a written appeal regardless of form. If full relief requested is not granted, a notice of denial shall be issued, providing notice of appeal rights in accordance with 120.569

and 120.57, Florida Statutes, and Rule Chapter 28-106, F.A.C. The aggrieved person may file a request for administrative hearing.

(a) If a request for administrative hearing is not timely filed, the notice of denial shall be conclusive and final Agency action. Requests for administrative hearing must be filed within 21 calendar days of receipt of the notice of the Department's or Agency's denial. A request for administrative hearing is filed when it is received by the Clerk of Agency Proceedings.

(b) All requests for administrative hearings shall conform to the requirements of Rule Chapter 28-106, F.A.C., and be in accordance with Chapter 120, Florida Statutes. Requests may be for a formal hearing in accordance with Section 120.57(1), Florida Statutes, or an informal hearing pursuant to Section 120.57(2), Florida Statutes. Requests for an administrative hearing shall be made in writing and filed with the Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458. Requests for an administrative hearing for all other Agencies shall be made in writing and filed with the Clerk of Agency Proceedings for the Agency issuing the denial.

Specific Authority ~~20.05, 334.044(2) FS. Law Implemented 339.09(2),(3), 421.55 FS. History—New 8-9-72, Formerly 14-66.07, Amended 11-24-92,~~

14-66.008 Moving and Related Expenses.

Specific Authority 20.05, 334.044(2) FS. Law Implemented 339.09(2),(3) FS. History—New 8-9-72, Formerly 14-66.08, Amended 11-24-92, Repealed

14-66.009 Replacement Housing Payments.

Specific Authority 20.05, 334.044(2) FS. Law Implemented 339.09(2),(3), 421.55(3) FS. History—New 8-9-72, Amended 1-12-83, Formerly 14-66.09, Amended 11-24-92, 8-17-93, Repealed

14-66.010 Mobile Homes.

Specific Authority 20.05, 334.044(2) FS. Law Implemented 339.09(2),(3) FS. History—New 11-24-92, Repealed

14-66.011 Claim Filing and Documentation.

Specific Authority 20.05, 334.044(2) FS. Law Implemented 339.09(2),(3) FS. History—New 11-24-92, Repealed

14-66.012 Appeal Rights.

Specific Authority 20.05, 334.044(2) FS. Law Implemented 339.09(2),(3) FS. History—New 11-24-92, Repealed

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

DOCKET NO.: 00-10R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Sovereignty Submerged Lands
Management

18-21

RULE TITLES:	RULE NOS.:
Definitions	18-21.003
Management Policies, Standards, and Criteria	18-21.004
Procedures – Forms of Consent	18-21.005
Payments and Fees	18-21.011

PURPOSE AND EFFECT: The primary purpose of this rulemaking is to clarify and amend the existing provisions and thresholds used in determining the appropriate form of authorization needed from the Board of Trustees to conduct activities on sovereign submerged lands. Issues to be discussed include definitions; management policies, standards, and criteria, including general consent conditions that would apply to all forms of authorization; and provisions related to riparian rights. It is the intent of this rulemaking to provide more clarity to the public so that the appropriate form of authorization needed can be more easily determined.

SUBJECT AREA TO BE ADDRESSED: The forms of authorization that are required to conduct activities on sovereign submerged lands, including possible revisions to definitions and management policies, standards, and criteria. During the rule development process, the Department may decide to amend any or all of the rule sections identified above or in Chapter 18-21 of the Florida Administrative Code.

SPECIFIC AUTHORITY: 161.055, 253.002, 253.03, 253.03(7), 253.0345, 253.12, 253.73, 253.77, 258.43, 370.021, 370.021(1), 373.026, 373.043, 373.044, 373.418, 373.427 FS., Art. X, Sec. 14, Fla. Const.

LAW IMPLEMENTED: 120.60, 161.041, 161.055, 253.002, 253.02, 253.03, 253.034, 253.0345, 253.04, 253.041, 253.077, 253.115, 253.12, 253.1221, 253.129, 253.141, 253.43, 253.431, 253.47, 253.51, 253.512, 253.52-.54, 253.61, 253.67-.75, 253.77, 258.42, 258.43, 370.16, 373.026, 373.413, 373.414(11)-(16), 373.416, 373.427, 373.4275 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN A FUTURE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, WHEN AVAILABLE, IS: Alice Heathcock, Department of Environmental Protection, MS 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-9899, e-mail Alice.Heathcock@dep.state.fl.us.

This rule development was preceded with a series of meetings of a technical advisory committee. A draft of the proposed rule amendments to be discussed in the rule development workshop is not yet available.

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

PUBLIC SERVICE COMMISSION

DOCKET NO: 000418-PU

RULE TITLE: Recovery of Economic Development Expenses RULE NO.: 25-6.0426

PURPOSE AND EFFECT: To insert the Department of Commerce economic development criteria into the Commission’s rule.

SUBJECT AREA TO BE ADDRESSED: Recovery of economic development expenses for electric investor-owned utilities.

SPECIFIC AUTHORITY: 288.035(3), 350.127(2) FS.

LAW IMPLEMENTED: 288.035 FS.

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

TIME AND DATE: 1:00 p.m., Monday, May 15, 2000

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32399-0850

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE COMMISSION'S DIVISION OF RECORDS AND REPORTING, 2540 SHUMARD OAK BOULEVARD, TALLAHASSEE, FL 32399-0850.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Elisabeth Draper, Division of Electric and Gas, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-6.0426 Recovery of Economic Development Expenses.

(1) Pursuant to Section 288.035, Florida Statutes, the Commission shall allow a public utility to recover reasonable economic development expenses subject to the limitations contained in subsections ~~(3)(2)~~ and ~~(4)(3)~~, provided that such expenses are prudently incurred and are consistent with the criteria established in subsection (7) by Rules 8E-15.001, 8E-15.002, and 8E-15.003, Florida Administrative Code.

(2) Definitions

(a) “Economic Development” means those activities designed to improve the quality of life for all Floridians by building an economy characterized by higher personal income, better employment opportunities, and improved business access to domestic and international markets.

(b) “Economic development organization” means a state, local, or regional public or private entity within Florida that engages in economic development activities, such as city and county economic development organizations, chambers of commerce, Enterprise Florida, the Florida Economic Development Council, and World Trade Councils.

(c) “Trade show” means an exhibition at which companies, organizations, communities, or states advertise or display their products or services, in which economic development organizations attend or participate to identify potential industrial prospects, to provide information about the locational advantages of Florida and its communities, or to promote the goods and services of Florida companies.

(d) “Prospecting mission” means a series of meetings with potential industrial prospects at their business locations with the objectives of convincing the prospect that Florida is a good place to do business and offers unique opportunities for that particular business, and encouraging the prospect to commit to a visit to Florida if a locational search is pending or in progress.

(e) “Strategic plan” means a long-range guide for the economic development of a community or state that focuses on broad priority issues, is growth-oriented, is concerned with fundamental change, and is designed to develop and capitalize on new opportunities.

(f) “Recruitment” means active efforts to encourage specific companies to expand or begin operations within Florida.

~~(3)(2)~~ Prior to each utility's next rate change enumerated in subsection ~~(6)(5)~~, the amounts reported for surveillance reports and earnings review calculations shall be limited to the greater of (a) the amount approved in each utility's last rate case escalated for customer growth since that time, or (b) 95 percent of the expenses incurred for the reporting period so long as such does not exceed the lesser of 0.15 percent of gross annual revenues or \$3 million.

~~(4)(3)~~ At the time of each utility's next rate case and for subsequent rate proceedings enumerated in subsection ~~(6)(5)~~ the Commission will determine the level of sharing of prudent economic development costs and the future treatment of these expenses for surveillance purposes.

~~(5)(4)~~ Each utility shall report its total economic development expenses as a separate line item on its income statement schedules filed with the earnings surveillance report required by Rule 25-6.1352, Florida Administrative Code. Each utility shall make a line item adjustment on its income

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE COMMISSION'S DIVISION OF RECORDS AND REPORTING, 2540 SHUMARD OAK BOULEVARD, TALLAHASSEE, FL 32399-0850.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Shevie Brown, Division of Electric and Gas, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-7.042 Recovery of Economic Development Expenses.

(1) Pursuant to Section 288.035, Florida Statutes, the Commission shall allow a public utility to recover reasonable economic development expenses subject to the limitations contained in subsections (3)(2) and (4)(3), provided that such expenses are prudently incurred and are consistent with the criteria established in subsection (7) by ~~Rules 8E 15.001, 8E 15.002, and 8E 15.003, Florida Administrative Code.~~

(2) Definitions

(a) “Economic Development” means those activities designed to improve the quality of life for all Floridians by building an economy characterized by higher personal income, better employment opportunities, and improved business access to domestic and international markets.

(b) “Economic development organization” means a state, local, or regional public or private entity within Florida that engages in economic development activities, such as city and county economic development organizations, chambers of commerce, Enterprise Florida, the Florida Economic Development Council, and World Trade Councils.

(c) “Trade show” means an exhibition at which companies, organizations, communities, or states advertise or display their products or services, in which economic development organizations attend or participate to identify potential industrial prospects, to provide information about the locational advantages of Florida and its communities, or to promote the goods and services of Florida companies.

(d) “Prospecting mission” means a series of meetings with potential industrial prospects at their business locations with the objectives of convincing the prospect that Florida is a good place to do business and offers unique opportunities for that

particular business, and encouraging the prospect to commit to a visit to Florida if a locational search is pending or in progress.

(e) “Strategic plan” means a long-range guide for the economic development of a community or state that focuses on broad priority issues, is growth-oriented, is concerned with fundamental change, and is designed to develop and capitalize on new opportunities.

(f) “Recruitment” means active efforts to encourage specific companies to expand or begin operations within Florida.

(3)(2) Prior to each utility's next rate change enumerated in subsection (6)(5), the amounts reported for surveillance reports and earnings review calculations shall be limited to the greater of (a) the amount approved in each utility's last rate case escalated for customer growth since that time, or (b) 95 percent of the expenses incurred for the reporting period so long as such does not exceed the lesser of 0.15 percent of gross annual revenues or \$3 million.

(4)(3) At the time of each utility's next rate case and for subsequent rate proceedings enumerated in subsection (5) the Commission will determine the level of sharing of prudent economic development costs and the future treatment of these expenses for surveillance purposes.

(5)(4) Each utility shall report its total economic development expenses as a separate line item on its income statement schedules filed with the earnings surveillance report required by Rule 25-7.1352, Florida Administrative Code. Each utility shall make a line item adjustment on its income statement schedule to remove the appropriate percentage of economic development expenses incurred for the reported period consistent with subsections (3)(2) and (4)(3).

(6)(5) Requests for changes relating to recovery of economic development expenses shall be considered only in the context of a full revenue requirements rate case or in a limited scope proceeding for the individual utility.

(7) All financial support for economic development activities given by public utilities to state and local governments and organizations shall be pursuant to a prior written agreement. Recoverable economic development expenses shall be limited to the following:

(a) Expenditures for operational assistance, including:

1. Planning, attending, and participating in trade shows;

2. Planning, conducting, and participating in prospecting missions designed to encourage the location in Florida of domestic and foreign companies;

3. Providing financial support to economic development organizations to assist with their economic development operations;

4. Providing financial support to economic development programs or initiatives identified or developed by Enterprise Florida, Inc.;

5. Participating in joint economic development efforts, including public-private partnerships, consortia, and multi-county regional initiatives;

6. Participating in downtown revitalization and rural community developmental programs;

7. Supporting state and local efforts to promote small and minority-owned business development efforts; and

8. Supporting state and local efforts to promote business retention and expansion activities.

(b) Expenditures for assisting state and local governments in the design of strategic plans for economic development activities, including:

1. Making financial contributions to state and local governments to assist strategic planning efforts; and

2. Providing technical assistance, data, computer programming, and financial support to state and local governments in the design and maintenance of information systems used in strategic planning activities.

(c) Expenditures of marketing and research services, including:

1. Assisting state and local governments and economic development organizations in marketing specific sites for business and industry development or recruitment;

2. Assisting state and local governments and economic development organizations in responding to inquiries from business and industry concerning the development of specific sites within the utility's service area;

3. Providing technical assistance, data, computer programming, and financial support to state and local governments in the design and maintenance of geographic information systems, computer networks, and other systems used in marketing and research activities;

4. Providing financial support to economic development organizations to assist with their research and marketing activities;

5. Sponsoring publications, conducting direct mail campaigns, and providing advertising support for state and local economic development efforts;

6. Participating in cooperative marketing efforts with economic development organizations;

7. Helping state and local businesses identify suppliers, markets, and sources of financial assistance;

8. Helping economic development organizations identify specific industries and companies for targeting and recruitment;

9. Working with economic development organizations to identify businesses in need of help for expansion, going out of business, or at risk of leaving the area;

10. Providing site and facility selection assistance, including lists of commercial or industrial sites, computer databases, toll-free telephone numbers, maps, photographs, videos, and other activities in cooperation with economic development organizations; and

11. Supporting state and local efforts to promote exports of goods and services, and other international business activities.

Specific Authority 288.035(3), 350.127(2) FS. Law Implemented 288.035 FS. History—New 7-17-95, Amended 6-2-98,_____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: RULE NO.:

Special Management Meal 33-602.223

PURPOSE AND EFFECT: The proposed rule is needed in order to correct titles of staff responsible for implementing special management meal procedures, and to correct addresses and update forms associated with the rule.

SUBJECT AREA TO BE ADDRESSED: Special management meal.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

TIME AND DATE: 9:00 a.m., May 17, 2000

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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 Chief of security ~~Correctional Officer~~ 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 ~~Operations~~, Department of Corrections, 2601 Blair Stone Road ~~1311 Winewood Boulevard~~, Tallahassee, Florida 32399-2500. If forms are to be mailed, the

~~request must be accompanied by~~ a self-addressed stamped envelope must accompany the request. The effective date of this form is _____ ~~the same as the effective date of this rule~~.

(b) If the cChief of security ~~Correctional Officer~~ determines that the behavior cannot be corrected through routine counseling or by established disciplinary procedures, a discussion shall take place at the inmate's cell between the inmate, the oOfficer in cCharge, and the reporting officer, if needed. The oOfficer in cCharge shall complete the discussion section of the report. The Special Management Meal Report shall document the reasons for recommending the special management meal and shall include a summary of the inmate's comments or objections. When an inmate has been recommended for placement on the special management meal, the cChief hHealth oOfficer or other designated health care medical staff member shall indicate on the Special Management Meal Report whether there is any medical reason that would prohibit placing the inmate on special management meal status. When there is a medical problem, the cChief hHealth oOfficer or other designated medical staff member shall ~~then~~ determine whether the inmate can be placed on the special management meal or whether an alternative special meal can be prescribed. No inmate shall be placed on special management meal status without medical approval. The cChief of security Correctional Officer shall then forward the report to the warden for approval.

(c) The warden or duty warden ~~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) Canteen privileges authorized by 33-602.220(8)(n), ~~(9)(m), 33-602.221(9)(j),~~ and 33-601.803(3)(f) for inmates in administrative confinement, ~~protective confinement,~~ and close management status shall be suspended for the duration of the period that an inmate is on special management meal status.

(6) The cChief of security ~~Correctional Officer~~ and a clinical health care person ~~representative of the medical staff~~ shall visit each inmate on special management meal status on a daily basis, except in case of riot or other institutional emergency. The shift supervisor shall act as the chief of security's ~~correctional officer's~~ designee and shall conduct the daily visit in the chief's absence. The purpose of the daily visit is to follow the inmate's progress while on the special management meal and to determine when the inmate should be removed from the special management meal status.

(7) An inmate may be removed from special management meal status at any time based on:

(a) The recommendation of the cChief of security ~~Correctional Officer~~ and the approval of the warden; or

(b) Medical reasons as determined by the cChief hHealth oOfficer or other designated health care medical staff.

(8) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 1-11-88, Amended 3-4-92, 5-27-97, 11-25-98, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

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

PURPOSE AND EFFECT: To determine if a Summary Appraisal Report or Restricted Use Appraisal Report may be considered as a narrative report to show appraisal experience for those persons who apply for a state certified general real estate appraiser license.

SUBJECT AREA TO BE ADDRESSED: The Board will discuss what constitutes a narrative report for purposes of claiming experience to be a state certified general real estate appraiser. In particular, the Board will examine Summary Appraisal Reports and Restricted Use Appraisal Reports and whether either type of report may be used as a narrative report. In addition, the Board will review the entire experience rule to determine if other changes are necessary.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.617 FS.

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

TIME AND DATE: 9:00 a.m., June 6, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, 400 West Robinson Street, Suite 308, North Tower, Orlando, Florida 32801

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-11R

RULE CHAPTER TITLE: New Potable Water Well Permitting
in Delineated Areas
RULE CHAPTER NO.: 62-524

RULE TITLE: Maps Containing Delineated Areas
RULE NO.: 62-524.430

PURPOSE AND EFFECT: To reduce the extent of delineation and reconfigure the area near the former Silvex site in St. Johns County, Picolata Quadrangle, based on new ground water monitoring data to define the contaminant plume.

SUBJECT AREA TO BE ADDRESSED: Reduction of area delineated because of previously known ground water contamination, now updated with new monitoring data.

SPECIFIC AUTHORITY: 373.309, 403.061 FS.

LAW IMPLEMENTED: 373.309 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: David James, Department of Environmental Protection, Bureau of Watershed Management, MS 3575, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-9911

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

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLES:	RULE NOS.:
Demonstrating Knowledge of Laws and Rules for Licensure	64B4-3.0035
Examination Review Procedures	64B4-3.007

PURPOSE AND EFFECT: The Board proposes to amend Rule 64B4-3.0035 to update the rule text. The Board proposes to repeal Rule 64B4-3.007 because the rule is no longer necessary.

SUBJECT AREA TO BE ADDRESSED: Demonstrating knowledge of laws and rules for licensure; examination review procedures.

SPECIFIC AUTHORITY: 455.574(2), 491.004(5) FS.

LAW IMPLEMENTED: 455.574(2), 491.005(1)(e) 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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE:	RULE NO.:
Approved Courses for Continuing Education	64B4-6.002

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to the programs offered by providers.

SUBJECT AREA TO BE ADDRESSED: Approved courses for continuing education.

SPECIFIC AUTHORITY: 455.564(6), 491.004(5), 491.0085 FS.

LAW IMPLEMENTED: 455.564(6), 491.0085(1), 491.007(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE:	RULE NO.:
Teaching Permits	64B5-7.005

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to teaching permits.

SUBJECT AREA TO BE ADDRESSED: Teaching Permits.

SPECIFIC AUTHORITY: 466.002(6), 466.004(4) FS.

LAW IMPLEMENTED: 466.002(6), 466.017(4) 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: William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-7.005 Teaching Permits.

(1) A teaching permit may be issued by the Board of Dentistry to a faculty member of a dental school accredited by the Commission on Dental Accreditation of the American Dental Association or a medical school accredited by the American Medical Association's Liaison Committee for Medical Education upon the request of the dean of the school if the faculty member:

- (a) through (c) No change.
(2) through (3) No change.

(4) Prior to issuance of a teaching permit, each faculty member must provide proof of current CPR certification. If otherwise eligible, the faculty member will be granted a permit with the requirement that current CPR certification be obtained within 60 days. Each faculty member holding a teaching faculty permit shall maintain current CPR certification.

Specific Authority 466.002(6), 466.004(4) FS. Law Implemented 466.002(6), 466.017(4) FS. History--New 4-30-80, Amended 1-13-81, Formerly 21G-7.05, Amended 1-29-89, Formerly 21G-7.005, 61F5-7.005, Amended 10-16-96, 3-16-97, Formerly 59Q-7.005, Amended 11-10-98, _____.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLE: RULE NO.: Citations 64B10-14.006 PURPOSE AND EFFECT: The Board proposes to discuss this rule to determine if amendments are necessary to update the rule text.

SUBJECT AREA TO BE ADDRESSED: Citations. SPECIFIC AUTHORITY: 455.617, 455.621 FS. LAW IMPLEMENTED: 455.617 FS.

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

TIME AND DATE: 2:00 p.m., May 11, 2000 PLACE: Ramada Inn, 2900 N. Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Taylor, Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: RULE NO.: Certified Optometrist Examination 64B13-10.0015

PURPOSE AND EFFECT: The Board proposes an amendment to the rule to reduce the number of examination questions from 100 to 80.

SUBJECT AREA TO BE ADDRESSED: The certified optometrist examination.

SPECIFIC AUTHORITY: 463.005(1), 455.574(1),(2) FS.

LAW IMPLEMENTED: 463.0055, 455.574(1),(2) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-10.0015 Certified Optometrist Examination.

The Certified Optometrist Examination shall be the Board approved examination developed and administered by the Department of Health Office of Examination Services.

(1) The examination shall consist of 80 400 questions which test the applicant's knowledge of general and ocular pharmacology with particular emphasis on the topical application and side effects of pharmaceutical agents. Each question on the examination shall be given equal weight. A raw score of 70 correct answers shall be required to pass the certification examination.

(2) through (4) No change.

Specific Authority 463.005(1), 455.574(1),(2) FS. Law Implemented 463.0055, 455.574(1),(2) FS. History--New 3-16-89, Amended 5-29-90, 7-10-91, Formerly 21Q-10.0015, 61F8-10.0015, Amended 10-4-94, Formerly 59V-10.0015, Amended 3-21-00, _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

RULE TITLE: RULE NO.: Pinellas County Boating Restricted Areas 68D-24.010

PURPOSE AND EFFECT: This Notice of Proposed Rule Development was originally published in the May 21, 1999 issue of the Florida Administrative Weekly, Vol. 25, No. 20. We were unable to proceed with the rulemaking process when the Florida Department of Environmental Protection, Division of Law Enforcement, Office of Planning & Policy Coordination merged July 1, 1999 with what is now the Florida Fish and Wildlife Conservation Commission (FWC), and the rule development was withdrawn on June 25, 1999, of Vol. 25, No. 25, June 25, 1999 issue of the Florida Administrative Weekly.

This rule has been in continuous existence for the past ten years. The City of Clearwater cites as justification for amendment, vessel traffic congestion, public boat ramps and a marina that provides fuel. The purpose of this amendment is to protect vessel traffic safety. The effect of this rule will be to reduce vessel speed over the portion of the Gulf Intracoastal waterway extending 2,680 feet north of the existing restricted area.

The local office of the Florida Fish and Wildlife Conservation Commission has concurred with this action. This action is being coordinated with the City of Clearwater, United States Army Corps of Engineers and the United States Coast Guard.

SUBJECT AREA TO BE ADDRESSED: The amendment of the existing Slow Speed Minimum Wake zones is as follows: the waters of the Florida Intracoastal Waterway 500 feet southwest of the S. R. 60 (Memorial Causeway) to 3,180 feet northeast of the centerline of S. R. 60 (Memorial Causeway) including all waters from the western right-of-way of the Florida Intracoastal Waterway to the shoreline of the City of Clearwater. The City of Clearwater will be authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted area and shall install and maintain "Slow Speed Minimum Wake" and "Resume Normal Safe Operation" markers at the boundaries of the boating restricted areas.

SPECIFIC AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED FOR A LATER DATE TO BE ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ms. Tara Alford, Division of Law Enforcement, Office of Planning & Policy, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-5600, Extension 169

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68D-24.010 Pinellas County Boating Restricted Areas.

(1) For the purpose of regulating the speed and operation of vessel traffic on and adjacent to the Florida Intracoastal Waterway in Pinellas County, Florida, the following boating restricted areas are established ~~is amended~~:

(a)1. through 6. No change.

7. Memorial Causeway, ~~S. R. State Road 60~~ - A Slow Speed Minimum Wake zone from the centerline of S. R. 60, to 500 feet southwest of S. R. 60 to 3,180 feet northeast of the centerline of S. R. 60 to include all waters from the western right-of-way of the Florida Intracoastal Waterway to the shoreline of the City of Clearwater. All waters lying within the right of way of the Intracoastal Waterway between a line drawn perpendicular to the center line of the waterway 500 feet northeast of the Memorial Causeway at Clearwater and a line drawn perpendicular to center line of the waterway 500 southwest of said bridge, as depicted in drawing G.

8. through (b) No change.

(2) Pinellas County and the City of Clearwater are ~~is~~ authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted areas, and shall install and maintain the "Slow Speed Minimum Wake" and "Resume Normal Safe Operation" markers at the southwest and northeast boundaries of the boating restricted areas.

(3) The boating restricted areas are depicted in the following drawings:

Drawings A through F - No change.

INSERT MAP
(68D-24.010)

Drawing H – No change.

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New 9-18-88, Amended 12-7-89, Formerly 16N-24.010, Amended 10-1-96, Formerly 62N-24.010, Amended _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

RULE TITLE: Okeechobee Waterway Boating Restricted Areas

RULE NO.: 68D-24.011

PURPOSE AND EFFECT: Martin County has requested that the Commission establish boating restricted areas along the Okeechobee Waterway portion of the Florida Intracoastal Waterway as it makes its way through Martin County. United States Army Corps of Engineers requested that the Commission establish a boating restricted area in Glades County. These areas will be at the Timer Powers Park and boat ramp, the Palm City Bridge, the Florida Turnpike Bridge, the I-95 Bridge and the Moore Haven Lock Structure. The wakes from speeding vessels present a danger to vessels being launched or recovered at the public boat ramps located at the Timer Powers Park, Phipps Park and Leighton Park. Obstruction of visibility is also a concern in the areas around the Florida Turnpike Bridge, I-95 Bridge, the St. Lucie Lock and Dam, the Moore Haven Lock Structure.

The local offices of the Florida Fish & Wildlife Conservation Commission have confirmed that hazardous conditions exist at these locations.

This action is being coordinated with the Martin and Glades County Commissions, the Moore Haven City Council, the United States Army Corps of Engineers and the United States Coast Guard. The purpose of the rule development is to protect vessel traffic safety. The affect of the rule will be to slow vessel traffic within the areas specified in the rule.

SUBJECT AREA TO BE ADDRESSED: The establishment of Slow Speed Minimum Wake zones are as follows: 300 feet east of the centerline of the Timer Powers Boat Ramp, shoreline to shoreline, to 300 feet west of the centerline of the Timer Powers Boat Ramp at Timer Powers Park. The St. Lucie Lock and Dam easterly, shoreline to shoreline, to 300 feet east of the high tension power line transmission lines adjacent to the eastern span of the northbound traffic lane of I-95, 200 feet north of the centerline of the Palm City Bridge to 1,500 feet south of the centerline of the Palm City Bridge at the northern tip of island located east of Leighton Park at the public boat

ramp in the Florida Intracoastal Waterway. The Moore Haven Lock Structure 1,000 feet north of the lock gates to 500 feet southwest of the lock gates within Martin County.

Martin County will be authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted area and shall install and maintain “Slow Speed Minimum Wake” and “Resume Normal Safe Operation” markers at the boundaries of the boating restricted areas.

SPECIFIC AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED FOR A LATER DATE TO BE ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ms. Tara Alford, Division of Law Enforcement, Office of Planning & Policy, 620 South Meridian Street, Tallahassee, Florida 32399-3000, (850)488-5600, Extension 169

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68D-24.011 Okeechobee Waterway Boating Restricted Areas.

(1) For the purpose of regulating speed and operation of vessel traffic on the Okeechobee Waterway, the following Boating Restricted Areas are established:

(a)1. through 3. No change.

4. Palm City Bridge (C. R. 714) – A Slow Speed Minimum Wake boating restricted area, shoreline to shoreline, in and adjacent to the Okeechobee Waterway, from 200 feet north of the centerline of the Palm City Bridge to 1,500 feet south of the centerline of the Palm City Bridge at the northern tip of the island located east of Leighton Park and the public boat ramp as depicted in drawing D.

5. St. Lucie Lock and Dam Structure, the Florida Turnpike and I-95 Bridges – A Slow Speed Minimum Wake boating restricted area, shoreline to shoreline, in and adjacent to the St. Lucie Lock and Dam easterly to 300 feet east of the high tension power transmission lines adjacent to the eastern span of the northbound traffic lane of I-95, as depicted in drawing E.

6. Timer Powers Park and Boat Ramp – A Slow Speed Minimum Wake boating restricted area, shoreline to shoreline, in and adjacent to the Okeechobee Waterway, from 300 feet

east of the centerline of the Timer Powers Boat Ramp to 300 feet west of the centerline of the Timer Powers Boat Ramp, as depicted in drawing F.

7. Moore Haven Lock Structure – A Slow Speed Minimum Wake boating restricted area, shoreline to shoreline, north from the lock gates 1,000 feet in and adjacent to the Okeechobee Waterway to 500 feet southwest of the lock gates, as in depicted marker G.

(b) Martin, Palm Beach County, the City of Clewiston (in coordination and cooperation with the South Florida Water Management District), and Glades County are authorized to

install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted areas, or portions thereof, located within the respective counties. These local governmental entities may enter into agreements with public or private organizations or individuals to effect this purpose.

(2) The boating restricted areas ~~described in 68D-24.011~~ are depicted on the following drawings:

Drawings A through C – No change.

INSERT DRAWINGS
(68D-24.011 – 1 of 4)

INSERT DRAWINGS
(68D-24.011 – 2 of 4)

INSERT DRAWINGS
(68D-24.011 – 3 of 4)

INSERT DRAWINGS
(68D-24.011 – 4 of 4)

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New 1-5-88, Formerly 16N-24.011, Amended 1-8-96, Formerly 62N-24.011, Amended _____.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Noncompliance
RULE NO.: 1S-1.008

PURPOSE AND EFFECT: Pursuant to chapter 99-379, Laws of Florida (HB 107), the Division of Elections reviewed its administrative rules in 1999 to determine which ones comply with the new rulemaking standards of section 120.536, Florida Statutes. During the course of its review, the Division determined that the above rule is no longer necessary and is adequately addressed in another rule. It is therefore, being repealed.

SUMMARY: Repeals Rule 1S-1.008, Florida Administrative Code.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A SERC has not been prepared.

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

SPECIFIC AUTHORITY: 120.55(1)(d) FS.

LAW IMPLEMENTED: 120.54(3)(e), 120.55(1)(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., May 16, 2000

PLACE: Director's Conference Room, Room 1801, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bucky Mitchell, Senior Attorney, Division of Elections, (850)413-9720

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-1.008 Noncompliance.

Specific Authority 120.55(1)(d) FS. Law Implemented 120.54(3)(e), 120.55(1)(d) FS. History—New 5-29-80, Formerly 1-7.01, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bucky Mitchell

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: L. Clayton Roberts, Division Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 7, 2000

DEPARTMENT OF STATE

Division of Elections

RULE TITLES: Petition Criteria
RULE NOS.: 1S-2.0081

Certification of Supervisors of Elections 1S-2.011

PURPOSE AND EFFECT: Pursuant to chapter 99-379, Laws of Florida (HB 107), the Division of Elections reviewed its administrative rules to determine which ones comply with the new rulemaking standards of section 120.536, Florida Statutes. During the course of its review, the Division determined that the above rules were no longer supported by adequate rulemaking authority and were unnecessary. Thus, the rules are being repealed.

SUMMARY: Repeals Rules 1S-2.0081 and 1S-2.011, Florida Administrative Code.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A SERC has not been prepared.

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

SPECIFIC AUTHORITY: 15.13, 97.012, 189.405 FS.

LAW IMPLEMENTED: 97.012(1), 145.09 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., May 16, 2000

PLACE: Director's Conference Room, Room 1801, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bucky Mitchell, Senior Attorney, Division of Elections, (850)413-9720

THE FULL TEXT OF THE PROPOSED RULES IS:

1S-2.0081 Petition Criteria.

Specific Authority 189.405 FS. Law Implemented 97.012(1) FS. History—New 10-3-90, Repealed _____.

1S-2.011 Certification of Supervisors of Elections.

Specific Authority 15.13, 97.012 FS. Law Implemented 145.0 FS. History—New 2-3-81, Amended 10-7-82, Formerly 1C-7.11, Amended 7-7-86, 11-20-88, Formerly 1C-7.011, Amended 1-25-96, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bucky Mitchell

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: L. Clayton Roberts, Division Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 7, 2000

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: In-Kind Contributions RULE NO.: 1S-3.004

PURPOSE AND EFFECT: Pursuant to chapter 99-379, Laws of Florida (HB 107), the Division of Elections reviewed its administrative rules in 1999 to determine which ones comply with the new rulemaking standards of section 120.536, Florida Statutes. During the course of its review, the Division determined that the above rule is no longer supported by adequate rulemaking authority. In addition, the subject is addressed in the underlying statute, section 106.055, Florida Statutes. It is therefore, being repealed.

SUMMARY: Repeals Rule 1S-3.004, Florida Administrative Code.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A SERC has not been prepared.

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

SPECIFIC AUTHORITY: 106.22(9) FS.

LAW IMPLEMENTED: 106.055 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., May 16, 2000

PLACE: Director's Conference Room, Room 1801, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bucky Mitchell, Senior Attorney, Division of Elections, (850)413-9720

THE FULL TEXT OF THE PROPOSED RULES IS:

1S-3.004 In-Kind Contributions.

Specific Authority 106.22(9) FS. Law Implemented 106.055 FS. History—New 9-12-94, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bucky Mitchell

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: L. Clayton Roberts, Division Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 7, 2000

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Approval of Preservice Teacher Preparation Programs RULE NO.: 6A-5.066

PURPOSE AND EFFECT: The purpose of this rule revision is to incorporate the recommendations of the Teacher Preparation Program Committee regarding core curricula for teacher preparation programs and to incorporate statutory changes. The effects of the rule revision are that admission and completion requirements for state approved teacher preparation programs are increased; subject matter content standards for teacher preparation are updated; core curriculum courses and experiences in general education, content knowledge, professional education, methodology, and internship are prescribed; teacher preparation program faculty are required to have recent experience in PK-12 classrooms.

SUMMARY: This rule revision changes program admission, program completion, curricula, and faculty qualification requirements for state approved teacher preparation programs to ensure that programs focus on the knowledge, skills, and abilities essential to instruction in the Sunshine State Standards.

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 the notice.

SPECIFIC AUTHORITY: 231.546, 240.529 FS.

LAW IMPLEMENTED: 231.546, 240.529 FS.

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

TIME AND DATE: 9:00 a.m., May 23, 2000

PLACE: County Administration Building, County Commission Chamber, 1660 Ringling Boulevard, 1st Floor, Sarasota, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: David Ashburn, Director, Division of Human Resource Development, Department of Education, 325 West Gaines Street, Room 201, Tallahassee, Florida 32399, (850)487-3663

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-5.066 Approval of Preservice Teacher Preparation Programs.

(1) General Criteria.

(a) The Department of Education is authorized to approve preservice teacher preparation programs and to grant extensions of approvals in accordance with the provisions of this rule. Each approval or extension shall be for the period of time determined by the Department of Education but shall not exceed five (5) years.

(b) Each institution seeking initial approval of a teacher preparation program shall submit a request in writing from the chief executive officer to the Commissioner and include

documentation of all components prescribed in subsection (3) of this rule. The request shall specify the certification areas and levels for which approval is sought.

(c) Public and nonpublic colleges and universities requesting approval of a preservice teacher preparation program(s) shall meet the following conditions:

1. Have legal authority to grant appropriate baccalaureate or post-baccalaureate degrees for an area of certification specified in Chapter 6A-4, FAC., and meet requirements for recognition as prescribed in Rule 6A-4.003(1), FAC.

2. State ~~the its~~ qualitative and quantitative requirements for graduation and provide an endorsement of transcripts for students who complete an approved teacher preparation program.

3. Submit annually to the Department a list of students admitted to each teacher preparation program which documents that at least ninety (90) percent of the students admitted to a teacher preparation program meet ~~one of~~ the following admission requirements:

~~a. Attain a score at the 40th percentile or above on the Scholastic Aptitude Test or an equivalent score on the American College Test;~~

~~a.b.~~ Have a grade point average of at least 2.5 on a 4.0 scale for the general education courses of the undergraduate studies, or

~~e.~~ ~~H~~have completed requirements and been awarded a baccalaureate degree with a minimum grade point average of 2.5 on a 4.0 scale from any college or university accredited by a regional accrediting association as defined in Rule 6A-4.003, FAC., and

b. Demonstrate mastery of general knowledge, including the ability to read, write, and compute by passing the College Level Academic Skills Test (CLAST) or the Praxis I: Academic Skills Test. Passing standards for the College-Level Academic Skills Test are prescribed in Rule 6A-10.0312, FAC. Passing standards for the Praxis I are prescribed in Rule 6A-4.0021, FAC. For graduate level teacher preparation programs, a total Quantitative-Verbal Graduate Record Examination (GRE) score of one thousand (1000) may be accepted.

4. Submit annually to the Department a list of the program graduates of each teacher preparation program.

5. Provide each program participant a clinical program which includes, as a minimum, instruction in the ~~Florida minimum essential teaching competencies~~, subject matter content standards area competencies, and the educator accomplished practices prescribed in paragraph (3)(b) of this rule. Completion of the program shall require demonstration of the subject matter content standards essential teaching and subject area competencies and the educator accomplished practices as prescribed in paragraph (3)(b) of this rule.

6. Designate to a college, school, department, or division, the responsibility for coordinating the planning and administering of all teacher preparation programs offered by the institution.

7. Be responsible for travel, food, and lodging expenses for members of the evaluation committee, as necessary.

(2) Relationship of teacher preparation program approval and teacher certification.

(a) Programs may be approved only in areas and levels for which state certification coverage is available.

(b) Requirements and activities in an approved teacher education program may vary significantly from the descriptions contained in Chapter 6A-4, FAC.

(c) A candidate who completes an approved preservice program shall be eligible for the appropriate teaching certificate of the type and coverage for which the program has been approved provided that the candidate meets other requirements for teacher certification as specified in Section 231.17, Florida Statutes, and Chapter 6A-4, FAC.

(3) Components of each approved program shall include, but not be limited to, the following:

(a) Program philosophy and objectives which respond to needs projected for Florida teachers.

(b) Curricular offerings in general education, professional education, and subject specialization designed to enable program participants, as a minimum, to demonstrate the competencies contained in the subject matter content standards specified by the Education Standards Commission in the document "Subject Matter Content Standards for Florida Teachers," which is hereby incorporated by reference and made a part of this rule, Chapter 231.17(5)(a), Florida Statutes, the professional skills and subject competencies in the "Competencies and Skills Required for Teacher Certification in Florida, Fifth Edition," pursuant to Rule 6A-4.0021, FAC., and the educator accomplished practices at the preprofessional level contained in Rule 6A-5.065, FAC. In those specialization areas for which the Education Standards Commission has not specified subject matter content standards, the subject area competencies in the "Competencies and Skills Required for Teacher Certification in Florida, Sixth Edition," pursuant to Rule 6A-4.0021, FAC., shall be used. Curricular offerings shall address the importance of democratic values and institutions, the contributions of various ethnic groups to society and stress character development which encourages appreciation of diversity in a pluralistic society. Beginning with students entering their freshman year of college in or after the 2000-2001 academic year, the following curricular requirements are in effect for approved teacher education programs.

1. General education requirements for students shall include the following:

a. Nine (9) semester hours in English to include writing, literature, and speech.

b. Nine (9) semester hours in science to include earth science, life science, and physical science, with a minimum of one associated laboratory.

c. Nine (9) semester hours in mathematics to include college algebra or above and geometry.

d. Twelve (12) semester hours in social sciences to include American history and general psychology.

e. Six (6) semester hours in humanities to include philosophy and fine arts.

2. Subject area specialization requirements for students shall include the following:

a. A degree major or thirty (30) semester hours in the specialization area.

b. Content preparation to enable students to demonstrate mastery of the subject matter content standards as specified in paragraph (3)(b) of this rule.

3. Professional education requirements for students shall include the following:

a. Reading-literacy acquisition.

(I) Students in prekindergarten-primary education and elementary education teacher preparation programs shall successfully complete twelve (12) semester hours to include:

(A) At least six (6) semester hours in assessment, identification, prescription, instruction, and teaching reading across the content areas for primary and intermediate grades.

(B) Foundations of reading and selection of appropriate literature for primary and intermediate grades.

(II) Students in middle and secondary teacher preparation programs shall successfully complete three (3) semester hours in methods of teaching reading to include strategies, assessment, and teaching reading in the content area.

(III) Students in grades K-12 teacher preparation programs shall successfully complete twelve (12) semester hours as specified in sub-sub-subparagraph (3)(b)3.a.(I) of this rule for those areas that are the primary providers of reading instruction. Students in other grades K-12 teacher preparation programs shall successfully complete three (3) semester hours as specified in sub-sub-subparagraph (3)(b)3.a.(II) of this rule.

b. Three (3) semester hours which integrates classroom management, school safety, professional ethics, and educational law.

c. Three (3) semester hours in human development and learning.

d. Three (3) semester hours in assessment to include understanding of the content measured by state achievement tests, reading and interpreting data, and using data to improve student achievement.

e. Credit in sociological foundations of education.

(c) A planned series of clinical experiences beginning early in the program and culminating with a final internship. The final internship shall:

1. Provide a full-time field based experience of at least ten (10) weeks in duration.

2. Be conducted under the supervision of high-performing educators.

3. Provide the prospective teacher with experiences of progressive responsibility for student learning and classroom management.

4. Require demonstration of competency at the preprofessional level on the twelve (12) educator accomplished practices specified in Rule 6A-5.065, FAC.

(d) A cohesive program delivery system and a variety of instructional procedures. Courses and school-based experiences shall include instruction, observation, practice and competency demonstration in the following:

1. Instructional strategies that address various learning styles, exceptionalities, and other specialized circumstances.

2. Assessment of student learning.

3. Appropriate use of technology in instruction.

4. Teaching strategies for the instruction of Limited English Proficient (LEP) students which meet the requirements set forth in the ESOL Consent Decree for instructional personnel who teach Limited English Proficient students.

(e) Allocated resources and facilities which are sufficient to support the program.

(f) Admission standards and procedures which promote the acceptance of quality teacher education candidates. Strategies shall be implemented to ensure that students admitted under a waiver of the conditions specified in subparagraph (1)(c)3., of this rule receive assistance to demonstrate competencies to meet requirements for certification.

(g) Continuous screening processes.

(h) Program completion requirements, including competency assessment processes. Program completion requirements shall include:

1. Passing the basic skills, professional knowledge and subject area tests which are required for teacher certification.

2. Demonstration of competency at the preprofessional level on the educator accomplished practices.

(i) Student services, including at least academic counseling and placement.

(j) A process for internal program evaluation that makes use of performance data gathered from interns, beginning teachers, and school system supervisors used for program improvement.

(k) Mechanisms for teacher preparation program decision-making and problem resolution.

(l) Sufficient faculty with educational background and training appropriate for the roles to which they are assigned. Beginning with the 2000-2001 academic year, teacher preparation unit faculty shall have recent experience working in prekindergarten through grade 12 public schools to include

at least fifty (50) full school days, or the equivalent, during each five (5) year period. At least ten (10) days of this experience must be completed during the first year of the five-year period. Acceptable experience to satisfy this requirement shall include observing and delivering instruction in prekindergarten through grade twelve classrooms. School districts are expected to collaborate with colleges and universities to provide opportunities for teacher preparation unit faculty to engage in meaningful experiences.

(m) A governance structure that involves faculty and students.

(n) A process for the delivery of support and assistance to graduates in the first year of employment.

(4) Program documentation must be available for appropriate review to include, but not be limited to, the following:

(a) Overall program description, structure, content, sequence, delivery system, and operational procedures.

(b) Evidence of the relationship of program components to professional literature on teacher preparation program development.

(c) Evidence of the relationship of program components to standards recommended by professional teacher education associations.

(d) Evidence of collaboration with school system personnel in program planning, delivery and evaluation.

(e) Descriptions of program clientele.

(f) Staffing requirements.

(g) Teacher preparation program budget by object classification.

(h) Faculty preparation.

(i) Facilities, instructional equipment and materials.

(j) Faculty assignments.

(k) Faculty-student ratio.

(l) Evaluation of faculty performance, including student evaluation.

(m) Established priorities of the chief executive officer.

(n) Current list of students admitted to an approved program.

(o) Evidence of competency demonstration and verification process.

(p) Description of a formal governance structure.

(5) Each teacher preparation program shall be measured against quality indicators related to the components cited in subsection (3) of this rule and the program documentation cited in subsection (4) of this rule. These indicators of quality shall be logically derived from empirical study and professional consensus related to teacher preparation program design, pedagogical practice and subject specialization.

(6) Based on the recommendation of a review team, the Commissioner shall notify the institution of the approval or denial of approval for each teacher preparation program

included in the request. A denial of approval shall include identification of specific areas of program weakness that must be corrected prior to reconsideration of approval. For approved programs, the institution shall be apprised of the requirements for continued approval.

(7) Continued program approval criteria.

(a) Continued approval of a teacher preparation program is contingent upon the results of annual reviews of the program conducted by the institution of higher education using procedures and criteria outlined in an institutional program evaluation plan that must be approved by the Department. The institutional program evaluation plan must be submitted to the Department annually and include provisions for involving primary stakeholders in the evaluation process. The plan must document continuous improvement of graduates' performance and program processes and provide evidence that the following standards for continued program approval are met:

1. Standard One – Demonstration of knowledge and skills at the point of preservice program completion. All students who complete the program will demonstrate the 12 educator accomplished practices at the preprofessional level as described in the institutional evaluation plan.

2. Standard Two – Performance on the Florida Teacher Certification Examination. ~~Ninety (90) Eighty (80)~~ percent of the students in each program will pass the college level academic skills test, and the professional education and subject matter subtests of the Florida Teacher Certification Examination.

3. Standard Three – Inclusion of program components mandated by Section 240.529, Florida Statutes, and subsection (3) of this rule. The unit will have complied with program components mandated by Section 240.529, Florida Statutes, and subsection (3) of this rule.

4. Standard Four – Diversity of student population. The diversity of student population enrolled in each program will, over each five (5) year period, increase in both the number of minority students and the number of students in underrepresented groups appropriate to an institution's mission.

5. Standard Five – Satisfaction of employing districts. Feedback from employing Florida school districts will verify that ninety (90) percent of the program graduates who complete their first year of teaching will be rehired or in the case of downsizing will be eligible for rehiring.

(b) The institutional program evaluation plan shall include, but shall not be limited to, the following sections:

1. Evaluation section. This section includes the institution's methods for evaluating compliance with the continued program approval standards.

2. Data section. The data section reports the evidence accumulated through the annual review process to document that the standards for continued program approval are met.

3. Improvement section. This section provides a report of improvements and plans for continuing improvement of program processes and graduates' performance.

(c) The Department shall review the institutional program evaluation plan annually and may provide recommendations for program and plan improvements. The Department shall provide notification to the institution of non-compliance with the ninety (90) eighty (80) percent criterion specified in Standard Two. An institution upon receipt of notification of non-compliance shall include in the next institutional program evaluation plan a description of the action taken to determine the causes of the poor performance and the actions taken by the institution to correct the problems identified. If the passing rate falls below ninety (90) eighty (80) percent for two (2) years in succession, the Department will, based on its review of the institution's report of actions taken and problems identified, report to the Commissioner who will make a decision concerning continued approval.

(d) During the last year of the program approval period, the Department shall examine the results of the institution's annual reviews for each year of the approval period and recommend to the Commissioner continued approval or denial of approval for each teacher preparation program. The institution shall be notified in writing of the continued approval decision. A denial of approval shall include identification of specific areas of program weakness.

(8) Reinstatement of Program Approval. The approval of a program may be reinstated by the Department at the request of the chief executive officer of the institution upon documentation of compliance with the requirements for initial approval of teacher preparation programs, as provided in this rule.

Specific Authority Chapter 97-4, Laws of Florida., 231.546, 240.529 FS. Law Implemented Chapter 97-4, Laws of Florida., 231.546, 240.529 FS. History-New 7-2-98, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: John Stewart, Deputy Commissioner for Educational Programs, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Gallagher, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 11, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 14, 2000

DEPARTMENT OF EDUCATION

Board of Regents

RULE TITLE: General Description and Address of Agency
PURPOSE AND EFFECT: To adopt rule with the general description and address of agency.

RULE NO.: 6C-1.0001

SUMMARY: As required by Chapter 120, F.S., the Uniform Rules prescribe the practice procedures for each agency. Each agency is required to adopt a rule identifying where its statement of organization and operations may be located.

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 regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 240.209(1) FS.

LAW IMPLEMENTED: 120.54(5)(b)6. FS.

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

TIME AND DATES: 10:00 a.m., May 17-18, 2000

PLACE: Touchdown Terrace, Ben Hill Griffin Stadium, University of Florida, Gainesville, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1454 Florida Education Center, 325 West Gaines Street, Tallahassee, Florida 32399-1950

THE FULL TEXT OF THE PROPOSED RULE IS:

6C-1.0001 General Description and Address of Agency.

(1) The Statement of Organization and Operation of the Board of Regents may be obtained upon request from the Office of the Chancellor, Florida Education Center, 325 W. Gaines Street, Tallahassee, Florida 32399-1950.

(2) The public may obtain information or make submissions or requests regarding the Board of Regents by calling the Office of the Chancellor (850)201-7100, or by writing: Office of the Chancellor, Florida Education Center, 325 W. Gaines Street, Tallahassee, Florida 32399-1950.

(3) Service of process on the Board is made by serving the General Counsel, State University System of Florida, Florida Education Center, 325 W. Gaines Street, Tallahassee, Florida 32399-1950.

Specific Authority 240.209(1) FS. Law Implemented 120.54(5)(b)6. FS. History-New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patricia C. Haynie, Vice Chancellor

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Adam W. Herbert, Chancellor, State University System

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

DEPARTMENT OF EDUCATION

Board of Regents

RULE TITLES:	RULE NOS.:
Definitions	6C-1.0005
Offices	6C-1.001
Service of Process	6C-1.002
Officers	6C-1.004
Meetings	6C-1.005
Meetings, Hearings and Workshops by Means of Telephone Conference Calls and other Communications Media Technology	6C-1.0055
Agenda	6C-1.006
Appearances before the Board	6C-1.007
Committees	6C-1.008
Liaison	6C-1.009
Chancellor	6C-1.010
Declaratory Statements	6C-1.011
Standard Forms of the State University System	6C-1.012
Inspectors General	6C-1.014

PURPOSE AND EFFECT: Adoption of the Uniform Rules of Procedure by the Administration Commission obviated the need for agency rules of organization, operation and practice. These rules are no longer needed.

SUMMARY: Adoption of the Uniform Rules obviated the need for each agency to have its own rules of organization and practice. The Board of Regents will adopt a rule of general description describing the location of its offices and where the public may obtain the Statement of its Organization and Operation. These rules in Chapter 6C-1 are no longer needed.

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 regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 240.209(1) FS.

LAW IMPLEMENTED: 120.54(5)(b)6. FS.

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

TIME AND DATES: 10:00 a.m., May 17-18, 2000

PLACE: Touchdown Terrace, Ben Hill Griffin Stadium, University of Florida, Gainesville, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1454 Florida Education Center, 325 West Gaines Street, Tallahassee, Florida 32399-1950

THE FULL TEXT OF THE PROPOSED RULES IS:

6C-1.0005 Definitions.

Specific Authority 240.209(1),(3)(m) FS. Law Implemented 240.209(1),(3)(m) FS. History--New 8-11-85, Formerly 6C-1.005, Repealed.

6C-1.001 Offices.

Specific Authority 240.209(1), (3)(r) FS. Law Implemented 240.209(1) FS. History--Formerly 6C-1.01 and 6C-1.13, 11-18-70, Amended and Renumbered 12-17-74, Amended 12-13-77, 8-11-85, Formerly 6C-1.01, Amended 10-10-95, Repealed.

6C-1.002 Service of Process.

Specific Authority 240.209(1),(3)(r) FS. Law Implemented 48.111, 240.205, 240.209(1) FS. cf. Rule 1.080. Florida Rules of Civil Procedure. History--Formerly 6C-1.10, 11-18-70, Amended and Renumbered 12-17-74, Amended 8-11-85, Formerly 6C-1.02, Amended 10-10-95, Repealed.

6C-1.004 Officers.

Specific Authority 240.209(1),(3)(m) FS. Law Implemented 120.53(1)(d), 240.205(2), 240.209(1),(3)(m), 286.011 FS. History--Formerly 6C-1.07, 11-18-70, Amended and Renumbered 12-17-74, Amended 12-11-79, 8-11-85, Formerly 6C-1.04, Repealed.

6C-1.005 Meetings.

Specific Authority 120.53(1)(d), 240.209(1), 286.011 FS. Law Implemented 120.53(1)(d), 286.011, 240.209(1) FS. History--Derived from 6C-1.11, 11-18-70, Amended and Renumbered 12-17-74, Amended 10-25-77, 11-7-79, 8-11-85, Formerly 6C-1.05, Amended 8-12-96, Repealed.

6C-1.0055 Meetings, Hearings and Workshops by Means of Telephone Conference Calls and other Communications Media Technology.

Specific Authority 240.209(1), 120.53(6) FS. Law Implemented 240.209(1),(3)(m), 120.52(5), 120.53(6) FS. History--New 8-11-85, Formerly 6C-1.055, Repealed.

6C-1.006 Agenda.

Specific Authority 120.53(1)(d), 240.209(3)(m) FS. Law Implemented 120.53(1)(d), 240.209(3)(m) FS. History--Derived from 6C-1.11 and 6C-1.12, 11-18-70, Amended and Renumbered 12-17-74, Amended 10-25-77, 8-11-85, Formerly 6C-1.06, Repealed.

6C-1.007 Appearances before the Board.

Specific Authority 120.53(1)(d), 240.209(1), (3)(m) FS. Law Implemented 120.53(1)(d), 240.209(1),(3)(m), 877.13 FS. History--Adopted 2-9-73, Amended and Renumbered 12-17-74, Amended 10-25-77, 8-11-85, Formerly 6C-1.07, Repealed.

6C-1.008 Committees.

Specific Authority 120.53(1)(a),(c),(d), 240.209(1),(3)(r) FS. Law Implemented 20.05(1)(b), 120.53(1)(a),(c),(d) FS. History--Formerly 6C-1.08 and 6C-1.09, 11-18-70, Amended 9-17-71, Amended and Renumbered 12-17-74, Amended 4-20-80, 8-11-85, Formerly 6C-1.08, Amended 10-10-95, Repealed.

6C-1.009 Liaison.

Specific Authority 20.05(1)(b), 240.209(1),(3)(m) FS. Law Implemented 20.05(1)(b), 240.209(1),(3)(m) FS. History--Formerly 6C-2.04 and 6C-2.05, 11-18-70, Amended and Renumbered 12-17-74, Amended 8-11-85, Formerly 6C-1.09, Repealed.

6C-1.010 Chancellor.

Specific Authority 240.209(1),(3)(r),(4) FS. Law Implemented 240.209(1),(2) FS. History-Derived from 6C-1.14 and 6C-1.15, 11-18-70, Amended 9-19-72, 12-8-72, Amended and Renumbered 12-17-74, Amended 5-27-75, 2-22-76, 6-22-76, 3-21-77, 7-31-77, 8-5-79, 4-2-80, 8-11-85, Formerly 6C-1.10, Amended 1-24-89, 10-10-95, 5-28-97, Repealed.

6C-1.011 Declaratory Statements.

Specific Authority 240.209(3)(m), 120.53(1) FS. Law Implemented 120.53(1), 120.54(9), 120.565, 240.209(3)(m) FS. History-New 2-22-76, Amended 8-11-85, Formerly 6C-1.11, Repealed.

6C-1.012 Standard Forms of the State University System.

Specific Authority 240.209(3)(r), 120.53(1)(b) FS. Law Implemented 120.53(1)(b) FS. History-New 3-21-77, Amended 8-11-85, Formerly 6C-1.12, Amended 10-10-95, Repealed.

6C-1.014 Inspectors General.

Specific Authority 240.209(1),(3)(r) FS. Law Implemented 240.209(1), 20.055 FS. History-Formerly 6C-9.14, Amended 8-11-81, 8-11-85, Formerly 6C-1.14, Amended 7-29-87, 7-2-91, 10-10-95, 5-28-97, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Patricia C. Haynie, Vice Chancellor
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Adam W. Herbert, Chancellor, State University System
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2000

DEPARTMENT OF EDUCATION

Board of Regents

RULE TITLE: Tuition, Fee Schedule and Percentage of Cost
 RULE NO.: 6C-7.001
 PURPOSE AND EFFECT: Section 240.209(3)(e), Florida Statutes, requires the Board of Regents to set the tuition and matriculation fees which will generate revenues as established in the General Appropriations Act. It further provides that the Board of Regents may set the Student Financial Aid Fee up to five percent of the tuition and matriculation fee. Proposed legislation authorizes the Board of Regents to approve university requests to implement matriculation and out-of-state tuition fee schedules which vary from the standard Systemwide schedule. Amendments are included in the rule to implement

the proposed change in the statutes. In the event the legislation is not enacted, the amendments related to it will be excluded from the rule.

SUMMARY: Rule 6C-7.001 implements the provisions of Section 240.209(3)(e), Florida Statutes, regarding the establishment of tuition and matriculation fees for students in the public universities, as approved by the Legislature in the General Appropriations Act.

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

SPECIFIC AUTHORITY: 240.209(1),(3)(e) FS.

LAW IMPLEMENTED: 240.209(3)(e),(h), 240.235(1) FS., Conference Committee Report on General Appropriations Act, 2000

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

TIME AND DATES: 10:00 a.m., May 17-18, 2000

PLACE: Touchdown Terrace, Ben Hill Griffin Stadium, University of Florida, Gainesville, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1454 Florida Education Center, 325 West Gaines Street, Tallahassee, Florida 32399-1950

THE FULL TEXT OF THE PROPOSED RULE IS:

6C-7.001 Tuition, Fee Schedule and Percentage of Cost.

(1) through (3) No change.

(4) The following tuition shall be levied and collected effective the fall semester indicated for each student regularly enrolled, unless provided otherwise in this chapter.

(a) Students enrolled in programs other than the MD, DMD or DVM in the University of Florida College of Medicine, College of Dentistry, or College of Veterinary Medicine, or in the MD program in the University of South Florida College of Medicine will be assessed the following fees per credit hour:

Fall 2000

	<u>Undergraduate</u>		<u>Graduate</u>		<u>Law</u>	
<u>Fee</u>	<u>Resident</u>	<u>Non-Resident</u>	<u>Resident</u>	<u>Non-Resident</u>	<u>Resident</u>	<u>Non-Resident</u>
<u>Matriculation</u>	<u>\$49.33</u>	<u>\$49.33</u>	<u>\$118.68</u>	<u>\$118.68</u>	<u>\$134.88</u>	<u>\$134.88</u>
<u>Matriculation</u>						
<u>10% Maximum</u>	<u>\$4.93</u>	<u>\$4.93</u>	<u>\$11.86</u>	<u>\$11.86</u>	<u>\$13.48</u>	<u>\$13.48</u>
<u>Differential</u>						
<u>Non-Resident</u>		<u>\$221.86</u>		<u>\$343.56</u>		<u>\$357.85</u>

<u>Non-Resident</u>						
<u>10% Maximum</u>		<u>\$22.18</u>		<u>\$34.35</u>		<u>\$35.78</u>
<u>Differential</u>						
<u>Student Financial Aid</u>	<u>\$2.46</u>	<u>\$2.46</u>	<u>\$5.93</u>	<u>\$5.93</u>	<u>\$6.74</u>	<u>\$6.74</u>
<u>Student Financial Aid</u>						
<u>10%</u>	<u>\$0.25</u>	<u>\$0.25</u>	<u>\$0.59</u>	<u>\$0.59</u>	<u>\$0.67</u>	<u>\$0.67</u>
<u>Maximum</u>						
<u>Differential</u>						
<u>Non-Resident</u>						
<u>Student</u>		<u>\$11.09</u>		<u>\$17.17</u>		<u>\$17.89</u>
<u>Financial Aid</u>						
<u>Non-Resident</u>						
<u>Student</u>						
<u>Financial Aid</u>						
<u>10%</u>		<u>\$1.11</u>		<u>\$1.72</u>		<u>\$1.79</u>
<u>Maximum</u>						
<u>Differential</u>						
<u>Capital Improvement</u>	<u>\$2.44</u>	<u>\$2.44</u>	<u>\$2.44</u>	<u>\$2.44</u>	<u>\$2.44</u>	<u>\$2.44</u>
<u>Trust Fund</u>						
<u>Building</u>	<u>\$2.32</u>	<u>\$2.32</u>	<u>\$2.32</u>	<u>\$2.32</u>	<u>\$2.32</u>	<u>\$2.32</u>
<u>Activity and Service</u>						
<u>Health</u>			<u>Varies by University per Rule 6C-7.003</u>			
<u>Athletic</u>			<u>Varies by University per Rule 6C-7.003</u>			
<u>Total^a</u>	<u>\$56.55</u>	<u>\$289.50</u>	<u>\$129.37</u>	<u>\$490.10</u>	<u>\$146.38</u>	<u>\$522.12</u>
<u>Total^{ab}</u>	<u>\$61.73</u>	<u>\$317.97</u>	<u>\$141.82</u>	<u>\$538.62</u>	<u>\$160.53</u>	<u>\$573.84</u>

^a Excludes fees that vary by university per Rule 6C-7.003.

^b Total including the maximum differential charges.

Fall 1999 – includes the maximum university differential fee increase of 5%

Fee	Undergraduate		Graduate		Law	
	Resident	Non-Resident	Resident	Non-Resident	Resident	Non-Resident
Matriculation	\$49.33	\$49.33	\$118.68	\$118.68	\$134.88	\$134.88
Non-Resident		\$221.86		\$343.56		\$357.85
Student Financial Aid	\$2.46	\$2.46	\$5.93	\$5.93	\$6.74	\$6.74
Non-Resident						
Student		\$11.09		\$17.17		\$17.89
Financial Aid						
Capital Improvement	\$2.44	\$2.44	\$2.44	\$2.44	\$2.44	\$2.44
Trust Fund						
Building	\$2.32	\$2.32	\$2.32	\$2.32	\$2.32	\$2.32
Activity and Service			<u>Varies by University per Rule 6C-7.003</u>			
Health			<u>Varies by University per Rule 6C-7.003</u>			
Athletic			<u>Varies by University per Rule 6C-7.003</u>			
Total ^a	\$56.55	\$289.50	\$129.37	\$490.10	\$146.38	\$522.12

^a Excludes fees that vary by university per Rule 6C-7.003

Fall 1999						
	Undergraduate		Graduate		Law	
Fee	Resident	Non-Resident	Resident	Non-Resident	Resident	Non-Resident
Matriculation	\$46.99	\$46.99	\$113.03	\$113.03	\$128.46	\$128.46
Non-Resident Student Financial Aid		\$211.30		\$327.20		\$340.81
Student Financial Aid	\$2.44	\$2.44	\$5.65	\$5.65	\$6.42	\$6.42
Non-Resident Student Financial Aid		\$10.56		\$16.36		\$17.04
Capital Improvement Trust Fund	\$2.44	\$2.44	\$2.44	\$2.44	\$2.44	\$2.44
Building	\$2.32	\$2.32	\$2.32	\$2.32	\$2.32	\$2.32
Activity and Service			Varies by University per Rule 6C-7.003			
Health			Varies by University per Rule 6C-7.003			
Athletic			Varies by University per Rule 6C-7.003			
University Matriculation			Varies by University			
University Non-resident			Varies by University			
Total ^a	\$54.09	\$275.95	\$123.44	\$467.00	\$139.64	\$497.49

^a Excludes fees that vary by university per Rule 6C-7.003

(b) Students enrolled in the MD, DMD or DVM programs in the University of Florida College of Medicine, College of Dentistry, or College of Veterinary Medicine, or in the MD program in the University of South Florida College of Medicine will be assessed the following fees per student for the academic year as defined by each university:

Fall 2000						
	Medical		Dental		Veterinary	
Fee	Resident	Non-Resident	Resident	Non-Resident	Resident	Non-Resident
Matriculation	\$9,683.98	\$9,683.98	\$8,420.86	\$8,420.86	\$7,073.48	\$7,073.48
Matriculation 10% Maximum Differential	\$968.38	\$968.38	\$842.08	\$842.08	\$707.34	\$707.34
Non-Resident 10% Maximum Differential		\$17,651.04		\$15,348.72		\$12,892.94
Non-Resident 10% Maximum Differential		\$1,765.10		\$1,534.86		\$1,289.28
Student Financial Aid	\$484.18	\$484.18	\$421.04	\$421.04	\$353.66	\$353.66
Student Financial Aid 10% Maximum Differential	\$48.42	\$48.42	\$42.10	\$42.10	\$35.38	\$35.38

<u>Non-Resident Student Financial Aid</u>		<u>\$882.54</u>		<u>\$767.42</u>		<u>\$644.64</u>
<u>Non-Resident Student Financial Aid 10% Maximum Differential</u>		<u>\$88.26</u>		<u>\$76.74</u>		<u>\$64.46</u>
<u>Capital Improvement Trust Fund Building Activity and Service Health Athletic</u>	<u>\$97.60</u>	<u>\$97.60</u>	<u>\$97.60</u>	<u>\$97.60</u>	<u>\$97.60</u>	<u>\$97.60</u>
<u>Building Activity and Service Health Athletic</u>	<u>\$92.80</u>	<u>\$92.80</u>	<u>\$92.80</u>	<u>\$92.80</u>	<u>\$92.80</u>	<u>\$92.80</u>
			<u>Varies by University per Rule 6C-7.003</u>			
			<u>Varies by University per Rule 6C-7.003</u>			
			<u>Varies by University per Rule 6C-7.003</u>			
<u>Total^a</u>	<u>\$10,358.56</u>	<u>\$28,892.14</u>	<u>\$9,032.30</u>	<u>\$25,148.44</u>	<u>\$7,617.54</u>	<u>\$21,155.12</u>
<u>Total^{ab}</u>	<u>\$11,375.36</u>	<u>\$31,762.30</u>	<u>\$9,916.48</u>	<u>\$27,644.22</u>	<u>\$8,360.26</u>	<u>\$23,251.58</u>

^a Excludes fees that vary by university.

^b Total including the maximum differential charges.

Fall 1999 – includes the maximum university differential fee increase of 5%

	Medical	Non-Resident	Dental	Non-Resident	Veterinary	Non-Resident
Fee	Resident	Resident	Resident	Resident	Resident	Resident
Matriculation	\$9,683.98	\$9,683.98	\$8,420.86	\$8,420.86	\$7,073.48	\$7,073.48
Non-Resident		\$17,651.04		\$15,348.72		\$12,892.94
Student Financial Aid	\$484.18	\$484.18	\$421.04	\$421.04	\$353.66	\$353.66
Non-Resident Student Financial Aid						
Capital Improvement Trust Fund Building Activity and Service Health Athletic	\$97.60	\$97.60	\$97.60	\$97.60	\$97.60	\$97.60
Building Activity and Service Health Athletic	\$92.80	\$92.80	\$92.80	\$92.80	\$92.80	\$92.80
			<u>Varies by University per Rule 6C-7.003</u>			
			<u>Varies by University per Rule 6C-7.003</u>			
			<u>Varies by University per Rule 6C-7.003</u>			
<u>Total^a</u>	<u>\$10,358.56</u>	<u>\$28,892.14</u>	<u>\$9,032.30</u>	<u>\$25,148.44</u>	<u>\$7,617.54</u>	<u>\$21,155.12</u>

^a Excludes fees that vary by university per Rule 6C-7.003

Fall 1998

	Medical	Non-Resident	Dental	Non-Resident	Veterinary	Non-Resident
Fee	Resident	Resident	Resident	Resident	Resident	Resident
Matriculation	\$9,222.84	\$9,222.84	\$8,019.88	\$8,019.88	\$6,736.66	\$6,736.66
Non-Resident		\$16,810.52		\$14,617.84		\$12,279.00
Student Financial Aid	\$461.14	\$461.14	\$400.98	\$400.98	\$336.82	\$336.82

Non Resident						
Student						
Financial Aid		\$882.54		\$767.42		\$644.64
Capital Improvement	\$97.60	\$97.60	\$97.60	\$97.60	\$97.60	\$97.60
Trust Fund						
Building	\$92.80	\$92.80	\$92.80	\$92.80	\$92.80	\$92.80
Activity and Service			Varies by University per Rule 6C 7.003			
Health			Varies by University per Rule 6C 7.003			
Athletic			Varies by University per Rule 6C 7.003			
University						
Matriculation			Varies by University			
University						
Non resident			Varies by University			
Total[†]	\$9,874.38	\$27,525.42	\$8,611.26	\$23,959.98	\$7,263.88	\$20,156.82

[†] Excludes fees that vary by university.

Specific Authority 240.209(1),(3)(e),(f) FS. Law Implemented 240.209(3)(e),(h), 240.235(1), 240.124, 240.117 FS., Conference Committee Report on Senate Bill 2500, 1999, Conference Committee Report on General Appropriations Act, 2000. History-Adopted 4-8-79, Renumbered 12-16-74, Amended 6-28-76, 7-4-78, 8-6-79, 9-28-81, 12-14-83, 7-25-84, 10-2-84, 10-7-85, Formerly 6C-7.01, Amended 12-25-86, 11-16-87, 10-19-88, 10-17-89, 10-15-90, 9-15-91, 1-8-92, 11-9-92, 7-22-93, 8-1-94, 11-29-94, 4-16-96, 8-12-96, 9-30-97, 12-15-97, 8-11-98, 9-30-98, 8-12-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Judy Hample, Vice Chancellor of Planning, Budgeting and Policy Analysis

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Adam W. Herbert, Chancellor, State University System

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 31, 2000

DEPARTMENT OF EDUCATION

Board of Regents

RULE TITLE: Fee Assessment and Remittance
RULE NO.: 6C-7.002

PURPOSE AND EFFECT: Changes made by the Federal Higher Education Amendments of 1998 focus on the amount of Title IV program funds to be returned by schools and/or students when a student withdraws from an institution prior to completing an academic term. The U.S. Department of Education is no longer dictating institutional refund policies for students receiving federal student aid under new rules published November 1, 1999. Therefore, systemwide refund requirements previously promulgated to comply with federal requirements are being deleted.

SUMMARY: Rule 6C-7.002(9)(d) is amended to delete paragraph (9)(d) because the U.S. Department of Education no longer dictates institutional refund policies for students receiving federal student aid.

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

SPECIFIC AUTHORITY: 240.209(1),(3)(e) FS.

LAW IMPLEMENTED: 240.209(1),(3)(e), 240.227(20) FS.

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

TIME AND DATES: 10:00 a.m., May 17-18, 2000

PLACE: Touchdown Terrace, Ben Hill Griffin Stadium, University of Florida, Gainesville, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1454 Florida Education Center, 325 West Gaines Street, Tallahassee, Florida 32399-1950

THE FULL TEXT OF THE PROPOSED RULE IS:

6C-7.002 Fee Assessment and Remittance.

(1) through (8) No change.

(9) Tuition Refund/Release of Liability – Each university shall establish, by rule, procedures for the refund or release of liability of tuition assessed and paid pursuant to this Rule. As a minimum, such rule shall provide for the refund/charge adjustment of the following:

(a) through (c) No change.

~~(d) Notwithstanding the provisions of paragraph (b) above, for the first term in which a student is enrolled at the university for the first time, regardless of whether the student receives financial aid, a pro rata refund of tuition, room and board, and other charges shall be made. Such pro rata refunds shall be made using the process for the first time students as specified in Public Law 102-325, the Higher Education Amendments of 1992.~~

(10) No change.

Specific Authority 240.209(1), (3)(e)-(f) FS. Law Implemented 240.209(1), (3)(e), 240.227(20), 240.233(1)(b), 240.235(7)(6), 240.2805, 240.291, 240.531 FS. History—Adopted 4-8-74, Amended 7-19-74, Amended and Renumbered 12-17-74, Amended 6-26-75, 2-28-76, 11-1-76, 3-21-77, 9-28-81, 12-13-83, 10-2-84, Formerly 6C-7.02, Amended 4-9-87, 9-15-91, 11-9-92, 8-1-94, 10-2-94, 5-17-95, 4-16-96, 12-28-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Carl W. Blackwell, Vice Chancellor of Administration and Finance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Adam W. Herbert, Chancellor, State University System

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 31, 2000

EXECUTIVE OFFICE OF THE GOVERNOR

Division of Planning and Budgeting

RULE CHAPTER TITLE: Florida Single Audit Act RULE CHAPTER NO.: 27D-1

RULE TITLES: Applicability and Definitions RULE NOS.: 27D-1.001

Types of State Financial Assistance 27D-1.002

Recipient/Subrecipient and Vendor Relationships 27D-1.003

Catalog of State Financial Assistance 27D-1.004

State Projects Compliance Supplement 27D-1.005

Criteria for Major State Projects 27D-1.006

Criteria for Selecting State Projects for Audit
Based on Inherent Risk 27D-1.007

PURPOSE AND EFFECT: The purpose of this proposed rule is to provide guidance to state agencies, recipients, subrecipients, and independent auditors of state financial assistance relating to the requirements of the Florida Single Audit Act. The effect of this proposed rule is to ensure that the Florida Single Audit Act is uniformly implemented and applied.

SUMMARY: The rule establishes the types of state financial assistance subject to the Florida Single Audit Act; provides guidance in distinguishing between a vendor and a recipient/subrecipient; requires the assignment of responsibility for the timely update of information for the Catalog of State Financial Assistance and the State Projects Compliance Supplement; and provides independent auditors with the criteria for determining major state projects and for selecting state projects for audit based on inherent risk.

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: 216.3491(3) FS.

LAW IMPLEMENTED: 216.3491 FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., May 17, 2000

PLACE: Room 1602, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Nancy Tucker, Senior Governmental Analyst, Office of Policy and Budget, Executive Office of the Governor, Room 1603, The Capitol, Tallahassee, Florida 32399-0001, telephone (850)487-0104

THE FULL TEXT OF THE PROPOSED RULES IS:

27D-1.001 Applicability and Definitions.

(1) These rules are applicable to state agencies awarding financial assistance, recipients and subrecipients of state financial assistance, and independent auditors of state financial assistance.

(2) For purposes of this Chapter, the following terms shall have the meaning indicated:

(a) “Auditee” means a nonstate organization expending state awards in excess of the audit threshold as defined by Section 216.3491(2)(a), Florida Statutes.

(b) “State agency” means any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government; state attorneys, public defenders, the capital collateral regional counsel, and the Justice Administrative Commission as defined by Section 216.011, Florida Statutes.

Specific Authority 216.3491(3) FS. Law Implemented 216.3491 FS. History—New _____.

27D-1.002 Types of State Financial Assistance.

(1) State financial assistance is financial assistance from state resources to nonstate organizations to carry out a state project. It does not include federal financial assistance and state matching provided by state agencies for federal programs. State financial assistance shall be categorized by the following classes or types of financial assistance:

(a) Cooperative Agreements – Financial assistance transferred pursuant to written agreements between state agencies and recipients to carry out a public purpose. Cooperative agreements generally assume a substantial involvement between state agencies and recipients when carrying out the activities contemplated in the agreements.

(b) Direct Appropriations – Financial assistance appropriated to state agencies to be provided directly to specified nonstate entities per legislative proviso to encourage or subsidize particular activities.

(c) Food Commodities – Financial assistance which provides for the sale or donation of food.

(d) Grants – Financial assistance transferred pursuant to written agreements between state agencies and recipients to carry out a public purpose. Generally, a substantial involvement is not expected between state agencies and recipients when carrying out the activities contemplated in the agreements.

(e) Insurance – Financial assistance provided to assure reimbursement for losses sustained under specified conditions.

(f) Investments – Financial assistance provided for investment in the development of particular activities or enterprises.

(g) Loans – Financial assistance provided through the lending of state monies for a specific period of time, with a reasonable expectation of repayment. Such loans may or may not require the payment of interest.

(h) Loan Guarantees – Financial assistance provided in which the state agency makes an arrangement to indemnify a lender against part or all of any defaults by those responsible for repayment of loans.

(i) Property – Financial assistance provided for the sale, exchange or donation of state real property, personal property, commodities, and other goods including land, buildings, and equipment.

(j) Tax Credits – Financial assistance provided in the form of credits of state taxes for a public purpose authorized by state law.

(k) Tax Refunds – Financial assistance provided in the form of refunds of state taxes for a public purpose authorized by state law.

(2) The following provisions are to be used in determining state financial assistance expended.

(a) The determination of when state financial assistance is expended should be based on when the related activity occurs. Generally, the activity pertains to events that require the nonstate organization to comply with laws, rules and the provisions of contracts or grant agreements such as: expenditure/expense transactions associated with grants, cooperative agreements, and direct appropriations; the disbursement of funds passed through to subrecipients; the use of loan proceeds under loan and loan guarantee programs; the receipt of property or food commodities; the receipt of tax refunds; the application of tax credits against tax liabilities; and the period when insurance is in force.

(b) Loans and Loan guarantees. Since the state is at risk for loans until the debt is repaid, the value of the state financial assistance expended under loan programs should include the value of new loans made or received during the nonstate organization's fiscal year; plus the balance of loans from previous years for which the state imposes continuing compliance requirements; plus any interest subsidy, cash, or administrative cost allowance received. Prior loans and loan guarantees, the proceeds of which were received and expended in prior years, are not considered state financial assistance

expended when the laws, rules and provisions of contracts or grant agreements pertaining to such loans impose no continuing compliance requirements other than to repay the loans.

(c) Property and Food Commodities. Non-cash assistance, such as property and food commodities are to be valued at either the fair market value at the time of receipt or the assessed value provided by the state agency.

Specific Authority 216.3491(3) FS. Law Implemented 216.3491 FS. History-- New_____.

27D-1.003 Recipient/Subrecipient and Vendor Relationships.

(1) State awards expended by a recipient/subrecipient are subject to audit under Section 216.3491, Florida Statutes, Florida Single Audit Act. Procurement contracts used to buy goods or services from vendors are outside the scope of the Act. The guidance provided in (2) through (4) of this section shall be considered in determining whether the nonstate organization has a recipient or vendor relationship with the state agency. This guidance may also be used by recipients providing subawards of state financial assistance to subrecipients.

(2) Characteristics indicative of a recipient relationship are when the nonstate organization:

(a) Is established or created by State law to carry out a state project.

(b) Determines final eligibility.

(c) Receives funds for a project established by state statute and for which the state agency is authorized to provide funding.

(d) Provides matching funds.

(e) Makes programmatic decisions on behalf of the state.

(f) Uses the funds to carry out its own program or operations.

(g) Receives federal funds under a similar program for which it is designated a recipient by the state agency.

(h) Is organized primarily for a public purpose.

(3) Characteristics indicative of a vendor relationship are when the nonstate organization:

(a) Provides services within normal business operations.

(b) Operates in a competitive environment.

(c) Provides similar services to many different purchasers.

(d) Receives payment on a per unit or per deliverable basis.

(e) Is awarded the contract based on free and open competition.

(f) Receives federal funds under a similar program for which it is designated a vendor by the state agency.

(4) There may be circumstances or exceptions to the listed characteristics as set forth above in (2) and (3). It is not expected that all of the characteristics will be present in all cases.

Specific Authority 216.3491(3) FS. Law Implemented 216.3491 FS. History—New _____.

27D-1.004 Catalog of State Financial Assistance.

The Catalog of State Financial Assistance (CSFA) is a comprehensive listing of state projects that includes the administering state agency, CSFA number, project title, legal authorization, and description of the state project, including objectives, restrictions, application and awarding procedures, and other relevant information determined necessary. To ensure that the CSFA is timely updated, state agencies shall assign a person responsible for providing information on new or revised state projects for the CSFA to the Executive Office of the Governor, Office of Policy and Budget.

Specific Authority 216.3491(3) FS. Law Implemented 216.3491 FS. History—New _____.

27D-1.005 State Projects Compliance Supplement.

The State Projects Compliance Supplement (Supplement) identifies significant compliance, eligibility, and matching requirements for state projects as well as suggested audit procedures and other relevant information. To ensure that this Supplement is timely updated, state agencies shall assign a person responsible for providing information for the Supplement to the Executive Office of the Governor, Office of Policy and Budget (OPB). This responsibility includes ensuring that project objectives, procedures, and compliance requirements, noncompliance with which could have a direct material effect on the individual state project, are provided to the OPB for inclusion in the Supplement.

Specific Authority 216.3491(3) FS. Law Implemented 216.3491 FS. History—New _____.

27D-1.006 Criteria for Major State Projects.

(1) The independent auditor shall use a risk-based approach to determine which state projects are major state projects. This risk-based approach shall include consideration of the amount of state project expenditures and the inherent risk of the state project. The process enumerated in paragraphs (2) through (6) shall be followed.

(2) The independent auditor shall identify the larger state projects as Type A Projects according to the following criteria:

(a) For auditees with expenditures of state awards between \$300,000 and \$1,000,000, Type A projects are defined as the larger of \$100,000 or thirty percent (30%) of total state awards expended.

(b) For auditees with expenditures of state awards exceeding \$1,000,000, Type A projects are defined as the larger of \$300,000 or three percent (3%) of total state awards expended.

(3) State projects not identified as Type A Projects shall be considered Type B Projects.

(4) The independent auditor shall identify Type A Projects which are low-risk. For a Type A Project to be considered low-risk, it should have been audited as a major state project in

at least one of the two most recent audit periods and, in the most recent audit period, should have had no reportable audit findings. The auditor shall consider the criteria enumerated in Rule 27D-1.007, F.A.C., the results of audit follow-up, and any significant changes in personnel or systems affecting a Type A Project, in applying professional judgment in determining whether a Type A Project is low-risk.

(5) The independent auditor shall identify Type B Projects which are high-risk. The auditor shall consider the criteria enumerated in Rule 27D-1.007, F.A.C., in applying professional judgment in determining whether a Type B Project is high-risk. However, the independent auditor is not expected to perform risk assessments on relatively small state projects. Therefore, the auditor is only required to perform risk assessments on Type B Projects as follows:

(a) For auditees with expenditures of state awards of \$300,000 to \$1,000,000, risk assessments shall be required for Type B Projects that exceed the larger of \$50,000 or ten percent (10%) of total state awards expended.

(b) For auditees with expenditures of state awards that exceed \$1,000,000, risk assessments shall be required for Type B Projects that exceed the larger of \$100,000 or 1 percent (1%) of total state awards expended.

(6) At a minimum, the independent auditor shall audit all of the following as major projects:

(a) All Type A Projects, except the auditor may exclude any low-risk Type A Projects.

(b) At least one half of the Type B Projects identified as high-risk, except the auditor is not required to audit more high-risk Type B Projects than the number of low-risk Type A Projects; or one high-risk Type B Project for each low-risk Type A Project identified. The auditor is encouraged to use an approach which provides an opportunity for different high-risk Type B Projects to be audited as a major project over a period of time.

(c) Additional projects as may be necessary to provide audit coverage of at least fifty percent (50%) of the auditee's expenditures of state awards. Wherever practicable, additional projects should be selected in accordance with the criteria enumerated in Rule 27D-1.007, F.A.C.

Specific Authority 216.3491(3) FS. Law Implemented 216.3491 FS. History—New _____.

27D-1.007 Criteria for Selecting State Projects for Audit Based on Inherent Risk.

(1) The independent auditor's selection of state projects for audit shall be based on an overall analysis and evaluation of the risk of noncompliance occurring which could be material to the state project. The auditor shall use professional judgment and consider criteria, such as described in paragraphs (2) through (4) below, to identify risk in state projects. Also, as

part of the risk analysis, the auditor may wish to discuss a particular state project with auditee management and the awarding state agency.

(2) The independent auditor shall consider current and prior audit experience.

(a) Weakness in internal controls over state financial assistance would indicate higher risk. Consideration should be given to the control environment over state financial assistance and such factors as the expectation of management's adherence to applicable laws, rules, and contract/grant provisions, and the competence and experience of personnel who administer the state financial assistance project.

(b) Prior audit findings would indicate higher risk, particularly when situations identified in the audit finding could have a significant impact on state financial assistance or have not been corrected.

(c) State projects not recently audited as major state projects may be of higher risk than state projects recently audited as major state projects without audit findings.

(3) The independent auditor shall consider the extent of any oversight exercised by the state agencies and the results of any monitoring performed.

(4) When evaluating state projects, independent auditors shall consider the inherent risk of the project, which includes the following:

(a) The nature of the project. This includes, for example, a project's complexity, the presence of third parties, and the type of costs involved.

(b) The phase of the project in its life cycle at the state agency. A newer project may not be as time-tested and, therefore, may present higher risk. The state agency's monitoring procedures may not yet be implemented or effectively in place. Significant changes in the program, laws, rules, or contracts or grant agreements may also increase risk.

(c) The phase of the project in its life cycle at the auditee. If a project is new to the auditee, there may be higher risk simply because a learning curve may be present. During the first and last years that an auditee participates in a state project, the risk may be higher due to start-up or closeout of program activities and staff.

(d) Type B Projects with larger expenditures. Projects with larger amount of expenditures would be of higher risk than projects with substantially smaller expenditures.

(5) The independent auditor shall document in the working papers the risk analysis process used in determining major projects. When the major project determination is performed and documented in accordance with these rules, the auditor's professional judgment in applying the risk-based approach to determine major projects is presumed to be correct. However, state agencies may provide auditors guidance about the risk of a particular state project and the auditor shall consider this guidance in determining major projects in audits not yet substantially completed.

Specific Authority 216.3491(3) FS. Law Implemented 216.3491 FS. History--
New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Nancy Tucker, Senior Governmental Analyst, Office of Policy and Budget, Executive Office of the Governor

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sandra C. Sartin, Deputy Director, Office of Policy and Budget, Executive Office of the Governor

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 21, 2000

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Food Services – Definitions	33-204.002
Food Services – Standards of Operation	33-204.003
Control of Food Services Equipment	33-204.004

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to provide clarification of food services procedures such as the serving of holiday meals, the maintenance of sanitation in food preparation areas, the maintenance of equipment, the handling of sensitive food items, and the provision of therapeutic diets. The proposed rules also provide correct food services staff titles and incorporate by reference forms utilized in conjunction with food services operations.

SUMMARY: The proposed rules set forth guidelines for the serving of holiday meals, the maintenance of sanitation in food preparation areas, the maintenance of equipment, the handling of sensitive food items, and the provision of therapeutic diets. The proposed rules also provide correct food services staff titles and incorporate by reference forms utilized in conjunction with food services operations.

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: 20.315, 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 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., May 24, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES 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:

33-204.002 Food Services – Definitions.

For the purposes of this chapter:

(1) “Master menu” means the menu which is designed to be served at all ~~facilities institutions~~ to provide uniformity in items served to each inmate. The master menu shall be prepared under the direction of the department’s master menu committee. It should be certified nutritionally adequate as determined by a licensed registered dietitian. The master menu shall provide all Recommended Dietary Allowances as established by the Food and Nutrition Board of the National Academy of Sciences.

(2) “Therapeutic diet” means a diet that is prescribed for medical reasons and is designed to meet the requirements of a given medical condition. Therapeutic diets are planned, prepared and served modifying the regular menus as little as needed in order to avoid unjustified budgetary and operational burdens while reasonably accommodating individual therapeutic and nutritional needs. All menus for therapeutic diets shall be planned, analyzed and certified for nutritional adequacy ~~nutritionally adequate~~ by a licensed registered dietitian.

(3) No change.

(4) “Master Menu Committee” consists of the central office’s Bureau of Food Services staff as designated by the bureau chief, the public health nutrition program manager, the field food service coordinators, and the field public health nutrition consultants ~~regional food service operations and management consultants, the regional public health nutrition consultants and central office food service staff which includes the bureau chief and the central office dietitian.~~ The chief of food services has the authority to invite other staff.

(5) “Centers” refers to work release centers, probation and restitution centers and drug treatment centers.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History–New 1-18-89, Amended 7-21-97, Formerly 33-30.002, Amended _____.

33-204.003 Food Services – Standards of Operation.

(1) General. Inmates in general population shall receive three meals per day, of which at least two shall be hot meals. The meals shall be provided at regular meal times during each 24-hour period, with a period of no more than 14 hours between the end of the evening meal and the beginning of the morning meal, weather and security permitting. The warden or work release center major shall be allowed to authorize an altered meal schedule of two meals for approved holidays listed in the master menu manual, but both must be hot meals.

Holiday substitutions that deviate from the master menu must be approved in advance by the food service coordinator. An altered holiday meal schedule for therapeutic diets may only be implemented if the chief health officer is on duty on the day that the alternate schedule is to be served. An alternate meal schedule for therapeutic diets shall provide regular meal times during each 24-hour period with no more than 14 hours between the end of the evening and the beginning of the morning meal.

(2) No change.

(3) Menus. The Recommended Dietary Allowances of the National Research Council – National Academy of Sciences shall serve as the standard for the preparation of menus and the evaluation of menus served. The Recommended Dietary Allowances of the National Research Council are hereby incorporated by reference. A copy of the Recommended Dietary Allowances may be obtained from the Bureau of Food Services, Office of Administration, 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 January 18, 1989.

(a) The master menus prepared by the master menu committee shall be used by all institutions and facilities within the department. The master menus shall be reviewed at least annually by the department’s master menu committee to determine the need for adjustments based upon cost, nutritional value, equipment capabilities, product availability, ~~cost~~ and staff determined inmate preferences.

(b) through (d) No change.

(4) Sanitation.

(a) All food service areas shall meet the standards of the State Sanitary Code, Department of Health, chapter 64E-11, Florida Administrative Code. Food and beverages shall not be consumed in food preparation areas.

(b) No change.

(c) The individual responsible for food service at the institution or facility ~~shall be assigned by the warden, report to the warden or his designee, and~~ shall be responsible for the following:

1. Writing instructions for the operation and cleaning of the physical plant, equipment and utensils. A current copy of these instructions shall be forwarded to the regional food service coordinator for review initially and as revised to check for compliance with the State Sanitary Code, Department of Health rule 64E-11.005, Florida Administrative Code.

2. Preparing a frequency chart for the regular periodic cleaning of the physical plant, equipment and utensils, and ensuring that cleaning is done according to the frequency chart; and

3. Daily inspection of the food service areas, including the recording of the temperatures of coolers, freezers, dishwashers, and hot tap water on the Master Menu Production Log, Form DC2-404. Form DC2-404 is hereby incorporated by reference.

A copy of this form is 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 _____.

(d) No change.

(5) Maintenance of Equipment. The person responsible for food service at each institution or facility shall, with the participation of the person in charge of after consultation with the maintenance department, prepare a schedule for periodic, preventative maintenance of the physical plant and equipment. The preventative maintenance program for equipment shall include inspection, lubrication, replacement of parts as necessary, and any other maintenance to extend equipment life as suggested by manufacturer's instructions. The person responsible for food service shall monitor the program to ensure that preventative maintenance is performed. He or she will also ensure that equipment is utilized properly, abuse of equipment is minimized, and that sanitation standards are maintained. It will be the responsibility of the person in charge of maintenance to ensure that the preventative maintenance program operates effectively. He or she will maintain a file on each piece of major equipment denoting when and what was done and at what cost.

(6) No change.

(7) Therapeutic Diets. Therapeutic diets for medical or dental reasons shall be provided as ordered by a physician, clinical associate (physicians assistant, advanced registered nurse practitioner) or dentist. All orders for therapeutic diets shall be in writing utilizing the Diet Prescription/Order, Form DC4-728. A copy of this form is 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 _____. Non-standard modified diets shall be approved by the public health nutrition program manager and the regional medical executive director. Therapeutic diets shall be served for a maximum of 90 days. Diets extending for periods longer than 90 days shall require a new diet order from the attending physician, clinical associate (physicians assistant or advanced registered nurse practitioner) or dentist. Diet prescription orders must be received in food services prior to the expiration of the current prescription to avoid interruption of the modified diet. The Bureau of Food Services shall be responsible for providing training and consultation to health and food service personnel regarding therapeutic diets.

(8) Religious Diets. The alternate entree program is designed to meet the needs of inmates whose religions require a pork-free, lacto-ovo, or lacto-vegetarian, or vegan diets. The vegan (strict vegetarian) meal pattern meets the religious requirements of inmates who must avoid all animal products.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 1-18-89, Amended 7-21-97, Formerly 33-30.003, Amended _____.

33-204.004 Control of Food Service Equipment.

(1) through (3) No change.

(4) Special attention shall be given to the control of sensitive food items such as yeast, mace, nutmeg, fruits and fruit juices. Food items are considered sensitive when they can be utilized to produce contraband, either individually or in combination with other products, they can be used to assault staff or inmates, or they can be used to aid in an escape. Inmates using yeast in food preparation shall be closely supervised until the yeast is thoroughly incorporated as an ingredient in the item being prepared.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 1-18-89, Formerly 33-30.004, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bill Thurber

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 3, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 10, 2000

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Staff Housing – Definitions	33-208.501
Staff Housing – Administrative Responsibilities	33-208.503
Criteria for Assignment to Staff Housing	33-208.504
Staff Housing – Rent and Utilities	33-208.505
Staff Housing Agreement Form	33-208.506
Responsibilities of Staff Housing Occupants	33-208.507
Staff Housing Inspections	33-208.508
Termination of Staff Housing Agreement	33-208.510
Staff Housing – Transition Provision	33-208.511
Staff Housing Rules – Effective Date	33-208.512

PURPOSE AND EFFECT: The proposed rules are needed in order to provide corrections in titles and assignments of administrative responsibilities related to staff housing, to clarify responsibilities of staff housing occupants, and to delete unnecessary provisions.

SUMMARY: The proposed rules delete references to staff housing committees and place responsibility for staff housing decisions with the warden; require staff leasing spaces for personally owned mobile homes provide proof of ownership; provide for the furnishing of lodging to volunteers and interns; clarify provisions related to residents and long and short term guests, incorporate new forms related to staff housing, and repeal unnecessary provisions.

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: 20.315, 216.262(1), 944.09(1), 945.025(1) FS.

LAW IMPLEMENTED: 20.315, 216.262(1), 944.09(1), 945.025(1) 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., May 25, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES 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:

33-208.501 Staff Housing – Definitions.

For the purposes of this chapter:

(1) through (3) No change.

(4) “Warden,” unless specified, means the senior administrative officer both Wardens in charge of major institutions and any Wardens in charge of each region’s smaller satellite units administratively attached facilities in the Department.

(5) through (6) No change.

(7) “Approving Authority” –

(a) For institutions means the deputy secretary, assistant secretaries, regional directors, wardens or assistant wardens with authorizing authority for volunteers or interns and associated programs at an institution;

(b) For facilities or offices means the deputy secretary, assistant secretaries, regional directors, circuit administrators and deputy circuit administrators with authorizing authority for volunteers or interns and associated programs at a facility or office.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History–New 9-1-88, Formerly 33-26.001, 33-602.501, Amended _____.

33-208.503 Staff Housing – Administrative Responsibilities Committees.

(1) Committee Membership.

(a) ~~The warden of each major institution having staff housing shall appoint a Staff Housing Committee which will include an Assistant warden, Business Manager, Correctional Officer Chief and Personnel Manager, but also may include other department heads.~~

~~(b) The warden of each region’s smaller facilities having staff housing shall appoint a Staff Housing Committee which will include all of the Correctional Officer Chiefs of the smaller facilities having staff housing and the Regional Personnel Manager, but also may include other regional staff.~~

(1)(2) The warden is primarily responsible for administering the department’s staff housing program. The warden’s duties include Committee Responsibilities. A Staff Housing Committee shall:

(a) With support from service center staff, Recommend to the warden the issuance of institutional operating procedures to ensure accurate records of staff housing, state-owned equipment and furnishings, occupants, rent and utilities, as well as proper maintenance and condition of staff housing and grounds.

(b) No change.

(c) Evaluate all Staff Housing Agreements for ~~the warden’s~~ approval or disapproval of assignment to staff housing in accordance with Section 33-208.504 herein.

(d) Review all complaints from and against occupants and recommend ~~to the warden~~ corrective action as needed regarding staff housing, state-owned equipment and furnishings, grounds and occupants.

(e) No change.

(f) Coordinate other staff housing activities ~~as directed by the warden.~~

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History–New 9-1-88, Formerly 33-26.003, 33-602.503, Amended _____.

33-208.504 Criteria for Assignment to Staff Housing.

The warden shall assign staff housing based upon the best interests of the institution and the following:

(1) Houses, Apartments and Mobile Homes.

(a) To the extent that houses, apartments and mobile homes are available, certain key staff of a major institution shall be required to live at the institution of their assignment so that emergencies can be resolved with a minimum of delay. An institution with insufficient housing for its key staff may be allocated such housing at a nearby institution by the Regional Director. The following key staff are listed in the order of priority by which the assignment of at least one employee in each category shall be considered by ~~the an institution’s Staff Housing Committee and~~ warden. Only the Secretary may alter these priorities based upon proof of an employee’s significant personal hardship or in the best interests of the Department.

1. through 3. No change.

~~4. Institution Investigator.~~

5. through 8. renumbered 4. through 7. No change.

(b) No change.

(2) Mobile Home Spaces.

(a) No change.

(b) Employees or occupants of personally owned mobile homes must provide proof of ownership by title or registration. Compliance with this requirement shall be noted on the staff housing agreement.

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

(3) No change.

(4) Housing Assignments for Volunteers and Interns.

(a) The approving authority is authorized to approve the furnishing of lodging at a department facility or institution, when available, to a volunteer or intern whose presence is determined to be necessary to the department in the performance of department related duties. However, assignment of permanent employees shall be a higher priority than assignment of volunteers or interns. Only after all permanent employees desiring staff housing have been accommodated will housing be assigned to any volunteers or interns.

(b) Written approval must be obtained from the approving authority prior to any commitment to the intern or volunteer.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, 9-5-89, Formerly 33-26.004, 33-208.504, Amended _____.

33-208.505 Staff Housing – Rent and Utilities.

The Department of ~~Management Services Administration~~ is required by law to approve all perquisites and sales of goods and services, including staff housing and utilities, effective each July 1st. Any rent or utility charges approved for the Department of Corrections at fixed rates shall be paid by payroll deduction.

Specific Authority 20.315, 944.09(1), 945.025(1), 216.262(1)(e),(f) FS. Law Implemented 20.315, 944.09(1), 945.025(1), 216.262(1)(e),(f) FS. History--New 9-1-88, Formerly 33-26.005, 33-602.505, Amended _____.

33-208.506 Staff Housing Agreement Form.

(1) Any employee who is required or requests to occupy staff housing shall submit a completed Staff Housing Agreement, Form ~~DC2-808A DC2-619~~, for processing in compliance with the assignment criteria in Section 33-208.504 herein. This form is hereby incorporated by reference, and a copy may be obtained from the Forms Control Administrator, any institution Personnel Office of the General Counsel in the Department or from the Bureau of Personnel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____ September 1, 1988.

(2) No change.

(3) All Staff Housing Agreements shall be submitted to the assistant warden for operations appropriate Personnel Manager for processing by the ~~Staff Housing Committee~~ and warden, with subsequent filing in the service center Personnel Office.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Formerly 33-26.006, 33-602.506, Amended _____.

33-208.507 Responsibilities of Staff Housing Occupants.

(1) Emergency Duty.

(a) No change.

(b) Occupants of all staff housing, except officer quarters, shall immediately install a telephone upon occupancy and furnish the number to the Chief Correctional Officer and ~~service center p~~Personnel office Manager.

(2) General.

(a) through (b) No change.

(c) Occupants shall not alter the physical structure of staff housing unless a written request is approved in advance by the ~~warden Staff Housing Committee~~ based upon the adequacy of structural considerations, aesthetic compatibility with existing structures, and the best interests of the institution.

(d) Occupants shall not install structures or buildings such as carports, portable pools, utility buildings, storage shelters and fences unless a written request is approved in advance by the ~~warden Staff Housing Committee~~ based upon the adequacy of structural considerations, aesthetic compatibility with existing structures, and the best interests of the institution. Any such structure or building that is not designed as a permanent addition to the state-owned housing may be removed by the installing occupant at any time through his last day of occupancy.

(e) through (g) No change.

(h) Occupants of non-metered staff housing shall raise the thermostat setting or turn off air conditioners when nobody is present in staff housing. During winter months heat thermostat settings shall be lowered when no one is present.

(i) Occupants shall make an immediate written report to the assistant warden for operations Personnel Manager of any damage to staff housing or state-owned equipment or furnishings.

~~(j) Occupants of all staff housing, except officer quarters, shall not permit persons other than their immediate families to reside in staff housing unless approved in advance by the Staff Housing Committee. Occupants of officer quarters shall not permit family or other persons to reside in their rooms.~~

(k) Occupants of staff housing (other than officer quarters) shall be permitted to have short term (less than 30 days in length) guests without approval of the warden. Any occupant who is interested in having a guest remain beyond 30 days shall be required to obtain written approval from the warden. If the guest will be residing at the warden's residence, written approval shall be obtained from the regional director. Approval of the warden or regional director shall be based upon criminal history information. A guest who has been convicted of a felony will not be allowed to remain in staff housing and will be required to vacate the premises within 48 hours.

(l) Employees shall not allow guests to circumvent the 30 day duration provision by temporary breaks in residence.

~~(m)(k)~~ No change.

~~(n)(4)~~ Occupants of officer quarters may utilize small electrical devices such as clocks, radios, televisions, computers, coffee makers and compact refrigerators provided the electrical service is sufficient for the load and use does not create a disturbance to other occupants or present a safety hazard electric clocks and radios in their rooms, but other electrical appliances such as television sets, coffee pots and refrigerators must be approved in advance by the Staff Housing Committee based upon the adequacy of the room's size, insulation, ventilation, and electrical wiring.

~~(o)(m)~~ No change.

(3) Pets.

(a) No change.

(b) Only household pets may be kept by occupants of staff housing other than officer quarters. Such pets, including those owned by family members and guests, are the occupant's full responsibility and are subject to the following restrictions:

1. through 3. No change.

4. Occupants shall not install a house or pen for pets unless approved in advance by the warden Staff Housing Committee based upon the adequacy of structural considerations, aesthetic compatibility with existing structures, and the best interests of the institution.

5. Occupants shall promptly remove from the premises any pet that the warden Staff Housing Committee determines to be a nuisance based upon any of the following pet-related conditions:

a. through f. No change.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Formerly 33-26.007, 33-602.507, Amended _____.

33-208.508 Staff Housing Inspections.

(1) All staff housing shall be inspected by the warden Staff Housing Committee and a representative of the service center at least once annually, but more often if needed. ~~Inspections are conducted for property accountability and to ensure compliance with sanitation, maintenance and fire safety standards, as well as with laws, rules, policy and procedure directives and institutional operating procedures.~~ Inspection reports shall address include any violations of the foregoing in addition to:

~~(a) the cCondition of the staff housing;~~

~~(b) the cCondition of the grounds;~~

~~(c) and the cCondition of state-owned equipment and furnishings.~~ A copy of an inspection report shall be furnished to the occupant for correction of deficiencies. Form DC2-808B, Residential Inspection for Staff Housing, shall be used for this purpose. Form DC2-808B 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 _____.

(2) The appropriate service center Business Office shall keep a current inventory of all staff housing and state-owned equipment and furnishings which shall be used during inspections.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Formerly 33-26.008, 33-602.508, Amended _____.

33-208.510 Termination of Staff Housing Assignment.

(1) Expiration.

(a) An assignment to staff housing shall expire automatically under any of the following conditions:

1. No change.

2. An occupant's resident family members change from those in the Staff Housing Agreement and approved by the warden Staff Housing Committee so that the staff housing currently assigned, or possibly any staff housing assignment, is no longer in the best interests of the institution;

3. through 5. No change.

(b) No change.

(c) Written notice to or from an occupant regarding any of the personnel actions under subparagraphs (1)(a)3., 4., or 5. above shall constitute notice of the expiration of the assignment to staff housing and the warden shall ensure that Form DC2-808C, Termination of Staff Housing Agreement, is completed and submitted to the service center personnel office no separate notice shall be necessary. Form DC2-808C 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 copies to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is _____. Expiration shall be effective at the end of the last day of the occupant's employment in the class series or at the institution.

(2) through (3) No change.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Amended 6-22-89, Formerly 33-26.010, 33-208.510, Amended _____.

33-208.511 Staff Housing – Transition Provision.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Formerly 33-26.011, 33-602.511, Repealed _____.

33-208.512 Staff Housing Rules – Effective Date.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Formerly 33-26.012, 33-602.512, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bill Thurber

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 5, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 19, 1999 (Note: These proposed rules appeared in the notice of rule development as 33-602.501-512; they have since been re-numbered as 33-208.501-512.)

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Medicaid

RULE TITLE: Prescribed Drug Services
RULE NO.: 59G-4.250
PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Prescribed Drug Services Coverage, Limitations and Reimbursement Handbook, July 1999. The effect will be to incorporate by reference in the rule the current Florida Medicaid Prescribed Drug Coverage, Limitations, and Reimbursement Handbook.

SUMMARY: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Prescribed Drug Services Coverage, Limitations and Reimbursement Handbook, July 1999.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906(20), 409.908 FS.

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

TIME AND DATE: 9:00 a.m., May 15, 2000

PLACE: Conf. Room D, Bldg 3, 2727 Mahan Drive, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jerry F. Wells, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)487-4441

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.250 Prescribed Drug Services.

(1) This rule applies to all prescribed drug services providers enrolled in the Medicaid program.

(2) All participating prescribed drug services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Prescribed Drug Services Coverage, Limitations and Reimbursement Handbook, July 1999 ~~August 1998~~, which is incorporated by reference, and available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906(18)(20), 409.908 FS. History—New 1-1-77, Amended 6-30-77, 10-1-77, 2-1-78, 4-1-78, 9-28-78, 6-1-79, 2-28-80, 11-11-81, 7-3-84, Formerly 10C-7.42, Amended 3-11-86, 12-5-88, 6-4-90, 10-29-90, 5-20-92, 4-11-93, Formerly 10C-7.042, Amended 12-28-95, 8-3-97, 2-11-98, 9-13-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sue C. Preacher

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 6, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 14, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Reexaminations
RULE NO.: 61G8-16.005

PURPOSE AND EFFECT: To accommodate the realities of administering examinations on-line by removing unenforceable limitations and restrictions on reexaminations.

SUMMARY: Language has been stricken from this rule because it is no longer necessary.

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: 455.0114, 470.055 FS.

LAW IMPLEMENTED: 455.0114 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-16.005 Reexaminations.

(+) Applicants for licensure as embalmers and/or funeral directors who fail to achieve a passing grade on the required examinations may make application to retake the examination failed at the next regularly scheduled examination. Such application shall be accompanied in each instance by a new full application fee as established in Rule 61G8-17.001, F.A.C.

~~(2) The applicants for licensure who fail to pass either the examination prepared by the Conference of Funeral Service Examining Boards or the examination prepared by the Department shall be required to retake only that examination failed, provided however that the applicant shall only be allowed to take three retakes of that examination failed within a two year period from the date of original failure. If the applicant fails to achieve a passing grade within those three retakes as provided above, the applicant shall be required to retake and successfully complete the full examination applicable to the respective license in order to qualify for licensure.~~

Specific Authority 455.0114, 470.055 FS. Law Implemented 455.0114 FS. History—New 11-11-79, Formerly 21J-16.05, 21J-16.005, Amended _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 17, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Inspection Criteria RULE NO.: 61G8-21.003

PURPOSE AND EFFECT: The Board deemed it necessary to clarify the text in Subsection (3)(d) of this rule.

SUMMARY: The language in this rule has been changed for definition of interpretation.

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

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

SPECIFIC AUTHORITY: 470.005 FS.

LAW IMPLEMENTED: 470.024 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-21.003 Inspection Criteria.

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

(1) through (2) No change.

(3) The requirements of 61G8-21.003(1) may be satisfied by the use of a centralized embalming facility provided that:

(a) through (c) No change.

(d) The centralized facility is within 75 miles ~~a reasonable distance~~ of the establishments served and available for use on a continuous full-time basis.

(4) through (6) No change.

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

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 17, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Application for Licensure; Consequences of Operating Prior to Licensure RULE NO.: 61G8-22.001

PURPOSE AND EFFECT: To require review of cinerator facility applications be performed by a member of the Board.

SUMMARY: The Board has determined a Board member review cinerator facility applications.

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

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

SPECIFIC AUTHORITY: 470.005 FS.

LAW IMPLEMENTED: 455.213(2), 470.021(1), 470.025(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-22.001 Application for Licensure; Consequences of Operating Prior to Licensure.

(1) Applications for cinerator facility licensure shall be filed with the Department at least 30 days prior to the date the facility is scheduled to open for business. The Board shall designate a board member ~~or the executive director~~ to review all applications for cinerator facility licensure. The Department shall issue a license to any applicant the designee certifies as having met the licensure requirements specified in this rule and in Section 470.025, F.S., received a satisfactory rating on an inspection pursuant to Rule 61G8-22.002, F.A.C., and paid the fee specified in Rule 61G8-22.003, F.A.C.

(2) through (3) No change.

Specific Authority 470.005 FS. Law Implemented 455.213(2), 470.021(1), 470.025(2) FS. History—New 2-13-80, Formerly 21J-22.01, Amended 5-19-92, Formerly 21J-22.001, Amended 10-29-97, 2-17-00,_____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 17, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLES: Examination Requirements
RULE NOS.: 61G8-23.002

Direct Disposal Establishments 61G8-23.004

PURPOSE AND EFFECT: Subsection (2)(c) in Rule 61G8-23.002 is being changed to update Code, Rule, and Statutory citations, and text is being stricken in Rule 61G8-23.004 to establish the requirement of an inspection in the event of consumer complaint.

SUMMARY: Citations are being updated in Rule 61G8-23.002, and text in Rule 61G8-23.004 has been stricken.

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

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

SPECIFIC AUTHORITY: 470.005, 470.017 FS.

LAW IMPLEMENTED: 455.219(6), 470.017, 470.021 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G8-23.002 Examination Requirements.

(1) No change.

(2) The area of competency to be covered by the examination as provided above shall be:

(a) through (b) No change.

(c) With respect to disposition of dead human bodies, the following state and federal laws and rules, or relevant portions thereof will be included: Chapter 245, Chapter 382, Chapter 406, Chapter 455, Chapter 470, Section 872.06 of the Florida Statutes; Chapter 10D-49, Chapter 11G-2, Chapter 61G8-20, Chapter 61G8-22, Chapter 61G8-23 of the Florida Administrative Code; 10 U.S.C. 1481-1488 ~~Chapters 10S 14.81 through 10S 14.88 of the U.S. Code of Federal Regulations.~~

(3) No change.

Specific Authority 470.017 FS. Law Implemented 470.017 FS. History—New 2-13-80, Amended 7-2-81, 8-23-83, Formerly 21J-23.02, 21J-23.002, Amended 10-13-97, 2-16-98,_____.

61G8-23.004 Direct Disposal Establishments.

(1) through (2) No change.

(3) A direct disposal establishment shall be inspected by the Department under the following circumstances, and the Department shall be notified by the owner of the establishment at least 10 days before items (a) or (b) occur:

(a) through (b) No change.

(c) When a consumer complaint is made regarding a specific direct disposal establishment, ~~and an inspection is required.~~

(4) through (9) No change.

Specific Authority 470.005 FS. Law Implemented 455.219(6), 470.021 FS. History--New 2-13-80, Amended 11-8-82, 8-16-83, Formerly 21J-23.04, Amended 6-5-90, Formerly 21J-23.004, Amended 4-10-94, 9-17-97, 1-4-98, 2-16-98, 5-17-98, 2-17-00, _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 17, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLES: RULE NOS.:

Application for Registration of Removal Services; Refrigeration Facilities; Centralized Embalming Facilities 61G8-24.010 Requirements for Inspection 61G8-24.021

PURPOSE AND EFFECT: Obsolete text has been stricken from Rule 61G8-24.010, and text in Rule 61G8-24.021 has been revised for further clarification.

SUMMARY: Unnecessary language is being deleted from Rule 61G8-24.010, and text has been added in Rule 61G8-24.010 for further definition of the 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: 470.005, 470.0301(1)(b),(2) FS.

LAW IMPLEMENTED: 455.01(5), 470.0301(1)(b),(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G8-24.010 Application for Registration of Removal Services; Refrigeration Facilities; Centralized Embalming Facilities.

(1) No change.

(2) The Board shall be notified in writing ~~within 30 days of the effective date of this rule,~~ or within ten (10) days when any of the information required in the application changes.

(3) No change.

Specific Authority 470.005, 470.0301(1)(b),(2) FS. Law Implemented 455.01(5), 470.0301(1)(b),(2) FS. History--New 7-19-94, Amended 11-20-96, _____.

61G8-24.021 Requirements for Inspection.

(1) Removal services shall at all times be subject to inspection of all its buildings, grounds, and vehicles used in the conduct of its business by the Department, or any of its designated representatives and agents, or local Department of Health inspectors ~~make available to Department inspectors at any time requested its buildings, grounds and vehicles used in the conduct of its business.~~

(2) through (6) No change.

Specific Authority 470.005, 470.0301 FS. Law Implemented 470.0301 FS. History--New 5-21-95, Amended 9-18-95, _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 17, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLES: RULE NOS.:

Licensure by Endorsement; Embalmers 61G8-25.001

Licensure by Endorsement; Funeral Directors 61G8-25.002

PURPOSE AND EFFECT: To remove unnecessary references to Florida Statutes and further explain the requirements of licensure by endorsement with regard to acceptance of scores on exams given in other states or by the Conference of Funeral Service Examining Boards.

SUMMARY: Unnecessary statute citations have been stricken, and text was added to further define and clarify the 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: 470.005, 470.011 FS.

LAW IMPLEMENTED: 470.011 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G8-25.001 Licensure by Endorsement; Embalmers.

(1) No change.

(2) ~~Pursuant to Section 470.007(1)(a), Florida Statutes (1983);~~ The Board of Funeral Directors and Embalmers determines that persons who have successfully completed a course, embracing at least the subjects specified in Section 470.006(1)(d), Florida Statutes (1983), at a school or college approved by the American Board of Funeral Service Education or by this Board and who have passed an embalmer examination administered by a licensing agency of another state or The Conference of Funeral Service Examining Boards with a score of at least 75% on all sections of the examination and who holds a current valid license to practice embalming in the original state of licensure are considered to have met standards substantially equivalent to the requirements of this state.

Specific Authority 470.005, 470.011 FS. Law Implemented 470.011 FS. History—New 6-4-80, Amended 12-24-81, 8-10-83, 10-16-85, Formerly 21J-25.01, 21J-25.001, Amended _____.

61G8-25.002 Licensure by Endorsement; Funeral Directors.

(1) No change.

(2) ~~Pursuant to Section 470.011(1)(a), F.S. (1983);~~ The Board of Funeral Directors and Embalmers determines that persons who have successfully completed a course in mortuary science prior to 1979 at a school or college approved by the American Board of Funeral Service Education and who have passed a Funeral Director Examination administered by a licensing agency of another state or the examination administered by The Conference of Funeral Service Examining Boards with a score of at least 75% on all sections of the examination and who hold a current valid license to practice funeral directing in the original state of licensure; or

(3) No change.

Specific Authority 470.005, 470.011 FS. Law Implemented 470.011 FS. History—New 6-4-80, Amended 12-24-81, 8-10-83, 10-16-85, Formerly 21J-25.02, Amended 7-30-86, Formerly 21J-25.002, Amended _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 17, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: RULE NO.:

Qualifications 61G8-26.002

PURPOSE AND EFFECT: To remove ambiguous language from the rule.

SUMMARY: Indefinite and unclear text has been stricken from the 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: 455.11(3), 455.217, 470.005 FS.

LAW IMPLEMENTED: 455.11(3), 455.217, 470.005 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-26.002 Qualifications.

The Board shall accept for examination any applicant applying pursuant to Section 455.11(3), F.S., who:

(1) Provides adequate documentation that the applicant was licensed or otherwise authorized by law to practice as a funeral director in, and was a resident national of the Republic of Cuba and who, upon July 1, 1977, was a resident of this State; and

(2) through (6) No change.

Specific Authority 455.11(3), 455.217, 470.005 FS. Law Implemented 455.11(3,) 455.217, 470.005 FS. History--New 6-3-81, Amended 7-2-85, Formerly 21J-26.02, 21J-26.002, Amended.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 17, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLES: Confirmation of Completion of Courses Requirement for Instruction on Human Immunodeficiency Virus, Acquired Immune Deficiency Syndrome and Communicable Diseases

RULE NOS.: 61G8-32.004 61G8-32.007

PURPOSE AND EFFECT: Subsection (2) of Rule 61G8-32.004 has been rewritten for clarity and definition of the rule text, and Subsection (11) has been stricken from Rule 61G8-32.007 because it is duplicative of disciplinary guidelines.

SUMMARY: Language in Rule 61G8-32.004 has been rewritten, and in Rule 61G8-32.007, text has been stricken.

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

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

SPECIFIC AUTHORITY: 455.2226(6),(7), 470.005, 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS.

LAW IMPLEMENTED: 455.219(2), 455.2226, 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G8-32.004 Confirmation of Completion of Courses.

For the purpose of providing confirmation of completion of an approved course pursuant to Section 455.2226(2) or (5), Florida Statutes, each licensee or applicant shall:

(1) No change.

(2) A licensee or applicant shall make available, upon request of the Board or the Department, a certificate of completion obtained from the course provider. The licensee or applicant shall retain the certificate of completion for a minimum of two years after he or she has submitted confirmation of completion of the Human Immunodeficiency Virus, Acquired Immune Deficiency Syndrome and Communicable Diseases courses. Obtain from the course provider a certificate of completion which shall be maintained by the licensee or applicant and made available upon request for a minimum of two years after the date upon which the licensure or applicant is required to submit confirmation of completing an approved course as described in Section 61G8-32.002.

Specific Authority 455.2226(6), 470.005 FS. Law Implemented 455.2226 FS. History--New 5-24-89, Amended 2-14-90, Formerly 21J-32.004, Amended.

61G8-32.007 Requirement for Instruction on Human Immunodeficiency Virus, Acquired Immune Deficiency Syndrome and Communicable Diseases.

(1) through (10) No change.

~~(11) Failure to complete such a board approved educational course within the biennium or within the six month period discussed in subsection (9) shall result in a fine of \$500.00 and suspension of licensure until the licensee appears before the Board and demonstrates that he or she has paid the fine and taken such board approved course.~~

Specific Authority 455.2226(7), 470.005, 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS. Law Implemented 455.219(2), 455.2226, 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS. History--New 3-19-92, Amended 6-17-92, Formerly 21J-32.007, Amended 5-1-95, 10-29-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Funeral Directors and Embalmers
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 17, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE TITLE: Disciplinary Guidelines
RULE NO.: 61G18-30.001
PURPOSE AND EFFECT: The Board is amending this rule to update the rule text with regard to kickbacks.

SUMMARY: The Board proposes to amend the disciplinary guidelines, in particular Subsection (2)(k) which addresses paying or receiving kickbacks.

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: 455.2273(1) FS.
LAW IMPLEMENTED: 455.2273, 474.213, 474.214 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Madeline Smith, Executive Director, Board of Veterinary Medicine, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61G18-30.001 Disciplinary Guidelines.
- (1) No change.
- (2) When the Board finds an applicant or licensee whom it regulates under Chapter 474, Florida Statutes, has committed any of the acts set forth in Section 474.214(1), Florida Statutes, it shall issue a Final Order imposing appropriate penalties which are set forth in 474.214(2) and include revocation of license and a fine of up to one thousand dollars (\$1,000.00) per offense.

- (a) through (j) No change.
- (k) Paying or receiving kickbacks, rebates, bonuses, or other remuneration for receiving a patient or client or for referring a patient or client to another provider of veterinary services or goods. In construing this section, the Board shall deem that a referral to an entity with which the veterinarian has a contractual relationship, for the sale of non-veterinary, non-medical pet food or pet supplies, does not constitute a kickback, so long as the client is aware of the relationship.

- (1) through (oo) No change.
- (3) through (7) No change.

Specific Authority 455.2273(1) FS. Law Implemented 455.2273, 474.213, 474.214 FS. History--New 12-8-86, Amended 5-27-91, Formerly 21X-30.001, Amended 8-18-94, 5-13-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Veterinary Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Veterinary Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 8, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Formulary
RULE NO.: 64B8-30.008
PURPOSE AND EFFECT: The proposed rule amendment is intended to make additions to the Physician Assistant formulary in response to the recommendations of the Formulary Committee.

SUMMARY: The proposed rule amendment makes additions to the Physician Assistant formulary in response to the recommendations of the Formulary Committee.

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

The usual action of the Board for those violations not disposed of by the Board's rule concerning minor violations shall be to impose a penalty of a one (1) year probation and a one thousand dollar (\$1,000.00) administrative fine for each count.

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: 10:00 a.m., May 18, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-30.008 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 154. No change.

155. Cyclosporine Microemulsion

155. through 327. renumbered 156. through 328. No change.

329. Latanoprost

328. through 443. renumbered 330. through 445. No change.

446. Oseltamivir phosphate

444. through 466. renumbered 447. through 469. No change.

470. Perindopril Erbumine

467. through 478. renumbered 471. through 482. No change.

483. Pioglitazone Hydrochloride

479. through 492. renumbered 484. through 497. No change.

498. Pramipexole

493. through 520. renumbered 499. through 526. No change.

527. Rabeprazole Sodium

521. through 596. renumbered 528. through 603. No change

604. Tolterodine Tartrate

605. Topiramate

597. through 634. renumbered 606. through 643. No change.

644. Zanamivir

635. through 638. renumbered 645. through 648. 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, 12-28-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Formulary Committee

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 8, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2000

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: RULE NO.:

Standard of Practice for Licensed Optometrists 64B13-3.010

PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify standards of practice with regard to the existing formulary.

SUMMARY: The proposed rule amendments delete subsections (4),(5),(6),(12) and (13) as these are inconsistent with the existing 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: 463.005(1) FS.

LAW IMPLEMENTED: 463.005(1), 463.0135(1), 463.016(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-3.010 Standard of Practice for Licensed Optometrists.

(1) through (3) No change.

~~(4) The pharmaceutical agents listed in 64B13-18.002(7) shall not be used to treat endogenous uveitis.~~

~~(5) If the pharmaceutical agents listed in 64B13-18.002(7) fail to obtain the desired medical result within a reasonable and prudent time frame consistent with Section 463.0135(1), Florida Statutes, the certified optometrist shall consult with a physician skilled in the treatment of diseases of the eye and licensed under Chapter 458 or Chapter 459, Florida Statutes.~~

~~(6) Certified optometrists shall in a manner consistent with Section 463.0135(1), Florida Statutes, exercise caution and reservation in the use of Norfloxacin, Ofloxacin 0.3% and Ciprofloxacin, reserving their use to that of third tier agents whenever appropriate.~~

(7) through (10) renumbered (4) through (7) No change.

~~(8)(H)~~ Certified optometrists serving as adjunct professors to schools or colleges of optometry pursuant to Section 463.0057, F.S., ~~rule 64B13-4.004~~ may delegate to residents or interns of said school, educational functions or duties beyond the restrictions of section 463.009, F.S. Such delegated duties or functions shall be in accordance with section 463.002(6), F.S. For purposes of this rule, residents or interns of qualified schools or colleges of optometry are not defined as nonlicensed supportive personnel.

~~(12) Certified optometrists shall, in a manner consistent with Section 463.0135(1), Florida Statutes, use Iopidine .5% only as short term adjunctive therapy.~~

~~(13) Certified optometrists shall use Trusopt in a manner consistent with Section 463.0135, Florida Statutes.~~

Specific Authority 463.005(1) FS. Law Implemented 463.005(1), 463.0135(1), 463.016(1) FS. History—New 9-16-80, Amended 12-20-82, Formerly 21Q-3.10, Amended 7-11-88, 6-18-92, 1-28-93, Formerly 21Q-3.010, Amended 3-16-94, Formerly 61F8-3.010, Amended 8-24-94, 9-21-94, 2-13-95, 12-31-95, Formerly 59V-3.010, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

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

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

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Formulary of Topical Ocular Pharmaceutical Agents

RULE NO.: 64B13-18.002

PURPOSE AND EFFECT: The proposed rule amendment is intended to address the topical ocular pharmaceutical formulary.

SUMMARY: The proposed rule amendment clarifies the topical ocular pharmaceutical agents in the 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: 463.0055(2)(a) FS.

LAW IMPLEMENTED: 463.0055 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-18.002 Formulary of Topical Ocular Pharmaceutical Agents.

The topical ocular pharmaceutical formulary consists of pharmaceutical agents which a certified optometrist is qualified to administer and prescribe in the practice of optometry pursuant to Section 463.0055(2)(a), Florida Statutes. The topical ocular pharmaceutical agents in the formulary include ~~only commercially available over the counter preparations and non-scheduled commercially available preparations~~ of the following legend drugs alone or in combination:

(1) through (10) No change.

Specific Authority 463.0055(2)(a) FS. Law Implemented 463.0055 FS. History—New 3-30-87, Amended 4-5-88, 5-7-90, Formerly 21-18.002, Amended 5-10-92, 1-29-93, Formerly 21Q-18.002, Amended 8-31-93, 7-30-94, Formerly 61F8-18.002, Amended 2-11-96, 4-21-96, 1-12-97, 6-8-97, Formerly 59V-18.002, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

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

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

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Formulary RULE NO.: 64B15-6.0038

PURPOSE AND EFFECT: The proposed rule amendment is intended to make additions to the Physician Assistant formulary in response to the recommendations of the Formulary Committee.

SUMMARY: The proposed rule amendment makes additions to the Physician Assistant formulary in response to the recommendations of the Formulary Committee.

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: 458.347, 459.022(4)(e) FS.

LAW IMPLEMENTED: 459.022(4)(e) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-6.0038 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 154. No change.

155. Cyclosporine Microemulsion

155. through 327. renumbered 156. through 328. No change.

329. Latanoprost

328. through 443. renumbered 330. through 445. No change.

446. Oseltamivir phosphate

444. through 466. renumbered 447. through 469. No change.

470. Perindopril Erbumine

467. through 478. renumbered 471. through 482. No change.

483. Pioglitazone Hydrochloride

479. through 492. renumbered 484. through 497. No change.

498. Pramipexole

493. through 520. renumbered 499. through 526. No change.

527. Rabeprazole Sodium

521. through 596. renumbered 528. through 603. No change

604. Tolterodine Tartrate

605. Topiramate

597. through 634. renumbered 606. through 643. No change.

644. Zanamivir

635. through 638. renumbered 645. through 648. No change.

Specific Authority 458.347, 459.022(4)(e) FS. Law Implemented 459.022(4)(e) FS. History—New 3-12-94, Formerly 61F9-6.0038, Amended 11-30-94, 4-17-95, 8-27-95, 11-13-96, Formerly 59W-6.0038, Amended 5-12-98, 3-10-99, 3-9-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 8, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 10, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Establishment Orders RULE NO.: 68A-14.001

PURPOSE AND EFFECT: The purpose of the proposed rule is to provide for establishment of public small-game hunting areas within Type I and Type II Wildlife Management Areas (WMAs), wildlife and environmental areas (WEAs), and fish management areas for the purpose of designating dove-hunt only areas.

SUMMARY: The proposed rule would provide for establishment of public small-game hunting areas within Type I and Type II Wildlife Management Areas (WMAs), wildlife and environmental areas (WEAs), and fish management areas (FMA) pursuant to rule 13.007, FAC., for the purpose of designating dove-hunt only areas. Regulations for each public small-game hunting area would supercede regulations for the Type I and II WMA, WEA, or FMA within which it occurs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$125 for administrative preparation and \$41 for advertising. No other significant economic impacts are expected.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

A HEARING ON THE PROPOSED RULE WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., each day, May 24-26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-14.001 Establishment Orders.

(1) through (2) No change.

(3) Public small-game hunting areas may be established within Type I and Type II wildlife management areas, wildlife and environmental areas, and fish management areas pursuant to Section 68A-13.007, FAC., for the purpose of designating dove-hunt only areas. Regulations for each public small-game hunting area so established shall supercede regulations for the Type I wildlife management area, Type II wildlife management area, wildlife and environmental area, or fish management area within which it occurs.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-21-82, Formerly 39-14.01, Amended 10-28-97, 6-30-99, Formerly 39-14.001, Amended 12-19-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Florida Waterfowl Stamp Design Contest RULE NO.: 68A-28.002

PURPOSE AND EFFECT: The purpose of the proposed rule is to delete the rule. The result should cause no adverse effect to the participants since the language contained in the rule will be provided in the packets mailed to the participants each year.

SUMMARY: The language contained in this rule provides instruction and direction to the participants of the contest. This change eliminates costs associated with administrative changes through a rule process and allows flexibility in the future.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

A HEARING ON THE PROPOSED RULE WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., each day, March 24-26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Game and Fresh Water Fish Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-28.002 Florida Waterfowl Stamp Design Contest.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-84, Formerly 39-28.02, Amended 6-15-87, 8-18-88, 4-11-90, 4-14-92, 7-1-94, Formerly 39-28.002, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Thomas J. Wright

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 7, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Miscellaneous

RULE TITLE: RULE NO.:

Landing of Finfish with Heads and Tails 68B-5.005
 Intact; Exception; Definitions

PURPOSE AND EFFECT: The purpose of this proposed new rule is to require that all finfish, with two exceptions for species that have special rules, be landed in a whole condition. The effect of the new rule should be to increase understanding of rules for all finfish harvested in Florida and adjacent federal waters and aid enforcement of size and species rules.

SUMMARY: Subsection (1) of new Rule 68B-5.005 requires that all finfish be landed in a whole condition. The subsection prohibits the possession of finfish that have been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned while in or on the waters of the state or on any pier, bridge where fishing is allowed, or jetty. Gutting of finfish or removal of gills is specifically allowed. Subsection (2) states that the rule does not apply to sharks or mullet, which have their own rules on the subject. The term "finfish" is defined in subsection (3).

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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: Article IV, Section 9, Florida Constitution.

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

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING ITS REGULAR PUBLIC MEETINGS, AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., or as soon thereafter as the item can be heard, May 25 or 26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, Florida

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.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-5.005 Landing of Finfish with Heads and Tails Intact; Exception; Definitions.

(1) All finfish shall be landed in a whole condition. The possession, while in or on state waters, on any public or private fishing pier, on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of a finfish that has been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or "gutting" of a finfish, or mere removal of gills before landing is not prohibited.

(2) This rule is not intended to apply to the harvest or landing of mullet or sharks, the handling of which are governed by Rule Chapters 68B-39 and 68B-44, F.A.C., respectively.

(3) For purposes of this rule, "finfish" means any member of the classes Agnatha, Chondrichthyes, or Osteichthyes.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: King Mackerel Resource Renewal

RULE TITLE: RULE NO.:

Size Limit 68B-12.0035

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete a provision requiring king mackerel to be landed in a whole condition in favor of a new generic rule being adopted, Rule 68B-5.005, that will impose such a requirement for all finfish. The effect of the rule amendment should be to increase understanding of rules for all finfish harvested in Florida and adjacent federal waters and aid enforcement of size and species rules.

SUMMARY: Subsection (2) of Rule 68B-12.0035, FAC., which requires that king mackerel be maintained in a whole condition through landing, is deleted and the remaining subsection is renumbered.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has not been prepared regarding these proposed rules.

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: Article IV, Section 9, Florida Constitution; Chapter 83-134, Laws of Florida., as amended by Chapter 84-121, and Chapter 85-163, Laws of Florida.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; Chapter 83-134, Laws of Florida., as amended by Chapter 84-121, and Chapter 85-163, Laws of Florida.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING ITS REGULAR PUBLIC MEETINGS, AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., or as soon thereafter as the item can be heard, May 25 or 26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, Florida

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.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF

THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-12.0035 Size Limit.

(1) No person shall harvest from the waters of the Gulf-Atlantic Fishery or land any king mackerel with a fork length less than 24 inches, measured from the tip of the snout to the rear center edge of the tail.

~~(2) All king mackerel shall be landed in a whole condition. The possession, while in or on state waters, on any public or private fishing pier, or on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of any such fish that have been deheaded, sliced, divided, filleted, ground, skinned, sealed, or deboned is prohibited. Mere evisceration or "gutting" of such fish, or mere removal of gills before landing is not prohibited.~~

~~(2)(3)~~ It is the intent of this rule and Rule 68B-30.0025 to expressly repeal and replace Section 370.11(2)(a)3., Florida Statutes, and the remainder of Section 370.11(2)(a), Florida Statutes, as these provisions pertain to king mackerel.

Specific Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. History--New 11-29-93, Amended 6-3-96, 10-22-99, Formerly 46-12.0035, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Reef Fish

RULE TITLE: Other Prohibitions RULE NO.: 68B-14.006

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete a provision requiring reef fish to be landed in a whole condition in favor of a new generic rule

being adopted, Rule 68B-5.005, that will impose such a requirement for all finfish. The effect of the rule amendment should be to increase understanding of rules for all finfish harvested in Florida and adjacent federal waters and aid enforcement of size and species rules.

SUMMARY: Subsection (4) of Rule 68B-14.006, FAC., which requires that reef fish be maintained in a whole condition through landing, is deleted.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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: Article IV, Section 9, Florida Constitution.

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

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING ITS REGULAR PUBLIC MEETINGS, AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., or as soon thereafter as the item can be heard, May 25 or 26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, Florida

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.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-14.006 Other Prohibitions.

(1) Possession of any fish in excess of any applicable bag limit or smaller than any minimum size limit established by this chapter by any person aboard a vessel fishing in state waters constitutes a violation of this chapter.

(2) No person shall possess, transport, buy, sell, exchange or offer to buy, sell or exchange any fish harvested in violation of this chapter.

(3) The prohibitions of this chapter apply as well to any and all persons operating a vessel in state waters, who shall be deemed to have violated any prohibition which has been violated by another person aboard such vessel.

~~(4) All fish harvested from Florida or adjacent federal Exclusive Economic Zone (EEZ) waters pursuant to the requirements of this chapter, shall be landed in a whole condition. The possession, while in or on state waters, on any public or private fishing pier, on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of such fish that have been deheaded, sliced, divided, filleted, ground, skinned, scaled or deboned is prohibited. Mere evisceration or "gutting" of fish, or mere removal of gills from fish, before landing is not prohibited. Preparation of fish for immediate consumption on board the vessel from which the fish were caught is not prohibited.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-11-86, Amended 2-1-90, 7-15-96, 12-31-98, Formerly 46-14.006, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Snook

RULE TITLES: Size Limits RULE NOS.: 68B-21.005

Restrictions on Gear and Methods Used to Take Snook 68B-21.007

PURPOSE AND EFFECT: The purpose of these rule amendments is twofold: to delete provisions requiring snook to be landed in a whole condition in favor of a generic rule being adopted as Rule 68B-5.005, and to apply the gear and method

of take restrictions of this chapter to snook harvested in adjacent federal waters. The effect of these rule amendments should be to increase the understanding of rules for all finfish harvested in Florida and adjacent federal waters and assist in the enforcement of gear and methods rules for snook, Florida's most popular recreational game fish.

SUMMARY: Rule 68B-21.005, FAC., is amended to delete the requirement that snook be maintained in a whole condition through landing. Rule 68B-21.007, FAC., is amended to specifically apply restrictions on the gear used to harvest snook to fish taken in federal, as well as state waters.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has not been prepared regarding these proposed rules.

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: Article IV, Section 9, Florida Constitution.

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

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING ITS REGULAR PUBLIC MEETINGS, AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., or as soon thereafter as the item can be heard, May 25 or 26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, Florida

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.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

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

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-21.005 Size Limits.

(1) It is unlawful for any person, firm or corporation to kill, harvest or possess any snook that measures less than 26 inches or greater than 34 inches in total length (measured from the most forward point of the lower jaw to the tip of the tail).

~~(2) All snook harvested from Florida waters shall be landed in a whole condition. The possession, while on state waters, of snook that have been deheaded, sliced, divided, filleted, ground, skinned, sealed, or deboned is prohibited. Mere evisceration or "gutting" of snook, or mere removal of gills from snook, before landing is not prohibited. Preparation of snook for immediate consumption on board the vessel from which the fish were caught is not prohibited.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-23-85, Amended 7-9-87, 12-31-98, Formerly 46-21.005, Amended _____.

68B-21.007 Restrictions on Gear and Methods Used to Take Snook.

(1) The taking or attempted taking of snook within or without ~~in or from~~ state waters is prohibited except by use of hook and line gear. For purposes of this chapter, the phrase "hook and line gear" includes any rod and reel or any pole to which such hook and line are attached, as well as any bob, float, weight, lure, plug, spoon and/or standard bait attached thereto. However, the harvest of snook within or without ~~in or from~~ state waters by or with the use of any treble hook in conjunction with live or dead natural bait is prohibited.

(2) It is unlawful to take or attempt to take snook by use of any net, seine or trap, or by use of any gang hook, multiple hooks, snatch hooks, or by spearing, or by any device designed or intended to impale or hook the fish by any part of its body other than its mouth, or by use of any other device not specifically permitted in subsection (1) of this section. What is commonly called snook snatching is prohibited within or without ~~in~~ the waters of this state.

(3) It is unlawful for any person, firm, or corporation while fishing, using, transporting or possessing any net, seine, trap or other fishing device not specifically permitted in subsection (1) of this rule to have in its possession any snook. This prohibition shall not apply to possession aboard a vessel of a single cast net if it is secured and stored off the deck of the vessel. Any snook accidentally taken by any trap, net or seine shall not be deemed to be possessed in violation of this rule if such snook is immediately returned to the water free, alive and unharmed.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-23-85, Amended 7-9-87, 3-1-94, 1-1-98, Formerly 46-21.007, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Red Drum (Redfish)

RULE TITLE: Other Prohibitions; Applicability

RULE NO.: 68B-22.006

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete a provision requiring redfish to be landed in a whole condition in favor of a new generic rule being adopted, Rule 68B-5.005, that will impose such a requirement for all finfish. The effect of the rule amendment should be to increase understanding of rules for all finfish harvested in Florida and adjacent federal waters and aid enforcement of size and species rules.

SUMMARY: Subsection (4) of Rule 68B-22.006, FAC., which requires that redfish be maintained in a whole condition through landing, is deleted and the remaining subsections are renumbered.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has not been prepared regarding these proposed rules.

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: Article IV, Section 9, Florida Constitution.

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

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING ITS REGULAR PUBLIC MEETINGS, AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., or as soon thereafter as the item can be heard, May 25 or 26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, Florida

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.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-22.006 Other Prohibitions; Applicability.

(1) The harvest of any redfish in or from state waters by or with the use of any multiple hook in conjunction with live or dead natural bait is prohibited. Spearing or snagging (snatch hooking) of redfish in or from state waters is prohibited.

(2) It is unlawful for any person to possess, transport, buy, sell, exchange or attempt to buy, sell or exchange any redfish harvested in violation of this chapter.

(3) No operator of a vessel in or on state waters shall allow the possession aboard the vessel of any redfish not in compliance with established bag limits, size limits, seasons or any prohibited gear as specified in this chapter or in chapter 68B-4, F.A.C.

~~(4) All redfish harvested from Florida waters shall be landed in a whole condition. The possession, while in or on state waters, on any public or private fishing pier, or on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of any redfish that has been deheaded, sliced, divided, filleted, ground, skinned, scaled or deboned is prohibited. Mere evisceration or "gutting" of redfish, or mere removal of gills from redfish, before landing is not prohibited. Preparation of redfish for immediate consumption on board the vessel from which the fish were caught is not prohibited.~~

(5) Provisions of this rule chapter shall not apply to redfish artificially spawned and raised in commercial aquaculture facilities. Failure to maintain appropriate receipt(s), bill(s),

bill(s) of sale, or bill(s) of lading, that such redfish were artificially spawned and raised in commercial aquaculture facilities, shall constitute a violation of this rule.

(5)(6) The simultaneous possession aboard a vessel of any gill net or entangling net together with any redfish is prohibited.

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 2-12-87, Amended 6-3-91, 1-1-96, 1-1-98, Formerly 46-22.006, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Spanish Mackerel

RULE TITLE: Size Limit RULE NO.: 68B-23.0035

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete a provision requiring Spanish mackerel to be landed in a whole condition in favor of a new generic rule being adopted, Rule 68B-5.005, that will impose such a requirement for all finfish. The effect of the rule amendment should be to increase understanding of rules for all finfish harvested in Florida and adjacent federal waters and aid enforcement of size and species rules.

SUMMARY: Subsection (2) of Rule 68B-23.0035, FAC., which requires that Spanish mackerel be maintained in a whole condition through landing, is deleted.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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: Article IV, Section 9, Florida Constitution.

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

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING ITS REGULAR PUBLIC MEETINGS, AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., or as soon thereafter as the item can be heard, May 25 or 26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, Florida

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.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-23.0035 Size Limit.

(4) No person shall harvest from state waters, possess while in or on state waters, or land any Spanish mackerel with a fork length less than 12 inches, measured from the tip of the snout to the rear center edge of the tail.

~~(2) All Spanish mackerel harvested in or from Florida or adjacent federal Exclusive Economic Zone (EEZ) waters shall be landed in a whole condition. The possession, while in or on state waters, on any public or private fishing pier, on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of a Spanish mackerel that has been deheaded, sliced, divided, filleted, ground, skinned, sealed, or deboned is prohibited. Mere evisceration or "gutting" of Spanish mackerel, or mere removal of gills before landing is not prohibited.~~

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 6-1-99, Formerly 46-23.0035, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Spanish Mackerel

RULE TITLE: Recreational Bag Limit for Spanish Mackerel

RULE NO.: 68B-23.005

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is to increase the recreational bag limit on July 1, 2000, to acknowledge the continued recovery of the species in Florida and adjacent federal waters under conservative management. The effect should be to promote angling for this now abundant fish.

SUMMARY: Paragraph (2)(a) of Rule 68B-23.005, FAC., is amended to increase the daily bag and possession limit from 10 Spanish mackerel to 15. The proposed rule amendment will have an effective date of July 1, 2000.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has not been prepared regarding these proposed rules.

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: Article IV, Section 9, Florida Constitution.

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

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE, A HEARING ON THE PROPOSED RULES WILL BE HELD DURING ITS REGULAR PUBLIC MEETINGS, AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., or as soon thereafter as the item can be heard, May 25 or 26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, Florida

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.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-23.005 Recreational Bag Limit for Spanish Mackerel.

(1) No recreational harvester shall harvest more than 15 ~~40~~ Spanish mackerel per day from waters of the state.

(2)(a) No recreational harvester shall possess, while in or on the waters of the state or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters, more than 15 ~~40~~ Spanish mackerel, whether harvested from state waters or from adjacent federal waters.

(b) The captain or crew of a charter vessel may each temporarily possess more than the applicable possession limit for Spanish mackerel, once the vessel is docked, for the limited purposes of transporting, cleaning, or storing fish for customers, so long as the fish are segregated in bags or other containers by customer and the customer has given written authorization to the captain to temporarily possess the fish for such limited purposes. The authorization shall remain attached to the bag or container containing the fish until they are returned to the customer.

(3) No recreational harvester, while on any vessel in state waters, shall transfer any Spanish mackerel to any other vessel.

PROPOSED EFFECTIVE DATE: July 1, 2000.

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 10-30-86, Amended 12-10-87, 10-1-88, 10-1-90, 11-26-92, 2-14-94, 1-1-98, Formerly 46-23.005, Amended 7-1-00.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 31, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Spiny Lobster (Crawfish) and Slipper Lobster

RULE TITLE: Trap Reduction Schedule
RULE NO.: 68B-24.009

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is to postpone until the 2001-2002 license year the scheduled 10% reduction in spiny lobster traps and trap certificates. Without this rule change, the ten percent reduction would take place in the coming spiny lobster season, which begins in August of this year. The effect of this effort will be to allow commercial lobster harvest in the 2000-2001 season, using the same number of traps as used in the 1999-2000 season, while providing an additional year to evaluate the economic and biological impact of the trap reduction program.
SUMMARY: Subsection (1) of Rule 68B-24.009, F.A.C., is amended to provide for a 0% reduction in the number of traps being used in the spiny lobster commercial fishery during the coming 2000-2001 license year, and postpone until license year 2001-2002 the scheduled reduction of 10%.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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: Article IV, Section 9, Florida Constitution.

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

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

TIME AND DATES: 8:30 a.m., or as soon thereafter as the item can be heard, May 25 or 26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, Florida

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.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-24.009 Trap Reduction Schedule.

(1) Beginning with the 1997-1998 license year, the maximum number of lobster trap certificates issued each season by the Commission pursuant to Section 370.142, Florida Statutes, shall be reduced each season by the percentage specified in this subsection from the total issued for the immediately previous season. These reductions shall apply to all lobster trap certificate holders.

(a) For the license year 1997-1998, the reduction shall be 0 percent.

(b) For the license year 1998-1999, the reduction shall be 10 percent.

(c) For the license year 1999-2000, the reduction shall be 0 percent.

(d) For the license year 2000-2001, the reduction shall be 0 ~~10~~ percent.

(e) For the license year 2001-2002, the reduction shall be 10 percent.

(2) It is the intention of the Fish and Wildlife Conservation Commission to annually review and evaluate the impact of the trap reduction schedule on the spiny lobster fishery. Should it become necessary to suspend, reverse, or extend the reduction schedule, the Commission shall initiate rulemaking to amend subsection (1) of this rule.

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 3-1-92, Amended 6-1-94, 6-3-96, 3-5-97, Formerly 46-24.009, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 1999
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 10, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Southwest Florida Shells

RULE TITLE: Live Shellfish, Regulation

RULE NO.: 68B-26.003

PURPOSE AND EFFECT: The purpose of this rule amendment is to expand the prohibition against harvest or possession of any live shellfish in Lee County to include Ft. Myers Beach. The municipality has requested this action. The effect of the rulemaking should be to increase public awareness of the need to conserve live shellfish in Ft. Myers Beach, while not affecting the normal practice of collecting shells that do not contain a living animal.

SUMMARY: Paragraph (1)(b) of Rule 68B-26.003, F.A.C., is amended to add Ft. Myers Beach as a municipality in Lee County within which the harvest of live shellfish is prohibited.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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: Article IV, Section 9, Florida Constitution.

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

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING ITS REGULAR PUBLIC MEETINGS, AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., or as soon thereafter as the item can be heard, May 25 or 26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, Florida

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.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-26.003 Live Shellfish, Regulation.

(1) Lee County Live Shellfish Restrictions –

(a) Except as provided in paragraph (b) for the City of Sanibel and in subsection (3), no person shall:

1. Harvest more than two live shellfish of any single species, per day, within Lee County.

2. Possess, in that area of Lee County between the mean high water line and the county limits in the Gulf of Mexico, more than two live shellfish of any single species at any time.

(b) Except as provided in subsection (3), no person shall:

~~1. harvest any live shellfish within the following named cities, or City of Sanibel.~~

~~2. possess, in that area of the City of Sanibel between the mean high water line and the city limits, any live shellfish at any time;~~

1. The City of Sanibel.

2. The City of Ft. Myers Beach.

(2) Manatee County Live Shellfish Restrictions – Except as provided in subsection (3), beginning July 1, 1996, no person shall:

(a) Harvest more than 2 live shellfish of any single species, per day, within Manatee County.

(b) Possess, in that area of Manatee County between the mean high water line and the seaward extent of state waters within the county, more than two live shellfish of any single species at any time.

(3) Pursuant to Section 370.10(2), Florida Statutes, the Fish and Wildlife Conservation Commission may issue permits to harvest or possess more live shellfish of any single species

within Lee County or Manatee County than provided for in subsections (1) and (2) of this rule, for experimental, scientific, or exhibitional purposes.

(4) It is lawful to harvest any shell within Lee County or within Manatee County, so long as such shell does not contain any live shellfish at the time of harvest and so long as a live shellfish is not killed, mutilated, or removed from its shell prior to such harvest.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-15-87, Amended 9-1-93, 1-1-95, 4-1-96, Formerly 46-26.003, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: King Mackerel – Atlantic Fishery

RULE TITLE: _____ RULE NO.: _____

Size Limit _____ 68B-30.0025

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete a provision requiring king mackerel to be landed in a whole condition in favor of a new generic rule being adopted, Rule 68B-5.005, that will impose such a requirement for all finfish. The effect of the rule amendment should be to increase understanding of rules for all finfish harvested in Florida and adjacent federal waters and aid enforcement of size and species rules.

SUMMARY: Subsection (2) of Rule 68B-30.0025, FAC., which requires king mackerel to be maintained in a whole condition through landing, is deleted and the remaining subsection is renumbered.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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: Article IV, Section 9, Florida Constitution; Chapter 83-134, Laws of Florida., as amended by Chapter 84-121, and Chapter 85-163, Laws of Florida.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; Chapter 83-134, Laws of Florida., as amended by Chapter 84-121, and Chapter 85-163, Laws of Florida.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING ITS REGULAR PUBLIC MEETINGS, AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., or as soon thereafter as the item can be heard, May 25 or 26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, Florida

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.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-30.0025 Size Limit.

(1) No person shall harvest from the waters of the Atlantic Fishery or land any king mackerel with a fork length less than 24 inches, measured from the tip of the snout to the rear center edge of the tail.

~~(2) All king mackerel shall be landed in a whole condition. The possession, while in or on state waters, on any public or private fishing pier, or on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of any such fish that have been deheaded, sliced, divided, filleted, ground, skinned, sealed, or deboned is prohibited. Mere evisceration or "gutting" of such fish, or mere removal of gills before landing is not prohibited.~~

~~(2)(3)~~ It is the intent of this rule and Rule 68B-12.0035 to expressly repeal and replace Section 370.11(2)(a)3., Florida Statutes, and the remainder of Section 370.11(2)(a), Florida Statutes, as these provisions pertain to king mackerel.

Specific Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. History—New 11-29-93, Amended 7-15-96, 10-22-99, Formerly 46-30.0025, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Pompano, African Pompano, and Permit

RULE TITLE: Size and Bag Limits; Prohibition of Sale RULE NO.: 68B-35.003

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete a provision requiring pompano, African pompano, and permit to be landed in a whole condition in favor of a new generic rule being adopted, Rule 68B-5.005, that will impose such a requirement for all finfish. The effect of the rule amendment should be to increase understanding of rules for all finfish harvested in Florida and adjacent federal waters and aid enforcement of size and species rules.

SUMMARY: Paragraph (1)(c) of Rule 68B-35.003, FAC., which requires that pompano, African pompano, and permit be maintained in a whole condition through landing, is deleted.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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: Article IV, Section 9, Florida Constitution.

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

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING ITS REGULAR PUBLIC MEETINGS, AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., or as soon thereafter as the item can be heard, May 25 or 26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, Florida

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.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-35.003 Size and Bag Limits; Prohibition of Sale.

(1) Size Limits

(a) No person shall harvest in or from state waters, or possess while in or on state waters, any pompano or permit, with a length less than 10 inches, or greater than 20 inches. No person shall purchase, sell, or exchange any pompano or permit with a length less than 10 inches, or greater than 20 inches.

(b) No person shall harvest in or from state waters, or possess while in or on state waters, any African pompano with a length less than 24 inches.

~~(c) All pompano, African pompano, and permit shall be landed in whole condition. The possession, while in or on state waters, on any public or private fishing pier, or on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of any such fish that have been deheaded, sliced,~~

~~divided, filleted, ground, skinned, sealed, or deboned is prohibited. Mere evisceration or "gutting" of such fish, or mere removal of gills, before landing is not prohibited.~~

(2) Bag Limits

(a) Except for persons harvesting pursuant to a valid saltwater products license, no person shall harvest in or from state waters more than a total of 10 pompano or permit per day, in any combination of species, nor possess while in or on state waters more than 10 such fish. No more than one (1) of such fish shall exceed 20 inches length.

(b) Each harvester of African pompano is subject to a bag limit of 2 African pompano per day, however, no more than 2 African pompano shall be possessed aboard any vessel while in or on state waters at any time.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-89, Amended 1-1-96, Formerly 46-35.003, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW.: April 14, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Black Drum

RULE TITLE: Other Prohibitions RULE NO.: 68B-36.005

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete a provision requiring black drum to be landed in a whole condition in favor of a new generic rule being adopted, Rule 68B-5.005, that will impose such a requirement for all finfish. The effect of the rule amendment should be to increase understanding of rules for all finfish harvested in Florida and adjacent federal waters and aid enforcement of size and species rules.

SUMMARY: Subsection (2) of Rule 68B-36.005, F.A.C., which requires that black drum be maintained in a whole condition through landing, is deleted.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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: Article IV, Section 9, Florida Constitution.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-36.005 Other Prohibitions.

(+) The harvest of black drum within or without the waters of the state by or with the use of any multiple hook in conjunction with live or dead natural bait, or the landing of black drum so harvested, is prohibited. Snagging (snatch hooking) of black drum within or without the waters of the state is also prohibited.

~~(2) All black drum shall be landed in a whole condition. The possession, while in or on state waters, of black drum that have been deheaded, sliced, divided, filleted, ground, skinned, sealed, or deboned is prohibited. Mere evisceration or "gutting" of black drum, or mere removal of gills, before landing is not prohibited.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-89, Formerly 46-36.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Spotted Seatrout

RULE TITLE: Size Limits

RULE NO.: 68B-37.003

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete a provision requiring spotted seatrout to be landed in a whole condition in favor of a new generic rule being adopted, Rule 68B-5.005, that will impose such a requirement for all finfish. The effect of the rule amendment should be to increase understanding of rules for all finfish harvested in Florida and adjacent Federal waters and aid enforcement of size and species rules.

SUMMARY: Subsection (3) of Rule 68B-37.003, F.A.C., which requires that spotted seatrout be maintained in a whole condition through landing, is deleted.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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: Article IV, Section 9, Florida Constitution.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-37.003 Size Limits.

(1)(a) Recreational Size Limits – Except as provided in paragraph (b), a person subject to a regional bag limit specified in Rule 68B-37.004(1) shall not harvest, possess while in or on the waters of the state, or land any spotted seatrout with a total length smaller or larger than the regional size limits indicated in this paragraph:

1. In the Northeast Region and South Region, a total length less than 15 inches or greater than 20 inches.
2. In the Northwest Region, a total length less than 15 inches or greater than 24 inches.

(b) A person harvesting under the bag limit established in Rule 68B-37.004 may harvest, possess while in or on the waters of the state, and land no more than one spotted seatrout per day with a total length greater than the applicable regional maximum size limit specified in paragraph (a) of this subsection.

(2) Commercial Size Limit – A person harvesting for commercial purposes shall not harvest, possess while in or on the waters of the state, or land any spotted seatrout with a total length less than 15 inches or greater than 24 inches. No person shall buy, sell, or exchange any spotted seatrout with a total length less than 15 inches or greater than 24 inches.

~~(3) All spotted seatrout harvested in or from Florida or adjacent federal Exclusive Economic Zone (EEZ) waters shall be landed in a whole condition. The possession, while in or on state waters, on any public or private fishing pier, on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of a spotted seatrout that has been deheaded, sliced, divided, filleted, ground, skinned, sealed, or deboned is prohibited. Mere evisceration or "gutting" of spotted seatrout, or mere removal of gills before landing is not prohibited.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-1-89, Amended 1-1-96, 8-1-96, Formerly 46-37.003, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Dolphin

RULE TITLE: Size Limit, Prohibition of Sale RULE NO.: 68B-41.003

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete a provision requiring dolphin to be landed in a whole condition in favor of a new generic rule being adopted, Rule 68B-5.005, that will impose such a requirement for all finfish. The effect of the rule amendment should be to increase understanding of rules for all finfish harvested in Florida and adjacent federal waters and aid enforcement of size and species rules.

SUMMARY: Subsection (3) of Rule 68B-41.003, FAC., which requires that dolphin commercially harvested be maintained in a whole condition through landing, is deleted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has not been prepared regarding these proposed rules.

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: Article IV, Section 9, Florida Constitution.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-41.003 Size Limit, Prohibition of Sale.

(1) No person shall buy, sell, or exchange any dolphin with a fork length less than 20 inches.

(2) No person harvesting for commercial purposes shall harvest, possess while in or on the waters of the state, or land any dolphin with a fork length less than 20 inches.

~~(3) No person harvesting for commercial purposes shall land any dolphin in other than a whole condition. The possession by such a person, while in or on state waters, of~~

~~dolphin that have been deheaded, sliced, divided, filleted, ground, skinned, sealed, or deboned is prohibited. Mere evisceration or "gutting" of dolphin, or mere removal of gills, before landing is not prohibited.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 1-1-91, Formerly 46-41.003, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Bluefish

RULE TITLE: Size Limit

RULE NO.: 68B-43.003

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete a provision requiring bluefish to be landed in a whole condition in favor of a new generic rule being adopted, Rule 68B-5.005, that will impose such a requirement for all finfish. The effect of the rule amendment should be to increase understanding of rules for all finfish harvested in Florida and adjacent federal waters and aid enforcement of size and species rules.

SUMMARY: Subsection (2) of Rule 68B-43.003, FAC., which requires that bluefish be maintained in a whole condition through landing, is deleted.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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: Article IV, Section 9, Florida Constitution.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

~~68B-43.003 Size Limit; Bluefish To Be Landed in Whole Condition.~~

~~(1) No person shall harvest, land, or sell or offer for sale any bluefish with a fork length less than 12 inches.~~

~~(2) All bluefish shall be landed in a whole condition. The possession, while in or on state waters, of such fish that have been deheaded, sliced, divided, filleted, ground, skinned, sealed, or deboned is prohibited. Mere evisceration or "gutting" of such fish, or mere removal of gills before landing is not prohibited.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 6-17-93, Amended 8-31-98, Formerly 46-43.003, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Weakfish

RULE TITLE: Size Limits RULE NO.: 68B-47.002

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete a provision requiring weakfish to be landed in a whole condition in favor of a new generic rule being adopted, Rule 68B-5.005, that will impose such a requirement for all finfish. The effect of the rule amendment should be to increase understanding of rules for all finfish harvested in Florida and adjacent federal waters and aid enforcement of size and species rules.

SUMMARY: Subsection (3) of Rule 68B-47.002, F.A.C., which requires that weakfish be maintained in a whole condition through landing, is deleted.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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: Article IV, Section 9, Florida Constitution.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-47.002 Size Limits.

(1) No person shall harvest, within or without the waters of the state, possess, or land any weakfish with a total length less than 12 inches.

(2) No person shall purchase, sell, or exchange any weakfish with a total length less than 12 inches.

~~(3) All weakfish shall be landed in whole condition. The possession, while in or on state waters, of weakfish that have been deheaded, sliced, divided, filleted, ground, skinned, sealed, or deboned is prohibited. Mere evisceration or "gutting" of weakfish, or mere removal of gills, before landing is not prohibited.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-17-95, Formerly 46-47.002, Amended _____

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Flounder and Sheepshead

RULE TITLE: Size and Bag Limits RULE NO.: 68B-48.003

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete a provision requiring flounder and sheepshead to be landed in a whole condition in favor of a new generic rule being adopted, Rule 68B-5.005, that will impose such a requirement for all finfish. The effect of the rule

amendment should be to increase understanding of rules for all finfish harvested in Florida and adjacent federal waters and aid enforcement of size and species rules.

SUMMARY: Paragraph (1)(b) of Rule 68B-48.003, F.A.C., which requires that flounder and sheepshead be maintained in a whole condition through landing, is deleted.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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: Article IV, Section 9, Florida Constitution.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-48.003 Size and Bag Limits.

(1) Size Limits –

~~(a) No person shall harvest in or from state waters, possess while in or on state waters, or sell or offer for sale any flounder or any sheepshead with a total length less than 12 inches.~~

~~(b) All flounder and sheepshead shall be landed in whole condition. The possession, while in or on state waters, on any public or private fishing pier, or on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of any such fish that have been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or "gutting" of such fish, or mere removal of gills, before landing is not prohibited.~~

(2) Bag Limits – Except for persons harvesting pursuant to a valid saltwater products license:

(a) No person shall harvest in or from state waters more than a total of 10 flounder per day, nor possess while in or on state waters more than 10 such fish.

(b) No person shall harvest in or from state waters more than a total of 15 sheepshead per day, nor possess while in or on state waters more than 15 such fish.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 1-1-96, Amended 1-1-97, 8-31-98, Formerly 46-48.003, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Tripletail

RULE TITLE: RULE NO.:

Size and Bag Limits, Daily Commercial

Vessel Limit, Designation as Restricted

Species 68B-49.002

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete a provision requiring tripletail to be landed in a whole condition in favor of a new generic rule being adopted, Rule 68B-5.005, that will impose such a requirement for all finfish. The effect of the rule amendment should be to increase understanding of rules for all finfish harvested in Florida and adjacent federal waters and aid enforcement of size and species rules.

SUMMARY: Paragraph (1)(b) of Rule 68B-49.002, F.A.C., which requires tripletail to be maintained in a whole condition through landing, is deleted.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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: Article IV, Section 9, Florida Constitution.

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

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING ITS REGULAR PUBLIC MEETINGS, AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., or as soon thereafter as the item can be heard, May 25 or 26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, Florida

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.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-49.002 Size and Bag Limits, Daily Commercial Vessel Limit, Designation as Restricted Species.

(1) Size Limits –

~~(a) No person shall harvest in or from state waters, possess while in or on state waters, or sell or offer for sale any tripletail with a total length less than 15 inches.~~

~~(b) All tripletail shall be landed in whole condition. The possession, while in or on state waters, on any public or private fishing pier, or on a bridge or catwalk attached to a bridge from which fishing is allowed, of any tripletail that have been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or "gutting" of such fish, or mere removal of gills, before landing is not prohibited.~~

(2) Bag Limit and Daily Commercial Vessel Limit.–

(a) Except for persons possessing a valid saltwater products license with a restricted species endorsement, no person shall harvest in or from state waters more than a total of 2 tripletail per day, nor possess while in or on state waters more than 2 such fish.

(b) Each person possessing a valid saltwater products license with a restricted species endorsement, shall be subject to a limit of 10 tripletail per day, provided however, that no more than 10 such fish shall be possessed aboard any vessel while in or on state waters, irrespective of the number of commercial harvesters aboard.

(3) Tripletail is hereby designated a restricted species pursuant to Section 370.01(20), Florida Statutes.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 1-1-96, Amended 8-31-98, Formerly 46-49.002, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE CHAPTER TITLE: Manatees RULE CHAPTER NO.: 68C-22

RULE TITLE: Duval County and Associated County (Parts of Clay and St. Johns) Zones RULE NO.: 68C-22.027

PURPOSE AND EFFECT: The purpose of the proposed amendments is to revise the existing motorboat speed and operation zones to improve manatee protection in portions of Duval County and in the northern portions of Clay and St. Johns counties. The effect of the amendments would be to increase the amount of area where motorboat speed and

operations are regulated for manatee protection in the Trout River and the waters of Duval County south of the Acosta Bridge, and in northern portions of Clay and St. Johns counties. In other portions of Duval County, some existing zones would be reduced in size or scope, including the area of the jetties at the mouth of the St. Johns River, at the intersection of the St. Johns River and the Atlantic Intracoastal Waterway at Sisters Creek, in Mill Cove, and in the St. Johns River between Reddie Point and the Acosta Bridge.

SUMMARY: The existing motorboat speed and operation regulations in Duval County would be revised. The 300-foot Slow Speed shoreline buffer in the Trout River would be extended upriver to the I-95 Bridge, while the 300-foot shoreline buffer in the St. Johns River south of the Fuller Warren Bridge would be expanded to 700 feet. New 300-foot buffers would be established in portions of the Ortega River, Julington Creek, and several other smaller waterways. The existing Slow Speed zone at the intersection of the St. Johns River and the Atlantic Intracoastal Waterway at Sisters Creek would be changed to a 300-foot buffer. The 300-foot buffer in most of Mill Cove and around the associated islands would be removed. The existing year-round and seasonal shore-to-shore zones in the St. Johns River between Reddie Point and the Acosta Bridge would also be changed to shoreline buffers. A Slow Speed shoreline buffer zone would be established in Clay County within 700 feet of the shorelines of Doctors Lake and the St. Johns River north of Peter Branch. In St. Johns County, a 700-foot Slow Speed shoreline buffer zone would be established along the shoreline of the St. Johns River north of Natures Hammock Road North and a 300-foot Slow Speed shoreline buffer would be established generally along the southern shoreline of Julington Creek.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Costs (SERC) has been prepared.

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

SPECIFIC AUTHORITY: 370.12(2)(m) FS.

LAW IMPLEMENTED: 370.12(2)(d),(m) FS.

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

TIME AND DATE: 6:00 p.m. – 8:30 p.m., Tuesday, May 2, 2000

PLACE: Florida Department of Transportation Training Facility, 2250 Irene Street, Jacksonville, Florida

Commission staff will be available from 5:30 p.m. – 6:00 p.m. to answer questions about the proposal.

THE FINAL PUBLIC HEARING WILL BE HELD DURING THE REGULAR MEETING OF THE COMMISSION, WHICH IS SCHEDULED FOR THE DATE AND LOCATION SHOWN BELOW:

DATE: Wednesday, May 24, 2000 through Friday, May 26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, Florida

Please refer to the Commission's agenda for the specific day and time when this item will be addressed.

If accommodation for a disability is needed to participate in either of the above hearings, please notify the contact person listed below at least seven days before the hearing.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Scott Calleson, Environmental Specialist III, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399 (telephone (850)922-4330)

THE FULL TEXT OF THE PROPOSED RULE IS:

68C-22.027 Duval County and Associated County (Parts of Clay and St. Johns) Zones.

(1) The Commission hereby designates the waters within Duval County, Clay County, and St. Johns County, as described below, as areas where manatee sightings are frequent and where it can be assumed that manatees inhabit on a regular, periodic or continuous basis. The Commission has further determined that a likelihood of threat to manatees exists in these waters as a result of manatees and motorboats using the same areas. The purpose of this rule is to protect manatees from harmful collisions with motorboats and from harassment by regulating the speed and operation of motorboats within these designated areas. This rule will also provide additional habitat protection. All of the zones set forth below are in effect year-round and, unless otherwise stated, all zones exclude all associated waterways (tributaries, lakes, creeks, coves, bends, backwaters, canals, basins, etc.) unless explicitly included. For the purpose of regulating the speed and operation of motorboats within Duval County, the following year-round and seasonal zones are established: (Seasonal limits, if they apply, are specified within each zone classification.)

(a) SLOW SPEED ZONE, SHORE-TO-SHORE CHANNEL INCLUDED (Year-round) –

1. Atlantic Intracoastal Waterway, Sisters Creek, St. Johns River Area – All Those waters of Sisters Creek, including the Atlantic Intracoastal Waterway Channel, shoreline to shoreline, channel included, southerly of an East-West line which bears North 90° 00' 00" East (True) running through Flashing Green Atlantic Intracoastal Waterway Channel Marker "83" (approximate latitude 30° 24' 04" North, approximate longitude 81° 27' 16" West), and northeasterly of a line which bears 310° North 50° 00' 00" West (True) from the southwestern corner of a seawall at the southwesternly tip of Fanning Island (approximate latitude 30° 23' 19" North, approximate longitude 81° 27' 41" West) and including those backwaters easterly of Sisters Creek lying southwestly of a

line which bears 140° South 40° 00' 00" East (True) from the southernmost tip of Shell Island (approximate latitude 30° 23' 52" North, approximate longitude 81° 27' 21" West);

2. Atlantic Intracoastal Waterway, Southerly of the St. Johns River Area – ~~All~~ These waters of the Atlantic Intracoastal Waterway, ~~shoreline to shoreline~~, channel included, southwesterly of a line which bears 280° North 80° 00' 00" West (True) from the westernmost tip (approximate latitude 30° 22' 44" North, approximate longitude 81° 27' 30" West) of a peninsula west of Sherman Point on the southerly side of the St. Johns River Mile Point Lower Range and Turn of the St. Johns River (latitude 30° 22' 47" North, longitude 81° 27' 22" West), northerly of a line which bears North 62° running through a point 00' 00" East (True) located 600 feet north of and on a bearing of 332° from North 28° 00' 00" West (True) of Flashing Green Atlantic Intracoastal Waterway Channel Marker "9" (approximate latitude 30° 22' 21" North, approximate longitude 81° 27' 01" West), northeasterly of the general contour of the northeasterly shoreline of Great Marsh Island and a line which bears 137° South 47° 00' 00" East (True) from the easternmost tip of Great Marsh Island (approximate latitude 30° 22' 29" North, approximate longitude 81° 27' 17" West), and westerly of a line which bears 360° North 00° 00' 00" East (True) from the northernmost tip (approximate latitude 30° 22' 29" North, approximate longitude 81° 27' 05" West) of ~~the an~~ unnamed island east of Green Atlantic Intracoastal Waterway Channel Marker "7"; (approximate latitude 30° 22' 37" North, approximate longitude 81° 27' 03" West);

3. Julington Creek and Durbin Creek Area – All waters of Julington Creek and Durbin Creek east of a line that bears 180° from a point (approximate latitude 30° 07' 59" North, approximate longitude 81° 36' 02" West) on the northern shoreline of Julington Creek at the mouth of Oilfield Creek and west of a line that bears 180° from a point (approximate latitude 30° 08' 01" North, approximate longitude 81° 35' 43" West) on the northern shoreline of Julington Creek 300 feet east of the southern extension of Hood Landing Road (and extending south across Durbin Creek to its southern shoreline). Training Wall Reach, Mile Point Lower Range and Turn Area Those waters of the St. Johns River, shoreline to shoreline, channel included, westerly of a line which bears North 00° 00' 00" East (True) running through Flashing Red Florida Intracoastal Waterway Channel Marker "22" (latitude 30° 22' 54" North, longitude 81° 26' 55" West), southeasterly of a line which bears North 25° 00' 00" East (True) running through Flashing Green Florida Intracoastal Waterway Channel Marker "25" (latitude 30° 23' 34" North, longitude 81° 28' 30" West), southerly of the general contour of the northerly shoreline of the St. Johns River and northerly of the general contour of the southerly shoreline of the St. Johns River; and

4. Main Street Bridge, Acosta Bridge Area – Those waters of the St. Johns River, shoreline to shoreline, channel included, westerly of the centerline of the Main Street (U.S. Highway 1, State Road 5) Bridge, and northeasterly of the centerline of the Acosta (State Road 13) Bridge.

(b) ~~SLOW SPEED ZONE, SPECIFIED CHANNEL EXEMPT (Year round)~~

1. Trout River Cut Range, Chaseville Turn Area – Those waters of the St. Johns River, shoreline to shoreline, exclusive of the main marked channel of the Florida Intracoastal Waterway, southerly of a line which bears approximately South 70° 00' 00" West (True) from a point 300 feet North 00° 00' 00" East (True) from the northernmost tip of Reddie Point (approximate latitude 30° 23' 22" North, approximate longitude 81° 37' 11" West) to the easternmost tip of Sandfly Point (approximate latitude 30° 23' 10" North, approximate longitude 81° 38' 03" West), and northerly of a line which bears North 55° 00' 00" East (True) running through Flashing Green Florida Intracoastal Waterway Channel Marker "71" (latitude 30° 22' 21" North, longitude 81° 37' 37" West) to include Long Branch Creek and its associated waters, easterly of the centerline of the Buffalo Avenue/Wigmore Street Bridge;

2. Terminal Channel Area – Those waters of the St. Johns River, shoreline to shoreline, exclusive of the main marked channel (Terminal Channel) of the Florida Intracoastal Waterway, southerly of a line which bears North 90° 00' 00" East (True) running through Flashing Green Florida Intracoastal Waterway Channel Marker "75" (latitude 30° 21' 09" North, longitude 81° 37' 06" West), northeasterly of the centerline of the Hart (Alternate U.S. Highway 1) Bridge, and northwesterly of a line which bears approximately South 45° 00' 00" West (True) from the southernmost tip of a peninsula on the northerly side of Arlington River (approximate latitude 30° 19' 07" North, approximate longitude 81° 36' 38" West) to a point on the southerly side of the Arlington River, easterly of Empire Point (approximate latitude 30° 18' 57" North, approximate longitude 81° 36' 47" West), excepting therefrom those waters easterly of Exchange Island (not otherwise designated for slow speed regulation under (d)3.) southerly of a line which bears North 90° 00' 00" East (True) from the northernmost tip of said island (approximate latitude 30° 19' 51" North, approximate longitude 81° 36' 54" West), and northeasterly of a line which bears approximately South 63° 00' 00" East (True) from the southernmost tip of said island (approximate latitude 31° 19' 18" North, approximate longitude 81° 37' 04" West) to the southernmost tip of a peninsula on the northerly side of Arlington River (approximate latitude 30° 19' 07" North, approximate longitude 81° 36' 38" West); and

3. Hart Bridge to Main Street Bridge Area – Those waters of the St. Johns River, shoreline to shoreline, exclusive of the approximate 400 foot wide federally maintained Florida

Intracoastal Waterway Channel (as generally depicted on Map 3 and as marked by appropriate jurisdictional authority), southerly and westerly of the centerline of the Hart (Alternate U.S. Highway 1) Bridge and easterly of the centerline of the Main Street (U.S. Highway 1, State Road 5) Bridge to include those waters of Miller Creek, northerly of the centerline of the Atlantic Boulevard (State Road 10) Bridge.

~~(e) SLOW SPEED ZONE, CHANNEL INCLUDED (November 15 through March 31)/SLOW SPEED ZONE, SPECIFIED CHANNEL EXEMPT (Remainder of Year) — Long Branch Range, Terminal Channel, Chaseville Turn Area: Those waters of the St. Johns River, shoreline to shoreline (inclusive of the Long Branch Range, Terminal Channel and Chaseville Turn from November 15 through March 31), southeasterly of a line which bears North 55° 00' 00" East (True) running through Flashing Green Florida Intracoastal Waterway Channel Marker "71" (latitude 30° 22' 21" North, longitude 81° 37' 37" West), and northerly of a line which bears North 90° 00' 00" East (True) running through Flashing Green Florida Intracoastal Waterway Channel Marker "75" (latitude 30° 21' 10" North, longitude 81° 37' 06" West), but excluding the above specified channels from April 1 through November 14.~~

~~(b)(4) SLOW SPEED SHORELINE BUFFER ZONE (Year-round) —~~

~~1. St. Johns River, St. Johns Point to Reddie Point Entrance Jetties to Mile Point Lower Range and Turn Area — Those waters of the St. Johns River lying within 300 feet of the general contour of the northern northerly and southern southerly shorelines of the river, excluding the federally-marked channels, westerly of a line that runs from the northeasternmost point of St. Johns Point at the mouth of the river to the southeasternmost point of Wards Bank, drawn across the seaward extremity of the St. Johns River entrance jetties, and easterly of a line which bears 360° from the easternmost point of Sandfly Point (approximate latitude 30° 23' 10" North, approximate longitude 81° 38' 03" West) across the mouth of the Trout River, and north of a line that runs from said easternmost point of Sandfly Point to the northernmost point of Reddie Point (approximate latitude 30° 23' 22" North, approximate longitude 81° 37' 13" West); included in this zone are those waters lying within 300 feet of the general contour of the shorelines of Blount Island and of the northern shoreline of Quarantine Island (Bartram Island) between the island's easternmost and westernmost points and North 00° 00' 00" East (True) running through Flashing Red Florida Intracoastal Waterway Channel Marker "22" (latitude 30° 22' 54" North, longitude 81° 26' 55" West), to include all waters of Haulover Creek southerly of the centerline of the Hecksher Drive (State Road 105) Bridge, and including those waters leading into Mayport Basin within 300 feet of the general contour of the shorelines, excluding the federally-marked channel, easterly of a line which bears 180°~~

South 00° 00' 00" West (True) from the easternmost tip of the peninsula on the northern northerly side of Mayport Basin (approximate latitude 30° 23' 51" North, approximate longitude 81° 24' 16" West); also included in this zone are those waters within 300 feet of the general contour of the shorelines of the Broward River and Dunn Creek south of the centerline of the Hecksher Drive (State Road 105) Bridges, and those waters within 300 feet of the general contour of the shorelines of all associated waterways on the north side of the river that are east of where Nichols Creek and San Carlos Creek enter the river and south of the centerline of the Hecksher Drive (State Road 105) Bridges, except as otherwise designated in (1)(a);

2. Mill Cove — Those waters within 300 feet of the general contour of the southern shoreline of Mill Cove, west of the westernmost point of Pauline Island and east of the northernmost point of Reddie Point (approximate latitude 30° 23' 22" North, approximate longitude 81° 37' 13" West);

3. Trout River — Those waters within 300 feet of the general contour of the shorelines of the Trout River west of a line that bears 360° from the easternmost point of Sandfly Point (approximate latitude 30° 23' 10" North, approximate longitude 81° 38' 03" West) across the mouth of the Trout River and east of the Interstate 95 Bridge;

2. Short Cut Turn to Trout River Cut Range Area — Those waters of the St. Johns River, including White Shell Bay, Back River, Mill Cove, the bays around Little Marsh Island and Pine Island, and that part of the St. Johns River surrounding Blount Island, lying within 300 feet of the general contour of the shorelines of the river, excluding the federally-marked channels, westerly of a line which bears North 25° 00' 00" East (True) running through Flashing Green Florida Intracoastal Waterway Channel Marker "25" (latitude 30° 23' 34" North, longitude 81° 28' 30" West), and northerly and easterly (downstream) of a line which bears approximately South 70° 00' 00" West (True) from a point 300 feet North 00° 00' 00" East (True) from the northernmost tip of Reddie Point (approximate latitude 30° 23' 22" North, approximate longitude 81° 37' 13" West) to the easternmost tip of Sandfly Point (approximate latitude 30° 23' 10" North, approximate longitude 81° 38' 03" West); where applicable, the northerly boundary of said 300 foot buffer shall be the centerline of the Hecksher Drive (State Road 105) Bridges; this area shall also include those waters lying within 300 feet of the general contour of the shorelines of Blount Island, Quarantine Island (Bartram Island), Bird, Marion, Pauline, Fip, New Castle, Randolph, William, and Crab Islands and all other unnamed islands in the St. Johns River and Mill Cove, whether natural or manmade, and those waters within 300 feet of the general contour of the northerly and southerly shorelines of Trout River, easterly of the centerline of the U.S. Highway 17 (State Road 5) Bridge;

4. St. Johns River, Reddie Point to Fuller Warren Bridge Area – Those waters described below, excluding the federally-marked Florida Intracoastal Waterway channel:

a. Within 300 feet of the general contour of the western (and northern) shoreline of the St. Johns River, south (upriver) of a line that runs from the easternmost point of Sandfly Point (approximate latitude 30° 23' 10" North, approximate longitude 81° 38' 03" West) to the northernmost point of Reddie Point (approximate latitude 30° 23' 22" North, approximate longitude 81° 37' 13" West) and north and east (downriver) of the Fuller Warren Bridge, including all associated waterways and all waters of Long Branch Creek easterly of the Buffalo Avenue/Wigmore Street Bridge;

b. Within 900 feet of the general contour of the eastern shoreline of the St. Johns River, south (upriver) of a line that runs from the easternmost point of Sandfly Point (approximate latitude 30° 23' 10" North, approximate longitude 81° 38' 03" West) to the northernmost point of Reddie Point (approximate latitude 30° 23' 22" North, approximate longitude 81° 37' 13" West) and north (downriver) of a line that bears 90° from a point (approximate latitude 30° 19' 57" North, approximate longitude 81° 36' 54" West) in the river located 900 feet from the eastern shoreline of the river, and; all waters of the river east of a line that runs from said point to the northernmost point of Exchange Island (approximate latitude 30° 19' 50" North, approximate longitude 81° 36' 55" West);

c. Within 300 feet of the general contour of the eastern shoreline of the St. Johns River, south of a line that bears 90° from the northernmost point of Exchange Island (approximate latitude 30° 19' 50" North, approximate longitude 81° 36' 55" West) and north of a line that bears 90° from a point (approximate latitude 30° 19' 19" North, approximate longitude 81° 36' 59" West) on the eastern shoreline of Exchange Island;

d. Within 600 feet of the general contour of the southern (eastern) shoreline of the St. Johns River, west of a line that bears 180° from the southernmost point of Exchange Island (approximate latitude 30° 19' 18" North, approximate longitude 81° 37' 05" West) and north and east of the Fuller Warren Bridge, including all waters of Miller Creek north of the Atlantic Boulevard (State Road 10) Bridge, and; all waters of the St. Johns River and the Arlington River east and south of a line that runs from the waterward end of the southern terminus of the 300-foot buffer described in (1)(b)4.c. to the waterward end of the eastern terminus of the 600-foot buffer described in this paragraph, and west and north of a line that bears approximately 225° from the southernmost tip of a peninsula on the northern side of the Arlington River (approximate latitude 30° 19' 07" North, approximate longitude 81° 36' 38" West) to a point on the southern side of the Arlington River, east of Empire Point (approximate latitude 30° 18' 57" North, approximate longitude 81° 36' 47" West);

3. Exchange Island Area – Those waters of the St. Johns River lying within 300 feet of the general contour of the easterly shoreline of Exchange Island and the easterly shoreline of the St. Johns River, southerly of a line which bears North 90° 00' 00" East (True) from the northernmost tip of said island (approximate latitude 30° 19' 51" North, approximate longitude 81° 36' 54" West), and northeasterly of a line which bears approximately South 63° 00' 00" East (True) from the southernmost tip of said island (approximate latitude 31° 19' 18" North, approximate longitude 81° 37' 04" West) to the southernmost tip of a peninsula on the northerly side of Arlington River (approximate latitude 30° 19' 07" North, approximate longitude 81° 36' 38" West); and

5.4. St. Johns River, Fuller Warren Bridge to the South Duval County Line Acosta Bridge to Julington Creek Area – Those waters of the St. Johns River lying within 700 ~~300~~-feet of the general contour of the easterly and westerly shorelines of the river, south St. Johns River, southwesterly of the centerline of the Fuller Warren Acosta (State Road 13) Bridge, northerly of the centerline of the Buckman (Interstate 295) Bridge (the Duval County/Clay County line) on the western westerly shore, and westerly and north of the centerline of the San Jose Boulevard (State Road 13) Bridge crossing Julington Creek on the eastern easterly shore, including all ~~to include~~ those waters of Big Fishweir Creek east, easterly of the centerline of the Herschel Street Bridge, those waters within 700 feet of the northern side of the centerline of the Ortega (Grand Avenue) Bridge; those waters of the Ortega River lying within 300 feet of the general contour of the northwesterly and southeasterly shorelines, northeasterly of the centerline of the Ortega (Grand Avenue) Bridge, to include all waters within 300 feet north of said bridge; those waters of Pirates Cove (also referred to as the Venetia Yacht Basin), all waters of Mulberry Cove northwest of a line that runs from a point (approximate latitude 30° 13' 05" North, approximate longitude 81° 40' 31" West) on the northern shoreline of the cove to another point (approximate latitude 30° 12' 56" North, approximate longitude 81° 40' 46" West) on the southern shoreline; ~~and those~~ all waters of Marco Lake; ~~and those~~ all waters of Craig Creek, westerly of the centerline of the Hendricks Avenue (State Road 13) Bridge, and all waters of Goodby's Creek;

6. Ortega River Area – Those waters within 300 feet of the general contour of the shorelines of the Ortega River, including all associated waterways, south of the centerline of the Ortega (Grand Avenue) Bridge, north of the centerline of the Timuquana Bridge, and east of a line that runs from the southernmost point (approximate latitude 30° 15' 57" North, approximate longitude 81° 43' 36" West) of the peninsula that forms the northern shoreline of the Cedar River to the northernmost point (approximate latitude 30° 15' 46" North, approximate longitude 81° 43' 28" West) of the peninsula that forms the eastern shoreline of Fishing Creek, including all waters within 300 feet south of the centerline of the Ortega

(Grand Avenue) Bridge, all waters within 300 feet of either side of the Roosevelt Boulevard Bridge, and all waters within 300 feet of the shorelines of Ortega Island;

7. Julington Creek – All waters of Julington Creek within 450 feet of either side of the centerline of the San Jose Boulevard (State Road 13) Bridge and those waters within 300 feet of the general contour of the shorelines of Julington Creek and all associated waterways, east of the centerline of the San Jose Boulevard (State Road 13) Bridge and west of a line that bears 180° from a point (approximate latitude 30° 07' 59" North, approximate longitude 81° 36' 02" West) on the northern shoreline of Julington Creek at the mouth of Oilfield Creek;

8. St. Johns River in St. Johns County, Julington Creek to Nature's Hammock Road North – Those waters within 700 feet of the general contour of the eastern shoreline of the St. Johns River in St. Johns County, west and south of the centerline of the San Jose Boulevard (State Road 13) Bridge, and north of the western extension of Nature's Hammock Road North;

9. St. Johns River in Clay County, Buckman Bridge to Peter Branch – Those waters within 700 feet of the general contour of the western shoreline of the St. Johns River in Clay

County, south of the centerline of the Buckman (Interstate 295) Bridge and north of a line that bears 90° from a point on the shoreline (approximate latitude 30° 06' 05" North, approximate longitude 81° 41' 24" West) located 300 feet south of Peter Branch;

10. Doctors Lake and Doctors Inlet Area – Those waters within 700 feet of the general contour of the shorelines of Doctors Lake, including all waters of Duck Creek and Swimming Pen Creek, and all waters of Doctors Inlet within 700 feet of either side of the centerline of the U.S. Highway 17 Bridge.

(2) The zones described in 68C-22.027(1) ~~above herein~~ are depicted on the following maps, ~~labeled (numbered 1-10 and labeled "Duval and Associated County Manatee Protection Zones") dated October 1992 for identification. The maps~~ Maps provided are intended to be as depictions of the above-described zones. In the event of conflict between the two, the above descriptions shall prevail ~~The October 1992 maps shall become effective for purposes of this rule concurrent with its effective date.~~

(I N S E R T M A P S)

(68C-22.027 – 1 of 4)

(I N S E R T M A P S)

(68C-22.027 – 2 of 4)

(I N S E R T M A P S)

(68C-22.027 – 3 of 4)

(I N S E R T M A P S)

(68C-22.027 – 4 of 4)

Specific Authority 370.12(2)(m) FS. Law Implemented 370.12(2)(d),(m) FS. History—New 12-22-92, Amended 6-16-93, Formerly 16N-22.027, 62N-22.027, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. David Arnold, Chief of the Bureau of Protected Species Management, Florida Fish and Wildlife Conservation Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Bradley J. Hartman, Director of the Office of Environmental Services, Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 14, 2000

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF CORRECTIONS

RULE NOS.:	RULE TITLES:
33-601.209	State Classification Office and Institutional Classification Teams
33-601.210	Custody Classification
33-601.215	Classification – Transfer of Inmates
33-601.901	Confidential Records

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. 26, No. 9, March 3, 2000, issue of the Florida Administrative Weekly:

33-601.209 State Classification Office and Institutional Classification Teams ~~Committees~~.

(1) The inmate classification system is comprised of two primary operational components which have been established to provide uniformity and consistency in both the development and implementation of classification policies and procedures. These two components are the State Classification Office ~~Committee~~ and the Institutional Classification Team ~~Committee~~. These components have specific authority and responsibility relative to the operation and management of the inmate classification system.

(2) The State Classification Office ~~Committee~~ shall be composed of a chairperson, a vice-chairperson and other members as designated by the Chief of Classification and Central Records.

(a) The State Classification Office (SCO) ~~Committee (SCC)~~ refers to a staff ~~committee or committee~~ member at the central office level who is responsible for the review of inmate ~~overall~~ classification decisions ~~of inmates~~. Duties include

approving or rejecting Institutional ~~Celassification~~ Team ~~(ICT)~~ committee (ICC) recommendations. ~~In addition, the SCC has authority for decision making relating to care, custody, placement or control of inmates within the Florida Department of Corrections as directed by the Chief of the Bureau of Classification and Central Records.~~

(3) The Institutional Classification Team ~~Committee~~ is responsible for making local classification decisions as defined in rule and procedure. The Institutional Classification Team ~~Committee~~ shall be comprised of the following members:

- (a) through (d) No change.
- 33-601.210 Custody Classification.
- (1) No change.
- (2) Custody Grade Classification.
- (a) through (b) No change.

(c) The result of completing an automated questionnaire shall be a computer generated numerical score or status custody for the inmate. A status custody is the automatic placement into one of the five custody grades based upon an inmate's sentence, criminal history, time remaining to serve, and other classification factors reflected on the automated custody questionnaire ~~a custody range determined by the inmate's status, i.e. a death row inmate is maximum custody by virtue of his status of having a death sentence.~~

- (d) No change.
- (e) All custody assignments will require the approval of the Institutional Classification Team ~~Committee~~.

(f) Any modification of the resulting custody grade from ~~on~~ the system generated custody or any assignment to community or minimum custody shall requires the review and approval of a State Classification Office staff ~~Committee~~ member based upon the criteria listed in (l) below.

(g) A member of the State Classification Office ~~Committee~~ shall have the authority to initiate a custody assessment and determine the custody level of an inmate whenever the staff ~~committee~~ member determines that a new assessment is necessary for the safety of the public or the needs of the department.

- (h) through (j) No change.
- (k) The following inmates shall not be classified as less than close custody unless approved for assignment to a lower custody by the Chairperson of the State Classification Office ~~Committee~~ as provided in (l) below:

- 1. through 5. No change.
- (l) The Chairperson of the State Classification Office ~~Committee~~ may approve an inmate listed in (k) for lower custody after consideration of the following criteria:
- 1. through 10. No change.

(3) Review of Inmates Who Have Special Needs. The secretary shall appoint a special needs committee in central office to review those cases in which inmates have been determined by medical services as having special medical

needs or inmates who are elderly and have special needs which may be in conflict with the custody levels authorized. The special needs committee will evaluate the special needs, the custody requirements and the institutional placement best suited to meet an inmate's needs. This committee has the authority to make the final assignment that meets the inmate's needs within the medical and facility resources of the department. This may include a special custody exception on a case by case basis. Inmates identified as having special needs or requiring special review shall be recommended to the impaired inmate special needs coordinator in the central office who will coordinate with classification services and refer each case to the special needs committee. The special needs committee shall be comprised of the Chairperson of the State Classification Office Committee, the Americans with Disabilities Act Coordinator and the Impaired Inmate Coordinator for Health Services. Committee decisions shall be reviewed by the secretary.

(4) Progress Assessments.

(a) As used in this subsection:

1. "Review" means meeting of the Institutional Classification Team Committee.

2. "Assessment" means a formal evaluation of the inmate's progress towards the goals set for him or her by the Institutional Classification Team Committee.

(b) through (c) No change.

(d) Assessments and reviews should also be used to document any program changes made by the Institutional Classification Team Committee between regularly scheduled reviews. In such cases, only the areas encompassing the change need to be noted in the report. Such an abbreviated report will not alter the schedule of reviews.

(e) through (f) No change.

(g) An assessment and review will be completed on all transfer recommendations except as authorized by a member of the State Classification Office Committee. Movement from one location to another on a temporary basis does not require an assessment and review.

(h) No change.

(i) All recommendations for a transfer to another facility or to a contract drug treatment program, or for work release shall require the approval of the State Classification Office Committee.

(j) through (k) No change.

(1) Assessments and reviews may contain recommendations for the setting of sentences pursuant to section 921.22, F.S. Such recommendations should specify a definite period of years or months, taking into account the tentative expiration date on the set term, the amount of gain time earned and the amount of time it will take to process the recommendation. Such recommendations should be based on all information concerning the inmate which is available to the team committee.

(m) The department may in selected cases recommend to the Florida Parole Commission that an inmate be placed on parole at an earlier date than scheduled. Note should be made of an inmate's presumptive parole release date (PPRD) when considering such possibilities. If it is felt that such significant progress has taken place since the setting of the PPRD that it should be moved forward to an earlier date, then such recommendations should be made to the Parole Commission in an assessment and review setting forth the basis for recommending a change in the PPRD. All assessments and reviews containing parole recommendations will be reviewed and approved or disapproved by the Institutional Classification Team Committee and forwarded to the State Classification Office Committee for approval or disapproval. The assessment and review shall then be submitted to the Chief of the Bureau of Classification and Central Records who, on behalf of the secretary, shall make a recommendation to the Parole Commission. A copy of the report shall be forwarded to the Parole Commission.

(5) No change.

33-601.215 Classification – Transfer of Inmates.

Upon completion of the reception process, each inmate shall be assigned and transferred to the institution approved by the State Classification Team Committee that might best facilitate his institutional progress. Inmates may subsequently be transferred from one institution to another; however, the goal of the classification system is to retain inmates at institutions for longer periods of time in order to reduce transfers and stabilize the inmate population. Inmates participating in academic, vocational, substance abuse or betterment programs will not be transferred to another institution prior to completion of the program unless the program is available at the receiving institution, or for purposes of population management or security and safety concerns specifically set forth in writing. Transfers are subject to review by the inmate grievance procedure.

33-601.901 Confidential Records.

(1) through (9) No change.

(10) Parties establishing legitimate research purposes who wish to review preplea, pretrial intervention, presentence and postsentence investigation reports in the records of current or prior inmates or offenders must obtain prior approval from the Bureau Chief of Research and Data Analysis. Parties seeking to review records pursuant to this section shall be required to submit a written request to the Bureau Chief of Classification and Central Records if the report pertains to an inmate, or to the correctional probation circuit administrator or designee of the office where the record is located if the report pertains to a supervised offender. The written request must disclose the name of the person who is to review the records; the name of any organization, corporation, business, school or person for which the research is to be performed; the purpose of the research; any relationship to offenders or the families of

offenders; and a confidentiality agreement must be signed. After submitting the required written request, research parties must receive written approval as described in this section prior to starting the project.

(11) No change.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-1.659
 RULE TITLE: Procedural Forms and Instructions

NOTICE OF CORRECTION

Notice is hereby given that the following text was inadvertently omitted from the Notice of Proposed Rulemaking published on April 7, 2000 in Florida Administrative Weekly, Vol. 26, No. 14, Page 1636:

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, extension 4651

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 25, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 17, 2000

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-4.042
 RULE TITLE: Individual Environmental Resource Permits Formal Determination of Wetlands and Other Surface Waters

NOTICE OF CORRECTION

Notice is hereby given that the following text was inadvertently omitted from the Notice of Proposed Rulemaking published on April 7, 2000 in Florida Administrative Weekly, Vol. 26, No. 14, Page 1636 and 1637:

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, extension 4651

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 25, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 17, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.: 61G17-5.0043
 RULE TITLE: Obligations of Continuing Education Providers

NOTICE OF WITHDRAWAL OF NOTICE OF CHANGE

Notice is hereby given that the Notice of Change published for the above rule in the April 14, 2000 Florida Administrative Weekly, Vol. 26, No. 15, has been withdrawn. This rule was originally published in the March 3, 2000 FAW, Vol. 26, No. 9. The reason for the withdrawal is because the Notice of Change was published in error. This withdrawal does not constitute changes in any other subsequent rulemaking notices. The person to be contacted regarding the proposed rule is Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Center, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.: 61G17-5.0043
 RULE TITLE: Obligations of Continuing Education Providers

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Professional Surveyors and Mappers hereby gives notice of an additional public hearing on the above-referenced rule to be held on May 18-19, 2000 at 9:00 a.m., at the Sheraton Suites, 2001 S. Roosevelt Blvd., Key West, Florida 33040. The rule was originally published in Vol. 26, No. 9, of the March 3, 2000, Florida Administrative Weekly. This hearing is in response to comments received from the staff of the Joint Administrative Procedures Committee.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, 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 ENVIRONMENTAL PROTECTION

DOCKET NO.: 99-33R

RULE CHAPTER NO.: 62-737
 RULE CHAPTER TITLE: The Management of Spent Mercury-Containing Lamps and Devices Destined for Recycling

RULE NO.: 62-737.400
 RULE TITLE: Requirements and Management Standards for Handlers and Transporters of Spent Universal Waste Lamps and Devices

NOTICE OF WITHDRAWAL

The proposed rule was first published in the Florida Administrative Weekly, Vol. 25, No. 41, October 15, 1999. A Notice of Change to this rule was published in the Florida Administrative Weekly, Vol. 25, No. 48, December 3, 1999, which had the effect of deleting all of the proposed changes. Therefore, notice is hereby given that the above rule has been withdrawn.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-3.005
 RULE TITLE: Fees for Application, Examination, Initial and Renewal Licensure

NOTICE OF WITHDRAWAL OF NOTICE OF CHANGE

Notice is hereby given that the Notice of Change published for the above rule in the April 14, 2000, Florida Administrative Weekly, Vol. 26, No. 15, has been withdrawn. This rule was originally published in the February 11, 2000, FAW., Vol. 26, No. 6. The reason for the withdrawal is because the Notice of Change was published in error. This withdrawal does not constitute changes in any other subsequent rulemaking notices. The person to be contacted regarding the proposed rule is Kaye Howerton, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-6.004
 RULE TITLE: Procedures for Approval of Attendance at Continuing Education Courses

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. 26, No. 6, issue of the Florida Administrative Weekly. The change is in response to comments received from the Joint Administrative Procedures Committee.

Subsection 3 shall now read as follows:

3. the American Medical Association (AMA) as Category I, the American and Florida Thoracic Societies, the American College of Cardiology, the American College of Chest Physicians, the American and Florida Societies of Anesthesiologists, the American and Florida Lung Association, the National Society for Cardiopulmonary Technologists, the American Heart Association, the American Nurses Association, and the Florida Nurses Association, provided that they are related to respiratory care services; THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Respiratory Care, Northwood Centre, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NOS.:	RULE TITLES:
64D-3.001	Definitions
64D-3.002	Notifiable Diseases or Conditions to Be Reported
64D-3.003	Notification by Laboratories
64D-3.007	Quarantine, Requirements
64D-3.013	Procedures for Control of Specific Communicable Diseases
64D-3.016	Reporting Requirements for Physicians for Sexually Transmissible Diseases (STDs), Including HIV and AIDS
64D-3.018	Partner Notification

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the proposed rules published in Vol. 26, No. 6, February 11, 2000, of the Florida Administrative Weekly. The changes were made in response to written comments received from County Health Department Directors and Administrators, Department of Health Disease Control staff, and the Florida Legislature Joint Administrative Procedures Committee.

When changed, Rule 64D-3.001(1)(c) shall read as follows:

(c) A person who, in the judgment of the county health department director or administrator or ~~the his designeateed representative~~, is suspected to be a carrier and who refuses to submit to examination when ordered to do so for good cause shown by county health department director or administrator; or

When changed, Rule 64D-3.002 shall read as follows:

(1) The following notifiable diseases or conditions are declared as dangerous to the public's health or of public health significance. ~~The occurrence of these diseases listed in 64D-3.002, F.A.C., or the suspected occurrence with the exception of cancer, congenital anomalies, and HIV infection, including persons who at the time of death were so affected, shall be reported by licensed practitioners as defined in~~

s. 381.0031, F.S., to the local county health department director or administrator or to their designated representative in the county of the patient's residence. Such reports shall be made within 72 hours of recognition by telephone, or other electronic means, or in writing, except for certain specified diseases as indicated below by a (T), which shall be reported immediately by telephone. Telephone reports shall be followed by a subsequent written report. Exceptions to the reporting time frames required as defined by this rule are provided for syphilis, as indicated in 64D-3.016(3), F.A.C., AIDS, as indicated in 64D-3.016(1)(a), F.A.C., and congenital anomalies, as indicated in 64D-3.027(4), F.A.C. Cancer cases treated or diagnosed by licensed practitioners as defined in s. 381.0031, F.S., in medical facilities licensed under Chapter 395, F.S., and in each freestanding radiation therapy center as defined in s. 408.07, F.S., shall be reported to the Florida Cancer Data System as required by s. 385.202, F.S., and by 64D-3.006, F.A.C.

(a) Acquired Immune Deficiency Syndrome (AIDS)

(b) Animal Bite to humans by a potentially rabid animal resulting in a county health department or state health office recommendation for post-exposure prophylaxis, or by a nonhuman primate

(c) Anthrax (T)

(d) Botulism (T)

(e) Brucellosis

(f) Campylobacteriosis

(g) Cancer (except non melanoma skin cancer)

(h) Chancroid

(i) Chlamydia trachomatis

(j) Ciguatera

(k) Congenital Anomalies

(l) Cryptosporidiosis

(m) Cyclosporiasis

(n) Dengue

(o) Diphtheria (T)

(p) Ehrlichiosis

(q) Encephalitis

(r) Enteric disease due to *Escherichia coli* 0157:H7 (T)

(s) Enteric disease due to other pathogenic *Escherichia coli* (including enterotoxigenic, enteroinvasive, enteropathogenic, enterohemorrhagic, and enteroaggregative strains)

(t) Giardiasis (acute)

(u) Gonorrhea

(v) Granuloma Inguinale

(w) *Haemophilus influenzae*, invasive disease

(x) Hansen's Disease (Leprosy)

(y) Hantavirus Infection (T)

(z) Hemolytic Uremic Syndrome

(aa) Hemorrhagic Fever (T)

(bb) Hepatitis, viral A (T), B, C, non-A non-B, and other including unspecified

(cc) Hepatitis, viral, Hepatitis B Surface Antigen (HbsAg)-positive in a pregnant woman or a child < or = 24 months of age

(dd) Human Immunodeficiency Virus (HIV)

(ee) Lead Poisoning

(ff) Legionellosis

(gg) Leptospirosis

(hh) Listeriosis (T)

(ii) Lyme Disease

(jj) Lymphogranuloma Venereum

(kk) Malaria

(ll) Measles (T)

(mm) Meningitis, bacterial and mycotic

(nn) Meningococcal Disease (T)

(oo) Mercury Poisoning

(pp) Mumps

(qq) Neurotoxic Shellfish Poisoning (T)

(rr) Pertussis

(ss) Pesticide-Related Illness and Injury

(tt) Plague (T)

(uu) Poliomyelitis (T)

(vv) Psittacosis

(ww) Q Fever

(xx) Rabies

(yy) Rocky Mountain Spotted Fever, *R. rickettsii*

(zz) Rubella, including congenital

(aaa) Salmonellosis

(bbb) Shigellosis

(ccc) Smallpox (T)

(ddd) *Staphylococcus aureus*, glycopeptide (vancomycin) intermediate (GISA/VISA, MIC=8ug/ml) (T)

(eee) *Staphylococcus aureus*, glycopeptide (vancomycin) resistant (GRSA/VRSA, MIC= \geq 32mg/ml) (T)

(fff) Streptococcal Disease, invasive, Group A

(ggg) *Streptococcus pneumoniae*, invasive disease

(hhh) Syphilis

(iii) Tetanus

(jjj) Toxoplasmosis, acute

(kkk) Trichinosis

(lll) Tuberculosis

(mmm) Tularemia (T)

(nnn) Typhoid Fever

(ooo) *Vibrio cholerae* (T)

(ppp) Vibrio Infections

(qqq) Yellow Fever (T)

(rrr) Any disease outbreak in a community, a hospital, or other institution, or a foodborne, or waterborne outbreak (T)

(2) The occurrence of the diseases listed in 64D-3.002(1), F.A.C., or the suspected occurrence with the exception of cancer, congenital anomalies, and HIV infection, including persons who at the time of death were so affected, shall be reported by licensed practitioners as defined in s. 381.0031, F.S., to the local county health department director or administrator or the designee in the county of the patient's residence. Such reports shall be made within 72 hours of recognition by telephone, or other electronic means, or in writing, except for certain specified diseases as indicated by a (T), which shall be reported immediately by telephone. Telephone reports shall be followed within 72 hours by a subsequent written report. Exceptions to the reporting time frames required, as defined by this rule, are provided for syphilis, as indicated in 64D-3.016(3), F.A.C.; AIDS, as indicated in 64D-3.016(1)(c), F.A.C.; and congenital anomalies, as indicated in 64D-3.027(4), F.A.C. Cancer cases treated or diagnosed by licensed practitioners as defined in s. 381.0031, F.S., in medical facilities licensed under Chapter 395, F.S., and in each freestanding radiation therapy center as defined in s. 408.07, F.S., shall be reported to the Florida Cancer Data System as required by s. 385.202, F.S., and by 64D-3.006, F.A.C.

When changed, Rule 64D-3.003(1) shall read as follows:

(1) Each laboratory director or designee in charge of a laboratory shall report, or cause to be reported evidence suggestive of or diagnostic of diseases or conditions listed in 64D-3.002(1), F.A.C., from any specimen derived from a human body, or from an animal in the case of rabies or plague testing, to the county health department director or administrator or the State Health Officer or to either of their designated representatives. Such reports shall be made within 72 hours of recognition by telephone, or other electronic means, or in writing, except for certain specified diseases as indicated by a (T), which shall be reported immediately by telephone and followed within 72 hours by a written report.

When changed, Rule 64D-3.007(3) shall read as follows:

(3) The county health department decisions regarding may order the testing and euthanasia and testing of animals maintained in quarantine for the purposes of human disease control and prevention shall be made according to the guidelines as set forth in the document "Rabies Prevention and Control in Florida, 2000," incorporated by reference as indicated in 64D-3.013(2)(6)2. Such an order shall be issued in writing and shall be enforced by local officials as required in s. 381.0012(5), F.S.

When changed, Rule 64D-3.013(2)(b) shall read as follows:

(b) Prevention in Humans – Persons bitten or otherwise exposed to suspect rabid animals shall be evaluated for post-exposure treatment by the county health department director or ~~medical~~ director or their designee according to recommendations of the Advisory Committee on Immunization Practices published in the Centers For Disease

Control and Prevention Morbidity and Mortality Weekly Report, No. RR-1, January 8, 1999, incorporated by reference in this rule. This document may be obtained from the Department of Health, Bureau of Epidemiology, 2020 Capital Circle, S. E., Bin A-12, Tallahassee, Florida 32399-1720.

When changed, Rule 64D-3.013(3)(a)2. shall read as follows:

2. Contacts – Persons in selected sensitive situations as defined in 64D-3.014, F.A.C., and as specified by the county health department director or ~~administrator~~ or their designee, who are household or other close contacts of an infected person, shall be managed as follows:

When changed, Rule 64D-3.013(3)(a)2.b. shall read as follows:

b. Those persons who do not have symptoms of an enteric illness or who have not had those symptoms during the past two (2) weeks may be permitted to continue in their sensitive situation at the discretion of the county health department director or administrator or their designee.

When changed, Rule 64D-3.013(3)(a)3. shall read as follows:

3. Carriers – Persons infected with salmonella (excluding typhoid fever) without symptoms may attend schools or child care centers at the discretion of the county health department director or administrator or their designee, provided adequate sanitary facilities and hygienic practices exist.

When changed, Rule 64D-3.013(4) shall read as follows:

(4) In the event of an outbreak in a child care setting of one of these diseases, the county health department director or administrator or designee shall implement control procedures as defined in "Guidelines for the Control of Outbreaks of Enteric Disease in Child Care Settings," dated ~~March~~ August 2000 1999, and incorporated by reference in this rule. This document is available from the Department of Health, Bureau of Epidemiology, 2020 Capital Circle, S. E., Bin A-12, Tallahassee, Florida 32399-1720.

When changed, Rule 64D-3.013(5)(b) shall read as follows:

(b) Household contacts of a typhoid case who may be excreting *S. typhi* as determined by the county health department director or administrator or their designee and who are involved in food processing, food preparation or food service for public consumption or in any occupation bringing them in contact with children, ill persons, or the elderly or are present in other sensitive situations, as defined in 64D-3.014, F.A.C., are prohibited from returning to such occupation or situation until no less than three specimens of feces taken at no less than daily intervals are negative for typhoid organisms. In addition, other appropriate tests may be required at the discretion of the county health department director or administrator or their designee.

When changed, Rule 64D-3.013(6)(b) shall read as follows:

(b) Infants born to HBsAg-positive mothers shall receive hepatitis B immune globulin and hepatitis B vaccine once they are physiologically stable, preferably within 12 hours of birth, and shall complete the hepatitis B vaccine series according to

the recommended vaccine schedule. Testing infants for HBsAg and antibody to hepatitis B surface antigen (anti-HBs) three (3) to nine (9) ~~six (6)~~ months after the completion of the hepatitis B vaccine series is recommended to monitor the success or failure of therapy. A positive HBsAg result in any child aged 24 months or less shall be reported to the local county health department.

When changed, Rule 64D-3.016(1)(b) shall read as follows:

(b) Except for AIDS ~~and~~, HIV, as indicated in 64D-3.016(1)(c), and hepatitis A and B as indicated in 64D-3.002(2), all reports of sexually transmissible diseases shall be completed and submitted on the Florida Confidential Report of Sexually Transmitted Diseases, DH 720, 10/97. The form, incorporated by reference in this rule, will be furnished by the local county health department.

When changed, Rule 64D-3.018(3) shall read as follows:

(3) ~~Before initiating steps to interview the patient or cause the patient to be interviewed in every case where partner notification is initiated,~~ the authorized representative of the department shall first attempt to consult with the physician submitting the report of a sexually transmissible disease ~~in order to determine the need for coordinate follow-up activities; before initiating steps to interview the patient or cause the patient to be interviewed. Examples of follow up activities include post test counseling for persons who do not return for test results, referral for medical evaluation, case management services and voluntary partner notification.~~

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:
67-44.011 Fees
 NOTICE OF CHANGE

Notice is hereby given that in response to oral and written comments and recommendations made by the Joint Administrative Procedures Committee, the following changes in addition to non-published technical corrections/clarifications have been made to Rule 67-44, Florida Administrative Code, as published in Vol. 26, No. 9 of the Florida Administrative Weekly on March 3, 2000.

- 67-44.011 Fees.
- (1)(d) Removed non-refundable 1% commitment fee.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Spotted Seatrout
RULE NOS.: RULE TITLES:
68B-37.002 Definitions
68B-37.003 Size Limits
68B-37.004 Regional Bag Limits; Closed Seasons

NOTICE OF CHANGES TO PROPOSED RULES

The Fish and Wildlife Conservation Commission announces changes to proposed amendments to Rules 68B-37.002, 68B-37.003, and 68B-37.004, FAC., as published in the February 25, 2000 issue of the Florida Administrative Weekly, Vol. 26, No. 8, pages 935-937. 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 March 31, 2000, in Tallahassee, Florida. Each proposed rule amendment was substantively changed and given a July 1, 2000 effective date. Rules 68B-37.002, 68B-37.003, and 68B-37.004, as changed, will read as follows:

68B-37.002 Definitions.

As used in this rule chapter:

(1) "Fishing pier" means a platform extending from shore over water, used primarily to provide a means for persons to harvest or attempt to harvest fish therefrom. The term shall not be construed to include any residential dock, marina, or facility at which vessels are launched or moored, but shall include any abandoned bridge serving the function of a fishing pier.

(2) "Harvest" means the catching or taking of a fish by any means whatsoever, followed by a reduction of such fish to possession. Fish that are caught but immediately returned to the water free, alive, and unharmed are not harvested. In addition, temporary possession of a fish for the purpose of measuring it to determine compliance with the minimum or maximum size requirements of this chapter shall not constitute harvesting such fish, provided that it is measured immediately after taking, and immediately returned to the water free, alive, and unharmed if undersize or oversize.

(3) "Harvest for commercial purposes" means the taking or harvesting of any spotted seatrout for purposes of sale or with intent to sell. The harvest of spotted seatrout in excess of the applicable recreational bag limit shall constitute harvest for commercial purposes.

(4) "Land", when used in connection with the harvest of a fish, means the physical act of bringing the harvested fish ashore.

(5) "Northeast Region" means all state waters lying north of the Flagler-Volusia County Line to the Florida-Georgia border, and adjacent federal Exclusive Economic Zone (EEZ) waters.

(6) "Northwest Region" means all state waters north and west of a line running due west from the westernmost point of Fred Howard Park Causeway (28° 9.35' N., 82° 48.398' W.), which is approximately 1.17 miles south of the Pasco-Pinellas County Line, to the Florida-Alabama border, and adjacent federal Exclusive Economic Zone (EEZ) waters.

(7) "South Region" means state waters lying between the Flagler-Volusia County Line on the Atlantic Ocean and the southern boundary of the Northwest Region on the Gulf of

~~Mexico in Pinellas County, as specified in subsection (6), Pinellas Pasco County Line on the Gulf of Mexico and adjacent federal Exclusive Economic Zone (EEZ) waters.~~

(8) "Spotted seatrout" means any fish of the species *Cynoscion nebulosus*, or any part thereof.

(9) "Total length" means the length of a fish as measured from the most forward point of the head to the hindmost point of the tail.

PROPOSED EFFECTIVE DATE: July 1, 2000.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-1-89, Amended, 1-1-96, 8-1-96, Formerly 46-37.002, Amended 7-1-00.

68B-37.003 Size Limits.

(1)(a) Recreational Size Limits – Except as provided in paragraph (b), a person subject to a regional bag limit specified in Rule 68B-37.004(1) shall not harvest, possess while in or on the waters of the state, or land any spotted seatrout with a total length ~~smaller or larger than the regional size limits indicated in this paragraph:~~

~~1. In the Northeast Region and South Region, a total length less than 15 inches or greater than 20 inches.~~

~~2. In the Northwest Region, a total length less than 15 inches or greater than 24 inches.~~

(b) A person harvesting under a regional ~~the~~ bag limit established in Rule 68B-37.004(1) may harvest, possess while in or on the waters of the state, and land no more than one spotted seatrout per day with a total length greater than 20 inches ~~the applicable regional maximum size limit specified in paragraph (a) of this subsection.~~

(2) Commercial Size Limit – A person harvesting for commercial purposes shall not harvest, possess while in or on the waters of the state, or land any spotted seatrout with a total length less than 15 inches or greater than 24 inches. No person shall buy, sell, or exchange any spotted seatrout with a total length less than 15 inches or greater than 24 inches.

(3) All spotted seatrout harvested in or from Florida or adjacent federal Exclusive Economic Zone (EEZ) waters shall be landed in a whole condition. The possession, while in or on state waters, on any public or private fishing pier, on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of a spotted seatrout that has been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or "gutting" of spotted seatrout, or mere removal of gills before landing is not prohibited.

PROPOSED EFFECTIVE DATE: July 1, 2000.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-1-89, Amended 1-1-96, 8-1-96, Formerly 46-37.003, Amended 7-1-00.

68B-37.004 Regional Bag Limits; Closed Seasons.

(1) Regional bag limits. – Except as provided in Rule 68B-37.005 and subject to the closed seasons specified in subsection (2), no person shall harvest more spotted seatrout

per day or possess at any time, while in, on, or above the waters of the state or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters, more spotted seatrout than the specified bag limit established in this subsection within the following identified regions:

(a) ~~Northeast Region and~~ South Region – ~~Four (4) Five (5)~~ spotted seatrout.

(b) Northwest and Northeast Regions ~~Region~~ – ~~Five (5) Seven (7)~~ spotted seatrout.

(2) Regional season closures – No person shall harvest any spotted seatrout within the specified region during the closed seasons established in this subsection. During the specified closed season, the possession of spotted seatrout while in or on the waters of the specified region or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters is prohibited.

~~(a) Northeast Region—Beginning on December 1 of each year and continuing through the last day of February of the following year, the season for harvest of spotted seatrout is closed in the Northeast Region. During this closed season, no person shall land any spotted seatrout harvested in the South or Northwest Region in the Northeast Region.~~

~~(a)(b)~~ South Region – Beginning on November 1 and continuing through December 31 each year, the season for the harvest of spotted seatrout is closed in the South Region. During this closed season, no person shall land any spotted seatrout harvested in the Northeast or Northwest Region in the South Region.

~~(b)(c)~~ Northwest and Northeast Regions ~~Region~~ – Beginning on February 1 and continuing through the last day of February each year, the harvest of spotted seatrout is closed in the Northwest and Northeast Regions ~~Region~~. During this closed season, no person shall land any spotted seatrout harvested in the ~~Northeast or~~ South Region in the Northwest Northeast ~~Region~~.

PROPOSED EFFECTIVE DATE: July 1, 2000.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-1-89, Amended 1-1-96, 8-1-96, Formerly 46-37.004, Amended 7-1-00.

Section IV
Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game 302 Specifics
RULE NO.: 53ER00-16

SUMMARY OF THE RULE: This emergency rule relates to the Instant Game 302, "TREASURE HUNT" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prize winners and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER00-16 Instant Game 302 Specifics.

(1) Name of Game. Instant Game Number 302, "TREASURE HUNT."

(2) Price. TREASURE HUNT Lottery tickets sell for \$2.00 per ticket.

(3) TREASURE HUNT 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 TREASURE HUNT 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 TREASURE HUNT Lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The play symbols and play symbol captions in TREASURE HUNT are as follows:

ADD SYMBOLS

(5) Determination of Prize Winners. The play area of a TREASURE HUNT ticket is designed as a maze, with one location to enter and thirty-three potential locations to exit. The player follows a path marked by arrows leading from the "ENTER" location. The holder of a ticket having a maze in which the path marked by the arrows leads from the "ENTER" location to an exit location which is directly on a prize amount shall be entitled to the corresponding prize amount shown, or if FREE TICKET is shown as the corresponding prize, 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. Prize amounts which appear in the play area are: \$2.00, \$6.00, \$10.00, \$20.00, \$50.00, \$100, \$1,000, \$5,000, and \$20,000. Players may exit the maze at either one or two locations as required by the path marked by the arrows on the ticket, and may win up to two prizes.

(6) Number and Size of Prizes. The value, number of prizes, and odds of winning in Instant Game Number 302 are as follows:

<u>GET:</u>	<u>WIN</u>	<u>NUMBER IN</u>	<u>ODDS</u>
	<u>84 POOLS OF</u>		
	<u>120 TICKETS</u>		
	<u>PER POOL</u>		
<u>TICKET</u>	<u>TICKET</u>	<u>1,209,600</u>	<u>1 in 8.33</u>
<u>\$2</u>	<u>\$2</u>	<u>1,075,200</u>	<u>1 in 9.38</u>
<u>\$2 + \$2</u>	<u>\$4</u>	<u>739,200</u>	<u>1 in 13.64</u>
<u>\$6</u>	<u>\$6</u>	<u>268,800</u>	<u>1 in 37.50</u>
<u>\$10</u>	<u>\$10</u>	<u>67,200</u>	<u>1 in 150.00</u>
<u>\$20</u>	<u>\$20</u>	<u>67,200</u>	<u>1 in 150.00</u>
<u>\$10 + \$20</u>	<u>\$30</u>	<u>12,600</u>	<u>1 in 800.00</u>
<u>\$50</u>	<u>\$50</u>	<u>8,400</u>	<u>1 in 1,200.00</u>
<u>\$50 + \$50</u>	<u>\$100</u>	<u>6,300</u>	<u>in 1,600.00</u>
<u>\$100</u>	<u>\$100</u>	<u>3,696</u>	<u>1 in 2,727.27</u>
<u>\$1,000</u>	<u>\$1,000</u>	<u>10</u>	<u>1 in 1,008,000.00</u>
<u>\$5,000</u>	<u>\$5,000</u>	<u>8</u>	<u>1 in 1,260,000.00</u>
<u>\$20,000</u>	<u>\$20,000</u>	<u>3</u>	<u>1 in 3,360,000.00</u>

(7) The over-all odds of winning any prize in Instant Game Number 302 are 1 in 2.91.

(8) For reorders of Instant Game Number 302, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1) FS. Law Implemented 24.105(10)(a),(b),(c) FS. History--New 4-7-00.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE:

EFFECTIVE DATE: April 7, 2000

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that on April 10, 2000, the Florida Public Service Commission received a Petition from Radio Communications Corporation (Docket No. 991821-TC), seeking waiver of Rule 25-24.515(6), Rule 25-24.515(10), and Rule 25-24.515(14), Florida Administrative Code. The rules require that each pay telephone station shall permit direct access to toll free numbers; that each pay telephone station must provide coin free access, except for Feature Group A access, to any locally available interexchange company; and that each pay telephone station must be connected to an individual access line. Comments on this Petition should be filed with the Commission's Division of Records and Reporting, Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0863, within 14 days of publication of this notice. A copy of the Petition may be obtained from the Commission's Division of Records and Reporting, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL 32399-0850, or by calling (850)413-6770. For additional information, contact Beth

Keating, Division of Legal Services, at 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0862, or telephone (850)413-6212.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on April 6, 2000, the South Florida Water Management District (SFWMD) has received a petition for waiver from Joe Florea, for utilization of works or land of the SFWMD known as the C-14 Canal, Broward County. The petition seeks relief from the Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which prohibits the placement of permanent or semi-permanent above-ground facilities within the District's right of way that may interfere with the District's present or future ability to operate and maintain the works and lands of the District.

A copy of the petition may be obtained from: Juli Triola, (561)682-6268 or e-mail at jtriola@sfwmd.gov.

The SFWMD will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, Attn: Juli Triola, Office of Counsel.

NOTICE IS HEREBY GIVEN that on April 4, 2000, the South Florida Water Management District (SFWMD) received a Petition for Variance (Application 000404-13) from the Greater Orlando Aviation Authority for a project known as the Orlando International Airport, located in Orange County. The petition seeks relief from Section 7.4(d), Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – November 1996, incorporated by reference in Rule 40E-4.091(1)(a), Fla. Admin. Code, pertaining to the side slope requirements for all wet retention/detention areas.

A copy of the petition may be obtained from: Beth Colavecchio, (561)682-6905 or e-mail at bcolavec@sfwmd.gov.

The SFWMD will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33401, Attn: District Clerk.

For additional information, contact Susan Martin at the above address, or telephone (561)682-6251, or e-mail smartin@sfwmd.gov.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on March 31, 2000, the Florida Department of Health received a Petition for Waiver of 64E-15.004(5) and 64E-15.010(1)(a) of the Florida Administrative Code. The Petition for Waiver of the Rules is from Tollyn Twitchell, Vice President of Pine Shores Investment Corporation located at 6450 South Tamiami Trail in Sarasota, Florida 34231. The Petition is for permanent waiver of the rules until the property is rezoned. The Petition seeks to relieve the Petitioner from providing a sanitary dump station at Pine Shores Mobile Home Park. The Petitioner also seeks waiver from the permitting rule 64E-15.010(1)(a) that requires mobile home parks with 5 or more sites set aside for the accommodation of recreational vehicles to meet all requirements for the permitting of recreational vehicle parks. The Sarasota County Health Department has requested Petitioner to refile a new Petition in lieu of the approval of last year's Petition for similar action because the park operator failed to operate within the Findings of Fact that only 13 recreational vehicles were permitted by the Sarasota Department of Health. Last year's approved Petition for Waiver stipulated that the combination park be operated in adherence to the Findings of Fact and Conclusions of Law. In granting the approval of the Petition, the Department of Health also stipulated that each recreational vehicle owner, through agreement with owner, connect to the water and sewer connections provided at the site location of the recreational vehicle. Comments on this Petition should be filed with Angela Hall, Agency Clerk, Department of Health, Office of the General Counsel, 2020 Capital Circle, S. E., Bin #A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice. A copy of the Petition may be obtained from Ken Widergren, Bureau of Facility Programs, 2020 Capital Circle, S. E., Bin #A08, Tallahassee, Florida 32399-1710, or by calling (850)487-0004.

NOTICE IS HEREBY GIVEN that on March 31, 2000, the Department of Health entered an Order and Notice disposing of a petition for emergency variance from Rule 64E-6.013(11)(d), Florida Administrative Code, filed by Paul H. Poore, President of Alpha General Services. Rule 64E-6.013(11)(d), Florida Administrative Code, requires that all tanks with seams below the invert of the outlet shall be watertightness tested in accordance with ASTM C 1227-98, Standard Specification for Precast Concrete Septic Tanks, after field installation. The petition was filed with the Department on March 6, 2000, and noticed in Florida Administrative Weekly on March 24, 2000.

No comments from interested persons were received.

The Order, which is dated March 31, 2000, provides, in summary, that:

The Petitioner manufactures fiberglass septic tanks, which have previously been approved for use in the State of Florida by the Department. All of the Petitioner's approved septic tank designs have a seam below the invert of the outlet and are required to be tested after field installation under Rule 64E-6.013(11)(d), Florida Administrative Code. The Petitioner requested a variance from this rule, offering in the alternative, that its septic tanks undergo the required testing at the point of manufacturing or at an approved site by trained personnel. Because the Petitioner's proposal provides substantially the same level of protection as the method required in the rule, the Department has GRANTED its request for variance with the following conditions: a) Petitioner shall by May 1, 2000, submit to the Bureau of Water and Onsite Sewage Programs a copy of the Department of Business and Professional Regulation course #04P0536-1; b) Tank assembly and test personnel shall be certified under the above-referenced course before assembling or testing the Petitioner's currently approved septic tanks; c) Petitioner shall by May 1, 2000, submit to the Bureau of Water and Onsite Sewage Programs a copy of the certificate of compliance sticker that shall be used; d) The certificate of compliance sticker will be affixed to each tank sold in a uniform location adjacent and above the tank legend; and e) Assembly and watertightness testing of the Petitioner's products shall not be offered through the master septic tank contractor program.

A copy of the Order may be obtained from: Angela Hall, Agency Clerk Department of Health, Office of the General Counsel, BIN A02, 2020 Capital Circle, S. E., Tallahassee, FL 32399-1703, (850)245-4005.

NOTICE IS HEREBY GIVEN that on March 23, 2000, the Department of Health entered an Order and Notice disposing of a petition for variance from Rule 64E-9.008(1)(b), Florida Administrative Code, filed by Timothy Eiman, Program Director, American Safety and Health Institute. Rule 64E-9.008(1)(b), Florida Administrative Code, limits the organizations qualified to certify lifeguards and swim instructors in first aid and adult and infant cardiopulmonary resuscitation to the American Red Cross, American Heart Association and National Safety Council. The petition was filed with the Department on October 25, 1999, and noticed in Florida Administrative Weekly on January 14, 2000.

No comments from interested persons were received.

The Order, which is dated March 23, 2000, provides, in summary, that:

The Petitioner requested a permanent variance from Rule 64E-9.008(1)(b), Florida Administrative Code, seeking approval as an organization qualified to certify lifeguards and swim instructors in first aid and adult and infant cardiopulmonary resuscitation. The Petitioner's program has been approved by the U.S. Coast Guard and several states in the United States for first aid and cardiopulmonary

resuscitation courses. At the time the language of the rule was promulgated, the Department was not aware of the Petitioner. Because the Petitioner's course meets the requirements of the underlying statute, the petition for variance is GRANTED.

A copy of the Order may be obtained from: Angela Hall, Agency Clerk Department of Health, Office of the General Counsel, BIN A02, 2020 Capital Circle, S. E., Tallahassee, FL 32399-1703, (850)245-4005.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The Board of Directors of the **Historic Pensacola Preservation Board** announce a public meeting to which all persons are invited.

DATE AND TIME: Monday, May 8, 2000, 12:00 Noon

PLACE: 330 S. Jefferson Street, Pensacola, FL 32501

PURPOSE: General business meeting.

A copy of the agenda may be obtained by writing: Historic Pensacola Preservation Board, 330 S. Jefferson Street, Pensacola, Florida 32501.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

The Board of Directors of **Historic Pensacola, Inc.**, the direct support organization of the Historic Pensacola Preservation Board announce a public meeting to which all persons are invited.

DATE AND TIME: Monday, May 8, 2000, immediately following the meeting of the Historic Pensacola Preservation Board, which will begin at 12:00 Noon

PLACE: T. T. Wentworth Museum, 330 S. Jefferson Street, Pensacola, FL 32501

PURPOSE: General business meeting.

A copy of the agenda may be obtained by writing: Historic Pensacola Preservation Board, 330 S. Jefferson Street, Pensacola, Florida 32501.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

The **Historic Preservation Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 18, 2000, 9:00 a.m.

PLACE: The Doubletree Hotel, 101 South Adams Street, Tallahassee, Florida

PURPOSE: To allow the public to discuss preservation issues and funding concerns with the Historic Preservation Advisory Council.

A copy of the agenda may be obtained by writing: Frederick Gaske, Chief, Bureau of Historic Preservation, Department of State, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)487-2333.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to insure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Chapter 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance. Please contact the Bureau of Historic Preservation by telephone, (850)487-2333 or by Fax (850)922-0496.

The **Department of State, Division of Library and Information Services** announces a meeting of the Library Services and Technology Act Advisory Council.

DATES AND TIMES: Wednesday, June 14, 2000, 9:00 a.m. – 5:00 p.m.; Thursday, June 15, 2000, 9:00 a.m. – 1:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review federal fiscal year 2000 grant applications for federal Library Services and Technology Act funds.

A copy of the agenda may be obtained by contacting: Barratt Wilkins, State Librarian, (850)487-2651 or Suncom 277-2651.

Any person deciding to appeal any decision made by the Council with respect to any matter considered at this meeting will need a record of the proceedings, and that for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations due to a disability or physical impairment should contact the agency at least 48 hours prior to the meeting in order to request any special assistance by calling (850)487-2651 or TDD (850)922-4085.

The **Department of State, Division of Cultural Affairs** announces the following public meeting, to which all persons are invited:

COMMITTEE: Art Selection Committee

DATE AND TIME: Friday, May 5, 2000, 2:00 p.m.

PLACE: Florida Department of Transportation, Miami District Office, Executive Conference Room #6207, 1000 N. W. 111 Avenue, Miami, FL 33172-5800, (305)470-5126

PURPOSE: To hold an Orientation meeting to determine potential artwork sites for Art in State Buildings Project No. DOT 252-047, Miami District Office Addition, Dade County, Florida.

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.

DEPARTMENT OF BANKING AND FINANCE

The **Funeral and Cemeteries Legislative Advisory Board** and its committees announce a public meeting and all persons are invited to attend.

Care and Maintenance Trusting Rate Committee

Internet Sales/Advertising Committee

Sales Practices and Preneed Sales Agents Committee

Pre-Need Trusting Rate Committee

Advisory Board Meeting

DATE AND TIME: May 23, 2000, 8:30 a.m. – 5:00 p.m.

PLACE: Room S37, Senate Office Bldg., 404 South Monroe Street, Tallahassee, Florida

PURPOSE: Discussion of Chapter 497 and proposed legislation.

To obtain further information contact: Gladys Hennen, Administrative Assistant II, Division of Securities and Finance, 101 East Gaines St., Fletcher Bldg., Room 624P, 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 at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

The Florida **Board of Funeral and Cemetery Services** announces a public Board Meeting and all persons are invited to attend.

DATES AND TIMES: May 24, 2000, 10:00 a.m. – 5:00 p.m.; May 25, 2000, 9:00 a.m. – 5:00 p.m.

PLACE: Room S37, Senate Office Bldg., 404 S. Monroe St., Tallahassee, FL

PURPOSE: Regular Board Business; Certificate of Authority renewals; Board Chairman and Vice-Chairman election.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, the person will need a record of the proceedings and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

To obtain further information contact: Gladys Hennen, Administrative Assistant II, Division of Finance, 101 East Gaines St., Fletcher Bldg., Room 624P, 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 at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Department of Agriculture and Consumer Services** announces a meeting of the Pompano Beach Farmers Market Authority.

DATE AND TIME: May 1, 2000, 1:00 p.m.

PLACE: Pompano Beach Farmers Market, 1255 West Atlantic Avenue, Pompano Beach, Florida 33069

PURPOSE: To conduct routine business of the Authority and to discuss meeting schedules for subsequent meetings.

A copy of the agenda can be obtained by contacting: Richard Gunnels, Chairman, Lower Level 28, The Capitol, Tallahassee, Florida 32399-0810.

If special accommodations are needed to attend this meeting because of a disability, please contact Richard Gunnels, (850)488-3022 as soon as possible.

The Florida **Department of Agriculture and Consumer Services, Division of Forestry** (DOF) and the Goethe State Forest Management Plan Advisory Group announce two public meetings and a public meeting/hearing to which all persons are invited.

Public Meeting, Goethe State Forest Management Plan Advisory Group

DATE AND TIME: Tuesday, May 2, 2000, 5:30 p.m.

PURPOSE: To allow the Goethe State Forest Management Plan Advisory Group to review advisory group procedures and to prepare for a public hearing the evening of May 2, 2000.

Public Meeting/Hearing

DATE AND TIME: Tuesday, May 2, 2000, 7:00 p.m.

PURPOSE: To provide information on state forest activities proposed and to solicit public comment on management of the Goethe State Forest. Comments may be presented orally or in writing at the hearing. Written comments may also be submitted to the DOF's Goethe State Forest Office, 8250 S. E. CR 336, Dunnellon, FL 34431 and should be mailed so as to arrive at the Forest Office by the date of the public hearing.

Public Meeting, Goethe State Forest Management Plan Advisory Group

DATE AND TIME: Wednesday, May 3, 2000, 1:00 p.m.

PURPOSE: To allow the Goethe State Forest Management Plan Advisory Group to review comments from the public hearing of May 2, 2000 and to provide input to the DOF to help in preparation of a management plan for the Goethe State Forest.

PLACE: Levy County Courthouse, 355 South Court Street, Bronson, Florida

Copies of a working draft of the plan are available by contacting the Goethe State Forest Office, in writing, at the above address or by telephone, (352)447-2202.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance of these proceedings. Any request for special accommodations can be made by writing the DOF's, Goethe State Forest Office at the above listed address.

You are hereby notified in accordance with Chapter 286.0105, Florida Statutes, should you decide to appeal any decision made as a result of, or take exception to any findings of fact with respect to any matter considered at the hearing and meetings referred to above, you may need to ensure that a verbatim record of the proceedings is made. Such record shall include the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF EDUCATION

The public is invited to a telephone conference call meeting of the Florida **Board of Regents**.

DATE AND TIME: May 5, 2000, 9:00 a.m.

PLACE: Conference Room, 15th Floor, Florida Education Center, Tallahassee, Florida

PURPOSE: To consider legislative issues and updates and other matters pertaining to the State University System.

A copy of the agenda may be obtained by writing: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 325 West Gaines Street, Tallahassee, Florida 32399-1950.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity and Diversity, (850)201-7160 (Voice), (850)201-7333 (TDD), at least 7 days in advance, so that their needs can be accommodated.

DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement** will conduct a conference call of the Criminal and Juvenile Justice Information Systems (CJJIS) Council to which all persons are invited.

DATE AND TIME: Monday, May 1, 2000, 10:00 a.m.

PLACE: The Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida

PURPOSE: The focus on this conference call will center on a discussion of a plan of attack for CJJIS Council members, to identify the vision and direction of the Criminal Justice Network (CJNet).

Individuals with a disability as defined by the Americans with Disabilities Act (ADA) may call Senior Management Analyst, Bonnie Cox, (850)410-7126, about accommodations that would enable attendance.

A copy of the agenda may be obtained by writing: Senior Management Analyst, Bonnie Cox, Florida Department of Law Enforcement, Division of Criminal Justice Information Systems, Strategic Planning and Systems Integrity, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-7126, Suncom 210-7126.

DEPARTMENT OF TRANSPORTATION

The **Commission on the Future of Aeronautics and Space in Florida** announces a meeting to which all persons are invited.

DATE AND TIME: May 16, 2000, 10:00 a.m.

PLACE: Room 206, Spruance Hall, Embry-Riddle Aeronautical University, Daytona Beach, Florida

PURPOSE: Official business of the Commission. Including but not limited to presentation of results of taskings from last meeting.

A copy of the agenda may be obtained by writing: Thomas E. Duncan, Aviation Policy and Program Development Analyst, Aviation Office, Florida Department of Transportation, M.S. #46, 605 Suwannee Street, Tallahassee, Florida 32399-0450 or by electronic mail using the following address: thomas.duncan@dot.state.fl.us

The Agenda can also be viewed on the Commission's Internet web site at: <http://www.dot.state.fl.us/Aviation/Commission.htm>

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in the meeting should advise Thomas E. Duncan, (850)414-4513.

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the **Telecommunications Access System Act (TASA) Advisory Committee** to the Florida Public Service Commission will hold a committee meeting to which all parties and other interested persons are invited.

DATE AND TIME: Tuesday, May 9, 2000, 1:00 p.m.

PLACE: Easley Conference Center, 4075 Esplanade Way, Room 152, Tallahassee, Florida

PURPOSE: The purpose of the meeting is to discuss the transition of relay service to Sprint Communications Company, FTRI's equipment distribution program, FTRI's outreach program, FTRI's budget, new FCC rules regarding relay and relay service quality.

Further information regarding this meeting may be obtained from: Richard Tudor, Division of Telecommunications, Florida Public Service Commission, (850)413-6515.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 990455-TL – Request for review of proposed numbering plan relief for the 305/786 area code – Dade County and Monroe County/Keys Region.

Docket No. 990456-TL – Request for review of proposed numbering plan relief for the 561 area code.

Docket No. 990457-TL – Request for review of proposed numbering plan relief for the 954 area code.

Docket No. 990517-TL – Request for review of proposed numbering plan relief for the 904 area code.

DATE AND TIME: May 11, 2000, 9:30 a.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).

REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Planning Council**, Transportation Committee announces the following public meetings to which all persons are invited:

DATE AND TIME: May 4, 2000, 8:00 a.m.
 PLACE: Cecil Field, Building 333, 103rd Street, Jacksonville, FL
 PURPOSE: To discuss pending transportation issues.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

Notice is given that two or more members of the Boards of County Commissioners, City/Town Councils/Commission and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 3, 2000, 9:30 a.m.
 PLACE: Highlands County Health Department, Conference Room, 7205 South George Blvd., Sebring, Florida
 PURPOSE: Regular Monthly Meeting of the Council.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Central Florida Regional Planning Council** announces a public meeting of the Local Emergency Planning Committee (LEPC) to which all persons are invited.

DATE AND TIME: Wednesday, May 10, 2000, 10:00 a.m.
 PLACE: Southwest Florida Water Management District, Conference Room, 170 Century Boulevard, Bartow, Florida 33830
 PURPOSE: Regular Bi-monthly Meeting of the LEPC.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may

need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Monday, May 8, 2000, 8:30 a.m. (Please call to confirm date, time and location)
 PLACE: Tampa Bay Regional Planning Council, 9455 Koger Blvd., St. Petersburg, FL 33702
 PURPOSE: Executive/Budget Committee Meeting.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Monday, May 8, 2000, 10:00 a.m. (Please call to confirm date, time and location)
 PLACE: Tampa Bay Regional Planning Council, 9455 Koger Blvd., St. Petersburg, FL 33702
 PURPOSE: Tampa Bay Regional Planning Council Meeting.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Thursday, May 11, 2000, 9:00 a.m. (Please call to confirm date, time and location)
 PLACE: Tampa Bay Regional Planning Council, 9455 Koger Blvd., St. Petersburg, FL 33702
 PURPOSE: Agency on Bay Management Committee Meeting.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Monday, May 15, 2000, 9:30 a.m. (Please call to confirm date, time and location)
 PLACE: Tampa Bay Regional Planning Council, 9455 Koger Blvd., St. Petersburg, FL 33702

PURPOSE: Area Agency on Aging Committee Meeting.
 Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Monday, May 22, 2000, 9:30 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Blvd., St. Petersburg, FL 33702

PURPOSE: Clearinghouse Review Committee Meeting.
 Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, May 31, 2000, 10:30 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Blvd., St. Petersburg, FL 33702

PURPOSE: Local Emergency Planning Committee Meeting.
 Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The Region IX, **Local Emergency Planning Committee (LEPC)** announces a public meeting to which all persons are invited:

DATE AND TIME: May 11, 2000, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33917

PURPOSE: To discuss and implement provisions of the Emergency Planning and Community Right to Know Act.

A copy of the agenda may be obtained by contacting: Executive Director, Wayne E. Daltry, Southwest Florida Regional Planning Council, Post Office Box 3455, North Fort Myers, FL 33918-3455.

The **Treasure Coast Regional Planning Council** announces a meeting of Council's Transit/Transportation Task Force Committee to which all persons are invited:

DATE AND TIME: May 5, 2000, 11:30 a.m.
PLACE: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, FL 34994
GENERAL SUBJECT MATTER: To conduct a meeting of Council's Transit/Transportation Task Force Committee. The committee will review the Strategic Regional Policy Plan Transportation Section.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he will need a record of proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

REGIONAL TRANSPORTATION AUTHORITIES

The **Hillsborough Area Regional Transit Authority (HART)** announces the following public meetings of the Governing Board of the Authority to which all persons are invited.

Public Hearing
DATE AND TIME: May 1, 2000, 8:30 a.m.
PLACE: County Center, 601 E. Kennedy Boulevard, 18th Floor, Planning Commission Board Room, Tampa, FL
PURPOSE: Public Hearing.

Regular Board Meeting
DATE AND TIME: May 1, 2000, immediately following Public Hearing
PLACE: County Center, 601 E. Kennedy Boulevard, 18th Floor, Planning Commission Board Room, Tampa, FL
PURPOSE: Regularly Scheduled Board Meeting.

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to order
2. Approval of Minutes
3. Introductions, Recognition and Awards
4. Consumer Advisory Committee Report
5. Public Comment on Action Items
6. Consent Action Items
7. Other Action Items
8. Chairman's Report
9. Reports from HART Representatives
10. HART Committee Reports
11. Other Board Member's Report
11. General Counsel's Report
12. Executive Director's Report
13. Employee Comment
14. General Public Comment
15. Discussion and Presentations

- 16. Monthly Information Reports
- 17. Other Information Items
- 18. Other Business

A copy of the detailed agenda may be obtained by contacting: Mary Staples, Administrative Assistant II, Hillsborough Area Regional Transit Authority, 201 E. Kennedy Boulevard, Suite 1600, Tampa, Florida 33602, (813)223-6831.

Section 286.0105, Florida Statutes, states that if a person decides to appeal any decision made by a board, agency or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings and that for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Joe DeHoyos, (813)623-5835, at least 48 hours before the meeting. If the caller is hearing impaired, contact the Authority at (813)626-9158 (TDD).

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

The Florida **Department of Labor and Employment Security**, Workers' Compensation Oversight Board announces a telephone conference of its Coordinating Committee to discuss general issues.

DATE AND TIME: Tuesday, April 25, 2000, 10:00 a.m.
PLACE: Call (850)487-2613 for instruction on participation
PURPOSE: The purpose of the meeting is to discuss issues to be on the agenda for the full Workers' Compensation Oversight Board meeting.

For further information about this telephone conference, contact Julie Douthit, Suite 100, Marathon Building, 2574 Seagate Drive, Tallahassee, Florida 32399-2152, telephone (850)487-2613, two days prior to the date of the meeting.

In the event meeting time and/or place changes, notice of change will be posted on meeting notice bulletin board at 2574 Seagate Drive, Suite 100, Marathon Building, Tallahassee, Florida 32399-2152. You may call (850)487-2613.

Persons with a disability or handicap requiring reasonable accommodation should contact Becky Thomas in writing or by telephone at the above address or telephone number at least two business days in advance of the meeting to make appropriate arrangements. If you are hearing or speech impaired, please contact Becky Thomas 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 Labor and Employment Security**, Workers' Compensation Oversight Board announce a series of telephone conferences of its Fraud Committee to discuss general issues.

DATES AND TIME: Friday, April 28, 2000; Friday, May 5, 2000; Friday, May 12, 2000; Friday, May 19, 2000; Friday, May 26, 2000, 8:30 a.m.

PLACE: Call (850)487-2613 for instruction on participation
PURPOSE: The purpose of the meetings is to discuss issues of interest to the Fraud Committee.

For further information about this telephone conference, contact Julie Douthit, Suite 100, Marathon Building, 2574 Seagate Drive, Tallahassee, Florida 32399-2152, telephone (850)487-2613, two days prior to the date of the conference call.

In the event time and/or date changes, notice of change will be posted on meeting notice bulletin board at 2574 Seagate Drive, Suite 100, Marathon Building, Tallahassee, Florida 32399-2152. You may call (850)487-2613.

Persons with a disability or handicap requiring reasonable accommodation should contact Becky Thomas in writing or by telephone at the above address or telephone number at least five business days in advance of the meeting to make appropriate arrangements. If you are hearing or speech impaired, please contact Becky Thomas using the Florida Dual Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Rehabilitation Council for the Blind** announces the following Public Forum to which all interested individuals are invited to attend.

DATE AND TIME: Thursday, June 8, 2000, 3:00 p.m. – 5:00 p.m.
PLACE: Art Serve/Ft. Lauderdale Library, 1300 E. Sunrise Blvd., Ft. Lauderdale, FL 33304, (954)765-4263

PURPOSE: For consumer input on the effectiveness of services provided by the Florida Division of Blind Services in assisting individuals with visual impairments achieving employment and independence under title I of the Rehab Act.
CONTACT: Phyllis Dill, The Division of Blind Services, 2551 Executive Center Circle, W., Suite 200, Tallahassee, FL 32399-2050, (850)488-1330, Ext. 139 or through the Florida Telephone Relay system at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in these meetings should contact the individual listed above no later than five working days prior to the meeting.

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces a Land Acquisition and Management Committee Meeting and tour to which all persons are invited. The meeting is scheduled for:

DATE AND TIME: Friday April 28, 2000, 10:00 a.m. – 3:00 p.m. (Meeting: 10:00 a.m. – 12:00 p.m.; Tour: 1:00 p.m. – 3:00 p.m.)

PLACE: Meeting – Blue House at Sunnyhill Restoration Area, 19561 S. E. Hwy 42, Umatilla, FL 32784; Tour – Sunnyhill Restoration Area

PURPOSE: To review land management and land acquisition activities.

If any person decides to appeal any decision with respect to any matter considered at the above listed meeting such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

If, due to disability, you require a special accommodation to participate in this public meeting, contact Linda Lorenzen, (904)329-4262 or (904)329-4450 (TDD), at least five work days before the date of the meeting.

The **St. Johns River Water Management District** announces a Central Region Recreation Advisory Council meeting to which all persons are invited. The meeting is scheduled for:

DATE AND TIME: Wednesday, May 3, 2000, 9:30 a.m. – 12:00 p.m.

PLACE: Sunnyhill Restoration Area, The Blue House, 19561 S. E. Hwy. 42, Umatilla, FL 32784

PURPOSE: To discuss recreation on District lands in the Central Region.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Mrs. Linda Lorenzen, (904)329-4262. If you are hearing or speech impaired, please contact the agency by calling (904)329-4450 TDD).

NOTE: If any person decides to appeal any decision with respect to any matter considered by the St. Johns River Water Management District's Governing Board, such person may need to ensure that a verbatim record of the meeting is made to include the testimony and evidence upon which appeal is to be based.

The **Southwest Florida Water Management District** announces the following meetings to which all interested parties are invited.

GREEN INDUSTRY ADVISORY COMMITTEE

DATE AND TIME: Thursday, May 4, 2000, 12:00 Noon

PLACE: Tampa Service Office, 7601 Highway 301, North, Building 1, Tampa, Florida

ENVIRONMENTAL ADVISORY COMMITTEE

DATE AND TIME: Wednesday, May 10, 2000, 6:00 p.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Building 1, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business.

Some members of the District's Governing and Basin Boards may attend the meetings.

Copies of the agendas may be obtained by writing: Community Affairs Department, Southwest Florida Water Management District, 7601 Highway 301, North, Tampa, Florida 33637.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)836-0797 (Florida) or (813)985-7481, Extension 2036, Fax (813)987-6726, TTD ONLY 1(800)231-6103 (Florida).

The **South Florida Water Management District** announces public meetings to which all interested parties are invited:

DATES AND TIMES: May 2, 2000, 9:00 a.m. – 1:00 p.m.; May 3, 2000, 9:00 a.m. – 4:00 p.m.

PLACE: Pompano Beach Civic Center, 1801 N. E. 6th Street, Pompano Beach, Florida

PURPOSE: These meetings are to discuss the completion of the Lower East Coast Regional Water Supply Plan.

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.

Those who desire more information may contact: John Mulliken, Lower East Coast Regional Water Supply Plan Project Manager, (561)682-6649.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, May 9, 2000, 7:00 p.m. – 9:00 p.m.

PLACE: Kissimmee Civic Center, 201 E. Dakin Avenue, Kissimmee, FL 34741, Telephone (407)935-1412

PURPOSE: The Kissimmee Chain of Lakes Land Management Advisory Committee will meet to discuss findings of the Gardner-Cobb Marsh visit.

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.

Those who desire more information may contact Jay Udelhoven, (407)858-6100.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a meeting of the Conference Committee to which all persons are invited.

DATE AND TIME: Tuesday, May 9, 2000, 10:00 a.m. – completion

PLACE: 2740 Centerview Drive, Rhyne Building, Suite 1A, Tallahassee, Florida, (850)488-6036.

PURPOSE: To discuss plans for 2000 TD conference.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Tiffany McNabb at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)488-6036 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

DEPARTMENT OF VETERANS' AFFAIRS

The Florida **Commission on Veterans' Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, May 12, 2000, 10:00 a.m.

PLACE: Bay Pines Veterans Administration Medical Center, 9500 Bay Pines Boulevard, Conference Room 309F, St. Petersburg, Florida 33708

PURPOSE: General meeting and planning session.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Carolyn S. Schultz, Florida Department of Veterans' Affairs,

Koger Center, 2540 Executive Center Circle, West, Douglas Building, Suite 100, Tallahassee, Florida 32301, (850)487-1533, at least 48 hours prior to the workshop.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs** announces a public meeting to which all persons are invited:

SHINE (Serving Health Insurance Needs of Elders) Steering Committee Meeting

DATE AND TIME: Thursday, May 4, 2000, 9:00 a.m.

PLACE: Sheraton Suites, Tampa Airport, 4400 W. Cypress Street, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Elder Insurance Benefits, Counseling and Training techniques.

A copy of the agenda may be obtained by contacting: Shelia Kilpatrick, (850)414-2060.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting of the panel on Medicaid reimbursement to which all persons are invited.

DATE AND TIME: Monday, May 15, 2000, 10:00 a.m.

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

PURPOSE: In accordance with Chapter 99-394, Laws of Florida, the panel on Medicaid reimbursement will be conducting a public meeting. The purpose of the panel is to study the State's Medicaid reimbursement plan for nursing home facilities and recommend changes to accomplish specific goals. The meeting will be for the purpose of reviewing research conducted by panel members and interested parties on specific preliminary recommendations by the panel for modifications to the patient care and property components of the reimbursement methodology.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda has not been set. Contact Mr. Edwin Stephens, (850)413-8067 or Suncom 293-8067, with any questions or to obtain an agenda when it is set.

DEPARTMENT OF MANAGEMENT SERVICES

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting will be held:

DATES AND TIMES: Friday, May 19, 2000, 10:00 a.m. – 5:00 p.m.; Saturday, May 20, 2000, 9:00 a.m. – 2:00 p.m.

PLACE: Embassy Suites, Miami-Airport, 3974 N. W. South River Drive, Miami, FL 33142

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be discuss findings of the management review conducted by MGT of America, Inc. and general and administrative issues of the Commission.

A copy of the agenda may be obtained by contacting: Ms. Sharon Moultry, Clerk of the Commission, Florida Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149, Telephone (850)488-7082, Extension 1036.

VERBATIM RECORD OF MEETING: If any person decides to appeal any decision made during the meeting, he or 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 based.

SPECIAL ACCOMMODATION: Any person requiring special accommodation because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Extension 1036, at least five calendar days prior to the meeting.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE OF CANCELLATION – The Department of Business and Professional Regulation announces the following conference call of the **Division of Hotels and Restaurants’** Advisory Council which the public is invited to attend.

The conference call will be conducted at the date, time and phone number listed below:

DATE AND TIME: Monday, May 1, 2000, 1:00 p.m. – 2:00 p.m.

PLACE: Phone Number (850)921-2470, Suncom 291-2470

PURPOSE: Legislative Update and School-To-Career Grants.

If you need additional information, please contact: Ms. Delores Koonce, Administrative Assistant, Office of the Director, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida 32399-1011 or call 1(800)749-6368 or (850)488-1133.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Ms. Delores Koonce, 1(800)749-6368 or (850)488-1133, at least five calendar days prior to the meeting.

The **Department of Business and Professional Regulation** announces the following meeting to be conducted by the Florida **Board of Architecture and Interior Design** (Board):

MEETING: Probable Cause Panel

DATE AND TIME: May 8, 2000, 9:00 a.m.

PLACE: The Department of Business and Professional Regulation, Northwood Centre, Board Conference Room, 1940 North Monroe Street, Tallahassee, FL 32399

PURPOSE: To conduct an official meeting of the Probable Cause Panel of the Florida Board of Architecture and Interior Design. Only that portion of the meeting wherein probable cause has previously been found on noted cases will be open to the public.

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Gregory Spence, Department of Business and Professional Regulation, Board of Architecture and Interior Design, (850)488-6754, at least forty eight (48) hours prior to the meeting. If you are hearing or speech impaired, please call Vickie Booher, Florida Board of Architecture and Interior Design using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

NOTICE OF CANCELLATION – The Board of Accountancy announces the following public meeting of the Privatization Committee which has been cancelled:

DATE AND TIME: Tuesday, May 2, 2000, 11:00 a.m.

PLACE: Secretary’s Conference Room, Department of Business and Professional Regulation, 725 South Bronough Street, Tallahassee, Florida

The **Board of Accountancy** announces the following meeting of the Probable Cause Panel:

DATE AND TIME: Tuesday, May 16, 2000, 10:00 a.m.

PLACE: Hilton Airport Hotel, 2225 North Lois Avenue, Tampa, Florida

PURPOSE: The probable cause panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public, however, there may be cases where probable cause was previously found which are to be reconsidered.

A copy of any probable cause materials which are open to the public may be obtained by writing: Martha P. Willis, Division Director, Division of Certified Public Accounting, 2610 N. W. 43rd Street, Suite 1-A, Gainesville, Florida 32606.

Note: Portions of the Probable Cause Panel meeting may be closed to the public. If a person decides to appeal any decision made by the Board with respect to any matter consider at this meeting, he may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting by contacting Martha Willis, (352)955-2165.

If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

The **Board of Accountancy** announces the following public meeting of the Board to which all persons are invited:

DATE AND TIME: Wednesday, May 17, 2000, 8:30 a.m.

PLACE: Hilton Airport Hotel, 2225 North Lois Avenue, Tampa, Florida

PURPOSE: Enforcement proceedings including consideration of investigating officers reports and other general business. This is a public meeting.

A copy of the agenda may be obtained by writing: Martha P. Willis, Division Director, Division of Certified Public Accounting, 2610 N. W. 43rd Street, Suite 1-A, Gainesville, Florida 32606.

NOTE: If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, 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.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Martha Willis, (352)955-2165. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

The **Florida Real Estate Commission**, Education and Research Foundation Advisory Committee has scheduled a meeting to which all persons are invited.

DATE AND TIME: Monday, May 15, 2000, 9:00 a.m.

PLACE: Suite 301, North Tower, 400 W. Robinson Street, Orlando, Florida

PURPOSE: Official business of the Foundation – including but not limited to proposed legislation affecting Chapter 475, review the progress of persons conducting research and studies, the results of any research project shall not be published or disseminated until it has been reviewed and approved in writing by the advisory committee, to create and promote education projects to expand the knowledge of the public and real estate licensees, to augment the existing real estate programs, to make studies of, and recommend changes in state statutes and municipal ordinances; request proposals for studies that are requested by the governor or the presiding officers of the Legislature, prepare information of consumer interest concerning Florida real estate and to make the information available to the public and appropriate state agencies.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0830 (between the hours of 9:00 a.m. – 4:00 p.m.), at least five calendar days prior to the

meeting. If you are hearing or speech impaired, please call the Real Estate Division 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, can be obtained by contacting: Jo Ellen Peacock, Education Section.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection** announces a public workshop to which all persons are invited.

DATE AND TIME: Wednesday, May 3, 2000, 10:00 a.m. – 5:00 p.m.

PLACE: West Palm Beach Police Department, 600 Banyan Boulevard, West Palm Beach, Florida

PURPOSE: The purpose of the Lake Okeechobee TAC is to assist in the development of a Total Maximum Daily Load (TMDL) for total phosphorus in Lake Okeechobee. Discussion may include the in-lake cycling of phosphorus with emphasis on the role of sediments in phosphorus cycling, tools currently available for modeling the Lake Okeechobee system, and the formulation of a method for determining allowable phosphorus loading to the lake.

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, 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 contacting: Kim Shugar, Department of Environmental Protection, 2600 Blair Stone Road, MS 3525, Tallahassee, Florida 32399-2400 or by calling her at (850)921-9395.

The **Department of Environmental Protection**, Clean Boating Partnership announces its first meeting to which all persons are invited:

DATE AND TIME: Thursday, May 4, 2000, 9:00 a.m. – 5:00 p.m.

PLACE: Madrid Room, Second Floor, Renaissance Orlando Hotel, Airport, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Explore and discuss directions, goals, objectives and implementation strategies for the Department's Clean Marina Program.

A copy of the agenda may be obtained by contacting: Jan R. De Laney, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, (850)488-5757, Extension 178.

The **Department of Environmental Protection**, Division of Water Resource Management announces a public hearing on a rule adoption (Docket No. 99-38R) to which all persons are invited:

DATE AND TIME: Wednesday, May 10, 2000, 1:30 p.m.

PLACE: Department of Environmental Protection, Room 609, Twin Towers, 2600 Blair Stone Road, Tallahassee, Florida

PURPOSE: To adopt a revised Figure 3, entitled "Regional Watersheds of the SJRWMD for Mitigation Banks." This figure is incorporated by reference in rule 62-342.200(9) and is referenced in rule 62-342.600, FAC. The notice of proposed rulemaking was published in the Florida Administrative Weekly on February 18, 2000, Vol. 26, No. 7, pages 768-771. These regional watersheds are used in the establishment of mitigation bank service areas and in the analysis of ecological benefits of proposed mitigation banks and also are used as part of the determination of the number of mitigation credits needed to offset a given wetland impact within the geographic territory of the St. Johns River Water Management District. This rulemaking will conform to identical revisions being proposed by the St. Johns River Water Management District.

A copy of the agenda may be obtained by contacting: 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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing by contacting the Personnel Service Specialist, Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The **Department of Environmental Protection**, Division of Water Resource Management announces a public hearing on a rule adoption (Docket No. 99-39R) to which all persons are invited:

DATE AND TIME: Wednesday, May 10, 2000, 1:30 p.m.

PLACE: Department of Environmental Protection, Room 609, Twin Towers, 2600 Blair Stone Road, Tallahassee, Florida

PURPOSE: To adopt a proposed amendment to rule 62-330.200(2)(i), which incorporates by reference Figure 12.2.8-1, entitled "St. Johns River Water Management District Drainage Basins." The notice of proposed rulemaking was published in the Florida Administrative Weekly on February 18, 2000, Vol. 26, No. 7, pages 765-768 and a notice of correction was published on April 7, Vol. 26, No. 14. These drainage basins are part of the "Applicant's Handbook: Management and Storage of Surface Waters," and are relevant to certain permitting criteria applicable to environmental resource permit (ERP) applications within the St. Johns River

Water Management District. 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. This rulemaking will conform to identical revisions being proposed by the St. Johns River Water Management District.

A copy of the agenda may be obtained by contacting: 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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing by contacting the Personnel Service Specialist, Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Tuesday, May 2, 2000, 7:00 p.m. (EDT)

PLACE: Wakulla Springs State Park, Wakulla Springs Lodge, 550 Wakulla Park Drive, Wakulla Springs, Florida 32305

PURPOSE: To receive comments regarding management and land uses for Edward Ball Wakulla Springs State Park before the development of a management plan for the park.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance of this meeting. Any request for special accommodations can be made by writing: Department of Environmental Protection, Division of Recreation and Parks, District 1 Administration, 4620 State Park Lane, Panama City, Florida 32408.

DEPARTMENT OF HEALTH

The **Department of Health**, Bureau of Emergency Medical Services announces a public meeting to which all persons are invited.

DATES AND TIMES: May 4, 2000, 1:00 p.m. – 9:00 p.m.; May 5, 2000, 8:00 a.m. – 1:00 p.m.

PLACE: Embassy Suites Hotel, Orlando Airport, 5835 T. G. Lee Boulevard, Orlando, FL 32822, Telephone Number (407)888-9339

PURPOSE: A committee appointed by the Bureau of Emergency Medical Services is holding a meeting to assist the Department of Health in the development of a trauma registry data dictionary.

A copy of the agenda may be obtained by writing: Department of Health, Bureau of Emergency Medical Services, 2020 Capital Circle, Southeast, Bin #C18, Tallahassee, Florida 32399-1738, or by calling Andrea Slapion, (850)245-4440, Ext. 2726.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency before April 7, 2000 by contacting Andrea Slapion, (850)245-4440, Ext. 2726. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Purchase Order Number XOO699

The **Department of Health, Board of Nursing Home Administrators** announces a Telephone Conference for a Probable Cause Panel Meeting to which all interested persons are invited.

DATE AND TIME: May 5, 2000, 10:00 a.m.

PLACE: Department of Health, 1940 North Monroe Street, Tallahassee, FL 32399, (850)921-5320

PURPOSE: Probable Cause Panel Meeting where probable cause was previously found.

A copy of the agenda and any probable cause materials which are open to the public may be obtained by writing: Board of Nursing Home Administrators, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Daisy King, Board of Nursing Home Administrators, (850)488-7549, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Department using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be made.

The **Board of Acupuncture** announces a meeting to be held by way of conference telephone hookup:

DATE AND TIME: May 1, 2000, 9:00 a.m.

PLACE: Bill Buckhalt, Exec. Director, Tallahassee, FL (850)921-6623, Suncom 291-6623.

PURPOSE: To conduct general Board Business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by writing: Mr. William H. Buckhalt, Executive Director, Board of Acupuncture, Northwood Centre, 2020 Capital Circle, S. E., Bin #C06, Suite 60, Tallahassee, Florida 32399-3256, or you may call (850)488-6016.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Penny L. Perkins, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Penny L. Perkins using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Chiropractic Medicine**, Probable Cause Panel will hold a duly noticed meeting to which all persons are invited to attend.

DATE AND TIME: Monday, May 1, 2000, 10:00 a.m.

PLACE: Department of Health, 1940 North Monroe Street, Tallahassee, Florida, Meet Me Number (850)488-5776

PURPOSE: To review cases previously reviewed by the panel.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board, (850)487-3052, at least 48 hour prior to the meeting. If you are hearing or speech impaired, please call the Board 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 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, Board of Chiropractic Medicine, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257.

The Florida **Board of Medicine** announces a telephone conference call to be held via meet me number.

DATE AND TIME: Wednesday, May 3, 2000, 12:30 p.m.

PLACE: Meet me Number (850)488-5776 or SC 278-5776

PURPOSE: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)488-3622, 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 the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The Florida **Council on Physician Assistants** announces a meeting to which all persons are invited.

DATE AND TIME: Friday, May 12, 2000, 12:30 p.m.

PLACE: Tallahassee Airport, Dale Mabry Conference Room, Tallahassee, Florida 32304

PURPOSE: To conduct general business of the Council.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Council on Physician Assistants, (850)488-3622, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Council on Physician Assistants 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 Council with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings and for such purpose, 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**, Probable Cause Panel (North) announces a meeting by telephone conference call.

DATE AND TIME: Monday, April 24, 2000, 9:00 a.m.

PLACE: Telephone Conference Call, University Centre Hotel, 1535 S. W. Archer Road, Gainesville, Florida 32608, (352)371-3339

PURPOSE: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

The meet me number may be obtained by contacting: Pamela King, Regulatory Supervisor, Board of Medicine, 2020 Capital Circle, S. E., Bin C03, Tallahassee, Florida 32399-3253, (850)488-3600.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 322317-4229, Telephone (850)922-2414; 1(800)955-8771(TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The **Correctional Medical Authority** announces a meeting of the Mental Health Committee to be held in Tallahassee, Florida. All persons are invited.

DATE AND TIME: May 5, 2000, 10:00 a.m. – 2:00 p.m.

PLACE: Capital Circle Office Complex, 2585 Merchants Row Blvd., Room 120, Tallahassee, FL 32399

PURPOSE: Continued discussion of issues relating to mental health care in the Florida Department of Corrections.

PLEASE NOTE THE ABOVE ADDRESS IS NEW – AFTER OCTOBER 15, CORRECTIONAL MEDICAL AUTHORITY WILL NO LONGER BE LOCATED AT THE ALEXANDER BUILDING. PLEASE CALL (850)245-4044 FOR DIRECTIONS.

A copy of the agenda may be obtained by writing: Murdina Campbell, Correctional Medical Authority, 2020 Capital Circle, S. E., B-04, Tallahassee, FL 32399-1732, (850)487-3580.

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.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Family Preservation and Support Coalition, sponsored by the District 12, **Department of Children and Family Services** announces a public meeting to which all persons are invited.

DATE AND TIME: April 27, 2000, 2:00 p.m.

PLACE: The Palmetto Women's Club, 1000 South Beach Street, Daytona Beach, Florida

PURPOSE: Regular Business Meeting and Orientation.

A copy of the agenda may be obtained by writing: Family Preservation and Support, Department of Children and Family Services, 210 North Palmetto Avenue, Daytona Beach, FL 32114-3284, Attn.: Jeffrey J. Miller.

If you need special accommodations (i.e. assistive listening devices, sign language interpreter, etc.) please notify Rose van der Berg, (904)226-7826, at least 48 hours in advance of the meeting. (Hearing impaired please use Florida Relay 1(800)955-8771.)

The Florida **Commission on Mental Health and Substance Abuse** announces a meeting to which all persons are invited.

DATE AND TIME: Friday, April 28, 2000, 9:00 a.m. – 5:00 p.m.

PLACE: Orange County Public Library (the Oak Room), 101 E. Central Ave., 3rd Floor, Orlando, Florida

PURPOSE: This meeting's focus will be emergency behavioral health care. The agenda will provide for public testimony on the functioning, staffing, financing, quality and effectiveness of Florida's mental health and substance abuse system.

Written testimony about mental health and substance abuse issues may also be sent to: Dr. Nancy Bell, Executive Director, 13301 Bruce B. Downs Blvd., Tampa, FL 33612-3807.

In accordance with the Americans with Disabilities Act, persons needing an accommodation to participate in this meeting should contact Denise Putnal prior to the meeting, at the Department of Children and Family Services, 1317 Winwood Boulevard, Building 6, Room 274, Tallahassee, FL 32399-0700, Telephone (850)413-0936 or call via the Florida Relay Service, 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by calling (813)974-2751.

The **Department of Children and Family Services** (District Ten)/Health and Human Services Board will conduct the following Sub-committee meetings during the months of May, June, July, August and September:

The Level of Care Review Committee announces a public meeting to which you are invited to attend:

DATES AND TIME: June 7, 2000; June 14, 2000; June 21, 2000; June 28, 2000; July 5, 2000; July 12, 2000; July 19, 2000; July 26, 2000; August 2, 2000; August 9, 2000; August 16, 2000; August 23, 2000; August 30, 2000, 1:30 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: June 7, 2000; June 14, 2000; June 21, 2000; June 28, 2000, 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 Alcohol, Drug Abuse and Mental Health Standing Committee announces a public meeting which you are invited to attend:

DATE AND TIME: June 12, 2000, 3:00 p.m.

PLACE: Broward Regional Health Planning Council, Inc., 915 Middle River Drive, Suite 115, Ft. Lauderdale, Florida 33304

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues/Committees relating to ADM clients and programs.

The Family Care Council announces a public meeting which you are invited to attend:

DATES AND TIME: May 12, 2000; *June 9, 2000; July 7, 2000; August 4, 2000; September 1, 2000, 10:00 a.m. – 12:00 Noon

PLACE: Department of Children and Family Services, 201 W. Broward Blvd., Room 104-B (*June 9 meeting in Room 506), Ft. Lauderdale, Florida 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues relating to clients who are developmentally disabled.

The Executive Committee for Promoting Safe and Stable Families Program announces a public meeting which you are invited to attend:

DATE AND TIME: June 21, 2000, 2:00 p.m.

PLACE: Department of Children and Family Services, District Office, 201 W. Broward Blvd., Room 307, Ft. Lauderdale, Florida 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues relating to promoting safe and stable families.

The Health and Human Services Board announces a public meeting which you are invited to attend:

DATE AND TIME: June 26, 2000, 4:00 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 Economic Self Sufficiency Planning Subcommittee announces a public meeting which you are invited to attend:

DATE AND TIME: June 7, 2000, 3:00 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 to Economic Self-Sufficiency.

The Community-Based Care Lead Agency Task Force Committee announces a public meeting which you are invited to attend:

DATE AND TIME: April 25, 2000, 4:00 p.m.

PLACE: Miller Construction Company, 614 South Federal Highway, Fort Lauderdale, Florida 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Addressing the lead agency concept.

The Community-Based Care Steering Committee announces a public meeting which you are invited to attend:

DATE AND TIME: May 1, 2000, 8:00 a.m.

PLACE: Greater Fort Lauderdale Chamber of Commerce, 512 N. E. 3rd Avenue, Fort Lauderdale, Florida 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues relating to the community-based care effort.

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, Florida 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).

The **Community-Based Care** announces a Project Team Meeting #3 to which all persons are invited.

DATE AND TIME: May 12, 2000, 10:00 a.m.

PLACE: DCF, District 6, W. T. Edwards Building, 4th Floor, Room 416, 4000 W. Dr. Martin Luther King, Jr., Tampa, Florida

PURPOSE: (Name of PROJECT TEAM: Legal Services)

1. Review of New Legislation SB 1144
2. Task #3 (Technological Side) communicator
3. Task #2
4. Discussion from Judiciary CBC Sarasota & Manatee
5. Update on CBC from David Fairbanks.

For additional information, please contact Josefina Tamayo, Business Phone (850)488-2381, Email: Josefina_Tamayo@dcf.state.fl.us, Fax (850)922-3947

PLEASE NOTE IMPORTANT: Please electronically transmit this information to Susan Howell, CBC Central Office, NO LATER THAN 10 FULL working days in advance of the meeting date. Late submission will delay posting meeting notification in the Florida Administrative Weekly and may require the meeting to be rescheduled.

If unable to send via email, please fax information using this form. NO hand written Project Team Meeting Notices, please.

Susan_Howell@dcf.state.fl.us, Phone (850)487-2108 or Suncom 277-2108, Fax (850)921-4958, Suncom 297-4958.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Florida Sturgeon Production Working Group** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, May 2, 2000, 10:00 a.m. – 3:00 p.m.

PLACE: Conference Room, University of Florida, Institute of Food and Agricultural Sciences, Department of Fisheries and Aquatic Sciences, 7922 Northwest 71st Street, Gainesville, Florida 32653

PURPOSE: Sixth meeting of the Sturgeon Production Working Group pursuant to ss. 370.31(4), F.S., to establish a state sturgeon aquaculture program to promote the commercial production and stock enhancement of sturgeon in Florida. Also at the meeting we will discuss the sturgeon contracts currently being administered by the Florida Marine Research Institute. The results of the Sturgeon Culture Risk Assessment Workshop which was held April 6 and 7 will be discussed. Also, the status of Atlantic sturgeon for commercial aquaculture in Florida will be discussed. Funding priorities for FY 2000-2001 will be discussed.

A copy of the agenda for the public meeting may be obtained from the agency contact person: Anne Wakeford, Environmental Specialist, Florida Fish and Wildlife Conservation Commission, Florida Marine Research Institute, 100 Eighth Avenue, Southeast, St. Petersburg, FL 33701-5095, mail station: J2N-HUF, Telephone (727)896-8626, Email: anne.wakeford@fwc.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please notify the Personnel Services Specialist, (850)488-2996 or 1(800)955-8771 (TDD), at least 7 calendar days prior to the event.

The **Fish and Wildlife Conservation Commission, Division of Law Enforcement** announces a meeting of the Boating Safety Education Ad-Hoc Committee of the Boating Advisory Council to which all persons are invited:

DATE AND TIME: May 10, 2000, 1:00 p.m. – 5:00 p.m.

PLACE: Radisson Hotel, Orlando Airport, 5555 Hazeltine National Drive, Orlando, Florida

PURPOSE: Committee meeting to address boating safety education in Florida.

An agenda of the meeting may be obtained by contacting: Division of Law Enforcement, Boating Advisory Council, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or by calling Paul Ouellette or Shelly Gurr, (850)488-5600.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should notify Andrena Knicely, (850)487-1406, at least 5 days before the preceding event.

The Fish and Wildlife Conservation Commission, Division of Law Enforcement announces the following Boating Advisory Council public meeting, to which all persons are invited:

DATE AND TIME: May 11, 2000, 9:00 a.m. – 5:00 p.m.
 PLACE: Radisson Hotel, Orlando Airport, 5555 Hazeltime National Drive, Orlando, Florida
 PURPOSE: Meeting of the Boating Advisory Council.

An agenda of the meeting may be obtained by contacting: Division of Law Enforcement, Boating Advisory Council, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or by calling Jim Brown or Shelly Gurr, (850)488-5600.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should notify Andrena Knicely, (850)487-1406, at least 5 days before the preceding event.

The Florida **Fish and Wildlife Conservation Commission** has scheduled a public meeting. This notice announces the date, time and place of that meeting to which all interested persons are invited:

DATES AND TIME: May 24-26, 2000, 8:30 a.m. each day
 PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, Florida
 PURPOSE: To review and discuss substantive and procedural issues associated with the Fish and Wildlife Conservation Commission and to take action on proposed rules and policy issues.

A copy of the proposed agenda may be obtained: Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600.

If any person decides to challenge any decision with respect to any matter considered at the above meeting, a record of the proceeding will be needed. For this purpose, you may need to ensure that a verbatim record of the proceeding is made which includes testimony and evidence upon which the challenge is to be based.

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

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

NORTHEAST FLORIDA CRIMINAL JUSTICE TRAINING AND EDUCATION CENTER

The **Region V, Training Council** will hold its Bi-Annual Advisory Meeting:

DATE AND TIME: April 26, 2000, 2:00 p.m.
 PLACE: Conference Room, Building P, Police Academy, 4501 Capper Road, Jacksonville, FL

For an advance copy of the agenda contact: Frank Heinze, Northeast Florida Criminal Justice Training and Education Center, (904)713-4900, Fax (904)713-4828.

FLORIDA MUNICIPAL INSURANCE TRUST

The **Florida Municipal Insurance Trust**, an interlocal entity created pursuant to Fla. Stat. 768.28 and 163.01 announces a public meeting to which all persons are invited.

DATES AND TIMES: Friday, May 12, 2000, 9:30 a.m. – 4:00 p.m.; Saturday, May 13, 2000, 9:00 a.m. – 12:00 Noon
 PLACE: Alexander Suites Hotel, 5225 Collins Avenue, Miami Beach, Florida 33140, (305)341-6500

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business meeting of the Board of Trustees.

A copy of the proposed agenda may be obtained by contacting: Linda Bridges, Florida League of Cities, Inc., Tallahassee, (850)222-9684.

If any person desires 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 based.

FLORIDA COMPREHENSIVE HEALTH ASSOCIATION

The **Florida Comprehensive Health Association** created pursuant to Section 627.6488, Florida Statutes, as amended, announces a public meeting change from April 20, 2000 to the following.

DATE AND TIME: Thursday, May 18, 2000, 10:00 a.m.
 PLACE: Pennington Law Firm, 215 S. Monroe Street, 2nd Floor, Tallahassee, FL 32301

PURPOSE: Board of Directors' Meeting.
 A copy of the proposed agenda may be obtained by writing: Mr. Ryland B. Musick, Executive Director, Florida Comprehensive Health Association, 1210 E. Park Avenue, Tallahassee, Florida 32301, (850)309-1200 or by facsimile (850)309-1222.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person will need a record of the proceedings, and for such purpose, they

may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF BANKING AND FINANCE

NOTICE IS HEREBY GIVEN that the Department of Banking and Finance, Division of Banking, has entered a Final Order denying the Petition for Declaratory Statement filed by The First Commercial Bank of Tampa, located at 4600 W. Kennedy Blvd., Tampa, Florida 33609.

A copy of the Department’s Final Order can be obtained by writing: Agency Clerk, Department of Banking and Finance, Suite 526, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Corrections received a Petition to Initiate Rulemaking on April 6, 2000 from Richard Adamson. Petitioner is a prisoner seeking amendment of Rule 33-3.0055(10)(i)(2) and (3), Florida Administrative Code.

A copy of the Petition may be obtained by writing: Giselle Lysten Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the 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 In Re: Petition for Declaratory Statement, Olive Glen Condominium Association, Inc., Petitioner.

The Petitioner requests an interpretation as to whether certain unit owners are “Successor Developers” within the meaning of Rule 61B-15.007(1)(b), Florida Administrative Code. Petitioner also seeks a declaratory statement as to the manner in which proxies and ballots are to be tabulated.

A copy of the Petition for Declaratory Statement, Docket Number CD2000-075, 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.

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 two petitions for declaratory statement which are consolidated in In Re: Petitions for Declaratory Statement, River Run of Sebastian Condominium Association, Inc., Petitioner.

The Petitioner requests an interpretation as to whether River Run Dock Condominium is a residential condominium within the Division’s jurisdiction pursuant to sections 718.501 and 718.103(22), Florida Statutes, and whether the owners of units in the River Run Dock Condominium are responsible for paying a pro-rata share of the cost of maintaining the additional facilities pursuant to the declaration of condominium for River Run Dock Condominium.

A copy of the Petitions for Declaratory Statement, Docket Numbers CD2000-071 and CD2000-072, 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.

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

NOTICE TO PROFESSIONAL CONSULTANTS

Florida State University, State of Florida, announces that Professional Services in the discipline of architecture will be required for the project listed below:

PROJECT NO.: BR-237

PROJECT: Communications Lab

LOCATION: Florida State University, Tallahassee, Florida

This project consists of the construction of a new facility that will replace the majority of the existing Moore Athletic Center. The new facility will provide approximately 109,000 net assignable square feet of new space for the College of Communications, the College of Human Sciences, general academic use and the Athletic Department. This project will also remodel approximately 46,585 net assignable square feet of existing space. Most of this existing space to be retained is located in the relatively new Daisy Flory addition adjacent to the north end zone seating; and in the newly remodeled football locker rooms. The selected firm will be retained in two phases. In the first phase, the firm will be required to provide advanced programming services to finalize program and budget requirements. In the second phase, the firm will be required to provide design, construction documents and construction administration for the referenced project.

The project is budgeted at \$20,333,900 for construction. The project delivery system will be construction management. Blanket professional liability insurance will be required for this project in the amount of \$1,000,000 and will be provided as a part of basic services.

INSTRUCTIONS

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed Board of Regents "Professional Qualifications Supplement," dated either 02/99 or 09/99. Applications on any other form or on versions dated prior to 2/99, will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit six (6) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information and selection criteria may be obtained through our website, www.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: John Ward, Sr. Project Manager, at the address and phone listed above.

Submittals must be received in the above office, by 2:00 p.m. local time, on Wednesday, May 31, 2000. Facsimile (FAX) submittals are not acceptable and will not be considered.

REVISED CALL FOR BIDS

Made by the University of West Florida on behalf of the State of Florida, Board of Regents.

PROJECT: BR-740 UTILITIES/INFRASTRUCTURE IMPROVEMENTS; CAMPUS-WIDE HOT/CHILLED WATERLINE REPLACEMENT PHASES I AND II; THE UNIVERSITY OF WEST FLORIDA

QUALIFICATIONS: All bidders must be qualified at the time of bid opening in accordance with the Instructions to Bidders, Article B-2, and the following:

- 1) Prime bidders shall be a State of Florida Certified Mechanical Contractor.
- 2) Prime bidders shall have completed not less than three projects of similar size and scope within the last five years, including the installation of pre-insulated piping systems of the type proposed for this project.
- 3) Prime bidders shall have sufficient existing qualified staff to complete the project according to the accelerated schedule required by the bid documents.
- 4) Electrical subcontractors shall be a State of Florida Certified Electrical Contractor.
- 5) Electrical subcontractors shall have completed not less than three projects of similar size and scope within the last five years, including the installation of medium-voltage (12,470 volt) switchgear.
- 6) Bidders shall submit evidence of the above qualifications not less than 14 days prior to the bid on a form supplied by the Engineer.

Sealed Bids will be received on:

DATE AND TIME: Tuesday, May 9, 2000, until 2:00 p.m. local time

PLACE: The University of West Florida, 11000 University Parkway, Building 90, Conference Room, Pensacola, Florida 32514, at which time and place they will be publicly opened and examined. Mailed bids should be sent to:

Office of Facilities Planning
 The University of West Florida
 11000 University Parkway
 Pensacola, FL 32514
 Attn.: Phil Turner, Director Facilities Planning
 (850)474-2938

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 of the:

ARCHITECT/ENGINEER: Schmidt, Dell, Cook &
 Associates, Inc.
 Consulting Engineers
 139 East Government Street
 Pensacola, Florida 32501
 Telephone (850)438-0050

MINORITY PROGRAM: Bidders are encouraged to utilize Minority Business Enterprises certified by the State of Florida 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: Each Bidder is required 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 pre-bid meeting is scheduled for:

DATE AND TIME: Thursday, April 27, 2000, 2:00 p.m. local time

PLACE: The University of West Florida, 11000 University Parkway, Building 90, Conference Room, Pensacola, Florida 32514

DEPOSIT: A deposit of \$100.00 per set of drawings and Project Manual is required with a limit of three (3) sets per Prime Bidder; and two (2) sets of Drawings and Project Manuals for electrical subcontractors.

REFUND: The deposit shall only be refunded to those prime bidders or electrical 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 electrical subcontractors,

and who return the drawings and Project Manuals in good condition within fifteen (15) days after receipt of bids.

PURCHASE: Full sets of Bid Documents may be examined at the Architect/Engineer's office. Full sets may be purchased through the Architect/Engineer for \$300.00 per set for printing and handling cost. Partial sets may be purchased at \$5.00 per sheet of the drawings and \$.50 per sheet 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.

ADVERTISEMENT FOR BIDS

For
General Contractor

Sealed bids will be received by Duval County Public Schools, Division of Facilities Services, Room 542, 1701 Prudential Drive, Jacksonville, FL 32207 until the time and date recorded below and immediately thereafter publicly opened and recorded in the conference room 513D, 5th Floor, Facilities, School Board Building.

May 23, 2000
2:00 p.m.

DCSB Project No. C-90360 – Remodeling, Renovations and Site Improvements at Long Branch ES #106
Total Construction Budget – \$1,100,000

All general contractors or prime bidders that are interested in bidding are required to attend a mandatory pre-bid conference to be held on May 16, 2000, 1:30 p.m. at Long Branch ES #106, 3723 Franklin Street, Jacksonville, FL. Failure to attend

the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

All bidders and subcontractors shall be licensed contractors and registered corporations, as required by the laws of the State of Florida.

Contract documents for bidding may be obtained for a refundable fee of \$75.00 per set at the office of Design Works Architects, P. A., 500 Wharfside Way, Jacksonville, FL 32207, (904)396-0266. DCSB Point of Contact: James L. Womack, (904)390-2279.

Contract documents for bidding may be examined at but not obtained at Duval County Public Schools, Facilities Services, 5th Floor, 1701 Prudential Drive, Jacksonville, FL.

MBE Participation Goal: 10% AA, 3% HANA, 7% WBE

ADVERTISEMENT FOR BIDS

For

General Contractor

(for exclusive competition by qualified Minority Business Enterprises (MBEs) only)

Sealed bids will be received by Duval County Public Schools, Division of Facilities Services, Room 513D, 1701 Prudential Drive, Jacksonville, FL 32207 until the time and date(s) recorded below and immediately thereafter publicly opened and recorded in the conference room, 5th Floor, School Board Building.

Tuesday, May 23, 2000

At 2:00 p.m.

DCSB Project No. C-90340 Site Improvements at Carter G. Woodson Elementary School No. 166 with a Total project cost of \$957,306.00. All general contractors or prime bidders that are interested in bidding are required to attend a mandatory pre-bid conference to be held on May 15, 2000, 12:15 p.m., Carter G. Woodson Elementary School, 2334 Butler Avenue, Jacksonville, Florida 32209-2499. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

Under provisions of Board rule on the Minority Business Development and Assistance Programs, this bid is reserved for exclusive competition by qualified Minority Business Enterprises (MBEs) only, all parties responding to this selection must be certified as a Minority Business Enterprise with one of the following certification agencies, the Duval County School Board, The City of Jacksonville, The State of Florida, or MBAAO. Any party desiring additional information concerning participation on this project should contact:

Minority Business Affairs Office
1701 Prudential Drive, 4th Floor
Jacksonville, Florida 32207-8182

Contract documents for bidding may be obtained for a fee of \$50.00 at the office of TTV Architects, Inc., 300-C Wharfside Way, Jacksonville, FL 32207. DCSB Point of Contact: James Scott, (904)390-2979.

Contract documents for bidding may be examined at but not obtained at Duval County Public Schools, Facilities Services, 5th Floor, 1701 Prudential Drive, Jacksonville, FL.

ADVERTISEMENT FOR BIDS:

Sealed bids will be received by the Duval County Public Schools, Division of Facilities Services, Room 546, School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207 for:

PROJECT TITLE: Roof Replacement at Windy Hill Elementary School No. 94

BID NUMBER: M-86810

SCOPE OF WORK: Remove all old built-up roofing and replace with new lightweight insulating concrete and modified bitumen roofing.

BIDS: Bids will be received until 2:00 p.m. on Tuesday, May 23, 2000 and immediately thereafter publicly opened, read aloud and recorded in Conference Room No. 513D, 5th Floor Facilities, School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207.

All roofing contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on May 12, 2000, 10:00 a.m. local time at Windy Hill Elementary School No. 94, 3831 Forest Boulevard, Jacksonville Florida 32246. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

All prime bidders shall be licensed state certified roofing contractors and registered corporations, subcontractors shall be licensed contractors as required by the laws of the State of Florida.

Contract documents for bidding may be obtained at the office of Akel, Logan & Shofar P. A., 110 Riverside Avenue, Jacksonville, Florida 32202-4995. A refundable deposit of seventy-five dollars per set is required.

Duval County School Board point of contact is Dale Hughes, Plant Services (904)381-3873.

Contract documents for bidding may be examined at Division of Purchasing Services, Duval County Public Schools; F. W. Dodge McGraw Hill Plan Room; Construction Bulletin; Construction Market Data, Inc.; Business Service Center.

MBE

PARTICIPATION: A minimum of 5 percent overall Minority Business Enterprise participation is required.

Request For Proposal

The School Board of Broward County, Florida
Competitive sealed RFPs will be received by the Purchasing Department until the date and time shown for the following:

RFP NUMBER: 21-020B

RFP TITLE: FURNISH, INSTALL, STOCK AND MAINTAIN DRINK AND SNACK VENDING MACHINES FOR CAFETERIAS

DUE DATE AND TIME: May 23, 2000 on or before 2:00 p.m.
WRITTEN QUESTIONS DUE IN THE PURCHASING DEPARTMENT ON OR BEFORE APRIL 25, 2000

LOCATION OF RFP OPENING: Purchasing Department, 7720 W. Oakland Park Boulevard, Suite 323, Sunrise, Florida 33351-6704

CONTRACT TERM: Date of Award through June 30, 2003
INCOME BASED ON COMMISSIONS PAID TO THE SCHOOL BOARD

CONTACT PERSON: Charles V. High, C.P.M., A.P.P.

TELEPHONE NUMBER: (954)765-6107

FAX NUMBER: (954)768-8911

E-MAIL: chigh@purchasing.broward.k12.fl.us

WEBSITE: <http://www.browardschools.com>

DEPARTMENT: Purchasing

WATER MANAGEMENT DISTRICTS

INVITATION TO BID

NWFWMD and Town of Campbellton 2000

Abandoned Well Plugging Project

BID NUMBER 00B-010

The Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333, will receive sealed bids up to the 2:30 p.m., ET opening time on May 8, 2000, from licensed water well contractors for the plugging of 1 abandoned six-inch diameter well in the Town of Campbellton, Jackson County, Florida.

All bids must conform to the applicable Florida statutes and to the instructions in the Invitation to Bid. Interested bidders may obtain a copy of the complete Invitation to Bid package at the above address or by calling Terri Peterson, Staff Assistant, Division of Resource Regulation, (850)539-5999.

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.

There will be a pre-bid conference at the Town of Campbellton, Well COC #1 site located just north of the intersection of Main Street (State Highway 2) and Dothan Street (adjacent to the Campbellton Community Center and between the new and old Campbellton water towers), on Wednesday, April 26, 2000, 9:00 a.m., CT. The purpose of this conference is to answer technical or administrative questions and provide a tour of the scheduled abandoned well site.

INVITATION TO BID

NWFWMD and City of Gretna 2000

Abandoned Well Plugging Project

BID NUMBER 00B-011

The Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333, will receive sealed bids up to the 3:00 p.m., ET opening time on May 8, 2000, from licensed water well contractors for the plugging of 1 abandoned eight-inch diameter well in the City of Gretna, Gadsden County, Florida.

All bids must conform to the applicable Florida statutes and to the instructions in the Invitation to Bid. Interested bidders may obtain a copy of the complete Invitation to Bid package at the above address or by calling Terri Peterson, Staff Assistant, Division of Resource Regulation, (850)539-5999.

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.

There will be a pre-bid conference at the City of Gretna, Well COG #1 site located near Gretna's Water Tank #1 at the intersection of Third Street and Church Street on Wednesday, April 26, 2000, 2:00 p.m., ET. The purpose of this conference is to answer technical or administrative questions and provide a tour of the scheduled abandoned well site.

DEPARTMENT OF HEALTH

NOTICE OF AVAILABILITY

INVITATION TO BID

JANITORIAL SERVICES

The Department of Health, is requesting bids to provide five (5) days per week janitorial services for the Clay County Health Department's two (2) Public Health Clinics; and three (3) days per week service for one (1) Satellite Clinic. Bids will be received until 1:00 p.m., Eastern Daylight Time, Friday, May 26, 2000 by J. A. Cardenas, Administrative Service

Director, Clay County Health Department, P. O. Box 578 (1305 Idlewild Avenue), Green Cove Springs, Florida 32043-0578.

Inquires or requests for copies of the Bid should be directed to J. A. Cardenas at the above listed address or (904)284-6340, Ext. 141.

Certified Minority Business Enterprises are encouraged to participate in any bidder's conference, pre-solicitation or pre-bid meetings which are scheduled.

The Department reserves the right to reject any or all bids or accept minor irregularities in the best interest of the State.

MID-FLORIDA AREA AGENCY ON AGING

COMMUNITY CARE FOR THE ELDERLY LEAD AGENCY DESIGNATION

The Board of Directors of the Mid-Florida Area Agency on Aging, Inc. (MFAAA), will hold a Special Meeting to review and discuss all applications properly submitted by qualified organizations to be designated as "lead agencies" and to receive funding from the MFAAA to provide services under the Community Care for the Elderly program for the period of July 1, 2000 through June 30, 2001. The Board will make final lead agency designation and funding decisions during this meeting. All interested parties are encouraged to attend.

DATE AND TIME: May 3, 2000, 1:00 p.m.

PLACE: 5700 S. W. 34 Street (Florida Farm Bureau Building), Gainesville, Florida 32608

Persons with disabilities should contact the MFAAA at least 48 hours prior to the meeting in order to request any special assistance, (352)378-6649.

HILLSBOROUGH COUNTY AVIATION AUTHORITY

NOTICE TO DESIGN-BUILD FIRMS

The Hillsborough County Aviation Authority hereby requests, pursuant to the Consultants Competitive Negotiation Act, Florida Statutes 287.055, Letters of Interest from Design-Build firms desiring to render Design-Build Services for the following project at Tampa International Airport, Tampa, Florida:

DESIGN AND CONSTRUCTION OF NEW AIRSIDE TERMINAL BUILDING "E" AND RELATED WORK

Services to be furnished shall include, but not be limited to, all architectural design and all engineering related to structural, mechanical, plumbing, fire protection, electrical, electronic and information technology systems; architectural/engineering services during construction; construction by a qualified contractor; and related surveys and testing. Professional services will also be required by an acoustical engineer, a registered illumination engineer and a registered landscape architect specializing in exterior landscape design. A more detailed scope of services will be included in the formal Request for Qualifications.

Qualified Design-Build firms desiring considerations for this Project must give written notifications in the form of a Letter of Interest to:

William J. Connors, Jr.
Senior Director of Planning and Design
Hillsborough County Aviation Authority
Post Office Box 22287
Tampa, FL 33622

Interested parties may inquire as to project descriptions, details and required data submission to William J. Connors, Jr., Senior Director of Planning and Design, telephone number (813)870-8704. ONLY A LETTER EXPRESSING INTEREST IN RECEIVING THE FORMAL REQUEST FOR QUALIFICATIONS IS REQUIRED AT THIS TIME. Subsequent to receiving Letters of Interest, a Request for Qualifications will be sent to all respondents and adequate response time set forth in that package.

A MANDATORY Pre-Qualification Conference will be held Wednesday, May 24, 2000, 10:00 a.m., Local Time, in the Tampa Airport Marriott Hotel, Tampa International Airport. Details of this conference will be included in the Request for Qualifications.

Replies to this Notice must be received at or before 5:00 p.m., local time, Monday, May 15, 2000.

HILLSBOROUGH COUNTY AVIATION AUTHORITY

By: _____/s/ Louis E. Miller_____
Louis E. Miller, Executive Director

**Section XII
Miscellaneous**

DEPARTMENT OF BANKING AND FINANCE

IN RE:

CHURCHILL SECURITIES, INC., Administrative Proceeding
No. 2563b-S-9/97

Arnold and Roberta Karp,
Respondent.

AMENDED NOTICE OF INTENT TO ENTER A FINAL ORDER APPROVING 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 approving the application of Arnold and Roberta Karp ("Karp" or "Claimants") for payment

from the Fund for violations of the Florida Securities and Investor Protection Act by Respondent Churchill Securities, Inc.

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, Churchill Securities, Inc., ("CSI") was registered pursuant to Chapter 517, Florida Statutes.

3. At all times material hereto, Claimants maintained a joint brokerage account with CSI.

4. On or about July 28, 1997, the Department received a letter from the Claimants seeking payment from the Fund for acts committed by Churchill Securities, Inc. Attached to the letter were:

a. Copies of 255,187 shares of common stock held by the Claimants, which were issued by Churchill Mortgage Investment Corp., and sold to them by Churchill Securities Inc.; and

b. Copies of pages 391 and 392 of the Second Report of Receiver Howard E. Heiss, filed in Securities and Exchange Commission v. Churchill Securities Inc., et al., 93 CIV 7486 (CBM), which states that Mr. Heiss is the receiver in the action.

5. On or about August 19, 1997, the Department received a second letter from Claimants. Attached to the letter were:

a. Copies of various orders pertaining to the Chapter 7 Bankruptcy of Churchill Mortgage Investment Corporation, Case No. 97 B 20967 (ASH).

6. On or about October 7, 1997, the Department sent the Claimants a request for additional information demonstrating that Churchill Securities, Inc., had filed for bankruptcy or were the subject of a receivership and documentation that they had filed a proof of claim in such proceeding.

7. On or about September 3, 1999, the Department received a letter from Claimants stating that the bankruptcy court had merged the assets and liabilities of all the various Churchill entities, including Churchill Securities, Inc.

CONCLUSIONS OF LAW

8. The requirements for perfecting a claim to the Fund are found in Sections 517.131 and 517.141, Florida Statutes.

9. Based upon the foregoing Statement of Facts, the Department concludes that the Claimants have satisfied the requirements in Section 517.131, Florida Statutes, in that:

a. The Department has waived the requirements of paragraphs (a) and (b) of Section 517.131(2), Florida Statutes, as the Claimants have demonstrated that Churchill Securities, Inc., and Churchill Mortgage Investment Corporation were the subject of proceedings in which a receiver was appointed, and that all debts were either partially paid off or extinguished;

b. Respondent's actions in regards to Claimants' money amount to a violation of Section 517.07, Florida Statutes, as the stocks were not federally covered securities, were not registered in Florida pursuant to Chapter 517, Florida Statutes, nor were they exempt from registration under Chapter 517.061, Florida Statutes;

c. At all times material hereto, Churchill Securities, Inc., was licensed under Chapter 517, Florida Statutes;

d. Claimants have not recovered any amounts from the Respondent, or any other source in satisfaction of these damages; and

e. The act for which Claimants' seek recovery occurred after January 1, 1979.

10. Claimants are limited to recovering the amount equal to the unsatisfied portion of their judgement or \$10,000, whichever is less, as set forth in Section 517.141(1), Florida Statutes.

11. 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.

12. 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.

13. It is the conclusion of the Department that no payment shall be made in connection with the Karp's claim until expiration of the two-year time period on September 3, 2001.

PROPOSED FINAL ORDER

Upon due consideration of the factual statement set forth above and the law applicable thereto, NOTICE is hereby given that the Department intends to and will issue a Final Order substantially as follows, subject only to the Notice of Rights attached hereto and made a part hereof:

1. The Department hereby approves the claim filed by Arnold and Roberta Karp.

2. No payment from the Fund shall be made until the expiration of the two-year statutory time period on September 3, 2001.

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 Respondent and subject to further proration and limitation as may be required by section 517.141(3) and (4), Florida Statutes, the Department shall pay Arnold and Roberta Karp the amount of up to \$10,000 from the Fund.

4. Arnold and Roberta Karp 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.

NOTICE OF RIGHTS

Notice is hereby given that the Respondent may request a hearing on the Notice of Intent to enter a Final Order Approving Recovery from the Securities Guaranty Fund to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. Requests for such a hearing must comply with the provisions of Florida Administrative Code 28-106.201 and must be filed with:

Clerk
Office of the Comptroller
Department of Banking and Finance
Legal Section
101 East Gaines Street
The Fletcher Building, Room 526
Tallahassee, Florida 32399-0350

within twenty-one (21) days after Respondent receives a copy of this Notice of Intent to enter a Final Order Approving Recovery from the Securities Guaranty Fund and Notice of Rights, otherwise the Respondent shall be deemed to have waived all rights to such hearing. Should the Respondent request such a hearing, they are further advised that at such hearing they 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.

Mark A. Graves
Assistant General Counsel
Office of the Comptroller
101 East Gaines Street
The Fletcher Building, Suite 526
Tallahassee, Florida 32399-0350
(850)410-9896

Copies furnished to:
Don Saxon, Director
Division of Securities and Finance
Jo Schultz, Chief Counsel
Office of the Comptroller

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Notice of Intent to enter a Final Order Approving Recovery from the Securities Guaranty Fund and Notice of

Rights were duly sent by U.S. Certified Mail, Return Receipt Requested, to all of the following: Arnold and Roberta Karp, 722 Dolphin Head Lane, Ormond Beach, Florida 32174; Churchill Securities, Inc., 233 Lafayette Avenue, Suffern, New York 10901, this 7th day of April, 2000.

Mark A. Graves
Assistant General Counsel

IN RE:

GERALD P. HIRSCH, Administrative Proceeding
CHURCHILL MORTGAGE
INVESTMENT CORPORATION, No. 2563-S-9/97
Arnold and Roberta Karp, No. 2563a-S-9/97
Respondents.

AMENDED NOTICE OF INTENT TO ENTER
A FINAL ORDER APPROVING 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 approving the applications of Arnold Karp ("A. Karp" or "Claimants") and Roberta Karp ("R. Karp" or "Claimants") for payment from the Fund for violations of the Florida Securities and Investor Protection Act by Respondents Gerald P. Hirsch and Churchill Mortgage Investment Corporation.

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, Gerald P. Hirsch ("Hirsch") was registered pursuant to Chapter 517, Florida Statutes.

3. Churchill Mortgage Investment Corporation ("CMIC") was never registered pursuant to Chapter 517, Florida Statutes.

4. On or about July 28, 1997, the Department received a letter from the Claimants seeking payment from the Fund for acts committed by Hirsch and CMIC. Attached to the letter were:

a. Copies of \$128,000 worth of mortgage note certificates held by A. Karp and \$103,000 worth of mortgage note certificates held by R. Karp, which were issued by Churchill Mortgage Investment Corp., and sold to them by Hirsch; and

b. Copies of pages 391 and 392 of the Second Report of Receiver Howard E. Heiss, filed in Securities and Exchange Commission v. Churchill Securities Inc., Churchill Mortgage Investment Corp., and Gerald P. Hirsch, 93 CIV 7486 (CBM), which states that Mr. Heiss is receiver for Churchill Mortgage Investment Corporation.

5. On or about August 19, 1997, the Department received a second letter from Claimants. Attached to the letter were:

a. Copies of various orders pertaining to the Chapter 7 Bankruptcy of Churchill Mortgage Investment Corporation, Case No. 97 B 20967 (ASH).

6. On or about October 7, 1997, the Department sent the Claimants a request for additional information demonstrating that Gerald P. Hirsch has filed for bankruptcy, or is the subject of a receivership and documentation that they had filed a proof of claim in such proceeding.

7. On or about September 3, 1999, the Department received a letter from Claimants stating that Mr. Hirsch had pled guilty to the charges of fraud. In addition, the bankruptcy court had merged the assets and liabilities of Gerald P. Hirsch.

CONCLUSIONS OF LAW

8. The requirements for perfecting a claim to the Fund are found in Sections 517.131 and 517.141, Florida Statutes.

9. Based upon the foregoing Statement of Facts, the Department concludes that the Claimants have satisfied the requirements in Section 517.131, Florida Statutes, in that:

a. The Department has waived the requirements of paragraphs (a) and (b) of Section 517.131(2), Florida Statutes, as the Claimants have demonstrated that Gerald P. Hirsch and CMIC were the subjects of proceedings in which a receiver was appointed and that all debts were either partially paid off or extinguished;

b. Respondents actions in regards to Claimants' money amount to a violation of Section 517.07, Florida Statutes, as the notes were not federally covered securities, were not registered in Florida pursuant to Chapter 517, Florida Statutes, nor were they exempt from registration under Chapter 517.061, Florida Statutes;

c. At all times material hereto, Hirsch was licensed under Chapter 517, Florida Statutes;

d. Claimants have not recovered any amounts from the Respondents, or any other source in satisfaction of these damages; and

e. The act for which Claimants' seek recovery occurred after January 1, 1979.

10. Claimants are limited to recovering the amount equal to the unsatisfied portion of their judgement or \$10,000, whichever is less, as set forth in Section 517.141(1), Florida Statutes.

11. 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.

12. 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.

13. It is the conclusion of the Department that no payment shall be made in connection with A. Karp's or R. Karp's claim until expiration of the two-year time period on September 3, 2001.

PROPOSED FINAL ORDER

Upon due consideration of the factual statement set forth above and the law applicable thereto, NOTICE is hereby given that the Department intends to and will issue a Final Order substantially as follows, subject only to the Notice of Rights attached hereto and made a part hereof:

1. The Department hereby approves the claims filed by Arnold Karp and Roberta Karp.

2. No payment from the Fund shall be made until the expiration of the two-year statutory time period on September 3, 2001.

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 Respondents and subject to further proration and limitation as may be required by section 517.141(3) and (4), Florida Statutes, the Department shall pay Arnold Karp the amount of up to \$10,000 from the Fund and Roberta Karp the amount of up to \$10,000 from the Fund.

4. Arnold Karp and Roberta Karp 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.

NOTICE OF RIGHTS

Notice is hereby given that Respondents may request a hearing on the Notice of Intent to enter a Final Order Approving Recovery from the Securities Guaranty Fund to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. Requests for such a hearing must comply with the provisions of Florida Administrative Code 28-106.201, and must be filed with:

Clerk
Office of the Comptroller
Department of Banking and Finance
Legal Section
101 East Gaines Street
The Fletcher Building, Room 526
Tallahassee, Florida 32399-0350

within twenty-one (21) days after Respondents receive a copy of this Notice of Intent to enter a Final Order Approving Recovery from the Securities Guaranty Fund and Notice of Rights, otherwise Respondents shall be deemed to have waived all rights to such hearing. Should Respondents request such a hearing, they are further advised that at such hearing they 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.

Mark A. Graves
Assistant General Counsel
Office of the Comptroller
101 East Gaines Street
The Fletcher Building, Suite 526
Tallahassee, Florida 32399-0350
(850)410-9896

Copies furnished to:
Don Saxon, Director
Division of Securities and Finance
Jo Schultz, Chief Counsel
Office of the Comptroller

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Notice of Intent to enter a Final Order Approving Recovery from the Securities Guaranty Fund and Notice of Rights were duly sent by U.S. Certified Mail, Return Receipt Requested, to all of the following: Arnold and Roberta Karp, 722 Dolphin Head Lane, Ormond Beach, Florida 32174; Gerald P. Hirsch, 15 Pond Meadow Road, Croton-On-Hudson, New York, 10520; and Churchill Mortgage Investment Corporation, 381 Dobbs Ferry Road, White Plains, New York 10607-1902, this 7th day of April, 2000.

Mark A. Graves
Assistant General Counsel

DEPARTMENT OF INSURANCE

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL
CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA
CASE NO.: 99-6705

In Re: The Receivership of SUNSTAR HEALTH PLAN,
INC., a Florida Health Maintenance Organization.

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND
CLAIMANTS HAVING BUSINESS WITH SUNSTAR
HEALTH PLAN, INC.

You are hereby notified that by order of the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, entered the 1st day of February, 2000, the Department of Insurance of the State of Florida was appointed as Receiver of SUNSTAR HEALTH PLAN, INC., and was ordered to liquidate the assets located in Florida of said company.

Policyholders, claimants, creditors and other persons in this State having claims against the assets of SUNSTAR HEALTH PLAN, INC., shall present such claims to the Receiver on or before 11:59 p.m., Friday, February 2, 2001, or such claims shall be forever barred.

Requests for forms for the presentation of such claims and inquiries concerning this Receivership should be addressed to: The Division of Rehabilitation and Liquidation of the Florida Department of Insurance, Receiver for SUNSTAR HEALTH PLAN, INC., Post Office Box 10280, Tallahassee, Florida 32302.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF FUNDING AVAILABILITY

The Florida Department of Community Affairs (DCA) announces the release of a Notice of Funding Availability (NOFA) via the Drug-Free Communities Program for violence and substance abuse prevention. The application and instructions will be available no later than April 14, 2000, to not for profit organizations, state, county and municipal governments plus law enforcement agencies within the State of Florida. The NOFA solicits subgrant applications to fund violence and substance abuse prevention for youth up to 19 years of age. The Federal funds available under this NOFA total \$4,060,086. The DCA anticipates making up to 70 awards. The maximum amount of any one award will be \$50,000. Subgrant applications and instructions can be obtained by contacting Mr. Jim Kearney, Planning Manager, (850)922-0328. Subgrant applications must be received by June 12, 2000, not later than 5:00 p.m. Eastern Daylight Savings Time and sent to the following address:

Mr. Jim Kearney
Department of Community Affairs
Attention: Drug-Free Communities Application Enclosed
Room 230.02, The Sadowski Building
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

All applications must be prepared in conformance with the instructions. The DCA reserves the right to reject any or all subgrant applications received or to cancel this NOFA when to do so would be in the best interest of the State of Florida. The DCA may waive minor irregularities in the subgrant

applications received where such are merely a matter of form and not substance and the correction of such are not prejudicial to other applicants.

Questions or other inquiry regarding this NOFA should be directed to the attention of Mr. Jim Kearney, Planning Manager, (850)922-0328.

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, Cagiva USA, Inc., intends to allow the establishment of Cycle Riders of Longwood, as a dealership for the sale of Cagiva and MV Augusta at 855 North Highway 17-92, Longwood (Seminole County), Florida 32750, on or after 4/1/00.

The name and address of the dealer operator(s) and principal investor(s) of Cycle Riders of Longwood are: dealer operator: Mitchell Marqui, 3759 Brantley Place Circle, Apopka, FL 32703; principal investor(s): Mitchell Marqui, 3759 Brantley Place Circle, Apopka, FL 32703.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Matthew Stutzman, Sales Manager, Cagiva USA, Inc., 1901 Davisville Rd., Willow Grove, PA 19090.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for the Relocation of a
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that DaimlerChrysler Motors Corporation, intends to allow the relocation of Speedway Dodge, Inc., as a dealership

for the sale of Dodge and Dodge Truck vehicles, from its present location at 2280 West International Speedway, Daytona Beach, FL 32114, to a proposed location at 1450 Tomoca Farms Road, Daytona Beach (Volusia County), Florida 32114, on or after March 1, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Speedway Dodge, Inc. are: dealer operator: Randall W. Dye, Speedway Dodge, Inc., 2280 W. International Speedway, Daytona Beach, FL 32114; principal investor(s): Terry Taylor, Automotive Management Services, Inc., 515 East Las Olas Boulevard, Suite 900, Ft. Lauderdale, FL 33301.

The notice indicates an intent to relocate the franchise in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: J. K. Wheeler, Zone Manager, DaimlerChrysler Motors Corporation, Orlando Zone Office, Sales and Service, 8000 South Orange Blossom Trail, Orlando, FL, USA 32809.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Muz (Mottorad) of North America, intends to allow the establishment of Superior Engineering Corporation of America, Inc., d/b/a Motor Toys, as a dealership for the sale of MZ motorcycles, at 4520 N. Tamiami Trail, Naples (Collier County), Florida 34103, on or after 4/1/00.

The name and address of the dealer operator(s) and principal investor(s) of Superior Engineering Corporation of America, Inc., d/b/a Motor Toys are: dealer operator: George D. Burt, 830 Cassena Rd., Naples, FL 34108; principal investor(s): George D. Burt, 830 Cassena Rd., Naples, FL 34108.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Ray Campanile, Vice President/GM, Mottorad of North America, 4 Signal Avenue, Suite C, Ormond Beach, FL 32174.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

AGENCY FOR HEALTH CARE ADMINISTRATION

THE AGENCY FOR HEALTH CARE ADMINISTRATION (Agency) has received an application for services exemption from St. Lucie Medical Center, Port St. Lucie, pursuant to section 395.1041(3), Florida Statutes and 59A-3.170-.1079, Florida Administrative Code. The service categories for which the exemption is requested are plastic surgery, oral surgery and ophthalmology. Comments received within 15 days of publication will be considered the by Agency prior to making a determination of exemption status.

**CERTIFICATE OF NEED
EXEMPTIONS**

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Citrus	District: 3
ID #: 0000001A	Issue Date: 3/30/2000
Facility/Project: Seven Rivers Community Hospital	
Applicant: Tenet Healthsystem Hospitals, Inc.	
Project Description: Relocate the doctor's lounge and construct a mammography suite	
Proposed Project Cost: \$150,000	Equipment Cost:
County: Sarasota	District: 8
ID #: 0000049	Issue Date: 3/17/2000

Facility/Project: HEALTHSOUTH Rehabilitation Hospital of Sarasota

Applicant: HEALTHSOUTH of Sarasota, Limited Partners
 Project Description: Relocate an off-site outpatient clinic
 Proposed Project Cost: \$200,000 Equipment Cost:
 County: Hillsborough District: 6
 ID #: 0000090 Issue Date: 3/23/2000

Facility/Project: University Community Hospital
 Applicant: University Community Hospital, Inc.
 Project Description: Expand the Women's Center
 Proposed Project Cost: \$9,700,000 Equipment Cost:
 County: Manatee District: 6
 ID #: 0000091 Issue Date: 3/16/2000

Facility/Project: Blake Medical Center
 Applicant: North Florida Regional Medical Center, Inc.
 Project Description: Upgrade the 4 North nurse station and renovate 2 semi-private patient rooms
 Proposed Project Cost: \$300,000 Equipment Cost:
 County: St. Johns District: 4
 ID #: 0000101 Issue Date: 3/29/2000

Facility/Project: Flagler Hospital
 Applicant: Flagler Hospital, Inc.
 Project Description: To build an outpatient freestanding imaging center
 Proposed Project Cost: \$10,000,000 Equipment Cost:
 County: Orange District: 7
 ID #: 0000105 Issue Date: 3/23/2000

Facility/Project: Florida Hospital-Apopka
 Applicant: Adventist Health System/Sunbelt, Inc.
 Project Description: Install a new CT scanner in space previously operated as a CT room
 Proposed Project Cost: \$847,465 Equipment Cost:
 County: Okaloosa District: 1
 ID #: 0000106 Issue Date: 3/29/2000

Facility/Project: Twin Cities Hospital
 Applicant: Okaloosa Hospital, Inc.
 Project Description: Relocate the emergency department
 Proposed Project Cost: \$2,314,024 Equipment Cost:
 County: Manatee District: 6
 ID #: 0000107 Issue Date: 3/29/2000

Facility/Project: Manatee Memorial Hospital
 Applicant: Manatee Memorial Hospital, L.P.
 Project Description: Renovate the existing vacated snack bar to relocate breast care center
 Proposed Project Cost: \$150,000 Equipment Cost:
 County: Dade District: 11
 ID #: 0000113 Issue Date: 3/29/2000

Facility/Project: Jackson Memorial Hospital
 Applicant: Public Health Trust of Dade County

Project Description: Renovate space to add patient monitoring devices, electrical outlets & wall finishes
 Proposed Project Cost: \$400,000 Equipment Cost:
 County: Palm Beach District: 9
 ID #: 0000114 Issue Date: 3/30/2000
 Facility/Project: Palm Beach Community Hospital
 Applicant: Palm Beach Community Hospital, Inc.
 Project Description: Construct an outpatient alternative medicine service facility
 Proposed Project Cost: \$1,951,370 Equipment Cost:
 County: Palm Beach District: 9
 ID #: 0000115 Issue Date: 3/30/2000
 Facility/Project: Boca Raton Community Hospital
 Applicant: Boca Raton Community Hospital, Inc.
 Project Description: Construct an outpatient pediatric therapy center
 Proposed Project Cost: \$1,730,000 Equipment Cost:
 County: Pinellas District: 5
 ID #: 0000116 Issue Date: 3/29/2000
 Facility/Project: Northside Hospital
 Applicant: Galencare, Inc.
 Project Description: Expand the emergency department
 Proposed Project Cost: \$16,000,000 Equipment Cost:
 County: Osceola District: 7
 ID #: 0000120 Issue Date: 3/29/2000
 Facility/Project: Florida Hospital-Kissimmee
 Applicant: Adventist Health System/Sunbelt, Inc.
 Project Description: Renovate the emergency department
 Proposed Project Cost: \$220,000 Equipment Cost:
 County: Broward District: 10
 ID #: 0000121 Issue Date: 3/29/2000
 Facility/Project: Broward General Medical Center
 Applicant: North Broward Hospital District
 Project Description: Convert a patient room to an isolation room
 Proposed Project Cost: \$100,000 Equipment Cost:
 County: Bay District: 2
 ID #: 0000122 Issue Date: 3/29/2000
 Facility/Project: Bay Medical Center
 Applicant: Bay Medical Center
 Project Description: Renovate the existing radiation/oncology department
 Proposed Project Cost: \$676,789 Equipment Cost:
 County: Broward District: 10
 ID #: 0000123 Issue Date: 4/4/2000
 Facility/Project: Cleveland Clinic Hospital
 Applicant: Cleveland Clinic Florida Hospital
 Project Description: Establish an outpatient cardiac catheterization lab
 Proposed Project Cost: \$1,376,107 Equipment Cost:

County: Broward District: 10
 ID #: 0000124 Issue Date: 3/29/2000
 Facility/Project: Westside Regional Medical Center
 Applicant: Columbia Hospital Corporation of South Broward
 Project Description: Convert 1st floor special procedures rm. (& relocate) into a 2nd cath lab
 Proposed Project Cost: \$400,000 Equipment Cost:
 County: Marion District: 3
 ID #: 0000126 Issue Date: 3/30/2000
 Facility/Project: Munroe Regional Medical Center
 Applicant: Munroe Regional Health System
 Project Description: Construct outpatient medical observation beds
 Proposed Project Cost: \$3,386,000 Equipment Cost:
 County: Broward District: 10
 ID #: 0000127 Issue Date: 3/30/2000
 Facility/Project: Coral Springs Medical Center
 Applicant: North Broward Hospital District
 Project Description: Renovate the rehabilitation services department
 Proposed Project Cost: \$100,000 Equipment Cost:
 County: Broward District: 10
 ID #: 0000128 Issue Date: 3/30/2000
 Facility/Project: North Broward Medical Center
 Applicant: North Broward Hospital District
 Project Description: Replace x-ray equipment in the radiology department (Room #6)
 Proposed Project Cost: \$100,000 Equipment Cost:
 County: Broward District: 10
 ID #: 0000129 Issue Date: 3/30/2000
 Facility/Project: North Broward Medical Center
 Applicant: North Broward Hospital District
 Project Description: Convert a patient room to an isolation room
 Proposed Project Cost: \$200,000 Equipment Cost:
 County: Broward District: 10
 ID #: 0000130 Issue Date: 3/30/2000
 Facility/Project: Broward General Medical Center
 Applicant: North Broward Hospital District
 Project Description: Renovate the neuro-diagnostic unit
 Proposed Project Cost: \$100,000 Equipment Cost:
 County: Broward District: 10
 ID #: 0000131 Issue Date: 3/30/2000
 Facility/Project: Broward General Medical Center
 Applicant: North Broward Hospital District
 Project Description: Convert the administration area to a quick care unit
 Proposed Project Cost: \$100,000 Equipment Cost:
 County: Pinellas District: 5
 ID #: 0000132 Issue Date: 4/4/2000

Facility/Project: Sun Coast Hospital
 Applicant: Sun Coast Hospital, Inc.
 Project Description: Establish an adult inpatient & outpatient diagnostic cardiac cath lab
 Proposed Project Cost: \$1,800,000 Equipment Cost:
 County: Dade District: 11
 ID #: 0000134 Issue Date: 4/4/2000

Facility/Project: Miami Children's Hospital
 Applicant: Varieth Children's Hospital
 Project Description: Renovate the emergency room to accommodate radiology equipment
 Proposed Project Cost: \$175,000 Equipment Cost:
 County: Dade District: 11
 ID #: 0000138 Issue Date: 4/5/2000

Facility/Project: University of Miami Hospital & Clinics
 Applicant: University of Miami
 Project Description: Renovate a 2nd FL surgery suite at the Sylvester Comprehensive Cancer Ctr.
 Proposed Project Cost: \$209,304 Equipment Cost:
 County: Clay District: 4
 ID #: 0000139 Issue Date: 4/4/2000

Facility/Project: Orange Park Medical Center
 Applicant: Orange Park Medical Center, Inc.
 Project Description: Renovate the physical plant
 Proposed Project Cost: \$6,806,000 Equipment Cost:
 County: Palm Beach District: 9
 ID #: 9900262A Issue Date: 3/30/2000

Facility/Project: Wellington Regional Medical Center
 Applicant: Wellington Regional Medical Center, Inc.
 Project Description: Expand the existing operating room suite/surgery dept. in two phases
 Proposed Project Cost: \$2,200,000 Equipment Cost:
 County: Duval District: 4
 ID #: 9900525A Issue Date: 4/5/2000

Facility/Project: Beaches Medical Center
 Applicant: Baptist Medical Center of the Beaches, Inc.
 Project Description: Install a new special procedures room
 Proposed Project Cost: \$1,213,358 Equipment Cost:
 AHCA Purchase Order Number S5900H00396.

**CERTIFICATE OF NEED
 RECEIPT OF EXPEDITED APPLICATIONS**

The Agency for Health Care Administration received the following Certificate of Need applications for expedited review:

County: Escambia Service District: 1
 Facility/Project: Haven of Our Lady of Peace
 Applicant: Haven of Our Lady of Peace, Inc.

Project Description: Transfer CON # 9154 from Sacred Heart Hosp. of Pensacola
 AHCA Purchase Order Number S5900H0396.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

**NOTICE OF RECEIPT OF APPLICATION
 FOR POWER PLANT CERTIFICATION**

The Department has received an application for certification of a power plant pursuant to the Florida Electrical Power Plant Siting Act, section 403.501 et seq., Florida Statutes, concerning:

Calpine Construction Finance Company, L. P.
 Osprey Energy Center
 Power Plant Siting Application No. 00-41
 OGC Case No. 00-0740
 DOAH Case No. 00-1288EPP

The Department is reviewing the application for the construction and operation of a new 527-megawatt (MW) (average ambient) natural gas-fired combined-cycle electrical power plant. The project is proposed to be built on 19.5 acres of vacant land in Polk County within the city limits of Auburndale, Florida. The proposed site is bordered on the east by the Auburndale Power Plant (a 150-MW cogeneration facility) and Tampa Electric Company's Recker Substation. A copy of the application for certification is available for review in the office of Hamilton S. Oven, P. E., Administrator, Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)487-0472.

Pursuant to section 403.507, F.S., and Rule 62-17, FAC., statutory parties to the site certification proceeding should review the application and submit their reports and recommendations.

POINT OF ENTRY

This notice does not serve as a point of entry for any person. However, in the future, two hearings will be announced. One hearing will consider the compliance of the site with local land use plans and zoning ordinances. The second will address environmental impacts. Any person who is not a statutory party to the certification proceeding and whose substantial interest is affected and being determined by the proceeding may file a motion to intervene in the proceeding pursuant to chapter 120, Florida Statutes, and the applicable rules; section 403.508(4)(e), Florida Statutes; and section 62-17.141(4), Florida Administrative Code, at least 31 days before the date of the certification hearing. Failure to act within the time frame constitutes a waiver of the right to become a party. Intervention may be granted at the discretion of the designated administrative law judge and upon such conditions as he or she may prescribe any time prior to 30 days before the commencement of the certification hearing. The petition must be filed (received) with the Administrative Law Judge,

Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550 at least 31 days before the date of the certification hearing.

NOTICE OF AVAILABILITY
FLORIDA FINDING OF NO SIGNIFICANT IMPACT
CITY OF PUNTA GORDA
TREATMENT FACILITIES (EXPAND STP AND
CONSTRUCT DEEP WELL)

The Florida Department of Environmental Protection has determined that the City of Punta Gorda’s proposed Wastewater Treatment Facilities project will not have a significant adverse affect on the environment. The total project cost is estimated at \$9,824,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds.

A full copy of the Florida Finding of No Significant Impact can be obtained by writing: Troy Mullis, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

NOTICE OF AVAILABILITY
FLORIDA FINDING OF NO SIGNIFICANT IMPACT

The Florida Department of Environmental Protection has determined that the Alligator Point Water Resources District drinking water project will not adversely affect the environment. The total project cost is estimated at \$2,052,700. The project may qualify for a Drinking Water State Revolving Fund (DWSRF) loan composed of federal funds and state matching funds.

A full copy of the Florida Finding of No Significant Impact can be obtained by writing: Al Bishop, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that effective April 24, 2000, the mailing address for the Agency Clerk for the Department of Health, as referenced in Rule 64-1.012(2), Florida Administrative Code, will change to the following:

Department of Health
Agency Clerk
Office of the General Counsel
Bin A02
4052 Bald Cypress Way
Tallahassee, Florida 32399-1703.

The physical address for the Agency Clerk, as referenced in Rule 64-1.012(2), Florida Administrative Code, has been changed to the following:

Department of Health
Agency Clerk
Office of the General Counsel
2585 Merchants Row
Room 110
Tallahassee, Florida 32399.

The telephone number for the Agency Clerk, as referenced in Rule 64-1.012(2), Florida Administrative Code, has been changed to (850)245-4005. However, the facsimile number for the Agency Clerk, as referenced in Rule 64-1.012(2), Florida Administrative Code, shall remain the same.

Effective April 24, 2000, the mailing address for the Central Records Unit, as referenced in Rule 64-1.012(4)(a), Florida Administrative Code, will be changed to the following:

Department of Health
Central Records Unit
Division of Medical Quality Assurance
Bin C01
4052 Bald Cypress Way
Tallahassee, Florida 32399-3251

The physical address for the Central Records Unit that is given in Rule 64-1.012(4)(a), Florida Administrative Code, shall remain the same until further notice.

Any questions or comments regarding this Notice should be directed to: Angela Hall, Agency Clerk, telephone (850)245-4005.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

CORRECTED NOTICE – Please take notice that the deadline for submitting applications for licensure in response to the survey of need for new medication (methadone) treatment

service providers noticed in Vol. 26, No. 12, March 24, 2000, Florida Administrative Weekly, has been changed to Friday, May 19, 2000.

Please take notice that the address for obtaining a copy of the assessment report has been changed. Copies may be obtained from:

Department of Children and Family Services
Substance Abuse Program Office
1317 Winewood Boulevard
Building 6, Room 306
Tallahassee, Florida 32399-0700

Please be governed accordingly.

**FISH AND WILDLIFE CONSERVATION
COMMISSION**

**NOTICE TO COASTAL LOCAL GOVERNMENTS
DERELICT VESSEL REMOVAL GRANTS PROGRAM**

The Florida Fish and Wildlife Conservation Commission is administering a grant program to provide funding to coastal local governments for the reimbursement of the removal of

derelict vessels from coastal waters of the State. An abandoned vessel becomes a derelict only after all available means to have the rightful owner remove the vessel have failed. An investigation is conducted by the local Florida Fish and Wildlife Conservation office and can involve court orders requiring the removal. In many cases the attempt to identify the owner is unsuccessful and after proper notice the vessel is declared derelict. Only after this declaration, is the vessel eligible for removal under this grant program.

Applications will be accepted from May 1, 2000 through June 30, 2000. Applications must be postmarked no later than June 30, 2000 or delivered in person by 5:00 p.m. on June 30, 2000. Application packages can be obtained by writing or calling to:

Ms. Wendy Huszagh
Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement
620 South Meridian Street
Tallahassee, FL 32399-1600
(850)488-5600

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN April 3, 2000
 and April 7, 2000

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF INSURANCE

4-127.001	4/5/00	4/25/00	25/42	26/8
4-127.002	4/5/00	4/25/00	25/42	
4-127.003	4/5/00	4/25/00	25/42	

DEPARTMENT OF TRANSPORTATION

14-15.010	4/5/00	4/5/00	26/10	
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PUBLIC SERVICE COMMISSION

25-7.0335	4/3/00	4/23/00	26/8	
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AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid Program Office

59G-4.010	4/3/00	4/23/00	26/4	
59G-4.030	4/3/00	4/23/00	26/4	
59G-4.040	4/3/00	4/23/00	26/4	
59G-4.060	4/3/00	4/23/00	26/4	
59G-4.210	4/3/00	4/23/00	26/4	
59G-4.220	4/3/00	4/23/00	26/4	
59G-4.230	4/3/00	4/23/00	26/4	
59G-4.231	4/3/00	4/23/00	26/4	
59G-4.270	4/3/00	4/23/00	26/4	
59G-4.340	4/3/00	4/23/00	26/4	
59G-6.010	4/4/00	4/24/00	26/9	

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Asbestos Consultants/Asbestos Consultant Examination

61E1-3.001	4/7/00	4/27/00	25/33	
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Construction Industry Licensing Board

61G4-16.009	4/6/00	4/26/00	26/8	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Board of Veterinary Medicine

61G18-12.009	4/5/00	4/25/00	26/6	
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DEPARTMENT OF HEALTH

Board of Acupuncture

64B1-5.002	4/5/00	4/25/00	26/9	
64B1-7.001	4/5/00	4/25/00	26/9	
64B1-7.0015	4/5/00	4/25/00	26/9	
64B1-7.004	4/5/00	4/25/00	26/9	
64B1-9.005	4/5/00	4/25/00	26/9	

Board of Chiropractic

64B2-15.001	4/3/00	4/23/00	26/8	
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Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

64B4-2.006	4/4/00	4/24/00	26/8	
64B4-3.0051	4/4/00	4/24/00	26/8	
64B4-3.007	4/4/00	4/24/00	26/8	
64B4-7.007	4/4/00	4/24/00	26/8	
64B4-10.002	4/4/00	4/24/00	26/8	

Board of Dentistry

64B5-16.006	4/4/00	4/24/00	26/8	
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Board of Orthotists and Prosthetists

64B14-2.010	4/6/00	4/26/00	26/7	
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Board of Podiatric Medicine

64B18-17.001	4/5/00	4/25/00	26/8	
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Board of Respiratory Care

64B32-1.001	4/7/00	4/27/00	26/7	
64B32-1.002	4/7/00	4/27/00	26/7	
64B32-1.004	4/7/00	4/27/00	26/7	
64B32-2.003	4/7/00	4/27/00	26/6	
64B32-3.004	4/7/00	4/27/00	26/9	
64B32-4.001	4/7/00	4/27/00	26/6	
64B32-6.006	4/7/00	4/27/00	26/6	
64B32-7.001	4/7/00	4/27/00	26/6	