

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

**DEPARTMENT OF STATE**

**Division of Elections**

RULE TITLES:	RULE NOS.:
Eligibility for Late Registration for Overseas Citizens	1S-2.029
Electronic Transmission of Absentee Ballots	1S-2.030

**PURPOSE AND EFFECT:** To establish standards for the topic titles shown above, in compliance with the requirements of Chapter 2001-40, Laws of Florida, the “Florida Election Reform Act of 2001.”

**SUBJECT AREA TO BE ADDRESSED:** Procedural requirements and standards for implementation of the provisions of Chapter 2001-40, Laws of Florida.

**SPECIFIC AUTHORITY:** 97.0555, 101.697 FS.

**LAW IMPLEMENTED:** 97.0555, 101.697 FS.

**TIME AND DATE:** 2:00 p.m. – 4:00 p.m., January 28, 2002

**PLACE:** The Collins Building, Room 100, 107 West Gaines Street, Tallahassee, Florida 32399 (Please note that the entrance is now located on Bloxham Street)

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS:** Amy Tuck, Division of Elections, Room 100, 107 West Gaines Street, Tallahassee, Florida 32399, atuck@mail.dos.state.fl.us, (850)245-6200

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

**DEPARTMENT OF REVENUE**

**Child Support Enforcement Program**

RULE TITLES:	RULE NOS:
Lottery Intercept	12E-1.011
Internal Revenue Service Tax Refund Offset Program; Passport Denial; Administrative Offset Program; Internal Revenue Service Full Collection Services	12E-1.014
Financial Institution Data Matches	12E-1.029

**PURPOSE AND EFFECT:** A) The purpose of the proposed amendments to Rule Chapter 12E-1.011, F.A.C., is to describe current departmental policies and procedures concerning the method that is used to intercept lottery prize winnings of obligors who owe past-due child support. The effect of the proposed amendments is to provide definitions of obligor and past-due support; procedures for certification of the amount of past-due support that is owed; notice to the obligor that their lottery prize winnings are being intercepted; methodology used for the notification; time period for when the lottery prize winnings will be applied to past-due support; methodology for

requesting an administrative hearing; and methodology for distributing lottery prize winnings when the obligor has multiple support cases. B) The purpose of the proposed amendments to Rule Chapter 12E-1.014, F.A.C., is to describe current departmental policies and procedures concerning the method used to intercept Internal Revenue Service income tax refunds, to refer obligors who owe past-due child support for passport denial and Internal Revenue Service full collection services, and to explain that the Child Support Enforcement Program does not participate in the Administrative Offset Program. The effect of the proposed amendments is to provide definitions of offset and past-due support for the offset program; methodology for certifying cases to the offset program; methodology of sending notification of pending offset; methodology for contesting certification; ability to request an administrative review; methodology for hearing when the obligor lives out of state; distribution of the offset; holding offsets for six months to allow for injured spouse claims; amounts and methodology of certification for passport denial; notification to obligor of passport denial; methodology to restore passport eligibility; choice to not participate in the Administrative Offset Program; and ability to request full collection services from the Internal Revenue Service. C) The purpose of proposed Rule Chapter 12E-1.029, F.A.C., is to establish procedures for conducting data matches on obligors who owe past-due child support by entering into written agreements with financial institutions. The effect of the proposed rule is to establish methodology for entering into written agreements with financial institutions; require certain terms to be included in the written agreements; ability to participate in the Office of Child Support Enforcement’s national data match; methodology for selecting cases for data match; and amount and methodology of paying fees to financial institutions for conducting data matches.

**SUBJECT AREA TO BE ADDRESSED:** The subject of this rule development workshop is to discuss the proposed changes to the departmental procedures specified above.

**SPECIFIC AUTHORITY:** 409.2557(3)(i), 409.25657(6) FS.

**LAW IMPLEMENTED:** 24.115(4), 61.17, 409.2564, 409.25657 FS.

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

**TIME AND DATE:** 9:00 a.m., January 28, 2002

**PLACE:** Room 301, 4070 Esplanade Way, Tallahassee, Florida 32399-0350

Copies of the agenda for the rule development workshop may be obtained from: Lynn D. Chang, Government Analyst II, Department of Revenue, Resource Management Process, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9573.

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT:** Any person requiring special accommodations to participate in any proceeding before the Child Support

Enforcement Program is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Lynn D. Chang, (850)922-9573. If you are hearing or speech-impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: For information concerning the proposed changes to Rule Chapter 12E-1.011 and 12E-1.014, contact Lynn D. Chang, Government Analyst II, Resource Management Process, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9573; and for information concerning proposed new Rule Chapter 12E-1.029, contact Mike Vergenz, Government Analyst II, Resource Management Process, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9568

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12E-1.011 Lottery Intercept.

(1) Pursuant to s. Section 24.115(4), F.S., the department child support enforcement program shall intercept the Florida lottery prize of any obligor who owes past-due support and noncustodial parent who claims or is awarded a lottery prize or a portion of a lottery prize when the total lottery prize equals wins \$600 or more. and use Tthe prize shall be applied toward any past-due support or costs owed by the obligor for a Title IV-D case, not to exceed the enforce an obligation amount which is owed.

(2) Definitions. As used in this rule:

(a) "Obligor" means a person responsible for making payments pursuant to an order establishing, enforcing, or modifying an obligation for child support, spousal support, or for child and spousal support when enforced by the department.

(b) "Past-due support" means the amount of support owed pursuant to an order for child support, spousal support, or for child and spousal support when enforced by the department that has not been paid. Also included in past-due support are amounts that are owed to the department for court or administrative costs.

(3) Certification of Past-Due Support. Prior to the payment of a prize of \$600 or more to any obligor owing past-due support, claimant having such an outstanding obligation, the Department of the Lottery shall verify check the information computer terminal provided to it by the department to determine if the lottery prize claimant has a child past-due support is owed delinquency. Upon the request of If the lottery prize claimant has a child support arrearage, the Department of the Lottery, shall contact CSE and ask them to verify whether the lottery prize claimant is a noncustodial parent who has an arrearage. [The dDepartment of Lottery shall request CSE to provide written certification that the obligor claimant owes

past-due support has an arrearage and to specify the amount owed of the arrearage. Upon receipt of such the written certification from the department CSE that the lottery prize claimant has an arrearage and the amount of the arrearage, the Department of the Lottery shall transmit the prize money, not to exceed the amount certified as past-due support, to the department Comptroller, Department of Banking and Finance, who shall make the intercept.

(4) Notification of Intercept.

(a) The department Comptroller shall notify inform the obligor affected individuals by certified mail, return receipt requested, that the prize money is being intercepted and will be applied to the balance of past-due support. The certified mail will be sent to the address provided by the obligor to the Department of the Lottery. The notice will state that the they obligor may request have a right to an administrative hearing as set forth in Chapter 120, F.S. Florida Statutes, to contest a mistake of fact regarding the amount of past-due support or the identity of the obligor. Refusal of the notice sent to the obligor by certified mail, return receipt requested, shall constitute proper service of the notice.

(b) If there is no return receipt received from the obligor within thirty (30) days from the mailing date of the notice specified in paragraph (4)(a) above, and if no written petition for a hearing is received, the department shall send the notice to the obligor by regular mail to the address provided to the Department of the Lottery and to the last known address according to the department's records. If there is no response from the obligor to the second notice as provided for in this paragraph, the prize received from the Department of the Lottery will be applied to the obligor's past-due support thirty (30) days from the mailing date of the second notice.

(c) A written petition for an administrative hearing must be received by the Department of Revenue, Child Support Enforcement Program, Deputy Agency Clerk, P. O. Box 5556, Tallahassee, FL 32314-5556, within twenty one (21) days of the date the obligor received or refused the notice sent by certified mail, or within 30 days from the date of mailing of the notice sent by regular mail. If a return receipt request is received from the certified notice and no petition for administrative hearing is received within twenty-one (21) days, the obligor will be deemed to have waived the right to a hearing and the intercept will be applied to the obligor's past-due support obligation. Administrative hearings will be conducted pursuant to Chapter 120, F.S.

(5) Application of Lottery Prize when Obligor owes Past-Due Support on Multiple Cases. If the obligor owes past-due support on more than one Title IV-D case, the prize shall be applied to each case based on the ratio of the past-due amount for each individual case to the total past-due support owed by the obligor for all Title IV-D cases.

Specific Authority 409.2557(3) 409.026 FS. Law Implemented 24.115(4) FS. History—New 6-17-92, Amended 7-20-94, Formerly 10C-25.008, Amended

12E-1.014 Internal Revenue Service Tax Refund Offset Program; Passport Denial; Administrative Offset Program; Internal Revenue Service Full-Service Collection Services Collection Agency Contract.

(1) Definitions. As used in this rule:

(a) "Offset" means the complete or partial interception of an Internal Revenue Service income tax refund or rebate.

(b) "Past-due support" means support owed as defined in 45 CFR 301.1.

~~(2)(1) Internal Revenue Service Tax Refund Offset Program. Intercept. The federal office of child support enforcement and the state program office have developed procedures for collecting delinquent support by implementing an offset process against federal income tax refunds. As provided by This process is set out in 45 CFR 303.72, obligors incorporated herein by reference under subsection 12E 1.002(1) of this rule with an effective date of June 1994, and shall be used against noncustodial parents who owe past-due support in Title IV-D cases are subject to offset are delinquent in making support payments and who are eligible to receive a federal income tax refund.~~

~~(a)(2) Certification for Offset. The department shall certify To be certified an obligor for offset, support payments must have been established pursuant to a court or administrative order. if the obligor owes past-due support in amounts meeting either or both of the following criteria:~~

~~1. For support assigned to the State, the amount past-due is not less than \$150 and has been unpaid for three months or longer.~~

~~2. For support owed to the obligee, the amount past-due is not less than \$500.~~

~~(b) Notification of offset; right to informal review and administrative review.~~

~~1. At the department's request, the Federal Office of Child Support Enforcement will send a notice to each obligor submitted by the department under paragraph (2)(a). The notice provides the obligor thirty (30) days from the date of the notice to pay the past-due amount in full to the department in order to avoid certification for offset. No additional notice of certification for offset will be sent. The notice also advises the obligor of the right to contest the determination of the amount of past-due support.~~

~~2. To contest certification, the obligor must contact the department at the address or telephone number provided in the notice within thirty (30) days from the date of the notice. The department will review the obligor's records and will attempt to resolve the obligor's concerns informally. If the obligor fails to request a review within thirty (30) days from the date of the notice, the obligor is deemed to have waived the right to contest the certification and the Federal Office of Child Support Enforcement shall notify the U. S. Department of the Treasury of the past-due support owed by the obligor.~~

~~3. If the department is unable to resolve the obligor's concerns through the informal review process, the obligor may request an administrative review.~~

~~(3) If the past-due amount ease is based on a Florida order, the obligor may request ~~noncustodial parent has a right to a an~~ administrative review of the proposed certification in Florida. ~~decision This review will be conducted by the office of appeal hearings of the Ddepartment of Children and Families, Office of Administrative Hearings, pursuant to Chapter 120.57(2), F.S. Florida Statutes.~~~~

~~(a) If the past-due amount ease is based on an out-of-state order issued by another state, the obligor ~~noncustodial parent~~ can request that a hearing be held either in Florida, or be held in the state which issued where the order, which was the basis of the referral, was entered. If the obligor requests the review be held in the issuing state, the department will contact the state which issued the order within 10 days of receiving obligor's request, and the state which issued the order will notify the obligor of the date, time, and place of the administrative review.~~

~~(b) If an administrative review is held and a final order is issued in the obligor's favor, the Federal Office of Child Support Enforcement will be notified to withdraw the obligor's certification or amend the certification to reflect the correct past-due amount. If the final order is issued in the department's favor, the Federal Office of Child Support Enforcement shall notify the U. S. Department of the Treasury of the past-due support owed by the obligor.~~

~~1. Once offset occurs, the U. S. Department of the Treasury will send the obligor a notice that the refund will be forwarded to the department.~~

~~2. Unless otherwise ordered, the certification will continue until the past-due amount is paid in full. If the amount of past-due support increases, the increased amount will be certified to the Federal Office of Child Support Enforcement and is subject to offset.~~

~~(4) Distribution of Offset. Pursuant to 42 U.S.C. 657 (a)(2)(B)(iv), the department shall retain federal income tax refund offset payments in current and former assistance cases up to the amount of past-due support assigned to the department as a condition of eligibility for temporary cash assistance, but not to exceed the total amount of temporary cash assistance provided to the family. After the amount of past-due support assigned to the department has been paid in full, the excess will be mailed to the obligee.~~

~~(a) Pursuant to 42 U.S.C. 664 (a)(3)(B), the department has implemented the State option to delay distribution of a refund from a joint federal income tax return that is offset to satisfy non-assistance past-due support. In these instances, distribution will be delayed until one of the following occurs:~~

1. The department is provided a copy of the written verification received from the Internal Revenue Service that the obligor's spouse's claim to the tax refund has been resolved.

2. The obligor pays off all past-due amounts owed.

3. Six months has elapsed from notification of the offset.

(5) Passport Denial. In accordance with 42 U.S.C. 652(k), if the past-due amount exceeds \$5000, obligors certified under paragraph (2)(a) of this rule are also submitted by the Federal Office of Child Support Enforcement to the U. S. Department of State who shall deny, and may revoke, restrict, or limit a U.S. passport.

(a) Notice of this action and administrative review rights are included in the notice referred to under paragraph (2)(b) of this rule.

(b) If a passport is needed from the U.S. Department of State, the obligor must contact the department at the address or telephone number provided in the notice.

(c) In order to restore passport eligibility, the obligor must:

1. Reduce the amount of past-due support owed to \$5000 or less;

2. Prove that the obligor's name and/or the amount of past-due support was submitted in error; or

3. Provide written verification of a death or medical emergency requiring issuance of a passport.

(d) When one of the above occurs, the department will request that the passport certification be withdrawn.

(e) The U. S. Department of State will send the obligor a notice that the obligor is ineligible to receive a passport when the U. S. Department of State takes action to deny, revoke, restrict, or limit the obligor's passport.

(6) Administrative Offset Program. The department does not participate in the Administrative Offset program described in 31 U.S.C. 3716.

(7)(3) Internal Revenue Service Full Collection Services. Pursuant to federal regulation 45 CFR 303.71, the department may request the Federal Office of Child Support Enforcement to ~~incorporated herein by reference under subsection 12E-1.002(1) of this rule with an effective date of June 1994~~ certify past-due support obligations to the Secretary of the Treasury or Internal Revenue Service for full service collection services under the Internal Revenue Code. Cases are eligible under the following circumstances:

(a) There is a court or administrative order for support;

(b) The amount of arrears is at least \$750;

(c) The case has not been referred within the past six months for Internal Revenue Service full service collection; and

(d) All efforts have been exhausted by the state using its collection remedies to collect the past due support through the state's own mechanism.

(4) Collection Agency. Pursuant to an agreement between the department and the comptroller's office, the department shall submit certain closed cases to a collection agency which has contracted with the Comptroller, Department of Banking and Finance, for collection of state obligations. The child support office will submit the closed cases to the collection agency in its efforts to collect past due support and costs.

Specific Authority 409.2557(3) 409.026 FS. Law Implemented 61.17, 409.2564 FS. History--New 6-17-92, Amended 7-20-94, Formerly 10C-25.011, Amended \_\_\_\_\_.

12E-1.029 Financial Institution Data Matches.

(1) Procedures for Entering into Agreements with Financial Institutions.

(a) The department shall send a memorandum of agreement for the operation of the data match system described in s. 409.25657(2), F.S., to each financial institution doing business in the state that meets the definition of a financial institution in s. 409.25657(1)(a), F.S., and which has not elected to participate in the Federal Office of Child Support Enforcement's national data match process specified in paragraph (c) below.

(b) The memorandum of agreement specified in paragraph (a) above shall identify the records that will be compared, the methods of accomplishing the record comparisons, the methods for electronic or other transmission of records between the department and the financial institution, fees to be paid to the financial institution for services provided, the financial institution's contact persons, and other information the department determines to be necessary to enter into agreements for quarterly data matching.

(c) The department has designated the Federal Office of Child Support Enforcement as its agent authorized to enter into operational agreements for data matching, on behalf of the department, with financial institutions doing business in two or more states that elect to participate in the Federal Office of Child Support Enforcement's national data match process. The authorization extends to entering into agreements only with financial institutions doing business in this state and excludes the authority to negotiate fees to be paid to financial institutions for the costs of participating in the data match.

(2) Selecting Cases for Data Matching. The department shall include the following cases in the data match system provided by s. 409.25657(2), F.S.:

(a) Temporary cash assistance cases in which the amount of past-due support is not less than \$150;

(b) Non-temporary cash assistance cases in which the amount of past-due support is not less than \$500.

(3) Fees for Conducting Data Matches. The department shall pay quarterly fees to financial institutions doing business in the state that submit an invoice to the department for payment of the costs of conducting the data match during a quarter, as follows:

(a) To financial institutions that enter into the memorandum of agreement with the department specified in paragraph (a) of subsection (1) of this rule:

1. Not more than \$250 per quarter if the financial institutuin performs the data match provided by s. 409.25657(2)(a), F.S.; or

2. Not more than \$50 per quarter if the financial institution selects the option provided by s. 409.25657(2)(b), F.S., to have the department match each individual who maintains an account at the financial institution.

(b) To financial institutions that elect to participate in the Federal Office of Child Support Enforcement’s national data match process specified in paragraph (c) of subsection (1) of this rule, not more than \$100 per quarter.

(c) The department shall not pay quarterly fees to financial institutions not doing business in this state.

Specific Authority 409.2557(3)(i), 409.25657(6) FS. Law Implemented 409.25657 FS. History–New

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Restoration of Forfeited Gain Time

RULE NO.: 33-601.105

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify circumstances under which inmates are ineligible for restoration of forfeited gain time.

SUBJECT AREA TO BE ADDRESSED: Gain time.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.275 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.275, 944.28 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.105 Restoration of Forfeited Gain Time.

(+) Restoration of gain time as a positive management tool. Gain time that has been forfeited under the current commitment as a result of disciplinary action or revocation of parole, provisional release, supervised community release, conditional medical release, control release, or conditional release shall be subject to restoration when the restoration would produce the same or greater benefits as those derived from the forfeiture in the first place. Only those inmates whose adjustment and performance since their last disciplinary report or revocation of parole, provisional release, supervised community release, conditional medical release, control release, or conditional release has exceeded that which is

required to comply with all the behavioral objectives are eligible for consideration. The restoration shall only be considered when the inmate has clearly performed positively over a period of time and it appears the inmate will continue this positive adjustment without further violating the rules of the department or the laws of the state and the inmate is serving that portion of the sentence which, but for the forfeiture of gain time, would have been completed.

~~(1)(a)~~ Eligibility.

~~(a)~~ Restoration of gain time due to loss by disciplinary action:

~~1.a.~~ There must be an elapsed time of at least one year since the last disciplinary action occurred.

~~2.b.~~ The inmate must be serving that portion of the sentence which, but for the forfeiture of gain time, would have been completed.

~~3.e.~~ The inmate’s institutional adjustment and performance exceed that which is required to comply with all the behavioral objectives and the inmate must have completed or be participating in all available programs recommended by the classification team.

~~4.d.~~ Inmates who have been convicted in judicial court or been found guilty of one of the after they have received disciplinary reports for the offenses listed below and who have a criminal conviction arising from the same incident shall be ineligible for restoration of forfeited will not be eligible to have gain time reinstated on these specific charges:

1-1 Assault or battery or attempted assault or battery with a deadly weapon;

1-2 Unarmed Assault, where a physical attack was made against department staff;

1-5 Sexual Battery;

2-1 Participating in riots, strikes, mutinous acts or disturbances;

3-1 Possession of weapons, ammunition, or explosives;

3-4 Trafficking in Drugs;

4-1 Escape or attempted escape.

~~5.e.~~ Once an inmate has gain time restored, subsequent losses of gain time due to disciplinary action will make the inmate ineligible for further restoration.

~~6.f.~~ Gain time that is lost prior to an inmate receiving an additional commitment for an offense committed while in custody of the department will not be considered for restoration.

~~(b)2-~~ Restoration of gain time forfeited by violation of the conditions of parole, provisional release, supervised community release, conditional medical release, control release, or conditional release may be considered only when there have been no new convictions for offenses that occurred during the period of release.

~~1.a.~~ There must be a minimum of one year from the effective date of the parole revocation or violation of the conditions of provisional release, supervised community release, conditional medical release, control release, or conditional release;

~~2.b.~~ The inmate must be discipline free (formal reports) since return as a parole, provisional release, supervised community release, conditional medical release, control release, or conditional release violator;

~~3.e.~~ The inmate's adjustment and performance must exceed that which is required to comply with all behavioral objectives since return as a parole, provisional release, supervised community release, conditional medical release, control release, or conditional release violator;

~~4.d.~~ The inmate must have completed or be participating in all available programs recommended;

~~5.e.~~ Any inmate who receives restoration of gain time forfeited due to parole, provisional release, supervised community release, conditional medical release, control release, or conditional release violation will not be eligible for restoration on any subsequent parole, provisional release, supervised community release, conditional medical release, control release, or conditional release violation while serving the same commitment;

~~6.f.~~ The inmate must be serving the portion of the sentence which, but for the forfeiture of gain time, would have been completed.

~~(2)(b)~~ How processed. Restoration of gain time will be considered only when the inmate has met the criteria specified in ~~(1)(a)~~ of this rule. There is no entitlement for consideration based upon an inmate's request. The final approving authority for restoration of forfeited gain time will be the Deputy Director of Institutions. The institution where the inmate is assigned will be notified and the facility staff will notify the inmate of the decision.

~~(2) Adjusted disciplinary action. Forfeited gain time shall be restored on the recommendation of the warden when it is determined that the gain time was improperly forfeited or where it appears that an error was made which should be corrected. When it is discovered through a review of the inmate's record at the time of routine progress reports that inappropriate disciplinary procedures were used or additional facts reveal that the disciplinary charge was improper or where the disciplinary report should not have been written against the inmate, the classification officer shall prepare a recommendation documenting the circumstances of the incorrect or inappropriate forfeiture of gain time. The classification officer shall forward the request through the institutional classification team, Chief, Bureau of Classification and Central Records, to the Deputy Director of Institutions who will act as final reviewing authority and shall approve, disapprove, or return the recommendation in cases of this type to the institution for additional information. If~~

~~approved, the Bureau of Classification and Central Records will make the changes in the record and notify the institution where the inmate is assigned.~~

Specific Authority 20.315, 944.09, 944.275 FS. Law Implemented 20.315, 944.09, 944.275, 944.28 FS. History--New 11-27-84, Formerly 33-11.15, Amended 10-12-89, 8-29-91, 10-13-93, Formerly 33-11.015, Amended 8-30-01,\_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Institution Visits and Tours and Inmate or Probationer Presentations and Programs for the Public  
 RULE NO.: 33-602.230

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide detailed guidelines for conducting juvenile offender tours pursuant to s. 945.75, F.S.

SUBJECT AREA TO BE ADDRESSED: Institutional tours.

SPECIFIC AUTHORITY: 20.315, 944.09, 945.75 FS.

LAW IMPLEMENTED: 944.09, 944.23, 945.75 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.230 Institution Visits and Tours and Inmate or Probationer Presentations and Programs for the Public.

(1) Except as authorized in subsection (2) Below, nNo tours by persons under 18 years of age beyond a common assembly area such as the visiting park will be permitted. Student groups shall be assembled in this common area and given briefings by staff members and shown orientation/training videos. Inmates shall not participate in these orientation briefings.

(2) Juvenile Offender Tour Programs. Juveniles under supervision shall be allowed to tour facilities of the department only upon court order or documented direction from the court. Such documentation shall list the name of the sponsor and each juvenile participant approved by the court for such a tour.

(a) Definitions.

1. Adult Escorts – Where used herein, refers to outside sponsors 18 years of age or older who will accompany juvenile participants during the juvenile offender tour program.

2. Central Office Program Manager – Refers to the staff member in the Bureau of Classification and Central Records who coordinates the juvenile offender tour program with designated institutions and the Bureau of Security Operations.

3. Designated Institutions – Where used herein, refers to institutions designated by the secretary or his designee to provide the juvenile offender tour program in all four regions, thereby ensuring accessibility to juvenile offenders statewide.

4. Inmate Presenter – Where used herein, refers to an inmate whose participation in the program is voluntary, who has met prescreening criteria outlined in this rule, and who has successfully completed training to provide juvenile offenders with an accurate and realistic account of prison life and the effects of incarceration.

5. Juvenile Offender – Where used herein, refers to a youth not more than 17 years of age, but not less than 10 years of age, who is under court order to participate in a juvenile offender tour program.

6. Juvenile Offender Tour Program – Refers to a program implemented by the Department of Corrections which provides Florida's courts with an intervention program that discourages juvenile offenders from continuing a criminal lifestyle by providing the juvenile offender with a realistic look at prison life.

7. Outside Sponsor – Where used herein, refers to an organization or agency working with a court to provide adult escorts for juvenile offenders participating in the juvenile offender tour program.

8. Tour Program Facilitator – Where used herein, refers to the staff member at the institution who is responsible for supervising tours and coordinating tours in conjunction with the central office program manager.

(b) All tour requests from outside sponsors shall be in writing and shall be routed to the warden.

(c) Staff Responsibilities for the Juvenile Offender Tour Program.

1. The warden shall:

a. Designate a staff member as the tour program facilitator;

b. Based upon program activity, determine the number of inmate presenters who will participate in the program;

c. Ensure the selection of staff to participate in the program; and

d. Evaluate and approve or reject tour requests at least 20 days in advance of the proposed tour date. Rejections shall be based on a determination that the tour is not in the best rehabilitative interests of the inmates incarcerated or that the tour will have an adverse impact on the security or orderly operation of the facility.

2. The institutional tour program facilitator shall:

a. Subsequent to the warden's approval of the tour, function as the primary contact point with the courts, outside sponsors, and the central office program manager.

b. Ensure that all requirements of this rule are met, including:

I. Providing necessary supervision;

II. Advising outside sponsors of the guidelines contained in the rule;

III. Ensuring that department personnel are physically present during the tour, presentation or program, along with the outside sponsor; and

IV. Answering questions from the group.

c. Select and train inmate presenters;

d. Coordinate and provide orientation for participating staff;

e. Secure a copy of the court order for each juvenile that directs the juvenile offender's participation in the program from the outside sponsor and maintain a file of the copies of the court orders for three years;

f. Report scheduling and completion results of the tour to the central office program manager.

g. Ensure that all program guidelines are explained to the tour participants before allowing them entry into the compound;

h. Coordinate notification to the court of tour participants who are disruptive or inappropriately dressed.

3. The central office program manager shall:

a. Maintain liaison with the Bureau of Security Operations regarding safety and security issues in the administration of the juvenile offender tour program;

b. Establish and maintain a database of institutions approved by the secretary to conduct tours, designated tour program facilitators, and statistical results of tours.

(d) Inmate Presenters.

1. Inmates who wish to volunteer as presenters for the juvenile offender tour program shall submit Form DC6-236, Inmate Request, to the tour program facilitator. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

2. In order to be selected as an inmate presenter, an inmate must:

a. Be free of disciplinary reports for a minimum of six months;

b. Not be a certified or non-certified security threat group member;

c. Be close custody or lower; and

d. Not have been in close management in the last 24 months.

3. Inmate presenters shall receive at least four hours of training concerning presentation content. Inmate presenters shall receive instruction on and are expected to demonstrate an understanding of and a positive attitude towards the purpose and goals of the tour program. Inmate presenters will be trained that they will not:

a. Use profanity, obscenities, individual confrontation, intimidation, or physical contact with tour participants, ("Scared Straight" techniques will not be used.)

b. Exercise any control or authority over any tour participant.

- c. Remove their own nor tour participant's clothing.
- d. Exchange personal information such as home addresses or telephone numbers with any tour participant.
- e. Give to or receive anything from tour participants, or
- f. Use any tobacco products.

4. Inmate presenters shall:

- a. Wear uniforms that are clean, properly fitted, and in good repair.
- b. Maintain proper grooming in accordance with department rules, and
- c. Use courtesy in all their dealings with tour participants and adult escorts.

(e) Tours.

- 1. Tour groups shall be limited to no more than 15 tour participants, not including sponsors and escorts.
- 2. Outside sponsors shall provide one adult escort of the same sex for every six or less tour participants.

(f) Upon tour approval, the tour program facilitator shall advise the outside sponsor in writing of the expectations and requirements of this rule, including the following:

- 1. Tour participants shall not be admitted if wearing inappropriate attire which includes:
  - a. Halter tops or other bra-less attire.
  - b. Underwear type tee shirts.
  - c. Tank tops or shorts.
  - d. Fishnet shirts or swimsuits.
  - e. Skin tight clothing or spandex clothing.
  - f. Clothes made with see-through fabric (unless a non-see-through garment is worn underneath).
  - g. Dresses or skirts more than three inches above the knee,  
or
  - h. Any article of clothing with a picture or language deemed profane or offensive by the institution's tour program facilitator.

2. Tour participants shall not be permitted the following:

- a. Excessive jewelry.
- b. Radios.
- c. Cell phones or beepers.
- d. Cameras.
- e. Purses.
- f. Pocket knives.
- g. Fingernail clippers.
- h. Money, or
- i. Prescription medications, except:
  - I. Only the dosage necessary for the tour period shall be allowed;
  - II. The medication shall be in its original prescribed container; and
  - III. Needles and syringes shall be left in the tour participant's locked transportation vehicle.

(g) The outside sponsor shall be responsible for taking corrective action against disruptive participants. Unresolved situations shall result in the disruptive participants being removed from the tour. If necessary, the tour shall be terminated.

(h) The tour program facilitator shall, not later than two workdays following completion of the tour, report tour scheduling and completion results to the central office program manager.

(3) through (6) No change.

(7) The following guidelines shall be adhered to in conducting tours, in making presentations and in providing programs for the public.

(a) through (b) No change.

~~(e) If the tour or program is for juveniles and is based on a court order or direction from the court, the supervisor or coordinator shall secure a copy of the order from the sponsor, with the name of each juvenile on it.~~

Specific Authority 20.315, 944.09, 945.75 FS. Law Implemented 944.09, 944.23, 945.75 FS. History—New 10-6-83, Formerly 33-5.12, Amended 7-27-89, 3-8-98, Formerly 33-5.012, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Hearing Aid Specialists**

RULE TITLE: RULE NO.:

Biennial Renewal Fee for Active License 64B6-4.004

PURPOSE AND EFFECT: The Board proposes to raise the fee so that the increased fee will be 10% more than the existing fee.

SUBJECT AREA TO BE ADDRESSED: Biennial Renewal Fee for Active License.

SPECIFIC AUTHORITY: 456.025(1), 455.587(1), 484.044, 484.0447(4),(6) FS.

LAW IMPLEMENTED: 484.0447(4),(8), 484.047(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 IS: Sue Foster, Board Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B6-4.004 Biennial Renewal Fee for Active License.

The licensure fee for renewal of an active license shall be \$410.00 ~~375.00~~.

Specific Authority 455.587(1), 456.025(1), 484.044, 484.0447(4),(6) FS. Law Implemented 484.0447(4),(8), 484.047(2) FS. History—New 1-10-84, Formerly 21JJ-5.03, 21JJ-5.003, Amended 1-4-87, 12-25-88, Formerly 21JJ-4.007, 61G9-4.007, Amended \_\_\_\_\_.



**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE TITLE: Examination for Licensure RULE NO.: 64B12-9.001

PURPOSE AND EFFECT: The Board proposes amendments to examination rule setting forth the requirements for the national examination and eliminating the requirement for the examination on Florida law and rules.

SUBJECT AREA TO BE ADDRESSED: Opticianry licensure examination requirements.

SPECIFIC AUTHORITY: 456.017(1),(5), 484.005 FS.

LAW IMPLEMENTED: 456.017(1),(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Opticianry, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE TITLE: Application for Examination and Licensure RULE NO.: 64B12-9.0015

PURPOSE AND EFFECT: The Board proposes amendments to the existing rule setting forth the requirements for application for licensure, providing for application procedures and the requirement for completion of a two-hour course on Florida law and rules.

SUBJECT AREA TO BE ADDRESSED: Opticianry licensure examination and application requirements.

SPECIFIC AUTHORITY: 456.013, 456.017, 456.072, 484.005, 484.014(2), 484.005 FS.

LAW IMPLEMENTED: 456.013, 456.017, 456.072, 484.007, 484.014(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 IS: Sue Foster, Executive

Director, Board of Opticianry, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE TITLE: Apprenticeship Requirements and Training Program RULE NO.: 64B12-16.003

PURPOSE AND EFFECT: The Board proposes amendments to an existing rule setting forth the requirements for apprenticeship requirements and the training program.

SUBJECT AREA TO BE ADDRESSED: Opticianry licensure apprenticeship and training program.

SPECIFIC AUTHORITY: 484.005 FS.

LAW IMPLEMENTED: 484.002, 484.007(1)(d)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 IS: Sue Foster, Executive Director, Board of Opticianry, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE TITLE: Termination of Apprenticeship RULE NO.: 64B12-16.004

PURPOSE AND EFFECT: The Board proposes amendments to an existing rule setting forth the requirements for termination of apprenticeship.

SUBJECT AREA TO BE ADDRESSED: Termination of apprenticeship.

SPECIFIC AUTHORITY: 484.005, 484.007(1) FS.

LAW IMPLEMENTED: 484.007(1)(d)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 IS: Sue Foster, Executive Director, Board of Opticianry, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE TITLE: Enforcement  
 RULE NO.: 64B12-16.008

PURPOSE AND EFFECT: The Board proposes amendments to an existing rule setting forth the requirements for the apprentice and sponsor during the apprenticeship.

SUBJECT AREA TO BE ADDRESSED: Enforcement of the apprenticeship program.

SPECIFIC AUTHORITY: 484.005, 484.007(1) FS.

LAW IMPLEMENTED: 484.007(1)(d)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 IS: Sue Foster, Executive Director, Board of Opticianry, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF HEALTH**

**Board of Speech Language Pathology and Audiology**

RULE TITLE: Licensure by Certification of Credentials  
 RULE NO.: 64B20-2.001

PURPOSE AND EFFECT: The Board proposes to discuss this section to determine if amendments are necessary to the existing rule or if it is necessary to create a new rule.

SUBJECT AREA TO BE ADDRESSED: Requiring 2 hours continuing education for the prevention of medical errors.

SPECIFIC AUTHORITY: 468.1135(4), 468.1195(1),(3), 468.1205(1), 456.013(7) FS.

LAW IMPLEMENTED: 468.1195(1),(3), 468.1205(1) FS.

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

TIME AND DATE: 9:00 a.m., February 1, 2002

PLACE: The Hotel Sofitel, Miami, FL 33126, (305)264-4888

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 Board at least 5 calendar days before the workshop/meeting by contacting the Board, (850)245-4460. If you are hearing or speech impaired, please contact the Board using the Dual Party Relay System, 1(800)955-8770 (Voice) and 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: Karen Eaton, Executive Director, Board of Speech Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH**

**Board of Speech Language Pathology and Audiology**

RULE TITLE: On-the-Job Training, Role and Observation of  
 Speech-Language Pathology and  
 Audiology Assistants  
 RULE NO.: 64B20-4.003

PURPOSE AND EFFECT: The Board proposes to discuss this section to determine if amendments are necessary to the existing rule or if it is necessary to create a new rule.

SUBJECT AREA TO BE ADDRESSED: Specified services completed by the audiology assistant and supervised by the licensee.

SPECIFIC AUTHORITY: 468.1135(4) FS.

LAW IMPLEMENTED: 468.1215, 468.1125(3),(4) FS.

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

TIME AND DATE: 9:00 a.m., February 1, 2002

PLACE: The Hotel Sofitel, Miami, FL 33126, (305)264-4888

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 Board at least 5 calendar days before the workshop/meeting by contacting the Board, (850)245-4460. If you are hearing or speech impaired, please contact the Board using the Dual Party Relay System, 1(800)955-8770 (Voice) and 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: Karen Eaton, Executive Director, Board of Speech Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

Section II
Proposed Rules

DEPARTMENT OF CORRECTIONS

RULE TITLE: Legal Visitors
RULE NO.: 33-601.711

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

SUMMARY: The proposed rule requires that an attorney provide a signed statement for each visit of an agent stating that the visit is for the purpose of a legal consultation and agreeing to supervise the agent and accept responsibility for actions of the agent. The proposed rule provides for the exchange of documents between attorneys and their inmate clients during legal visits upon demonstration of a need for document transfer and a cursory inspection of the documents.

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: 944.09, 944.23 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.711 Legal Visitors.

(1) No change.

(2) An agent of an attorney (a law student, law clerk, paralegal, legal assistant, legal investigator or interpreter legal paraprofessional) working under the supervision of an attorney may visit an inmate whom the attorney represents, subject to all conditions applicable to the attorney, if the attorney provides a signed statement for each visit stating that the visit is for the purpose of a legal consultation and agreeing to supervise the assistant and to accept personal and professional responsibility for all acts of the assistant that may affect the institution, its inmates and staff.

(3) through (5) No change.

(6) Documents will not be exchanged between the attorney and the inmate unless the attorney notifies the warden that the exchange of documents is necessary, demonstrates a need for

document transfer (e.g., time constraints, documents too bulky to mail, mental handicap of inmate) and allows a cursory inspection of the documents. The warden is authorized to disapprove any document exchange if such exchange would present a threat to the security and order of the institution or to the safety of any person.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Jerry Vaughan

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 18, 2001

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

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

Division of Workers' Compensation

RULE TITLES: Cancellation of Workers' Compensation
RULE NOS.:

Insurance by an Insurer 38F-6.008
Forms and Instructions 38F-6.009

Policy Information Electronic Filing
Requirements for Insurers 38F-6.014

Definitions 38F-6.016

PURPOSE AND EFFECT: Rule 38F-6.008 is being amended to require an insurer to file workers' compensation insurance policy cancellation notices electronically. Amendments to Rule 38F-6.009 eliminate certain paper forms. Rule 38F-6.014 is being amended to mandate electronic filing of workers' compensation insurance policy information effective March 1, 2002. Rule 38F-6.014 is also being amended to eliminate the penalty provisions associated with the filing of paper forms. Rule 38F-6.016 is created to define specific terms referenced in these rules.

SUMMARY: These rule amendments affect electronic filing requirements for workers' compensation policy information submitted pursuant to these rules.

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: 440.05, 440.05(9), 440.10, 440.42(2),(3), 440.185(7),(9), 440.591, 440.593 FS.

LAW IMPLEMENTED: 440.05, 440.103, 440.42(3), 440.185(7),(9), 440.38(2), 440.42(2), 440.593 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Philip Wilcox, Investigations Manager, Bureau of Compliance, Suite 209, Hartman Building, 2012 Capital Circle, S. E., Tallahassee, FL 32399-2189, phone number (850)488-2333, Ext. 173

THE FULL TEXT OF THE PROPOSED RULES IS:

38F-6.008 Cancellation of Workers' Compensation Insurance by an Insurer.

(1) Except as hereinafter provided, a workers' compensation insurance policy shall not be cancelled by an insurer until and unless 30 days have elapsed after the insurer has electronically filed directly with the Division or through a third party vendor a Notice of Cancellation ~~or Reinstatement (LES Form BCM-242)~~. When an insurer files sends an electronic Notice of Cancellation directly with ~~or Reinstatement (LES Form BCM-242)~~ to the Division by U.S. mail, the 30-day deadline shall be calculated from the first day following the date the Division received the electronic cancellation. The electronic cancellation must include the minimum information required to identify the transmission as a cancellation for a specific policy as referenced in Rule Chapter 38F-56, F.A.C. If the insurer files electronically through a third party vendor, the 30-day deadline shall be calculated from the first day following the "Jurisdiction Designee Received Date." and must include the minimum information required to identify the transmission as a cancellation for a specific policy as referenced in Rule Chapter 38F-56, F.A.C. date of mailing as evidenced by postmark; or in the event the postmark is missing, or illegible, or the form is delivered to the Division by other than U.S. mail, the first day following the date such form is received by the Division.

(2) A workers' compensation insurance policy may be cancelled by the insurer the same day it became effective if the insurer electronically files a Notice of Cancellation directly ~~or Reinstatement (LES Form BCM-242)~~ with the Division or through a third party vendor and serves a copy of a ~~the~~ notice of cancellation upon the employer in person or by mail, stating therein the reason for such cancellation, if:

~~(a)~~ (a) the policy has been rewritten by the same insurer, with the same effective date; ~~or~~

~~(b)~~ (b) prior to the effective date of the policy, the employer sold his business or otherwise went out of business and thereafter had no employees; or

~~(c)~~ (c) the insurer filed with the Division notice of cancellation prior to the effective date of the policy.

(3) When duplicate or dual coverage exists because two different insurers each issued policies to the same employer, and both policies have the same effective date, secure the same liability, and proof of coverage for both policies was duly filed

by the insurers as required by this rule chapter, then, one of those policies may be cancelled by one of the insurers as of the date a Notice of Cancellation ~~or Reinstatement (LES Form BCM-242)~~ is electronically filed by that insurer, with the Division. ~~The canceling insurer may effect retroactive cancellation by filing with the Division a letter of assumption from the other insurer stating the other insurer assumes full liability under the terms of its policy from the cancellation date of the policy being cancelled.~~

(4) When duplicate or dual coverage exists because two different insurers each issued policies with different effective dates to the same employer, and both of those policies secure the same liability, the insurer which was first on the risk (the canceling insurer) may cancel its policy by electronically filing with the Division a Notice of Cancellation, ~~or Reinstatement (LES Form BCM-242)~~. Once such notice is filed the cancellation date of the policy being cancelled shall become the same as the effective date of the policy not being cancelled, unless a later cancellation date is specified by the canceling insurer.

Specific Authority 440.42(3), 440.185(7), 440.591, 440.593 FS. Law Implemented 440.42(3), 440.185(7), 440.593 FS. History--New 11-20-79, Amended 4-15-81, 1-2-86, Formerly 38F-6.08, Amended 12-28-97, 2-2-00,\_\_\_\_\_.

38F-6.009 Forms and Instructions.

(1) The following forms are hereby adopted for use in connection with these rules:

~~(a) LES Form BCM-240 Proof of Coverage, revised 2/00.~~

~~(b) LES Form BCM-240 A Proof of Coverage Attachment, revised 2/00.~~

~~(c) LES Form BCM-241 Endorsement, revised 2/00.~~

~~(d) LES Form BCM-241 A Endorsement Attachment, revised 2/00.~~

~~(e) LES Form BCM-242 Notice of Cancellation or Reinstatement, revised 2/00.~~

~~(a)(f)~~ (a) LES Form BCM-250 Notice of Election to be Exempt, revised 2/00; and instructions for same (Construction Industry Instructions for LES Form BCM-250 and Non-Construction Industry Instructions for LES Form BCM-250, dated 2/00.

~~(b)(g)~~ (b) LES Form BCM-250-R Revocation of Election to be Exempt, revised 2/00.

~~(c)(h)~~ (c) LES Form BCM-251 Notice of Election of Coverage, revised 2/00.

~~(d)(i)~~ (d) LES Form BCM-251-R Revocation of Election of Coverage, revised 2/00.

(2) through (3) No change.

Specific Authority 440.05, 440.05(9), 440.10, 440.185(7), 440.42(2), 440.591, 440.593 FS. Law Implemented 440.05, 440.103, 440.185(7),(9), 440.38(2), 440.42(2), 440.593 FS. History--New 11-20-79, Amended 4-15-81, 1-2-86, Formerly 38F-6.09, Amended 5-28-91, 2-15-94, 2-2-00,\_\_\_\_\_.

38F-6.014 Policy Information Electronic Filing Requirements for Insurers; Insurer Penalty Assessments.

(1) Every insurer, other than an individual self-insurer approved under s. 440.38, F.S., shall file directly with the Division, or through a third party vendor the following electronic form equivalents and shall receive a "Transaction Accepted" (TA) Acknowledgement Code by the Division within the time frames noted forms:

(a) Within thirty days of the effective date of each policy or contract for workers' compensation insurance issued, every insurer shall transmit the electronic form equivalent of the Proof of Coverage. A Proof of Coverage (LES Form BCM-240) and if applicable, a Proof of Coverage Attachment (LES Form BCM-240-A), shall be filed by an insurer within twenty-one days of the issue date of each contract issued by the insurer for workers' compensation insurance coverage.

(b) Within thirty days of the effective date of each endorsement to a policy or contract for workers' compensation insurance issued, every insurer shall transmit the electronic form equivalent of a Notice of Endorsement. A Notice of Endorsement (LES Form BCM-241) and if applicable, a Notice of Endorsement Attachment (LES Form BCM-241-A) shall be filed by an insurer within twenty-one days of the issue date of each endorsement to a policy or contract issued by the insurer for workers' compensation insurance coverage.

(c) Within thirty days of the effective date of each reinstatement to a cancelled policy or contract for workers' compensation insurance issued, every insurer shall transmit the electronic form equivalent of a Notice of Reinstatement. A Notice of Cancellation or Reinstatement (LES Form BCM-242) shall be filed by an insurer within twenty-one days of the issue date of each notice of reinstatement of a policy or contract for workers' compensation insurance coverage and within thirty days of the issue date of each notice of cancellation of a policy or contract for workers' compensation insurance coverage, issued by the insurer.

(d) Within thirty days prior to the cancellation of a policy or contract for workers' compensation insurance coverage, every insurer shall transmit the electronic form equivalent of a Notice of Cancellation.

(2) Failure or refusal by an insurer to timely file with the Division any document required herein shall result in a civil penalty to the insurer in the amount specified below, depending upon the number of days late the document is filed, except that there shall be no penalty for the late filing of a Notice of Cancellation or Reinstatement (LES Form BCM-242) following the cancellation by the insurer of a policy for workers' compensation insurance coverage.:

(a) \$100.00 for each document filed from one to four days late;

(b) \$200.00 for each document filed from five to nine days late;

(c) \$300.00 for each document filed from ten to fourteen days late;

(d) \$400.00 for each document filed from fifteen to nineteen days late; and

(e) \$500.00 for each document filed twenty or more days late.

(3) For purposes of this rule, the term "filed" shall mean received by the Division at the following address:

Florida Bureau of Workers' Compensation Compliance  
2562 Executive Center Circle, East  
Montgomery Building, Room 204  
Tallahassee, FL 32399-0664

Specific Authority 440.185(7),(9), 440.591, 440.593 FS. Law Implemented 440.185(7),(9), 440.593 FS. History--New 2-2-00, Amended \_\_\_\_\_.

### 38F-6.016 Definitions.

(1) "Division" means the Division of Workers' Compensation.

(2) "Electronic Data Interchange (EDI)" means a computer to computer exchange of business transactions in a standardized electronic format.

(3) "Electronic Form Equivalent" means the transmission of information in Division-approved electronic formats instead of otherwise required paper documents. Division-approved electronic formats include nationally standardized Electronic Data Interchange (EDI) formats endorsed by the International Association of Industrial Accident Boards and Commissions (IAIABC). Electronic form equivalents do not include transmission by facsimile, file data attached to electronic mail, or computer-generated paper forms.

(4) "IAIABC" means the International Association of Industrial Accident Boards and Commissions (www.iaiabc.org), and is a professional trade association comprised of state workers' compensation regulators and insurance representatives.

(5) "Third Party Vendor" means an agent that an insurer has contracted with to submit required electronic filings on its behalf, and has been authorized to submit EDI transactions to the Division. Third party vendors shall include service companies, third party administrators, and managing general agents that have been authorized to submit EDI transactions to the Division.

(6) "Transaction Accepted (TA) Acknowledgement Code" means the code assigned by the Division to represent that the transaction being sent was successfully received by the Division and passed required edits pursuant to the Florida Division of Workers' Compensation Proof of Coverage Electronic Data Interchange (EDI) Implementation Manual, November 2001, incorporated in Rule Chapter 38F-56, F.A.C.

Specific Authority 440.42(3), 440.185(7), 440.591, 440.593 FS. Law Implemented 440.42(3), 440.185(7), 440.593 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Philip Wilcox, Investigations Manager, Bureau of Compliance  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Lee A. Pease, Chief, Bureau of  
Compliance  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: December 17, 2001  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: December 28, 2001; Vol. 27, No. 52

**DEPARTMENT OF LABOR AND EMPLOYMENT  
SECURITY**

**Division of Workers' Compensation**

RULE CHAPTER TITLE:                   RULE CHAPTER NO.:

Electronic Data Interchange (EDI)	
Technical Requirements	38F-56
RULE TITLES:	RULE NOS.:
EDI Forms and Instructions	38F-56.001
Definitions	38F-56.002
Mandate of Proof of Coverage (POC) EDI	38F-56.100
Technical Requirements for POC	
EDI Transactions	38F-56.110

PURPOSE AND EFFECT: Rule Chapter 38F-56 is being created to identify the technical requirements for filing workers' compensation forms via Electronic Data Interchange (EDI). Rule 38F-56.001 is being created to identify the forms required in this Rule Chapter. Rule 38F-56.002 is being created to define the terms used in this rule section. Rule 38F-56.100 is being created to mandate electronic filing of workers' compensation proof of coverage information effective March 1, 2002. Rule 38F-56.110 is being created to identify the technical filing requirements for electronic POC transactions.

SUMMARY: These rules affect electronic filing requirements for workers' compensation policy and claims information submitted to the Division pursuant to these rules.

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, shall do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 440, 591, 440.593 FS.

LAW IMPLEMENTED: 440.593 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Linda Yon, W.C. Administrator, Bureau of Information Management, Suite 212, Forrest Building, 2728 Centerview Dr., Tallahassee, FL 32399-0685; phone number (850)488-3030, ext. 129

THE FULL TEXT OF THE PROPOSED RULES IS:

38F-56.001 EDI Forms and Instructions.

(1) The following forms are adopted for use in filing Proof of Coverage (POC) Electronic Data Interchange (EDI) submissions with the Division:

(a) DWC Form POCEDI-1: "POC EDI Production Profile"

(b) DWC Form POCEDI-2: "POC EDI Trading Partner Agreement."

(2) The following form is adopted for use in filing both POC and CLAIMS EDI submissions with the Division: DWC Form EDI-3: "EDI Transmission Profile-Sender Specifications."

Specific Authority 440.591, 440.593 FS. Law Implemented 440.593 FS. History-New \_\_\_\_\_.

38F-56.002 Definitions.

When used in this chapter, the following terms have the following meanings:

(1) "Batch" means a set of records containing one header record, one or more detailed transactions, and one trailer record.

(2) "Division" means the Division of Workers' Compensation.

(3) "Domestic Insurer" is one formed under the laws of this state pursuant to s. 624.06(1), F.S. An individual self-insurer authorized by s. 440.38, F.S., and headquartered in this state will be considered a Domestic Self-Insurer for the purposes of this rule chapter.

(4) "Electronic Data Interchange" means a computer to computer exchange of business transactions in a standardized electronic format.

(5) "Electronic Form Equivalent" means the transmission of information in Division-approved electronic formats instead of otherwise required paper documents. Division-approved electronic formats include nationally standardized EDI formats endorsed by the International Association of Industrial Accident Boards and Commissions (IAIABC). Electronic form equivalents do not include transmission by facsimile, file data attached to electronic mail, or computer-generated paper forms.

(6) "Foreign Insurer" is one formed under the laws of any state, district, territory, or commonwealth of the United States other than this state, pursuant to s. 624.06(2), F.S. An individual self-insurer authorized by s. 440.38, F.S., and headquartered outside this state will be considered a Foreign Self-Insurer for purposes of this rule chapter.

(7) "Header Record" means the record that precedes each batch. The header record uniquely identifies a sender, as well as the date and time a batch is prepared, and the transaction set within the batch.

(8) “IAIABC” means the International Association of Industrial Accident Boards and Commissions (www.iaiaabc.org), and is a professional trade association comprised of state workers’ compensation regulators and insurance representatives.

(9) “Maintenance Type Code” (MTC) is an IAIABC code that defines the specific purpose of individual claims transactions within the batch being transmitted, i.e., a code that represents the type of filing being sent electronically (For example: IP = initial payment, 04 = denial).

(10) “Sender” means the claim administrator, insurer, or third party vendor that is submitting electronic filings to the Division.

(11) “Third Party Vendor” means an agent that an insurer has contracted with to submit required electronic filings on its behalf, and has been authorized to submit EDI transactions to the Division. Third party vendors shall include service companies, third party administrators, and managing general agents that have been authorized to submit EDI transactions to the Division.

(12) “Trailer Record” means the record that designates the end of a batch of transactions. It provides a count of transactions contained within the batch, not including the header and trailer transactions.

(13) “Transaction” is one record within a batch intended to communicate an event.

(14) “Transmission” consists of one or more batches sent or received during a communication session.

(15) “Triplicate Code” is a series of three two-digit numeric codes that define the specific purpose of individual records in a Proof of Coverage transmission, i.e., new policy, renewal, endorsement or cancellation. It is a combination of the Transaction Set Purpose Code, Transaction Set Type Code and Transaction Set Reason Code as defined in the IAIABC EDI Implementation Guide for Proof Of Coverage: Insured, Employer, Header, Trailer & Acknowledgement Records, Release 2, November 1, 2001, which is herein incorporated by reference in this rule.

Specific Authority 440.591, 440.593 FS. Law Implemented 440.593 FS. History—New \_\_\_\_\_.

### 38F-56.100 Mandate of Proof of Coverage (POC) EDI.

(1) Effective March 1, 2002, every insurer authorized to insure employers in the State of Florida shall file policy information electronically to the Division rather than by filing on paper forms previously required by Rule 38F-6.014, F.A.C. Every insurer shall transmit by electronic data interchange all required data elements specified in the Florida Division of Workers’ Compensation Proof of Coverage Electronic Data Interchange (EDI) Implementation Manual, November 2001, which is herein incorporated by reference in this rule. The Division will not accept an electronic transaction that fails to

comply with the requirements in this manual. The insurer shall send electronic submissions either directly to the Division or through an authorized third party vendor.

(2) Electronic Proof of Coverage Forms shall be sent in the Proof of Coverage national standard, adopted by the IAIABC. The insurer or third party vendor shall utilize the IAIABC EDI Implementation Guide for Proof Of Coverage: Insured, Employer, Header, Trailer & Acknowledgement Records, Release 2, November 1, 2001, to implement Florida workers’ compensation proof of coverage data electronically.

(3) If an insurer is unable to report all or part of the data elements required pursuant to this section, by the time frame indicated in rule chapter 38F-6, F.A.C., the insurer shall submit a request for a variance in accordance with s. 120.542, F.S., by sending an e-mail to the Division at pocedi@wcpst.fdes.state.fl.us. The variance shall state the specific reasons the terms of the mandate cannot be achieved, and shall also identify the length of the extension needed to comply with the electronic reporting requirements specified in the rule.

(4) All insurers or third party vendors shall submit to the Division as an attachment in an e-mail to pocedi@wcpst.fdes.state.fl.us, DWC Form POCEDI-1, “POC EDI Production Profile,” no later than one month prior to the effective date of the POC mandate. The POC EDI Production Profile shall include:

(a) Name and Federal Employer Identification Number (FEIN) of any third party vendor submitting proof of coverage data on behalf of an insurer.

(b) Name of the insurer and all subsidiary companies in the insurer’s corporate structure.

(c) The Federal Employer Identification Numbers (FEIN’s) for all entities.

(d) Estimated volume of proof of coverage transactions for the current calendar year and whether volume is expected to substantially increase or decrease during the following calendar year.

(e) Insurer or third party vendor if applicable, EDI business and technical contact persons with telephone numbers and e-mail addresses.

Once filed, the insurer or third party vendor shall report any changes to its POC EDI Production Profile to the Division.

(6) The electronic cancellation shall include the minimum information required to identify the transmission as a cancellation for a specific policy, as referenced in the Florida Proof of Coverage (POC) Element Requirement Table contained within the Florida Division of Workers’ Compensation Proof of Coverage Electronic Data Interchange (EDI) Implementation Manual, November 2001, which is hereby incorporated by reference in this rule. If the insurer files electronically through a third party vendor, the 30-day deadline shall be calculated from the first day following the Jurisdiction Designee Received Date, and shall include the minimum

information required to identify the transmission as a cancellation for a specific policy, as referenced in the FL POC Element Requirement Table.

Specific Authority 440.591, 440.593 FS. Law Implemented 440.593 FS. History–New \_\_\_\_\_.

38F-56.110 Technical Requirements for POC EDI Transactions.

(1) Every insurer or third party vendor shall be authorized by the Division to submit Proof of Coverage forms electronically to the Division upon completion of the requirements of this Rule Chapter. Each transmission for Test, Pilot or Production purposes shall be in the correct IAIABC format (PC1-Insured Record and PC2-Employer Record). Each transmission shall contain the following as described in the IAIABC EDI Implementation Guide for Proof Of Coverage: Insured, Employer, Header, Trailer & Acknowledgement Records, Release 2, November 1, 2001:

(a) Header Record

(b) One or more transactions – PC1, PC2 (See Transaction Overview, Carrier – Insurer Submits column)

(c) Trailer Record.

(2) Header records shall include the following information:

(a) Correct receiver FEIN for the State of Florida: 59-6001874.

(b) “Receiver Postal Code” as indicated in the EDI Transmission Profile – Receiver Specifications, located in the Florida Division of Workers’ Compensation Proof of Coverage Electronic Data Interchange (EDI) Implementation Manual, November 2001.

(c) Correct sender FEIN for the insurer or third party vendor.

(d) “Sender Postal Code” as indicated in DWC Form EDI-3 “EDI Transmission. Profile – Sender Specifications.”

(3) POC EDI transmissions may be sent on a daily basis, and shall be sent via secured File Transfer Protocol (FTP).

(4) The insurer or third party vendor shall send transmissions by 9 p.m., Eastern Standard Time, in order for the transmission to be processed that day. Transmissions received after 9 p.m., Eastern Standard Time, shall be processed the next business day.

(5) To submit data electronically to the Division’s FTP Internet web site, the insurer or third party vendor shall have the following capabilities:

(a) Computer access to the Internet.

(b) Compression Software to read and write encrypted ZIP files, and

(c) FTP Transfer Software to accomplish FTP uploads and downloads.

(6) Transmissions shall be sent using the flat file PC1 and PC2 formats in the IAIABC EDI Implementation Guide for Proof Of Coverage: Insured, Employer, Header, Trailer & Acknowledgement Records, Release 2, November 1, 2001.

(7) Formats of data elements shall match format specifications established by the IAIABC.

(8) During test and pilot transmissions, the “Test-Production Indicator” in the Header record shall be set to “T.” Beginning with authorized production transmissions, the “Test-Production Indicator” shall be set to “P.”

(9) All insurers or third party vendors shall have the capability to receive and process the IAIABC POC EDI Acknowledgement Transaction, which is a “variable length” record.

(10) The meaning of the data elements reported to the Division under this section shall match the definitions established in the IAIABC EDI Implementation Guide for Proof Of Coverage: Insured, Employer, Header, Trailer & Acknowledgement Records, Release 2, November 1, 2001. If not, the insurer or third party vendor shall conform to the IAIABC standard data definition(s).

(11) When required, both a PC1 and PC2 shall be sent to report POC EDI filings. If the PC2 filing is rejected, both the PC1 and PC2 shall be re-submitted together in the same transmission. The Division will not “hold” a PC1 record in anticipation of the return of a corrected corresponding PC2.

(12) The insurer or third party vendor’s business and technical contacts shall have e-mail capabilities to support receipt of zipped files with attachments of at least 2 Megabytes.

(13) The insurer or third party vendor shall utilize anti-virus software to screen out and clean any viruses on all electronic transmissions, prior to submission to the Division. The insurer or third party vendor shall maintain the anti-virus software with the most recent anti-virus update files from the software provider.

Specific Authority 440.591, 440.593 FS. Law Implemented 440.593 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Linda Yon, W.C. Administrator, Bureau of Information Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ted Altavilla, Chief, Bureau of Information Management

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2001, Vol. 27, No. 52



**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

RULE TITLE: Disciplinary Guidelines  
 RULE NO.: 61G5-30.001

PURPOSE AND EFFECT: The purpose and effect are to amend the Disciplinary Guidelines.

SUMMARY: The proposed changes remove sections that reference the "severity of the offense" and "repetition of the offense".

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, 477.016, 477.029(2) FS.

LAW IMPLEMENTED: 455.2273, 477.029(2) 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: Julie Baker, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-30.001 Disciplinary Guidelines.

(1) through (3) No change.

(4) Based upon consideration of the following factors, the Board may impose disciplinary action other than the penalties recommended above:

~~(a) The severity of the offense;~~

~~(a)(b) The danger to the public;~~

~~(e) The number of repetitions of offenses;~~

~~(b)(d) The length of time since date of violation;~~

~~(c)(e) The number of complaints filed against the licensee;~~

~~(d)(f) The length of time licensee or registrant has practiced;~~

~~(e)(g) The actual damage, physical or otherwise, caused by the violation;~~

~~(f)(h) The deterrent effect of the penalty imposed;~~

~~(g)(i) The effect of the penalty upon the licensee's or registrant's livelihood;~~

~~(h)(j) Any efforts for rehabilitation;~~

~~(i)(k) The actual knowledge of the licensee or registrant pertaining to the violation;~~

~~(j)(l) Attempts by licensee or registrant to correct or stop violations or refusal by licensee or registrant to correct or stop violations;~~

~~(k)(m) Related violations against a licensee or registrant in another state including findings of guilt or innocence, penalties imposed and penalties served;~~

~~(l)(n) Actual negligence of the licensee or registrant pertaining to any violations;~~

~~(m)(o) Penalties imposed for related offenses under Subsection (1) above;~~

~~(n)(p) Any other mitigating or aggravating circumstances.~~

(5) through (7) No change.

Specific Authority 455.2273, 477.016, 477.029(2) FS. Law Implemented 455.2273, 477.029(2) FS. History--New 10-20-86, Amended 10-18-87, 1-10-90, 1-30-92, 4-15-93, Formerly 21F-30.001, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 5, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 29, 2001

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLE: Manner of Application  
 RULE NO.: 64B3-6.001

PURPOSE AND EFFECT: The Board proposes to update the social security disclosure language, the application form, and the examination information.

SUMMARY: Due to time constraints, a portion of the rule was withdrawn on April 27, 2001. Obsolete language is being removed and the application form updated.

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

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

SPECIFIC AUTHORITY: 456.013, 483.805(4) FS.

LAW IMPLEMENTED: 456.013, 483.815, 483.823 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., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-6.001 Manner of Application.

(1) All persons applying for licensure shall submit an application signed under oath to the Board on ~~Form #DH-MOA3000 10/99, Application for Licensure of Clinical Laboratory Licensure Director, Supervisor, Technologist, or Technician, effective 1-5-00,~~ which is incorporated by reference herein and which can be obtained from the Department. The application must be accompanied by the appropriate application fee required by Rule 64B3-9.001, F.A.C.

(2) The application shall contain the following:

(a) name, address, telephone number, demographic data and social security number of the applicant.

(b) education, training and experience of the applicant.

(c) the clinical laboratory personnel level for which licensure is sought: director, supervisor, technologist, technician.

(d) the categories in which licensure is sought.

(e) name, address and telephone number of the current employer unless the applicant is unemployed.

(f) two 2" x 2" passport style photographs of the applicant taken within six (6) months prior to the date of application. These shall be signed on the front by the applicant but the signature shall not obscure the face.

(g) any current or past Florida clinical laboratory personnel license number.

(h) information regarding licensure or certification from another state or jurisdiction.

(i) information regarding past arrests or conviction of a crime.

(3) Examinations are given twice a year (spring and fall). Prospective applicants can contact the Board office for the exam dates and application cut-off dates.

(2)(4) After one year from the date of the original submission of an application, a new application and fee shall be required from any applicant who desires to be considered for licensure.

(3)(5) With regard to persons who have been issued a social security number by the Federal Government, disclosure of a social security number is mandatory Under the Federal Privacy Act, disclosure of a social security number is voluntary. They are requested pursuant to Sections 456.004(9), 409.2577 and 409.2598, Florida Statutes, and are used to allow efficient screening of applicants and licensees by a Title IV-D child support agency to assure compliance with child support obligations.

(6) ~~Clinical Laboratory Trainee Application. The application for clinical laboratory trainee, incorporated in Rule 64B3-4.001(1), F.A.C., shall contain:~~

(a) the name, address, telephone number, and demographic data of the applicant.

~~(b) the name, address, telephone number, approval number and program director of the clinical laboratory training program in which the trainee is enrolled.~~

~~(c) the name and address of the laboratory where clinical practice is to be obtained if different from the clinical laboratory training program in which the trainee is enrolled.~~

~~(d) the date of expected graduation from the approved clinical laboratory training program in which the trainee is enrolled.~~

~~(e) information specific to arrests or conviction of a crime, if any.~~

~~(f) one 2" x 2" passport style photograph of the applicant taken within six (6) months prior to the date of application. This shall be signed on the front by the applicant but the signature shall not obscure the face.~~

~~(g) any current or past Florida clinical laboratory personnel license number.~~

~~(h) information regarding licensure or certification from another state or jurisdiction.~~

Specific Authority 456.013, 483.805(4) FS. Law Implemented 456.013, 483.815, 483.823 FS. History--New 12-29-93, Formerly 61F3-6.001, Amended 5-29-95, 8-1-95, Formerly 59O-6.001, Amended 8-27-97, 9-20-98, 1-5-00,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 19, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 12, 2001

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE TITLE: RULE NO.:

Licensure Without Examination 64B17-3.003

PURPOSE AND EFFECT: The Board proposes to clarify the existing rule with regard to minimum standards.

SUMMARY: The Board proposes to amend this rule for licensure without examination by adding a reference to applicants meeting Florida's minimum educational qualifications.

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

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

SPECIFIC AUTHORITY: 486.025, 486.081 FS.

LAW IMPLEMENTED: 486.081 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-3.003 Licensure Without Examination.

An applicant demonstrating that he meets the requirements of Rule 64B17-3.001, F.A.C., may be licensed to practice physical therapy without examination by presenting evidence satisfactory to the Board that he has passed an examination before a similar, lawful, authorized examining board in physical therapy in another state, the District of Columbia, a territory or a foreign country if their standards for licensure are as high as those maintained in Florida. The standard for determining whether the standards of another state, the District of Columbia, a territory, or a foreign country are as high as the standards in Florida shall be whether the written examination taken for licensure in such other jurisdiction by applicants meeting Florida's minimum educational qualifications was an examination prepared under the auspices of the Profession Examination Services.

Specific Authority 486.025, 486.081 FS. Law Implemented 486.081 FS. History—New 8-6-84, Formerly 21M-7.26, Amended 5-18-86, Formerly 21M-7.026, 21MM-3.004, 61F11-3.004, 59Y-3.004, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 5, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2001

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Address of Licensee RULE NO.: 64B32-1.006

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

SUMMARY: In addition to the place of residence, each person holding a license must notify the Board the current place of practice.

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

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

SPECIFIC AUTHORITY: 468.36 FS.

LAW IMPLEMENTED: 468.36, 456.035 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-1.006 Address of Licensee.

Each person holding a license issued pursuant to Part V of Chapter 468, Florida Statutes, must maintain on file with the Board the current place of practice and the residence address at which any notice required by law may be served by the Department, the Board, or its agents. Within 60 days of changing either address, whether or not within this state, the licensee shall notify the Board in writing of the new address.

Specific Authority 468.36 FS. Law Implemented 468.36, 456.035 FS. History—New 5-10-92, Formerly 21M-33.009, 61F6-33.009, 59R-70.009, Amended 3-16-98, Formerly 64B8-70.009, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2001

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Rights and Responsibilities RULE NO.: 65A-1.204

PURPOSE AND EFFECT: The proposed amendment of these rules will incorporate by reference client notice and contact forms used in the eligibility determination process and amend statements about confidentiality.

SUMMARY: The proposed amendment of Rule 65A-1.204 incorporates the Rights and Responsibilities form and the Hearing Request form by reference into this rule, and provides federal regulation and state statute cites as to the right of confidentiality.

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: 409.919, 414.45 FS.

LAW IMPLEMENTED: 409.903, 409.904, 410.033, 414.095, 414.28, 414.295, 414.31 FS.

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

TIME AND DATE: 2:00 p.m., February 4, 2002

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Mitchell, Program Administrator, Policy Support Unit, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700, Telephone (850)488-3090

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.204 Rights and Responsibilities.

(1) No change.

(2) The individual has the right of confidentiality in accordance with sub-section (3) of this rule, to receive prompt action, equitable treatment, notification of any case action taken and to receive a fair hearing due to an appeal of case action. Department form CF-ES 2064, Sep 00 Jan 98, (incorporated by reference) explains these and other rights and responsibilities. This form is given to each payee individual receiving or applying for assistance.

(3) All individuals have the right to a confidential relationship with the department. This is pursuant to the following federal regulations, federal statutes and Florida Statutes: for the food stamp program, Title 7 USC s. 2020(e)(8), 7 CFR s. 272.1(c) and s. 414.31, F.S.; for the Medicaid program, Title 42 USC s. 1396a(a)(7), 42 CFR ss. 431.300-431.306 and s. 409.902, F.S.; and, for the cash assistance program, Title 42 USC s. 602(a)(1)(A)(iv), 45 CFR s. 205.50, and ss. 414.106 and 414.295, F.S. Information obtained by the department is considered confidential state agency material and is not subject to the Freedom of Information Act.

(4) Fair hearings are conducted in accordance with the Florida Administrative Code Chapter 65-2, Part VI, and the Uniform Rules of Procedure set forth in Chapter 28-106, Parts I and II with the exception of sections 28-106.104, 28-106.105, 28-106.106, 28-106.107, 28-106.109, 28-106.111, and 28-106.201. Departmental form CF-ES 1007, Jan 98 (incorporated by reference), is used to request fair hearings. Additionally, clients may request fair hearings either orally or in writing without using the form.

(5) Copies of forms incorporated by reference in this rule may be obtained from the Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Building 3, Room 427, Tallahassee, Florida 32399-0700.

Specific Authority 409.919, 414.45 FS. Law Implemented 409.903, 409.904, 410.033, 414.095, 414.28, 414.295, 414.31 FS. History—New 4-9-92, Amended 11-22-93, Formerly 10C-1.204, Amended 12-29-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rodney McInnis, Operations Review Specialist

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 31, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 27, 2001

**FLORIDA HOUSING FINANCE CORPORATION**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Procurement of Commodities or Contractual Services	67-49
RULE TITLES:	RULE NOS.:
Definitions	67-49.001
Procurement of Commodities or Contractual Services	67-49.002
Withdrawal of Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications	67-49.003
Emergency Purchases	67-49.0031
Modification of Terms of Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications	67-49.004
Responsibility of Bidders and Offerors	67-49.005
Evaluation of Bids or Proposals	67-49.006
Evaluation of Responses	67-49.007
Identical (Tie) Responses	67-49.008
Right to Waive Minor Irregularities	67-49.009
Selection Protest Procedures	67-49.010

PURPOSE, EFFECT AND SUMMARY: The purpose of this Rule Chapter is to establish the guidelines for the procurement of materials and services for use by the Corporation.

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: 420.507 FS.

LAW IMPLEMENTED: Chapter 420 Part V FS.

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

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

PLACE: Florida Housing Finance Corporation, Rick Seltzer Conference Room, 227 North Bronough Street, Suite 6000, Tallahassee, Florida 32301-1329

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Robin Grantham, Contracts Analyst, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULES IS:

67-49.001 Definitions.

(1) "Act" means the Florida Housing Finance Corporation Act, Sections 420.501 through 420.517, Florida Statutes, as amended.

(2) "Bidder" or "Offeror" means a person who has the capability in all respects to perform fully the requirements contained in the Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications.

(3) "Commodity" means any supplies, materials, goods, merchandise, food, equipment, and other personal property contracted for by the Corporation, unless purchased exclusively for resale.

(4)(2) "Competitive Sealed Bids" or "Competitive Sealed Proposals" refers to the receipt of two or more sealed bids or proposals submitted by responsive and qualified Bidders or Offerors.

(5) "Contractor" means a person or entity who enters into a written contract to sell commodities or provide contractual services to the Corporation.

(6) "Contractual Service" means the rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors, and such services may include, but are not limited to, evaluations; consultations; maintenance; accounting; security; management systems; management consulting; educational training programs; research and development studies or reports on the findings of consultants engaged there under; and professional, technical, and social services.

(7)(3) "Corporation" means the Florida Housing Finance Corporation as created by the Act.

(8)(4) "Corporation Mailing Date" means the date on which the Corporation mails the Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications to prospective Bidders and Offerors proposers as referenced in paragraphs 67-49.002(2)(b), (3)(b) and (4)(b) hereof.

(9) "Days" means calendar days unless otherwise specified.

(5) "DOAH Division" means the Division of Administrative Hearings.

(10) "FAW" means the Florida Administrative Weekly.

(11) "Good Purchasing Practices" means obtaining at least two (2) written quotations or making a written record of at least two quotes obtained verbally for Contractual Services or Commodities that exceed \$3,000 and are not available through a vendor under a contract negotiated by the Florida Department of Management Services. If an employee of the Corporation receives verbal quotations, they will include the name and address of the company and amount quoted in the required written record. If the Corporation does not obtain at least two (2) quotations, the Corporation shall document as to why they were not obtained.

(12)(6) "Invitation to Bid" means a written solicitation, which includes a solicitation published or transmitted by electronic means, requesting for competitive sealed bids with the title, date, and hour of the public bid opening designated and specifically defining the commodity, service, group of commodities or group of services for which bids are sought. It includes instructions prescribing all conditions for bidding and shall be available distributed to all prospective Bidders simultaneously. The Invitation to Bid is used when the Corporation is capable of specifically defining the scope of work for which a contractual service is required or when the Corporation is capable of establishing precise specifications defining the actual commodity or group of commodities required. A written solicitation includes a solicitation published or transmitted by electronic means.

(13) "Invitation to Negotiate" means a written solicitation, which includes a solicitation published or transmitted by electronic means, requesting competitive sealed responses to select one or more persons or business entities with which to commence negotiations for the procurement of commodities or contractual services.

(14)(7) "Minority Business Enterprise" has the same definition as in Section 288.703, Fla. Stat. means any business which is a least fifty one percent (51%) owned by minority persons who are members of a group that is of a particular racial, ethnic, gender makeup or national origin, which has been subjected historically to disparate treatment on the basis of their racial, ethnic, gender makeup or national origin.

(15) "Minor Irregularity" means a variation in a mandatory term or condition of an Invitation to Bid, Invitation to Negotiate, Request for Proposal or Request for Qualifications that does not affect the price of the commodity or service, or give the Bidder or Offeror an advantage or benefit not enjoyed by other Bidders or Offerors, and does not adversely impact the interests of the Corporation or the public.

(16) "Publication Date" means the date on which the Corporation publishes the notice of the availability of the Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications in the FAW or by such other means designated by Florida statute or by rule of the Florida Department of State or Florida Department of Management Services as an acceptable alternative means of

publication. All references to the FAW in this rule chapter shall also be read to include any other written or electronic publication or information delivery system designated by Florida Statute or by rule of the Florida Department of State or Florida Department of Management Services as an acceptable alternative means of publication.

(8) ~~“Qualified Bidder” or “Qualified Offeror” means a person who has the capability in all respects to perform fully the contract requirements.~~

(17)(9) ~~“Request for Proposals” means a written solicitation, which includes a solicitation published or transmitted by electronic means, requesting for competitive sealed proposals with the title, date, and hour of the public opening designated. The Request for Proposals is used when the Corporation is incapable of specifically defining the scope of work for which the commodity, group of commodities or contractual service is required and when the corporation is requesting that a qualified offeror propose a commodity, group of commodities or contractual service to meet the specifications of the solicitation document. The Request for Proposals includes general information, applicable laws and rules, functional or general specifications, statement of work, proposal instructions and evaluation criteria.~~

(18)(10) ~~“Request for Qualifications” means a written solicitation, which includes a solicitation published or transmitted by electronic means, requesting competitive sealed for qualifications. The Request for Qualifications is utilized when the Corporation does not have a specific immediate need for a particular service, but desires to have qualified individuals or firms under contract which can be assigned duties as the need arises over a period of time. The Request for Qualifications includes general information, applicable laws and rules, functional or general specifications, statement of work, instructions and evaluation criteria.~~

(19) ~~“Response” means the written submission by a Bidder or Offeror to an Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications.~~

(20) ~~“Valid Emergency” means a circumstance caused by an unexpected turn of events beyond the control of the Corporation involving the security, integrity or the financial status of the Corporation; or involving public health, welfare, safety, injury or loss.~~

(21) ~~“Website” means the Florida Housing Finance Corporation website, the home address of which is [www.floridahousing.org](http://www.floridahousing.org).~~

Specific Authority 420.507(12) FS. Law Implemented 420.507(13),(27) FS. History—New 1-31-99, Amended \_\_\_\_\_.

67-49.002 Procurement of Commodities or Contractual Services.

(1)(a) When the purchase price of a commodity or contractual service does not exceed twenty-five ~~fifteen~~ thousand dollars (\$25,000 ~~\$15,000~~) in any fiscal year, including all delivery costs and administrative costs, then the

Corporation may proceed with the procurement of commodities or contractual services without a competitive competition by bid or competitive proposal. ~~If the purchase price of a commodity or a contractual service exceeds twenty-five hundred dollars (\$2,500), but does not exceed fifteen thousand dollars (\$15,000), but then the Corporation must use Good Purchasing Practices shall attempt to obtain three quotes from vendors willing to provide the commodity or service. If the Corporation is unable to obtain three quotes, the Corporation may proceed to procure the commodity or service as a single source procurement.~~

(b) When the purchase price of commodities or contractual services exceeds or is estimated to exceed twenty-five ~~fifteen~~ thousand dollars (\$25,000 ~~\$15,000~~), in any twelve (12) month period, purchases of these commodities or contractual services, except as otherwise provided in subsection 67-49.002(4),(5) and (6), F.A.C., must be made pursuant to competitive sealed bids, competitive sealed proposals or through an Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications process.

(2)(a) ~~Procurement by sealed bid is the preferred method if the Corporation is able to provide precise specifications as to work required by the contract or the commodity sought.~~

(b) ~~Public notice of the Invitation to Bid shall be given in advance of the bid opening as provided herein to permit potential bidders to prepare and submit bids in a timely fashion. Notice shall include, at a minimum, the mailing or delivery of Invitations to Bid to a representative number of potential bidders, as selected by the Corporation, on any applicable bidder list.~~

(c) ~~The Corporation shall also post notice of its Invitation to Bid at its offices simultaneously with the issuance of the Invitation to Bid. The Invitation to Bid shall define the items or services in sufficient detail that the bidder may properly respond. All bids will be publicly opened at a time and place designated in the Invitation to Bid. There will be a minimum of fourteen (14) days between the Corporation Mailing Date of the Invitation to Bid and the bid submission due date.~~

(d) ~~Bids shall be evaluated based on the requirements set forth in the Invitation to Bid. The Invitation to Bid shall set forth the criteria for selection. No criterion may be used to evaluate the bid that is not set forth in the Invitation to Bid.~~

(3)(a) ~~Procurement by sealed proposals is the method utilized when the use of competitive sealed bids is not deemed practicable by the Corporation. A Request for Proposals shall include a statement of the commodities or contractual services sought and all terms and conditions applicable, including any applicable criteria.~~

(b) ~~Public notice of the Request for Proposals shall be given in advance of the proposal opening as provided herein to permit qualified offerors to prepare and submit proposals in a timely fashion. Notice shall include, at a minimum, the mailing or delivery of the Request for Proposals, or notice of the~~

availability thereof, to a representative number of potential offerors, as selected by the Corporation, on an applicable offeror list.

~~(e) The Corporation shall also post notice of its Request for Proposals at its offices simultaneously with the issuance of the Request for Proposals. The Request for Proposals shall define the items or services in sufficient detail that the offeror may properly respond. All proposals will be publicly opened at a time and place designated in the Request for Proposals. There will be a minimum of fourteen (14) days between the Corporation Mailing Date of the Request for Proposals and the proposal submission due date.~~

~~(4)(a) Procurement by a Request for Qualifications process is an alternative method utilized when the use of competitive sealed bids or Request for Proposals is not deemed practicable by the Corporation. A Request for Qualifications shall include a statement of the commodities or contractual services sought and all terms and conditions applicable, including any applicable criteria.~~

~~(b) Public notice of any Invitation to Bid, Invitation to Negotiate, Request for Proposals or the Request for Qualifications shall be given in advance of the due date of the Responses qualification opening as provided herein to permit qualified Offerors to prepare and submit Responses qualifications in a timely fashion. Notice shall include, at a minimum, publication in the FAW the mailing or delivery of the Request for Qualifications, or notice of the availability thereof, to a representative number of potential offerors, as selected by the Corporation, on an applicable offeror list.~~

~~(3)(e) The Corporation shall also post notice of any Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications on its Website on or prior to the publication of the FAW notice its Request for Qualifications at its offices simultaneously with the issuance of the Request for Qualifications. The Request for Qualifications shall define the items or services in sufficient detail that the offeror may properly respond. All qualifications will be publicly opened at a time and place designated in the Request for Qualifications. There will be a minimum of fourteen (14) days between the publication date of the notice in FAW Corporation Mailing Date of the solicitation Request for Qualifications and the submission due date of the responses.~~

~~(5) The Corporation shall maintain bidder and offeror lists with the names of interested businesses who have requested inclusion on this list. The Corporation shall twice annually post an announcement in the Florida Administrative Weekly requesting businesses who wish to be included on the applicable bidder and offeror list to submit their names to the Corporation.~~

~~(4)(6) Commodities or contractual services, which exceed or are estimated to exceed twenty-five thousand dollars (\$25,000), in any twelve (12) month period regardless of the cost thereof, are exempt from competitive solicitation~~

~~competition by bid or proposal upon a written determination by the Executive Director Chief Executive Officer of the Corporation that such commodities or services are most only readily available from a single source or that the best interests of the Corporation or the public are served by obtaining such commodities or services from a single source. Purchases of Corporation bonds are exempt from the provisions hereof.~~

~~(5)(7) The purchase of commodities or contractual services are exempt from competitive solicitation competition by bid or proposal if the Corporation purchases such services or commodities from a vendor under a contract negotiated and executed by the Florida Department Division of Management Services.~~

~~(6) The following contractual services and commodities are not subject to the competitive sealed bid requirements of paragraph (1)(b):~~

~~(a) Artistic services.~~

~~(b) Lectures by individuals.~~

~~(c) Auditing services, except for annual audit of the Corporation's financial statements.~~

~~(d) Legal services, including attorney, paralegal, expert witness, appraisal, or mediation services.~~

~~(e) Services or commodities provided by governmental agencies, including, but not limited to, Florida State Universities and Community Colleges.~~

Specific Authority 420.507(12) FS. Law Implemented 420.507(13),(27) FS. History—New 1-31-99, Amended \_\_\_\_\_.

~~67-49.003 Withdrawal of Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications.~~

~~(1) The Corporation may withdraw aAn Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications may be withdrawn by the Corporation at any time prior to the due date opening of the Responses bids or proposals when it is determined to be in the best interest of the Corporation or the public. Notice of such withdrawal shall be posted at the office of the Corporation as well as mailed, delivered or sent by facsimile to those potential bidders or offerors who received a copy of the Invitation to Bid, Request for Proposals or Request for Qualifications.~~

~~(2) Any Bidder or Offeror may withdraw its Response at any time prior to a vote by the Corporation's Board of Directors regarding any Responses received.~~

Specific Authority 420.507(12) FS. Law Implemented 420.507(13),(27) FS. History—New 1-31-99, Amended \_\_\_\_\_.

~~67-49.0031 Emergency Purchases.~~

~~The Corporation's Executive Director may waive any requirement of this rule and permit emergency purchases of commodities and contractual services where a Valid Emergency exists and is documented in writing.~~

Specific Authority 420.507(12) FS. Law Implemented 420.507(13),(27) FS. History—New \_\_\_\_\_.

67-49.004 Modification of Terms of Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications.

(1) The Corporation may modify the terms of the Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications at any point prior to the due date opening of the Responses bids or proposals. ~~Those modified portions shall be provided to those potential bidders or offerors who requested copies of the Invitation to Bid, Request for Proposal or Request for Qualifications. Furthermore, A~~ notice of modification will be posted on at the Corporation's Website and additional time may be added to the time within which all bidders or offerors have to respond as deemed necessary by the Corporation. Any Bidder or Offeror shall have at least seven (7) Days from the date of the posting of the notice of the modification to submit its Response.

(2) Any Bidder or Offeror may modify its Response at any time prior to the Response deadline.

Specific Authority 420.507(12) FS. Law Implemented 420.507(13), (27) FS. History–New 1-31-99, Amended \_\_\_\_\_.

67-49.005 Responsibility of Bidders and Offerors.

The failure of a Bidder or Offeror to supply required information in connection with an Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications shall be grounds for a determination of nonresponsiveness with respect to its such bid, proposal or Rresponse. If a determination of nonresponsiveness is made by the Corporation, the Response result in a bid, proposal or response will not being considered. The Corporation shall reserve the right to waive minor irregularities in an otherwise valid bid, proposal or response when it is deemed to be in the Corporation's best interest to do so. Bidders and offerors may not supplement their proposals, bids or responses once they have been opened by the Corporation.

Specific Authority 420.507(12) FS. Law Implemented 420.507(13),(27) FS. History–New 1-31-99, Amended \_\_\_\_\_.

67-49.006 Evaluation of Bids or Proposals.

~~The Corporation shall evaluate proposals or bids on the basis of compliance with the selection criteria set forth in the Invitation to Bid, Request for Proposals and Request for Qualifications. The award shall be made to the responsible offeror whose bid, proposal or response is determined to be most advantageous to the Corporation, taking into consideration the price (if included as a part of the selection criteria) and other factors outlined in the selection criteria. Such selection criteria may include the cost for such commodity or service, the Corporation's prior experience with said offeror, the demonstrated expertise of said offeror, the offeror's status as a minority business enterprise and the ability of the offeror to provide service on a state-wide basis. The Corporation shall not be required to grant an award to a lowest cost bidder, offeror or respondent.~~

Specific Authority 420.507(12) FS. Law Implemented 420.507(13),(27) FS. History–New 1-31-99, Repealed \_\_\_\_\_.

67-49.007 Evaluation of Responses Selection Process.

The Corporation ~~shall may~~ establish a review committee composed only of employees of the Corporation to evaluate responses to Invitations to Bid, Invitations to Negotiate, Requests for Proposals or Requests for Qualifications, which committee ~~shall may~~ provide findings, recommendations, or both to the Board of Directors of the Corporation regarding responses to the selection criteria and with respect to oral presentations to the Board of Directors.

Specific Authority 420.507(12) FS. Law Implemented 420.507(13),(27) FS. History–New 1-31-99, Amended \_\_\_\_\_.

67-49.008 Identical (Tie) Responses Minority Business Enterprise.

In the event of a tie, the Corporation shall give preference in the award process to the Response certifying a drug-free workplace has been implemented in accordance with Section 287.087, Florida Statutes. If a tie continues to exist, Florida Housing shall give preference to minority business enterprises as defined in Section 288.703, Florida Statutes. Whenever two or more bids or proposals, which are equal with respect to price, quality and service are received by the Corporation for the procurement of commodities or contractual services, the Corporation shall give preference to the minority business enterprise in the award process.

Specific Authority 420.507(12) FS. Law Implemented 420.507(13),(27) FS. History–New 1-31-99, Amended \_\_\_\_\_.

67-49.009 Right to Waive Minor Irregularities Notice of Award.

The Corporation may waive Minor Irregularities in a Response when it is in the Corporation's or the public's best interest to do so. The Corporation shall provide notice of its decision or intended decision for a bid solicitation or request for proposal by United States mail, express delivery service, or hand delivery. The notice shall contain the following statement: "Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes."

Specific Authority 420.507(12) FS. Law Implemented 420.507(13),(27) FS. History–New 1-31-99, Amended \_\_\_\_\_.

67-49.010 Selection Protest Procedures.

~~These provisions provide procedures for speedy resolution arising from a protest of the procurement process. Contracts not subject to competitive selection are not subject to these bid protest provisions:~~

(1) ~~Any person adversely affected by the decision of the Corporation to award a contract shall file a notice of protest, in writing, within seventy two (72) hours after receipt of the notice of award. The notice of protest must be received by the~~



Corporation before the 72-hour period expires. The 72-hour period begins when the notice is received. The 72-hour period is not extended by service of the notice of protest by mail.

(2) Upon the timely filing of a notice of protest, the bid solicitation or contract award process shall be stayed until the subject of the protest is resolved, unless the Chief Executive Officer sets forth in writing particular facts which necessitate continuation of the bid solicitation process or the contract award process without delay.

(3) A formal written protest must also be filed within ten (10) days after filing the notice of protest. The formal written protest shall state with particularity and specificity the facts and the law upon which the protest is based.

(4) A protest is not timely filed unless both notice of protest and the formal written protest are received by the Corporation within the required time limits. If the formal written protest is filed in proper form within the 72-hour period for filing a notice of protest, the formal written protest will also constitute the notice of protest, and all time limits applicable to a notice of protest are waived and time limits relative to formal written protest apply.

(5) If the subject of a protest is not resolved by mutual agreement within seven (7) days, excluding Saturdays, Sundays and legal holidays, after receipt of the formal written protest, and if there is no disputed issue of material fact, an informal proceeding shall be conducted before a neutral person selected by the Corporation.

(6) If the subject of a protest is not resolved by mutual agreement within seven (7) days, excluding Saturdays, Sundays and legal holidays, after receipt of the formal written protest, and if there is a disputed issue of material fact, the Corporation shall refer the protest to the Division for proceedings under Section 120.57(1), Florida Statutes.

(7) Upon submission of a formal written protest referred to the Division pursuant to subsection (6), above, the Executive Director of the Corporation shall request the Division to expedite the hearing and assign an Administrative Law Judge as provided in Section 120.57(3)(f), Florida Statutes. Each party shall be allowed ten (10) days in which to submit written exceptions to any recommended order. A final order shall be entered by the Corporation within thirty (30) days of the entry of a recommended order. The provisions of this paragraph may be waived upon stipulation by all parties.

(8) Any person who files an action protesting a decision or intended decision of the Corporation as described in this rule shall post with the Corporation at the time of the filing of the formal written protest, a bond payable to the Corporation in an amount equal to one percent (1%) of the Corporation's estimate of the total volume of the contract, which bond shall be conditioned upon the payment of all costs which may be adjudged against him in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding. If, after completion of the hearing process and any

appellate court proceedings, the Corporation prevails, it shall recover all costs and charges which shall be included in the final order or judgment, including attorney's fees. Upon payment of such costs and charges by the person protesting the award, the bond shall be returned to him.

Specific Authority 420.507(12) FS. Law Implemented 420.507(13),(27) FS. History—New 1-31-99, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robin Grantham, Contracts Analyst, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mark Kaplan, Executive Director, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 2, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 27, No. 43, October 26, 2001

### Section III Notices of Changes, Corrections and Withdrawals

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

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

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 52, December 28, 2001, Florida Administrative Weekly has been withdrawn.

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.: 64B3-10.005                      RULE TITLE: Scope of Practice Relative to Specialty of Licensure

CORRECTED NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 41, October 12, 2001, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on October 19, 2001.

The rule shall now read as follows:

64B3-10.005 Scope of Practice Relative to Specialty of Licensure.

(1) through (6) No change.

(7) The purpose of the specialty of clinical chemistry is to perform qualitative and quantitative analyses on body fluids such as blood, urine, spinal fluid, feces, tissue, calculi and other materials to measure the chemical constituents including but not limited to carbohydrates, proteins, lipids, enzymes, non-protein nitrogenous substances, electrolytes, blood gases, trace elements, inorganic compounds, therapeutic and drugs of abuse, hormones, vitamins, tumor markers, other automated immunoassays and other analyses. The specialty also encompasses urine microscopics and the chemical evaluation of liver, renal, lung, cardiac, neuromuscular, reproductive, bone, endocrine and other organ function and pathology and all testing included in the specialties of radioassay as defined in Subsection (9) and blood gas analysis as defined in Subsection (10). Individuals employed in plasmapheresis centers who perform only total protein by refractometer are not required to hold a license in clinical chemistry if they meet the requirements of 42 CFR 493.1423 (September 1, 1992), and can document appropriate training.

(8) through (16) No change.

(17) There is no technician license available in radioassay, blood gases, cytogenetics, or histocompatibility. However, clinical laboratory technicians licensed in the specialties of radioassay, blood gas analysis and cytogenetics prior to March 28, 1995, may continue to perform such testing under direct supervision.

(18) No change.

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

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy Practice**

RULE NO.: 64B11-4.005 RULE TITLE: Citations

**CORRECTED NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 27, No. 44, November 2, 2001, issue of the Florida Administrative Weekly. The changes are in response to the Board meeting held on November 5, 2001.

The rule shall now read as follows:

64B11-4.005 Citations.

(1) through (3) No change.

(4) The Board designates the following as citation violations:

(a) Working on an inactive license or unlicensed activity, up to six months, for which the board shall impose a \$100 per month penalty.

(b) Working on a license that was not timely renewed, up to six months, for which the Board shall impose a \$100 per month penalty.

(c) Failure to provide satisfaction including cost incurred within 45 days from the receipt of the Department's notification of receipt of check dishonored due to insufficient funds, for which the Board shall impose a penalty of \$100.

(d) First time failure to complete required continuing education hours, which may also consist of or include required HIV/AIDS or end of life/palliative health care, during the biennial licensure period. For failure to complete less than 10 hours, the Board shall impose a penalty of \$500. For failure to complete 10 or more hours, the Board shall impose a penalty of \$1,000. In addition, licensees shall take one additional hour of continuing education for each of the continuing education deficiencies, which shall not count towards meeting the continuing education renewal requirements for the next biennium.

(e) Failure to respond to a continuing education audit/pre-audit request in a timely manner for which the Board shall impose a penalty of \$50.

(5) The penalty specified in the citation shall be the sum of the penalty established by this rule plus the Department's cost of investigation.

(6) No change.

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

**DEPARTMENT OF HEALTH**

**Board of Speech Language Pathology and Audiology**

RULE NO.: 64B20-2.001 RULE TITLE: Licensure by Certification of Credentials

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 46, November 16, 2001, of the Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Speech Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

**DEPARTMENT OF HEALTH**

**Biomedical Research Advisory Council**

RULE NO.: 64H-1.001 RULE TITLE: Florida Biomedical Research Program

NOTICE OF CHANGE

Notice is hereby given that proposed Rule 64H-1.001, published in the Florida Administrative Weekly, Vol. 27, No. 42, on October 19, 2001, has been changed to reflect comments received from the Joint Administrative Procedures Committee.

When changed, Rule 64H-1.001, F.A.C. shall read as follows:

64H-1.001 Florida Biomedical Research Program.

Grant applications for Investigator-Initiated Research Projects and New Investigator Research Projects shall be conducted in accordance with the Grant Application Manual dated January 2002 ~~February 2001~~, incorporated by reference herein. Application must be submitted on the Biomedical Research Program Grant Application Form DH 2117, 2/01, incorporated by reference herein.

Specific Authority 215.5602(9) Law Implemented 215.5602(5)(9) FS. History--New \_\_\_\_\_.

Section IV
Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 407, HIGH ROLLER RULE NO.: 53ER01-78

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 407, "HIGH ROLLER," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-78 Instant Game Number 407, HIGH ROLLER.

(1) Name of Game. Instant Game Number 407, "HIGH ROLLER."

(2) Price. HIGH ROLLER lottery tickets sell for \$2.00 per ticket.

(3) HIGH ROLLER lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number (VIRN) under the latex area on the ticket. To be a valid winning HIGH ROLLER lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any HIGH ROLLER lottery ticket, or as to the prize amount, the VIRN number under the latex shall prevail over the bar code.

(4) Design of Ticket. There are 3 different games in Instant Game Number 407, HIGH ROLLER. Game 1 is entitled "DEAL'EM." Game 2 is entitled "JACKPOT." Game 3 is entitled "ROULETTE."

(5) The play symbols and play symbol captions in DEAL'EM are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbol captions in DEAL'EM are as follows:

INSERT SYMBOLS

(7) The legends in DEAL'EM are as follows:

INSERT SYMBOLS

(8) The play symbols and play symbol captions in JACKPOT are as follows:

INSERT SYMBOLS

(9) The "YOUR NUMBERS" play symbols and play symbol captions in ROULETTE are as follows:

INSERT SYMBOLS

(10) The "WHEEL NUMBER" play symbols and play symbol captions in ROULETTE are as follows:

INSERT SYMBOLS

(11) The prize symbols and prize symbol captions in ROULETTE are as follows:

INSERT SYMBOLS

(12) The legends in ROULETTE are as follows:

INSERT SYMBOLS

(13) Determination of Prize Winners. Each of the three games in Instant Game Number 407, HIGH ROLLER, uses a different play methodology. The determination of prizewinners for each game is as follows:

(a) DEAL'EM.

1. In DEAL'EM, a ticket having two like card symbols in the play area shall entitle the claimant to the prize shown. The prizes are: TICKET, \$1.00, \$5.00, \$100, and \$10,000.

2. In DEAL'EM, a claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that totals \$2.00, except as provided in paragraph (13)(d), below.

(b) JACKPOT.

In JACKPOT there are three pulls. A ticket having three like symbols in the same pull shall entitle the claimant to the corresponding prize amount shown for that symbol in the legend. The prizes are: \$2.00, \$10.00, \$25.00, \$100, \$1,000, and \$10,000.

(c) ROULETTE.

1. In ROULETTE, a ticket having a number in the "YOUR NUMBERS" play area that matches the number in the "WHEEL NUMBER" play area shall entitle the claimant to the corresponding prize shown for that number. The prizes are: TICKET, \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, and \$10,000.

2. In ROULETTE, a claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that totals \$2.00, except as provided in paragraph (13)(d), below.

(d) A person who submits by mail a HIGH ROLLER lottery ticket which entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(14) Number and Size of Prizes: The value, number of prizes, and odds of winning in Instant Game Number 407 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 42 POOLS OF 180,000 TICKETS PER POOL
TICKET (Games 1 or 3)	\$2 TICKET	7.50	1,008,000
G1-\$1 + G3-\$1	\$2	21.43	352,800
G2-\$2	\$2	25.00	302,400
G1-\$1 + G2-\$2 + G3-\$1	\$4	30.00	252,000
G2-\$2 + G3- (\$1 x 3)	\$5	37.50	201,600
G1-\$1 + G2-\$2 + G3- (\$1 x 2)	\$5	50.00	151,200
G1-\$1 + G3- (\$1 x 3) + \$2 + \$4	\$10	75.00	100,800
G1-\$1 + G2- (\$2 x 3) + G3- (\$1 x 5)	\$12	150.00	50,400
G1-\$5 + G2- \$10 + G3- (\$5 x 2)	\$25	150.00	50,400
G1-\$5 + G2- \$25 + G3- (\$5 x 4)	\$50	800.00	9,450
G1-\$5 + G2- \$10 + (\$25 x 2) + G3- 25 + \$10	\$100	7,200.00	1,050
G1-\$100 + G2- (\$25 x 3) + G3- (\$25 x 3) + \$50	\$300	378,000.00	20
G1-\$100 + G2-\$100 + G3- (\$50 x 2) + (\$100 x 2)	\$500	756,000.00	10

G1-\$100 + G2- (\$100 x 3) + G3- (\$25 x 4)	\$500	756,000.00	10
G1-\$200 + G2- (\$100 x 3) + G3- (\$100 x 5)	\$1,000	1,260,000.00	6
G2-\$1,000	\$1,000	1,260,000.00	6
\$10,000 (Games 1, 2, or 3)	\$10,000	1,890,000.00	4

(10) The overall odds of winning any prize in Instant Game Number 407 are 1 in 3.05.

(11) For reorders of Instant Game Number 407, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(12) By purchasing a HIGH ROLLER lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for HIGH ROLLER lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History--New 12-28-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: December 28, 2001

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 405, BLACKJACK

RULE NO.: 53ER01-79

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 405, "BLACKJACK," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-79 Instant Game Number 405, BLACKJACK.

(1) Name of Game. Instant Game Number 405, "BLACKJACK."

(2) Price. BLACKJACK tickets sell for \$1.00 per ticket.

(3) BLACKJACK lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number (VIRN) under the latex area on the ticket. To be a valid winning BLACKJACK lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), Florida Administrative Code.

In the event a dispute arises as to the validity of any BLACKJACK lottery ticket, or as to the prize amount, the VIRN number under the latex shall prevail over the bar code.

(4) The "YOUR HANDS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The "DEALER" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(7) The legends are as follows:

INSERT SYMBOLS

(8) Determination of Prize Winners. There are four hands on a ticket. A ticket having two cards in the "YOUR HANDS" play area of one hand, the total of which is greater than the total in the "DEALER" play area shall entitle the claimant to the corresponding prize shown for that hand. The prizes are TICKET, \$1.00, \$2.00, \$3.00, \$5.00, \$10.00, \$25.00, \$100, \$700, \$2,100. A ticket which entitles the claimant to a prize of a "TICKET" shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a BLACKJACK lottery ticket which entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(9) The point value assigned to Kings, Queens and Jacks is 10, and the point value assigned to Aces is 11.

(10) The value, number of prizes, and odds of winning in Instant Game Number 405 are as follows:

GAME PLAY TICKET	WIN \$1 TICKET	ODDS OF 1 IN	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL
\$1	\$1	30.00	336,000
\$1 + \$1	\$2	37.50	268,800
\$1 + \$1 + \$1 + \$1	\$4	60.00	168,000
\$2 + \$3	\$5	60.00	168,000
\$5	\$5	60.00	168,000
\$1 + \$2 + \$2 + \$5	\$10	300.00	33,600
\$10	\$10	300.00	33,600
\$5 + \$5 + \$5 + \$5	\$20	300.00	33,600
\$10 + \$10 + \$10 + \$10	\$40	3,600.00	2,800
\$25 + \$25	\$50	7,200.00	1,400
\$100 + \$100 + \$100 + \$100	\$400	530,526.32	19
\$700	\$700	775,384.62	13
\$700 + \$700 + \$700	\$2,100	1,680,000.00	6
\$2,100	\$2,100	2,520,000.00	4

(11) The overall odds of winning any prize in Instant Game Number 405 are 1 in 4.16.

(12) For reorders of Instant Game Number 405, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(13) By purchasing a BLACKJACK lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(14) Payment of prizes for BLACKJACK instant tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 25.115(1) FS. History--New 12-28-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: December 28, 2001

## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP received on December 18, 2001, a petition from Chevron USA for a waiver pursuant to subsection 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S. The full text of this notice is published

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

**DEPARTMENT OF HEALTH**

The Board of Medicine hereby gives notice that it has received a petition, filed on December 26, 2001, from Kevin R. Free, M.D., seeking a waiver or variance of Rule 64B8-4.022, Florida Administrative Code, with respect to licensure denial. Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice. The Credentials Committee of the Board will consider the petition at its next meeting to be held on January 19, 2002, 9:00 a.m., Crown Plaza, 950 N. W. LeJuene Road, Miami, Florida 33126.

For a copy of the petition, contact Pamela King, Acting Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

NOTICE IS HEREBY GIVEN that on November 30, 2001, the Board of Orthotists and Prosthetists entered an Order disposing of a petition for variance from paragraph 64B14-4.110(1)(b), Florida Administrative Code, filed by Haydee Quirantes. Paragraph 64B14-4.110(1)(b), Florida Administrative Code, requires that an applicant for licensure as an Orthotic Fitter must have two years of supervised experience. The petition was filed with the Board on September 19, 2001, and noticed in the Florida Administrative Weekly on October 12, 2001, Vol. 27, No. 41, page 4770.

No comments were received.

The Order, which was filed December 20, 2001, provides that the requirement of the rule for two years supervised experience was met by Petitioner in this case due to her thirty years of practice in the field under the direction of licensed professionals.

A copy of the Order may be obtained from: Ronda Bryan, Deputy Agency Clerk, Department of Health, Division of Medical Quality Assurance, Bin #C01, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3251, (850)245-4121.

Notice of correction is hereby given that a scrivener's error occurred in a Petition for Permanent Variance filed by the owner, Charlene I. Darst, of the Seaview Trailer Park in Vol. 27, No. 47, dated November 21, 2001 of the Florida Administrative Weekly. The cited rule should have been 64E-15.010(1)(a) instead of 64E-10.010(1)(a). The petitioner's request was for a permanent variance from having to provide a sanitary dump station and minimum sanitary facilities as in a recreational vehicle park. Because most of the spaces are occupied by what are defined as manufactured homes plus six recreational vehicle spaces, petitioner would have to meet the

recreational vehicle park standards which include a sanitary dump station and minimal sanitary facilities. The permit fee would be the same regardless of whether the units were mobile home or recreational vehicle. Petitioner states that hardship would occur due to conversion of unit spaces to accommodate sanitary facilities and the establishment of a sanitary dump station. All of the existing spaces have water and sewer connections at the site and each unit is connected to the water and sewer system. No tent camping is provided or allowed. Petitioner states that most units are occupied by people living on fixed incomes. An increase in lot rents would create unusual hardship for the occupants of the park.

Copies of the Petition request can be obtained from: Ken Widergren, Florida Department of Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1710. Mr. Widergren can be contacted by phone, (850)245-4444, Ext. 2453.

**Section VI  
Notices of Meetings, Workshops and Public Hearings**

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
  - Department of Veterans' Affairs
  - Department of Highway Safety and Motor Vehicles
  - Department of Law Enforcement
  - Department of Revenue
  - Department of Education
  - Administration Commission
  - Florida Land and Water Adjudicatory Commission
  - Board of Trustees of the Internal Improvement Trust Fund
  - Department of Environmental Protection
- DATE AND TIME: January 29, 2002, 9:00 a.m.  
 PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida  
 PURPOSE: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The

Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Information Resource Commission will take action on matters duly presented on its agenda, which may include administrative procedures matters, adoption of rules, approval of agency plans for the use of information technology resources, adoption of policies for the use of such resources, and other matters under the commission's authority pursuant to law.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and

orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation And Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

**CABINET AIDES BRIEFING:** On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

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## DEPARTMENT OF STATE

The **Florida Historical Commission** announces four public meetings to which all persons are invited.

Grant Review Panel for Historic Preservation Acquisition and Development Applications

DATES AND TIME: Monday, February 11, 2002; Tuesday, February 12, 2002, 9:00 a.m.

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

Grant Review Panel for Historic Preservation Survey and Planning Applications

DATES AND TIME: Monday, February 11, 2002; Tuesday, February 12, 2002, 9:00 a.m.

PLACE: R. A. Gray Building, Museum Education Room, Ground Floor, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review applications submitted to the Bureau of Historic Preservation by December 17, 2001 deadline for State grant assistance for historic preservation projects, and to recommend priority ranking and funding levels for grant awards.

A copy of the agenda may be obtained by writing: Mr. Robert Taylor, Historic Preservationist Supervisor, Historic Preservation, Department of State, R. A. Gray Building, 500 South Bronough, Tallahassee, Florida 32399-0250 or calling (850)245-6333.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance. Please contact the Bureau of Historic Preservation, (850)245-6333 or by Fax (850)245-6437.

The **Florida Historical Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 13, 2002, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review recommendations of the Historic Preservation Acquisition and Development, Historic Preservation Survey and Planning, Historical Museums, and National Register Review Panels.

A copy of the agenda may be obtained by writing: Mr. Robert Taylor, Historic Preservationist Supervisor, Historic Preservation, Department of State, R. A. Gray Building, 500 South Bronough, Tallahassee, Florida 32399-0250 or calling (850)245-6333.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance. Please contact the Bureau of Historic Preservation, (850)245-6333 or by Fax (850)245-6437.

**DEPARTMENT OF LEGAL AFFAIRS**

The **Florida Elections Commission** announces a meeting. Parts of the meeting are confidential.

DATES AND TIME: Thursday, January 24, 2002; Friday, January 25, 2002, 8:30 a.m. – 5:00 p.m.

PLACE: Department of Education, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400 (Ask for Room Number at 1st Floor Reception Desk)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and adjudication of cases relating to alleged violations of Chapters 104 and 106, Florida Statutes, and to the late filing of campaign treasurer’s reports.

For a copy of the agenda call: Patsy Rushing, (850)922-4539.

If you need an accommodation because of disability in order to participate, please call Patsy Rushing, at least 48 hours before the meeting.

If a person decides to appeal any decision of the Commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings and will need to assure that a verbatim record of the proceedings is made.

The Legislative Advocacy Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: February 1, 2002, 10:00 a.m.

PLACE: Call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

**DEPARTMENT OF INSURANCE**

The **Department of Insurance** announces a public meeting to which all persons are invited:

WHAT: Task Force on the use of credit reports in underwriting automobile and homeowners’ insurance policies.

DATE AND TIME: January 18, 2002, 1:00 p.m. (EST)

PLACE: Telephone conference; Contact person: Robbie J. Simpson, (850)413-5250

A copy of the agenda may be obtained by the contact person identified above.

Please be advised that if any person decides to appeal any decision made by this Task Force with respect to any matter considered at any public meeting of the Task Force, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record 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 program, please advise the Department at least 5 calendar days before the program by contacting the contact person identified above.

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#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a notice of public meeting of the Seed Technical Council to which all persons are invited:

DATE AND TIME: February 6, 2002, 11:00 a.m.

PLACE: Florida Department of Agriculture, Room L-29, Building 8, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-8731

GENERAL SUBJECT MATTER TO BE CONSIDERED: Seed Technical Council Meeting.

You may contact: Mr. Dale Dubberly, Florida Department of Agriculture and Consumer Services, Room L-29, Building 8, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-8731.

If special accommodations are needed to attend this meeting because of a disability, please call Dale Dubberly as soon as possible.

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#### DEPARTMENT OF EDUCATION

The **Commission for Independent Education** announces a public meeting to which all parties are invited.

DATES AND TIME: January 24-25, 2002, 10:00 a.m.

PLACE: Adam's Mark, Orlando, at the Florida Mall, 1500 Sand Lake Road, Orlando, Florida 32809

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider licenses for appropriate schools, cases for licensure as specified in the agenda, Commission Committee meetings, consideration of changes on Commission regulations, and other general Board business.

Any person who decides to appeal a decision of the Board with respect to any matter considered at this meeting or hearing may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by writing: Commission for Independent Education, Department of Education, 2600 Apalachee Parkway, Tallahassee, Florida 32399.

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#### DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces a meeting of the State Energy Program (SEP) Clean Fuel Florida Advisory Board (CFF) to which all interested parties are invited.

#### SEP CFF MEETING

DATE AND TIME: January 17, 2002, 9:00 a.m. – 3:00 p.m.

PLACE: University of South Florida, Center for Urban Transportation Research, Room CUT 100, 4202 East Fowler Avenue, Tampa, Florida 33620-5375

ACTIONS TO BE TAKEN: The CFF will consider the following items:

1. Report on State Energy Initiatives
2. Legislative Initiative Report
3. State EPACT Compliance
4. Funding Options
5. State Energy Program Special Project Solicitation
6. Long Range Plan

APPEAL INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public meeting he or she may need a record or transcript of the proceeding, and for such purposes he or she may need to ensure that a record of the proceeding is made, which record may include testimony and evidence relevant to the appeal.

Anyone who wants a copy of the agenda or additional information on this meeting may write or call: Essie Turner, Staff Assistant, Department of Community Affairs, 2255 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-2475.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the SEP, (850)488-2475, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the SEP, (850)488-2475, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the SEP using the Florida Dual Party System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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#### DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement**, Region IV, Criminal Justice Training Council announces a public meeting to which all interested parties are invited:

DATE AND TIME: January 24, 2002, 11:00 a.m.

PLACE: Santa Fe Community College, Institute of Public Safety, Kirkpatrick Criminal Justice Training Center, 3737 Northeast 39th Avenue, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of Region IV's Criminal Justice Training Trust Fund operating Budget, FY 2002-2003.

A copy of the agenda may be obtained by contacting: Dr. H. A. Blalock, Director, Santa Fe Community College, Institute of Public Safety, 3737 N. E. 39th Avenue, Gainesville, Florida 32609.

**STATE BOARD OF ADMINISTRATION**

NOTICE IS HEREBY GIVEN by the Florida Hurricane Catastrophe Fund, which is administered by the **State Board of Administration**, of a meeting of the State Board of Administration to which all persons are invited.

DATE AND TIME: Tuesday, January 29, 2002, 9:00 a.m. (Eastern Standard Time) – conclusion of the meeting

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide permission for the Florida Hurricane Catastrophe Fund (“Fund”) to file a Notice of Proposed Rulemaking so that a rule hearing can be held to address proposed changes to Rule 19-8.010, F.A.C. – Reimbursement Contract, Rule 19-8.012, F.A.C. – Procedures to Determine Ineligibility for Participation and Exemption from Participation in the Florida Hurricane Catastrophe Fund and Rule 19-8.029, F.A.C. – the Insurer Reporting Requirements. In addition, other general business of the Fund will be addressed.

Contact: Tracy Allen, Florida Hurricane Catastrophe Fund, Post Office Drawer 13300, Tallahassee, FL 32317-3300.

**FLORIDA PAROLE COMMISSION**

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 30, 2002, 9:00 a.m.

PLACE: Florida Parole Commission, Bldg. C, Third Floor, 2601 Blairstone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980).

A copy of the agenda may be obtained by writing: Florida Parole Commission, Building C, 2601 Blairstone Road, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice, (850)488-3417.

**PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No.: 991437-WU – Application for increase in water rates in Orange County by Wedgefield Utilities, Inc.

DATES AND TIMES: January 28-29, 2002, Customer testimony will be taken on January 28, 2002, 10:00 a.m. and 6:00 p.m.

PLACE: Wedgefield Golf Club, 20550 Maxim Parkway, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the application for increase in water rates in Orange County by Wedgefield Utilities, Inc., and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on July 9, 2002. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

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

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 990649A-TP – Investigation into pricing of unbundled network elements (BellSouth track).

DATES AND TIME: January 30-31, 2002, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the investigation into pricing of unbundled network elements (BellSouth track), and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on January 17, 2002. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

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

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 980744-WS – Investigation into ratemaking considerations of gain on sale from sale of facilities of Florida Water Services Corporation to Orange County.

DATE AND TIME: February 1, 2002, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the investigation into ratemaking considerations of gain on sale from sale of facilities of Florida Water Services Corporation to Orange County, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference to be held on January 25, 2002. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

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

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#### REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Finance Committee

DATE AND TIME: January 24, 2002, 5:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review the audit for Fiscal Year 2000-2001.

MEETING: Executive Committee

DATE AND TIME: January 24, 2002, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee.

MEETING: Regional Planning Committee

DATE AND TIME: January 24, 2002, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Regional Planning Committee.

MEETING: Clearinghouse Committee

DATE AND TIME: January 24, 2002, 6:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee.

MEETING: North Central Florida Regional Planning Council

DATE AND TIME: January 24, 2002, 8:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

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

Any person deciding to appeal decisions of the Council or its committees with respect to any matter considered at the meeting, may need to make a verbatim record of the proceedings.

A copy of any of these agendas may be obtained by writing: NCFRPC, Suite A, 2009 N. W. 67th Place, Gainesville, Florida 32653.

Persons with disabilities who need assistance may contact us, (352)955-2200, at least two business days in advance to make appropriate arrangements.

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The **Northeast Florida Regional Planning Council**, Economic Development Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, January 17, 2002, 10:00 a.m.

PLACE: Conference Center at the Avenues, 6104 Gazebo Park Place, South, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, Suite 350, 9143 Philips Highway, Jacksonville, FL 32256.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter or other meeting information, call Ginny Montgomery, (904)363-6350, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes may attend and speak at the meeting.

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The **South Florida Regional Planning Council**, Revolving Loan Fund, Loan Administration Board announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 24, 2002, 3:00 p.m.

PLACE: South Florida Regional Planning Council, Suite 140, 3440 Hollywood Boulevard, Hollywood, Florida 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Revolving Loan Fund Policy and Procedures and review loan applications.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, Suite 140, 3440 Hollywood Boulevard, Hollywood, Florida 33021 or by calling (954)985-4416 in Broward, Suncom 473-4416 or 1(800)985-4416, for area codes 305, 561 and 407.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: January 18, 2002, 10:00 a.m.

PLACE: The Richardson Center, IRCC Mueller Campus, 6155 College Lane, Vero Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, Suite 300, 301 E. Ocean Boulevard, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

The **Treasure Coast Regional Planning Council** announces a meeting of Council's Local Emergency Planning Committee to which all persons are invited:

DATE AND TIME: January 31, 2002, 10:00 a.m.

PLACE: Treasure Coast Regional Planning Council, Suite 300, 301 E. Ocean Boulevard, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Treasure Coast Regional Planning Council Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, Suite 300, 301 E. Ocean Boulevard, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

### COMMISSION ON ETHICS

The **Commission on Ethics** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Thursday, January 24, 2002, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by writing: Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709. Meeting materials also will be available from 8:00 a.m. – 5:00 p.m., Monday through Friday at 2822 Remington Green Circle, Suite 101, prior to the meeting.

If a person decides to appeal any decision made by the Commission with respect to a matter considered at this meeting, he will need a record of the proceeding, and for such purpose he may need to ensure that a verbatim record of this proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Commission at least 48 hours before the meeting by contacting the Commission on Ethics, (850)488-7864. If you are hearing or speech impaired, please contact the Commission by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

### METROPOLITAN PLANNING ORGANIZATIONS

The Florida **Metropolitan Planning Organization**, Advisory Council (MPOAC) announces a meeting of the Staff Directors' Advisory Committee to which all persons are invited:

DATE AND TIME: January 24, 2002, 1:00 p.m. – 3:00 p.m.

PLACE: Double Tree Hotel, 101 South Adams Street, Tallahassee, FL, (850)224-5000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning within and adjacent to metropolitan areas in Florida carried out by local, state and federal agencies.

A copy of the agenda may be obtained by contacting: Heidi Langston, MPOAC, 605 Suwannee Street, MS 28B, Tallahassee, FL 32399-0450, 1(800)399-5525 or e-mail: heidi.langston@dot.state.fl.us.

The Florida **Metropolitan Planning Organization**, Advisory Council (MPOAC) announces a meeting of the Governing Board to which all persons are invited:

DATE AND TIME: January 24, 2002, 3:30 p.m. – 6:30 p.m.

PLACE: Double Tree Hotel, 101 South Adams Street, Tallahassee, FL, (850)224-5000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning within and adjacent to metropolitan areas in Florida carried out by local, state and federal agencies.

A copy of the agenda may be obtained by contacting: Heidi Langston, MPOAC, 605 Suwannee Street, MS 28B, Tallahassee, FL 32399-0450, 1(800)399-5525 or e-mail: heidi.langston@dot.state.fl.us.

The **Metropolitan Planning Organization for the Orlando Urban Area** announces the following public meetings of its Governing Board to which all persons are invited:

DATE AND TIME: Wednesday, January 9, 2002, 9:00 a.m.

PLACE: Alaqua Country Club, 3060 Players Point, Longwood, FL 32779

PURPOSE: Annual Board Workshop.

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to Order
2. Chairman's Announcements
3. Executive Director's Announcements
4. Consent Items
5. Action Items
6. Other Business
7. Executive Director's Report
8. Board Workshop

SPECIAL NOTE: This meeting is being held at an off site location which requires a complete listing of all attendees. Therefore, please contact Ms. Virginia Lewis-Whittington, Manager of Board Services, at least 48 hours before the meeting by calling (407)481-5672, Ext. 314.

A detailed copy of the agenda may also be obtained by contacting: Ms Lewis-Whittington at the number above or by written request to Metroplan Orlando, 315 East Robinson Street, Suite 355, Orlando, FL 32801.

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 Metroplan Orlando, (407)481-5672, at least 48 hours before the meeting.

## WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces public meetings to which all persons are invited:

DATE AND TIME: January 24, 2002, 12:00 Noon – 12:30 p.m. (EST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: District Lands Committee meeting – to discuss land management and acquisition matters

DATE AND TIME: January 24, 2002, 1:00 p.m. (EST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board meeting – to consider District business.

DATE AND TIME: January 24, 2002, 1:15 p.m. (EST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing on Consideration of Regulatory Matters.

DATE AND TIME: January 24, 2002, 1:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing on Consideration of Land Acquisition Matters.

PLACE: District Headquarters, 10 miles west of Tallahassee on U.S. Highway 90, Tallahassee, FL

A copy of the agendas may be obtained by contacting: Carolyn Wise, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999 (also available through the Internet at [www.state.fl.us/nwfwmd](http://www.state.fl.us/nwfwmd)).

If any person decides to appeal any decision with respect to any matter considered at the above-cited meetings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact Larry Wright at the District at least 72 hours in advance of these meetings to make appropriate arrangements.

The **Southwest Florida Water Management District** announces that meeting communications among the members of the Peace River Basin Board pursuant to Section 373.0693, F.S. will be conducted via communications media technology, to which all persons are invited.

DATES AND TIME: Tuesday, January 22, 2002, 9:00 a.m., through Tuesday, February 12, 2002, 5:00 p.m., the public may access ongoing communications among Board members.

PLACE: Interested persons may access these communications via the internet at the following access point: "Peace River Basin Board Web Discussion Panel" website <http://www.swfwmd.state.fl.us> (Discussion Panels). This internet address

will be accessible to view communications among the Board members 24 hours a day using non-District computers, and during normal business hours at: The Southwest Florida Water Management District's Service Offices, Brooksville District Headquarters, Building 1, Information Center, contact person Warren Lick or Help Desk Staff; Bartow Service Office, Bartow Lobby, contact person Angie Mintz; Sarasota Service Office, Sarasota Lobby, contact person BonnieLee McGuire; Tampa Service Office, Tampa Data Center, Building 2, contact person Tricia Talia; access is also available at most public libraries

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To expand the ability of interested Peace River Basin Board members to communicate with each other regarding Basin issues in discussion-type sessions within which no votes would be taken.

Any person requiring reasonable accommodation to access the web discussion panel should notify the District in advance.

A copy of the agenda or a list of public libraries may be obtained by writing: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899 or by calling Pam Wright, 1(800)423-1476 or (352)796-7211, Extension 4615, or for any additional information regarding access to these proceedings or to obtain documents posted at the internet site including a record of these discussions if any member of the public decides to appeal any action. (Section 286.0105, F.S.)

The Southwest Florida Water Management District also announces the following public meeting to which all interested parties are invited to attend:

**WATER CONSERVATION TASK FORCE**

**DATE AND TIME:** Wednesday, January 23, 2002, 1:00 p.m. (Some Task Force members may attend a luncheon prior to the meeting at the same location.)

**PLACE:** SWFWMD, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Consideration of Task Force business.

The Big Cypress Basin, **South Florida Water Management District** announces a public meeting which may be conducted by means of, or in conjunction with, communications media technology, specifically by telephonic conference, to which all interested persons are invited.

**DATE AND TIME:** January 25, 2002, 9:00 a.m.

**PLACE:** Collier County Government Center, Commission Chambers, Building F, 3301 East Tamiami Trail, Naples, Florida. The above address shall be the designated access point for public attendance of the meeting.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Conduct Basin Business.

A copy of the agenda may be obtained by writing: Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109 or by calling Ann Christian, (941)597-1505.

Appeals from any Big Cypress Basin Board decision require a record of the proceedings. Although Basin Board meetings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Ann Christian, (941)597-1505, at least forty-eight (48) hours before the meeting to make appropriate arrangements. If you are hearing or speech impaired, please contact the Big Cypress Basin by calling (561)697-2574.

Those persons who desire more information, or those wishing to submit written or physical evidence may contact: Ann Christian, Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, (941)597-1505.

**COMMISSION FOR THE TRANSPORTATION DISADVANTAGED**

The Florida **Commission for the Transportation Disadvantaged** announces a Full Commission meeting to which all persons are invited.

**DATE AND TIME:** Tuesday, January 29, 2002, 10:00 a.m. – completion

**PLACE:** Holiday Inn Capital View East, 1355 Apalachee Parkway, Tallahassee, FL, (850)877-3171

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss the regular business of the Commission for the Transportation Disadvantaged.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS #49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces Conference Committee meeting to which all persons are invited.

**DATE AND TIME:** Tuesday, January 29, 2002, 1:00 p.m. – completion

**PLACE:** Holiday Inn Capital View East, 1355 Apalachee Parkway, Tallahassee, FL, (850)877-3171

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss plans for 2002 TD conference.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb,

Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS #49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only).

The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Legislative Workshop to which all persons are invited.

DATE AND TIME: Tuesday, January 29, 2002, 2:00 p.m. – 4:00 p.m.

PLACE: Holiday Inn Capital View East, 1355 Apalachee Parkway, Tallahassee, FL, (850)877-3171

GENERAL SUBJECT MATTER TO BE CONSIDERED: To update the public on the status of the 2002 legislative session concerning the Florida Commission for the Transportation Disadvantaged.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS #49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TTY only).

The Florida **Commission for the Transportation Disadvantaged** announces a Transportation Disadvantaged Legislative Day to which all persons are invited.

DATE AND TIME: Wednesday, January 30, 2002, 9:00 a.m. – 3:00 p.m.

PLACE: The Capitol Courtyard, The Capitol, Tallahassee, Florida, (850)487-5224

GENERAL SUBJECT MATTER TO BE CONSIDERED: To educate the legislature and the public on the Transportation Disadvantaged Program.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Lisa Bacot, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS #49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TTY only).

#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The **Board of Auctioneers** announces the following general business meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 6, 2002, 9:00 a.m. (EST)

PLACE: Telephone Conference Call – (850)488-5778, Suncom 278-5778

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the Board to conduct regular Board business.

A copy of the agenda may be obtained by writing: Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762 or by calling Daryl Dempsey, (850)488-5189.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting Daryl Dempsey, (850)488-5189. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces an official committee and general business meeting by telephone conference, to which all interested persons are invited.

DATE AND TIME: Wednesday, February 20, 2002, 8:30 a.m.

PLACE: Meet Me Telephone No. – (850)921-2530 or Suncom 291-2530

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee and General Business Meetings of the Board.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767 or by calling Pat Janecek, (850)921-6347.

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 Pat Janecek, (850)921-6347. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is based.

For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The Florida **Board of Pilot Commissioners** announces the following meeting via telephone conference, to which all persons are invited to participate.

DATE AND TIME: Tuesday, January 22, 2002, 10:00 a.m.  
 PLACE: Access number – (850)488-8295 or Suncom 278-8295, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0698

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot advancement in Florida port training program.

To obtain a copy of the agenda, further information or submit written or other physical evidence, contact: Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board Office, (850)488-0698, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board Office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel of the **Florida Real Estate Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: January 15, 2002, 1:30 p.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Suite 301, North Tower, 400 West Robinson Street, Orlando, Florida

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0800 (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).

The **Florida Real Estate Commission** (FREC) announces a meeting to which all persons are invited.

DATE AND TIME: January 16, 2002, 8:30 a.m.

PLACE: Division of Real Estate, Commission Meeting Room 301, North Tower, 400 West Robinson Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget

discussions, escrow disbursement requests, Recovery Fund Claims, education issues, petitions for declaratory statement, and disciplinary actions.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required. Probable Cause Panel(s) may also meet during this session. Portions of the Probable Cause are not open to the public.

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Commission, Administration Office, P. O. Box 1900, Orlando, Florida 32802-1900.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Business and Professional Regulation** announces a public meeting of the Regulatory Council of Community Association Managers, to which all persons are invited.

DATE AND TIME: Friday, January 25, 2002, 10:30 a.m. or soon thereafter

PLACE: Via telephone conference, To connect, dial (850)921-2583 or Suncom 291-2583

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Council.

A copy of the agenda may be obtained by writing: Regulatory Council of Community Association Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-1040 or by calling (850)488-2141.

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 Regulatory Council of Community Association Managers, (850)488-2141. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771(TDD).

If any person decides to appeal any decision made with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The **Department of Environmental Protection** announces four public workshops to which all persons are invited:

DATE AND TIME: January 28, 2002, 1:00 p.m.



PLACE: St. Johns River Water Management District Office, 4049 Reid Street, Palatka, Florida

DATE AND TIME: January 30, 2002, 10:00 a.m.

PLACE: South Florida Water Management District, Miami-Dade Field Station, 9001 N. W. 58th Street, Miami, Florida

DATE AND TIME: January 31, 2002, 10:00 a.m.

PLACE: Southwest Florida Water Management District Office, 7601 U.S. Highway 301, Tampa, Florida

DATE AND TIME: February 1, 2002, 10:00 a.m.

PLACE: Department of Environmental Protection, Room 609, 2600 Blair Stone Road, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Explanation of proposed draft wetland assessment method and rule, in accordance with Section 373.414(18), F.S., so that field testing may proceed. The method is to be applied to wetland impact applications and associated mitigation, in addition to the awarding and debiting of credits from mitigation banks.

A copy of the draft rule (chapter 62-345, F.A.C.) and the agenda may be obtained by writing: Constance Bersok, Department of Environmental Protection, 2600 Blair Stone Road, MS #2500, Tallahassee, Florida 32399-2400, by calling (850)921-9858, or by e-mailing [connie.bersok@dep.state.fl.us](mailto:connie.bersok@dep.state.fl.us). Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Bureau of Personnel Services, (850)488-2996. If you are hearing or speech impaired, please contact the Florida Relay Service by calling 1(800)955-8771 (TDD).

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

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## DEPARTMENT OF HEALTH

The Florida **Brain and Spinal Cord Injury Advisory Council** announces a Council Meeting.

DATE AND TIME: Friday, January 25, 2002, 9:00 a.m. – 4:00 p.m. (EST)

PLACE: Capital Circle Office Complex, Building 4052, Bald Cypress Way, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Planning and organizational meeting to establish a work plan for the goals and objectives of each of the Advisory Council's committees (EMS/Acute Care, Inpatient/Outpatient Rehabilitation, Residential/Community-Based/Long-Term Care, Pediatric and Prevention/Education Research) to enhance and further the mission of the Brain and Spinal Cord Injury Program.

Any persons requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Bureau of Brain and Spinal Cord Injury, (850)245-4045, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Florida Bureau of Brain and Spinal Cord Injury using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

For further information, write: Thom DeLilla, 4052 Bald Cypress Way, BIN #C25 (BSCI), Tallahassee, Florida 32399-1744 or call (850)245-4045.

P.O. #G10454

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The Florida **Board of Acupuncture** will hold a Probable Cause Panel (PCP) meeting via teleconference. All interested parties are invited to participate, the conference call is open to the public.

DATE AND TIME: Thursday, January 17, 2002, 1:00 p.m.

PLACE: Call (850)921-2591

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To review PCP reconsideration cases.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Karen Eaton, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256 or you may call (850)245-4161. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Karen Eaton, (850)245-4161, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Eaton using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** announces an official Board meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATES AND TIME: January 17-18, 2002, 9:00 a.m.

PLACE: Hilton Tampa Airport Westshore, 2225 North Lois Avenue, Tampa, FL 33607, (813)874-5004

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General Business Meeting.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, (850)245-4474, by January 10, 2002.

**The Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** announces a telephone conference call in which reconsiderations will be heard.

DATE AND TIME: January 24, 2002, 3:00 p.m.

PLACE: Call (850)245-4474 to inquire about call-in number

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing or speech impaired, using TDD equipment, can call the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine**, Probable Cause Panel (North), announces a meeting.

DATE AND TIME: January 18, 2002, 2:00 p.m.

PLACE: 6100 Kennerly Road, Jacksonville, Florida 32811, (904)739-9500

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required.

The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 322317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The **Department of Health, Board of Opticianry** announces a General Business Meeting and Telephone Conference Call. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATE AND TIME: January 23, 2002, 9:00 a.m.

PLACE: Clarion Airport Hotel, 2101 Dixie Clipper Dr., Jacksonville, FL 32218, (904)741-1997

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Business.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Opticianry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, by Wednesday, January 16, 2002.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The Florida **Department of Children and Family Services** announces a meeting of the Sumter County Community Alliance Steering Committee to which all persons are invited.

DATE AND TIME: Wednesday, January 16, 2002, 1:00 p.m.

PLACE: City Hall, 100 N. Main Street, Wildwood, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, (352)330-2177.

The Florida **Department of Children and Family Services** announces a meeting of the Sumter County Community Alliance to which all persons are invited.

DATE AND TIME: Wednesday, January 23, 2002, 4:30 p.m.

PLACE: Sumter County Courthouse, 209 N. Florida St., Bushnell, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785.

Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, (352)330-2177.

**SUNSHINE STATE ONE CALL OF FLORIDA**

The **Sunshine State One Call of Florida, Inc.** (SSOCOF) announces its Board and Committee meetings to which all interested persons are invited.

COMMITTEE: Legislative Committee Meeting

DATE AND TIME: January 17, 2002, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of latest changes to the Underground Facility Damage Prevention and Safety Act, Chapter 556, Florida Statutes.

COMMITTEE: Bylaws Committee Meeting

DATE AND TIME: January 17, 2002, 9:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and drafting of revisions to current SSOCOF bylaws.

COMMITTEE: Safety and Compliance Committee Meeting

DATE AND TIME: January 17, 2002, 11:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion points: CGA membership benefits, customer satisfaction survey changes, Dig Safely Week activities, discussion on using federal grant dollars to further compliance efforts by hiring off duty police, children’s video production.

LUNCH – Provided at Call Center for Committee Meeting Attendees, 12:00 Noon

COMMITTEE: Finance Committee Meeting

DATE AND TIME: January 17, 2002, 1:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion points: accounting manager position review and discussion, review of current fiscal year activity, draft budget for fiscal year 2002/03, review draft resolution on signing contracts, presentation of proposed long- and short-term disability policy with financial impact review, investment policy development, travel and reimbursement policy discussion, small city rate structure discussion.

COMMITTEE: Operations Committee

DATE AND TIME: January 17, 2002, 3:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion points: review draft resolution for signing contracts, IVR discussion, AGT disaster recovery options.

COMMITTEE: Board of Directors Meeting

DATE AND TIME: January 18, 2002, 8:00 a.m. – 4:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion points: AGT IRTM Host System Conversion update, reports from committees on above discussion points, executive director performance review process, and APWA/OCSI and Common Ground Alliance Membership Renewal.

PLACE: SSOCOF Call Center, 11 Plantation Road, DeBary, FL 32713

Any person requiring some accommodation at this meeting because of a physical impairment should call the One-Call Notification Center, (407)575-2000, at least five calendar days prior to the activity. Any person who is hearing or speech impaired should contact the One-Call Notification Center through the Florida Relay Center at 1(800)955-8771.

**SUMTER COUNTY**

**Sumter County** and the Florida **Department of Environmental Protection** announces a meeting for the Florida Organics Recycling Center for Excellence to which all persons are invited.

DATE AND TIME: Wednesday, January 23, 2002, 9:30 a.m. – 2:00 p.m.

PLACE: Sumter County Solid Waste Facility, 835 CR 529, Lake Panasoffkee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a public meeting of the technical advisory group for the Florida Organics Recycling Center for Excellence (FORCE) project being developed by Sumter County under a Department contract. Sumter County and the Department will seek guidance as the project progresses and tasks associated with year one implementation continue.

If accommodation for a disability is needed to participate in this activity, please notify Miriam Zimms, (813)971-8333, at least 48 hours before the meeting. If you are hearing or speech impaired, please contact the Department by using the Florida Relay service at 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing or calling: Miriam Zimms, Kessler Consulting, Inc., Building D, 14620 North Nebraska Avenue, Tampa, FL 33613, (813)971-8333, Extension 22.

**FLORIDA CONFLICT RESOLUTION CONSORTIUM**

The **Florida Conflict Resolution Consortium** announces a meeting of its Advisory Council to which all interested parties are invited.

DATE AND TIME: Thursday, January 24, 2002, 9:00 a.m. – 3:00 p.m.

PLACE: Turnbull Conference Center, Florida State University, Room 244, 555 West Pensacola Street, Tallahassee, Florida 32306

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be a strategic planning session.

**AREA AGENCY ON AGING OF PASCO-PINELLAS**

The **Area Agency on Aging of Pasco-Pinellas, Inc. (AAAPP)** announces a public meeting to which all persons are invited:

DATE AND TIME: Monday, January 28, 2002, 9:30 a.m. (Please call to confirm date, time and location)

PLACE: Area Agency on Aging of Pasco-Pinellas, Inc., 9455 Koger Boulevard, St. Petersburg, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Area Agency on Aging of Pasco-Pinellas, Inc., Board Meeting. Please note that if a person decides to appeal any decision made by AAAPP Board with respect to any matter considered at the above cited meeting or hearing, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

**FLORIDA SPORTS FOUNDATION**

The **Florida Sports Foundation** announces a public meeting of the Florida Sports Foundation Quarterly Board of Directors Meeting to which all persons are invited.

DATE AND TIME: Tuesday February 12, 2002, 10:00 a.m. – 4:00 p.m.

PLACE: Hospitality Square, 200 College Avenue, Tallahassee, FL

**Section VII**

**Notices of Petitions and Dispositions Regarding Declaratory Statements**

**FLORIDA HOUSING FINANCE CORPORATION**

NOTICE IS HEREBY GIVEN THAT Florida Housing Finance Corporation (“Florida Housing”) has received a Petition for Declaratory Statement filed December 20, 2001, by Chester Osheyack of Hillsborough County. The Petition is seeking Florida Housing’s interpretation of the laws and rules relating to non-compliance issues regarding properties financed with low-income housing tax credits and the

computation of allowances for tenant furnished utilities. Petitioner specifically requests a declaratory statement on the following questions:

1. Which entity bears the final responsibility for monitoring and reporting of noncompliance with applicable laws, rules and orders relating to the LIHTC program?
2. What constitutes “non-compliance”? Is the definition of “non-compliance” limited to intentional acts?
3. Do the applicable management policies and guidelines have special provisions for persons with disabilities and elderly persons?
4. Are “lease provisions” included in the mandate of the Compliance staff as a part of their monitoring responsibilities?
5. Does the Agency have the right to intervene in the process of determining the amount of gross rent that a property owner can charge and/or its method of computation?
6. Should the information regarding the utility estimate and the method of computation be disclosed to the tenants in rent-restricted housing?

A copy of the Petition for Declaratory Statement may be obtained by writing: Sheila A. Freaney, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

**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:**

Angelo’s Aggregate Materials, Ltd. vs. Suwannee River Water Management District; Case No.: 01-4383RX; Rule Nos.: 40B-4.1020(12),(30), 40B-4.1030, 40B-4.1040(1)(b),(c), 40B-4.3010, 40B-4.3020, 40B-4.3030, 40B-4.3040

Beverage Hospitality, Inc. vs. Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco; Case No.: 01-4576RU

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

Tenet Healthsystem Hospitals, Inc. d/b/a Delray Medical Center vs. Agency for Health Care Administration; Case No.: 01-1796RP; Rule No.: 59C-1.033(7)(b),(c); Voluntary Dismissal

Punta Gorda HMA, Inc., licensee for Charlotte Regional Medical Center vs. Agency for Health Care Administration; Case No.: 01-1915RP; Rule No.: 59C-1.033(7)(b),(c); Voluntary Dismissal

Florida Health Sciences Center, Inc. d/b/a Tampa General Hospital vs. Agency for Health Care Administration; Case No.: 01-1958RP; Rule No.: 59C-1.033(7)(b),(c); Voluntary Dismissal

Florida Hospital Association, Inc. vs. Agency for Health Care Administration; Case No.: 01-1959RP; Rule No.: 59C-1.033(7)(b),(c); Voluntary Dismissal

Tenet Healthsystem Hospitals, Inc. d/b/a Delray Medical Center and Florida Society of Thoracic and Cardiovascular Surgeons, Inc. and Florida Health Sciences Center, Inc. d/b/a Tampa General Hospital vs. Agency for Health Care Administration and Flagler Hospital, Inc., Boca Raton Community Hospital, Inc., Indian River Memorial Hospital, Inc. and Martin Memorial Medical Center, Inc.; Case No.: 01-0372RP; Rule Nos.: 59C-1.002(41), 59C-1.033; Dismissed

Florida Hospital Association, Inc. and Florida Society of Thoracic and Cardiovascular Surgeons, Inc. and Florida Health Sciences Center, Inc. d/b/a Tampa General Hospital vs. Agency for Health Care Administration and Flagler Hospital, Inc., Boca Raton Community Hospital, Inc., Indian River Memorial Hospital, Inc. and Martin Memorial Medical Center, Inc.; Case No.: 01-0375RP; Rule Nos.: 59C-1.002(41), 59C-1.033; Dismissed

Punta Gorda HMA, Inc., licensee for Charlotte Regional Medical Center and Florida Society of Thoracic and Cardiovascular Surgeons, Inc. and Florida Health Sciences Center, Inc. d/b/a Tampa General Hospital vs. Agency for Health Care Administration and Flagler Hospital, Inc., Boca Raton Community Hospital, Inc., Indian River Memorial Hospital, Inc. and Martin Memorial Medical Center, Inc.; Case No.: 01-0377RP; Rule Nos.: 59C-1.002(41), 59C-1.033; Closed

Radian Guaranty, Inc. and Amerin Guaranty Corporation vs. Department of Insurance; Case No.: 01-4137RU; Dismissed

**Section IX**

**Notices of Petitions and Dispositions Regarding Non-rule Policy Challenges**

**NONE**

**Section X  
Announcements and Objection Reports of the Joint Administrative Procedures Committee**

**NONE**

**Section XI  
Notices Regarding Bids, Proposals and Purchasing**

**DEPARTMENT OF EDUCATION**

**REQUEST FOR BID**

The University of Florida, Purchasing Division will receive sealed bids for the following: 02L-97, Fletcher Hall Electrical Upgrade, estimated budget: \$250,000-\$275,000, to be opened February 5, 2002, 1:30 p.m. (Local Time), in Purchasing, Elmore Hall, Radio Road, Gainesville, FL. Scope of work: New electrical service for Fletcher Hall, including new meter at existing transformer, new switchboard and new distribution and branch circuit panels. Work also includes the removal of dorm receptacles and new receptacles and circulating throughout. Contractor shall be responsible for re-connection of all existing electrical not otherwise removed. Specifications and Plans will be available in Purchasing, Elmore Hall, Radio Road, Gainesville, FL, (352)392-1331. A Mandatory Pre-bid Meeting will be held January 17, 2002, 10:00 a.m., in the Murphree Commons Conference Room, Murphree Dormitory, corner of Fletcher Drive and West University Avenue, Gainesville, FL. Doors will be locked promptly at 10:00 a.m. (Local Time).

All questions should be directed to: A. J. Sontag, Assistant Director, UF Purchasing, (352)392-133, Ext. 306.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-bid or Bid opening, contact Emily J. Hamby, (352)392-1331, Ext. 303, within three (3) days of the event.

**WATER MANAGEMENT DISTRICTS**

**INVITATION TO BID**

**CONSTRUCTION OF WALSINGHAM BRIDGE**

**WASHINGTON COUNTY**

**(BID NUMBER 02B-001)**

The Northwest Florida Water Management District will receive sealed bids for the construction of Walsingham Bridge from any qualified person, company or corporation interested in constructing the Walsingham Bridge project. This project is located in Washington County in the Florida panhandle.

A non-mandatory pre-bid conference will be held at the District Headquarters in Midway, located on U.S. Highway 90, ten miles west of Tallahassee, at 10:00 a.m. (Eastern Time), January 29, 2002. Sealed bids will be received until 2:00 p.m. (Eastern Time), February 7, 2002, at the Northwest Florida Water Management District Headquarters. The opening of the bids is public. All bids must comply with applicable Florida Statutes.

Plans and specifications can be obtained at: Preble-Rish, Inc., 1923-A Capital Circle, N. E., Tallahassee, Florida 32308, (850)219-8050. Cost for the Plans and Specifications will be \$65.00 per set and is non-refundable. Plans and Specifications can be examined free of charge at the following locations:

- Preble-Rish, Inc., 1923-A Capital Circle, N. E., Tallahassee, Florida 32308, (850)219-8050.
- Preble-Rish, Inc., 401 Reid Avenue, Port St. Joe, Florida 32456, (850)227-7200.
- Northwest Florida Water Management District, 81 Water Management Drive, Havana (Midway), Florida 32333 (ten miles west of Tallahassee on U.S. 90).

Provisions will be made to accommodate the handicapped provided the District is given at least 72 hours advance notice.

## **EXPRESSWAY AUTHORITIES**

### **NOTICE TO DESIGN-BUILD FIRMS**

#### **REQUEST FOR STATEMENTS OF QUALIFICATIONS**

##### **MDX PROJECT #836-015**

The Miami-Dade Expressway Authority ("MDX") seeks the services of a design consultant-contractor team ("Firm") with the necessary expertise in the delivery of Design-Build projects to provide design and construction services for MDX Project No. 836-015 (the "Project") for the widening and construction of one westbound auxiliary lane on SR 836/Dolphin Expressway from SR 826/Palmetto Expressway to N. W. 57th Avenue.

**FEDERAL AND STATE DEBARMENT.** By signing and submitting a Statement of Qualification (SOQ) package, the Firm certifies that no principal (which includes shareholders, partners, officers, directors or executives) is presently suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal or state or local department or agency.

**SYSTEM.** The Miami-Dade Expressway System is comprised of State Road (SR) 112, SR 836, SR 874, SR 878 and SR 924.

**DESCRIPTION OF WORK.** The selected Firm shall provide Design-Build services for the design and construction of the Project. The Project consists of the widening and construction of one westbound auxiliary lane on SR 836/Dolphin Expressway from SR 826/Palmetto Expressway northbound on-ramp, including ramps to and from N. W. 72nd Avenue/Milam Dairy Road, to approximately N. W. 57th Avenue. Included in the Work is the widening of two bridges;

the bridge over the South Florida Rail Corridor (S.F.R.C.) and the bridge over Milam Dairy Road. The Project consists of approximately 30% in structures-related work, and 70% in roadway-related work, including drainage. The selected Firm shall make available the necessary personnel, facilities, supplies, materials and resources to perform the required services.

MDX will provide the shortlisted Firms with design information, including, but not limited to, preliminary design surveys, concept geometry for roadways and bridges, drainage concepts, pavement design, preliminary geotechnical information and permit information to a level which the Firms can use towards the final design and construction of the Project. The selected Firm will need to verify the information provided by MDX. The preliminary cost estimate for this Project is \$6,385,000. This is a high priority work item for MDX, and the work schedule requires completion of the Project within eighteen (18) months of the Notice to Proceed.

**SELECTION PROCEDURE.** A maximum of three (3) Firms will be shortlisted using the Evaluation Criteria shown below. The shortlisted Firms will be requested to provide written Technical and Price Proposals based on the information and criteria requirements contained in the Request for Proposals ("RFP") to be issued by MDX. Oral interviews with the shortlisted Firms will be required. **FIRMS THAT DO NOT PROVIDE THE REQUIRED INFORMATION AND/OR DOCUMENTATION TO ADDRESS THE PREREQUISITE CRITERIA SHALL NOT BE ELIGIBLE FOR SHORTLISTING EVALUATION.**

**RESPONSE PROCEDURE.** Qualified Firms are encouraged to submit a SOQ package to MDX. One (1) original (unbound) SOQ, and nine (9) copies (ten (10) in total), **MUST** be received by the Miami-Dade Expressway Authority, 3790 N. W. 21st Street, Miami, Florida 33142, Attn: Ms. Helen M. Cordero, MDX Procurement Officer, by Monday, February 11, 2002, by 12:00 Noon (Eastern Time) (the "Deadline Date"). SOQ's submitted past the Deadline Date will be deemed non-responsive.

After reviewing the documentation submitted, evaluating the SOQ's using the Evaluation Criteria shown herein, and ranking the Firms, MDX will notify all Firms in writing on or about February 22, 2002, if they have been shortlisted and will mail one (1) copy of the RFP Package to each shortlisted Firm.

The deadline to submit questions in reference to this Request for Statements of Qualifications (RSOQ) is Monday, January 28, 2002, by 5:00 p.m. Questions should be submitted in compliance with the Communication Provision below. The responses to questions received will be posted on MDX's website [www.mdx-way.com](http://www.mdx-way.com) as an extension of this advertisement, or available by contacting MDX's Procurement Officer pursuant to the Communication Provision below. It is the Firm's responsibility to check the website or with MDX's Procurement Officer for these responses.

RESPONSIVENESS OF SOQ'S AND CONDITIONS CAUSING DISQUALIFICATIONS OF FIRMS. A responsive SOQ is one that conforms, in all material respects, to the requirements and instructions of the RSOQ.

SOQ's will be rejected if found to be irregular, conditional or not in conformance with the requirements and instructions contained herein.

An SOQ will be found to be irregular or non-responsive for reasons including, but not limited to, violation of the Cone of Silence (as defined below), failure to strictly comply with and satisfactorily address the Prerequisite Criteria, failure to submit the information needed to evaluate the SOQ based on the Evaluation Criteria, incomplete SOQ's, failure to provide or complete required forms, improper signatures, submittal of more than one SOQ by the same Firm, evidence of collusion among Firms or evidence that a Firm has a financial interest in another Firm submitting an SOQ for this engagement.

SOQ's will be rejected if more than one SOQ is received from an individual, firm, partnership, or corporation, or combination thereof (furnished as the prime proposer), under the same or different names. Such duplicate interest will cause the rejection of all SOQ's in which such Firm has participated. A Firm or any of the entities comprising the Firm shall not appear as a Proposer in any other SOQ.

No changes to any proposed Subconsultants and Subcontractors in the SOQ can be made after the Deadline Date without prior approval by MDX.

MDX, at its sole and absolute discretion, reserves the right to reject any and all SOQ's or part of any and all SOQ's, readvertise the RSOQ, postpone or cancel, at any time, this procurement process for the Project, waive irregularities in the SOQ's or to withdraw the RSOQ, if it is in the best interest of MDX. All expenses involved with the preparation and submission of an SOQ to MDX, or any work performed in connection therewith, shall be solely the Firm's responsibility. A stipend will be provided to the responsive unsuccessful shortlisted Firms in an estimated amount stipulated in the RFP, subject to execution of a Contractual Services Agreement by the shortlisted Firms.

**SUBMITTAL OF SOQ.** The SOQ shall be in writing, submitted on the letterhead of the Firm. The SOQ must not exceed 20 pages. Resumes and certificates/licenses are not included in the 20 page limit. The SOQ MUST include at a minimum the documentation and/or information required by the Prerequisite Criteria and Evaluation Criteria.

**PREREQUISITE CRITERIA:** The SOQ will not be considered from Firms that do not satisfy, at a minimum, the following Prerequisite Criteria. The requested documentation and/or information must be provided in the SOQ to confirm that the Firm has satisfied all of the Prerequisite Criteria.

1. Firm shall have a minimum of five (5) years' specific experience in providing Design/Build services as described above.
2. Firm must have a full service operational office located in Miami-Dade County. Information must also be provided as to the location of the Firm's Miami-Dade County office.
3. Firm must submit documentation acceptable to MDX that the Firm is prequalified under Rule 14-22, Florida Administrative Code in the following types of work: Minor Bridge Construction, Grading, Drainage, Flexible Paving, Hot Plant-Mix Bituminous Structural and Surface Courses, Roadway Lighting, Fencing, Guardrail, Grassing, Seeding, and Sodding, Pavement Markings and Roadway Signing. If the Firm shall subcontract for some of the type of work, the Firm shall identify those types of work that will be subcontracted and provide MDX with an affirmative statement that the Firm shall require all subcontractors to be pre-qualified, as required herein, for the applicable types of work.
4. Firm must submit documentation acceptable to MDX that the Firm in this professional service, as identified in Section 287.055, Florida Statutes, is prequalified under Rule 14-75 of the Florida Administrative Code in the following types of work: Group 3.2, Minor Highway Design; Group 4.2, Minor Bridge Design; Group 7.1, Signing, Pavement Marking and Channelization; Group 7.2, Lighting; Group 8.2 Design, Right of Way, and Construction Surveying; Group 9.1, Soil Exploration; Group 9.2, Geotechnical Exploration; Group 9.4, Foundation Studies; Group 10.1 Roadway Construction Engineering and Inspection; Group 10.2, Major Bridge Construction Engineering Inspection; and Group 10.3 Construction Materials Inspection. If the Firm shall subcontract for some of the type of work, the Firm shall identify those types of work that will be subcontracted and provide MDX with an affirmative statement that the Firm shall require all subcontractors to be pre-qualified, as required herein, for the applicable types of work.
5. Certificates of Good Standing evidencing that the Firm is qualified to do business in the State of Florida (this applies to both the contractor and design consultant entities comprising the Firm).

**REQUIRED INFORMATION.** The SOQ shall contain the following Required Information:

1. Project Name.
2. Name of Firm, including names and addresses of the contractor and design consultant.
3. Name of contact person including phone number, fax number and Internet e-mail address (one contact person per Design/Build Team).
4. An executed Vendor's Certificate (copy of Form may be found in MDX's website).

EVALUATION CRITERIA. The SOQ will be reviewed, evaluated and ranked using the following Evaluation Criteria:

- Qualifications and experience of the Firm’s contractor as it relates to the work. Depth and breadth of the Firm’s experience as a whole in the performance of similar engagements. 20%
- Qualifications and experience of the Firm design consultant as it relates to the work. Depth and breadth of the Firm’s experience as a whole in the performance of similar engagements. 20%
- Qualifications and experience of the Firm as a Design/Build Team as it relates to the work. Depth and breadth of the Firm’s experience as a whole in the performance of similar engagements. 30%
- Proposed key personnel of the Firm, their qualifications and their roles (including resumes). 15%
- An estimate of the Firm’s current workload and available resources. The Firm should specifically address this criterion with respect to the proposed key personnel for this engagement. 10%
- A list of similar engagements, in particular representation of governmental entities, completed NOT EARLIER THAN January 1, 1996, with references and phone numbers, including a general description of the role of the Firm and the services provided. 5%

COMMUNICATION. Communications between any respondent and any MDX board member or MDX’s consultants and staff is strictly prohibited from the date of publication of the RSOQ through the date of final MDX action with respect to the Project and the selection of the successful Firm for this engagement (this communication prohibition is also referred to herein as the Cone of Silence). The only exceptions to this are communications at a pre-proposal conference or a publicly noticed meeting of MDX and/or its Operations Committee, and written communications regarding questions about the RSOQ. Such written communication should be directed to: Helen M. Cordero, MDX Procurement Officer, via e-mail hcordero@mdx-way.com or facsimile, (305)637-3283. Any violation of the requirements set forth in this paragraph shall constitute grounds for immediate and permanent disqualification of the offending respondent.

DISADVANTAGED BUSINESS ENTERPRISES PROGRAM. MDX, in accordance with the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §200c et seq., the Florida Civil Rights Act of 1992, as amended, §760.10 et. seq., Fla. Stat. (1996) and other federal and state discrimination statutes, prohibits discrimination on the basis of race, color, sex, age, national origin, religion and disability or handicap. MDX notifies all bidders and individuals that it requires and encourages equal employment opportunities for minorities and women as employees in the work force.

MDX encourages small, minority and women-owned business to have full opportunity to submit bids and proposals in response to solicitation documents issued by MDX, and bidders and proposers will not be discriminated against on the basis of sex, race, color, national origin, religion or disability, or other protected status. The overall goal of MDX is to obtain an M/WBE participation of twenty-five percent (25%) for the aggregate of its projects. However, compliance with MDX’s overall goal is not a pre-requisite for bidders or proposers on MDX projects. Please be advised that MDX is in the process of developing a Disadvantaged Business Enterprise (DBE) policy and therefore, the participation requirement for this Project may change during its procurement.

MDX RESERVES THE RIGHT TO REJECT ANY OR ALL STATEMENTS OF QUALIFICATIONS RECEIVED.

**HILLSBOROUGH AREA REGIONAL TRANSIT AUTHORITY**

**REQUEST FOR PROPOSAL**

The Hillsborough Area Regional Transit Authority will be accepting proposals until 2:30 p.m., February 12, 2002, for the furnishing of the following:

General Planning Consultant  
HART RFP #2001-12-02

HART desires firms submitting proposals on this project be qualified by the Florida Department of Transportation. Proposers should have the capability of providing the full spectrum of transit planning services incumbent in serving a major transit system.

Required proposal documents may be obtained after 11:00 a.m., January 11, 2002, at the office of the Hillsborough Area Regional Transit Authority, 4305 East 21st Avenue, Tampa, Florida. Arrangements for pickup of these documents may be made by calling HART’s Purchasing Department, (813)623-5835, Ext. 1148, Monday through Friday, between the hours of 8:00 a.m – 5:00 p.m.

All inquiries pertaining to proposal specifications, or any questions in reference to the proposal documents should be directed to:

Richard T. Bannon  
Purchasing Agent, III  
Phone (813)623-5835, Ext. 1148  
Fax (813)664-1119  
bannonR@hartline.org

**HILLSBOROUGH COUNTY AVIATION AUTHORITY**

**NOTICE TO PROFESSIONAL CONSULTANTS**

The Hillsborough County Aviation Authority hereby requests, pursuant to the Consultants Competitive Negotiation Act, Florida Statutes 287.055, Letters of Interest from Engineering



firms or individuals desiring to render Professional Services for the following project at Tampa International Airport, Tampa, Florida:

APRON AND TAXILANE FOR ENGINE  
RUNUP ENCLOSURE AND RELATED WORK

Services to be furnished shall include, but not be limited to, all engineering design related to civil, environmental, airfield pavement and airfield lighting systems; related surveys; geotechnical and materials testing; assistance during the advertising, bid and award phase; and basic engineering services and resident inspection during construction. A more detailed Scope of Services will be included in the formal Request for Proposals.

Qualified Consultants desiring consideration for this Project must give written notification in the form of a Letter of Interest to:

William J. Connors, Jr.  
Senior Director of Planning and Development  
Hillsborough County Aviation Authority  
Post Office Box 22287  
Tampa, Florida 33622

Interested parties may inquire as to project description, details, and required data submissions, to William J. Connors, Jr., Senior Director of Planning and Development, (813)870-8704. ONLY A LETTER EXPRESSING INTEREST IN RECEIVING THE FORMAL REQUEST FOR PROPOSAL IS REQUIRED AT THIS TIME.

The Letters of Interest (Only) must be received at or before 5:00 p.m. (Local Time), Thursday, January 17, 2002. Subsequent to receiving Letters of Interest, a Request for Proposal will be sent to all respondents and adequate response time set forth in that package.

A MANDATORY Pre-Proposal Conference will then be held on Thursday, January 31, 2002, 10:00 a.m. (Local Time), at the offices of Hillsborough County Aviation Authority located in the Landside Terminal Building, Third Floor, Blue Side at Tampa International Airport. Details of this conference will be included in the Request for Proposals.

HILLSBOROUGH COUNTY AVIATION AUTHORITY

By:           /s/Louis E. Miller          

Louis E. Miller, Executive Director

Section XII  
Miscellaneous

DEPARTMENT OF LEGAL AFFAIRS

NOTICE OF AVAILABILITY  
VOCA Grant Funds

Announcement: The Office of the Attorney General is pleased to announce the availability of Victims of Crime Act (VOCA) grant funds from the U.S. Department of Justice. The purpose

of VOCA grant funds is to support the provision of services to victims of crime. Services are defined as those efforts that respond to the emotional and physical needs of crime victims, assist victims of crime to stabilize their lives after a victimization, assist victims to understand and participate in the criminal justice system and provide victims of crime with a measure of safety and security. Eligibility to apply for VOCA funds is limited to victim assistance programs administered by state or local government agencies or not-for-profit corporations registered in Florida, or a combination thereof. The funding cycle for the VOCA grant funds under this notice is October 1, 2002, through September 30, 2003.

Application and Deadline: The annual competitive grant process involves submission of an application, followed by an evaluation that includes an application review and site visits as determined necessary. To request an application, you may fax or mail the attached form to: Office of the Attorney General, Bureau of Advocacy and Grants Management, The Capitol PL-01, Tallahassee, Florida 32399-1050, Fax (850)487-3013 or Suncom 277-3013. The deadline for applying for a VOCA grant under this notice is no later than 5:00 p.m. (Eastern Standard Time), February 22, 2002. It is anticipated that the Florida VOCA allocation from the Department of Justice for 2002/2003 grant cycle will be less than the allocation for the 2001/2002 grant cycle. Therefore, no application should include funding request in excess of awards received in 2001/2002.

Workshops: Interested parties are encouraged to attend one of the VOCA application workshops scheduled by the Office of the Attorney General at the locations and dates listed below. The purpose of the workshops is to explain the VOCA grant process and to answer questions about the grant application. Registration is necessary due to limited seating. To register, please call (850)414-3380.

Tallahassee  
January 22, 2002, 10:00 a.m.  
Public Service Commission  
4075 Esplanade Way  
Betty Easley Conference Center, Room 166

Pensacola  
January 23, 2002, 10:00 a.m.  
Pensacola Junior College  
418 West Garden Street  
Room 108

Fort Lauderdale (Davie)  
January 30, 2002, 10:00 a.m.  
Davie Police Department  
1230 South Nobhill Road  
Davie, Florida

Tampa  
January 31, 2002, 10:00 a.m.  
Florida Department of Law Enforcement  
4211 North Lois Avenue  
Auditorium A, B & C

Orlando  
February 1, 2002, 10:00 a.m.  
Florida Department of Transportation  
133 Semoran Boulevard  
Lake Apopka Conference Room B

Jacksonville  
February 1, 2002, 10:00 a.m.  
Fraternal Order of Police  
5530 Beach Boulevard  
Thank you for your interest in VOCA funding for victim services programs.  
Attachment

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**DEPARTMENT OF BANKING AND FINANCE**

**NOTICE OF FILINGS**

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following application and/or other notices. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Chapter 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., February 1, 2002):

**APPLICATION TO ACQUIRE CONTROL**

Financial Institution to be Acquired: Wewahitchka State Bank, Wewahitchka, Florida

Proposed Purchaser: South Alabama Bancorporation, Inc., Mobile, Alabama

Received: December 27, 2001

**EXPANDED FIELD OF MEMBERSHIP**

Name and Address of Applicant: Central Florida Postal Credit Union, 301 East Michigan, Orlando, Florida 32806

Expansion Includes: Employees of Lexus-Toyota of Melbourne and Aaron's Sales and Lease Ownership.

Received: December 26, 2001

Name and Address of Applicant: Jax Navy Credit Union, Post Office Box 45085, Jacksonville, Florida 32232

Expansion Includes: Persons who live or work within Duval, Clay, Nassau, Baker and St. Johns Counties; and members of the immediate family of all such persons.

Received: December 28, 2001

Name and Address of Applicant: City County Credit Union of Ft. Lauderdale, 1982 North State Road 7, Margate, Florida 33063

Expansion Includes: Employees of Consumer Credit Counseling, Inc. and Wilson Manifold, Inc.

Received: December 28, 2001

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**DEPARTMENT OF EDUCATION**

**NOTIFICATION OF INTENT – TO OPERATE THE SUMMER FOOD SERVICE PROGRAM FOR CHILDREN**

In accordance with Title 7 Code of Federal Regulations, Part 225, it is the intent of the Florida Department of Education, Food and Nutrition Management Section, to continue to administer the Summer Food Service Program for the fiscal year 2002.

The primary purpose of the program is to provide food service to children from needy areas during periods when area schools are closed for vacation.

Eligible children are those 18 years of age and under, and persons over 18 years of age who are determined by the State educational agency or a local public educational agency of the State to be mentally or physically handicapped and who participate in a public or nonprofit private school program established for the mentally or physically handicapped.

The program will be made available throughout Florida by State approved sponsors. Sponsors for the program may be a public or nonprofit private school, nonprofit private organization, residential or non-residential camp, government organization, or a Nation Youth Sports Program.

For more information please contact: Food and Nutrition Management, Summer Food Service Program for Children, 1(800)504-6609.

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**DEPARTMENT OF COMMUNITY AFFAIRS**

DCA Final Order No.: DCA01-OR-249

In re: A LAND DEVELOPMENT REGULATION  
ADOPTED BY ISLAMORADA, VILLAGE  
OF ISLANDS  
ORDINANCE NO. 01-14

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**FINAL ORDER**

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2000), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. On November 20, 2001, the Department received for review Islamorada, Village of Islands Ordinance No. 01-14 which was adopted by the Village Council (“Ord. 01-14”). Ord. 01-14 adopts the wetland evaluation index established for the Keys under the Advanced Identification of Wetlands Program. It also limits dredging, establishes the types of water dependent uses that can take place, and establishes requirements for buffering development from disturbed and undisturbed wetlands.

2. Ord. 01-14 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

3. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2000).

4. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2000), and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

5. “Land development regulations” include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2000). The regulations adopted by Ord. 01-14 are land development regulations.

6. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the “Principles”). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2000).

7. Ordinance 01-14 promotes and furthers the following Principles:

- (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
- (b) To protect shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
- (c) To limit the adverse impacts of development on the quality of water throughout the Florida Keys.
- (d) To enhance natural scenic resources, promote aesthetic benefits of the natural environment, and ensure that development is compatible with the unique historic character of the Florida Keys.

8. Ordinance 01-14 is not inconsistent with the remaining Principles. Ord. 01-14 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 01-14 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

\_\_\_\_\_  
 CARI ROTH, ACTING DIRECTOR  
 Division of Community Planning  
 Department of Community Affairs  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY’S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT’S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED

REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this \_\_\_ day of December, 2001.

\_\_\_\_\_  
Paula Ford, Agency Clerk

By U.S. Mail:  
Honorable Frank Kulisky, Mayor  
Islamorada, Village of Islands  
Post Office Box 568  
Islamorada, FL 33036

Carol Simpkins, Village Clerk  
Islamorada, Village of Islands  
Post Office Box 568  
Islamorada, FL 33036  
John Herin, Esq.  
Weiss, Serota, Helfman, Pastoriza & Guedes, P.A.  
2665 South Bayshore Drive  
Miami, FL 33133  
By Hand Delivery or Interagency Mail:  
Michael McDaniel, Growth Management Administrator, DCA  
Tallahassee  
Rebecca Jetton, DCA Florida Keys Field Office  
Richard A. Lotspeich, Assistant General Counsel, DCA  
Tallahassee

DCA Final Order No.: DCA01-OR-255

In re: A LAND DEVELOPMENT REGULATION  
ADOPTED BY ISLAMORADA, VILLAGE  
OF ISLANDS  
ORDINANCE NO. 01-16

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2001), approving in part and rejecting in part a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. On November 20, 2001, the Department received for review Islamorada, Village of Islands Ordinance No. 01-16 which was adopted by the Village Council on November 8, 2001 ("Ord. 01-16"). Ord. 01-16 establishes rules of construction, definitions, a development review process, and decision-making and administrative bodies. It also establishes procedures for platting land, reviewing Developments of Regional Impact, conditional uses, an approval process for land development regulations and comprehensive plans, public hearing requirements, site plan review, code compliance, and variance approval procedures.
2. Except for Section 4.1.11(e), Ord. 01-16 is consistent with the Village Comprehensive Plan.
3. Section 4.1.11(e) authorizes the Director of the Department of Planning and Development Services to approve applications for administrative variances of up to twenty-five percent of several requirements of the land development regulations including the requirements for "lot coverage" and "open space." Such administrative variances for "lot coverage" and "open space" have the potential to significantly adversely impact the natural resources of the Florida Keys.

CONCLUSIONS OF LAW

3. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat.

4. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat., and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

5. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. The regulations adopted by Ord. 01-16 are land development regulations.

6. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles"). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat.

7. Ordinance 01-16 promotes and furthers Principle (a): To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

8. Section 4.1.11(e) of Ordinance 01-16 is inconsistent with the following Principles:

(b) To protect shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.

(c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.

(f) To enhance natural scenic resources, promote aesthetic benefits of the natural environment, and ensure that development is compatible with the unique historic character of the Florida Keys.

9. Except for Section 4.1.11(e), Ord. 01-16 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that except for Section 4.1.11(e), Ord. 01-16 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED. Section 4.1.11(e) of Ord. 01-16 is found to be inconsistent with the Principles for Guiding Development, and is hereby REJECTED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

CARI ROTH, ACTING DIRECTOR  
 Division of Community Planning  
 Department of Community Affairs  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this \_\_\_ day of December, 2001.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Frank Kulisky, Mayor  
Islamorada, Village of Islands  
Post Office Box 568  
Islamorada, FL 33036  
Carol Simpkins, Village Clerk  
Islamorada, Village of Islands  
Post Office Box 568  
Islamorada, FL 33036  
John Herin, Esq.  
Weiss, Serota, Helfman, Pastoriza & Guedes, P.A.  
2665 South Bayshore Drive  
Miami, FL 33133

By Hand Delivery or Interagency Mail:

Michael McDaniel, Growth Management Administrator, DCA  
Tallahassee  
Rebecca Jetton, DCA Florida Keys Field Office  
Richard A. Lotspeich, Assistant General Counsel, DCA  
Tallahassee

DCA Final Order No.: DCA01-OR-250

In re: A LAND DEVELOPMENT REGULATION  
ADOPTED BY ISLAMORADA, VILLAGE  
OF ISLANDS  
ORDINANCE NO. 01-17

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2000), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

- 1. On November 20, 2001, the Department received for review Islamorada, Village of Islands Ordinance No. 01-17 which was adopted by the Village Council ("Ord. 01-17"). Ord. 01-17 provides definitions and regulations for light fixtures, height, intensity, and placement of outdoor lights along shorelines and docks.
- 2. Ord. 01-17 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

- 3. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2000).
- 4. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2000), and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
- 5. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2000). The regulations adopted by Ord. 01-17 are land development regulations.
- 6. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles"). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2000).

7. Ordinance 01-17 promotes and furthers the following Principles:

- (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
- (b) To protect shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
- (l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

8. Ordinance 01-17 is not inconsistent with the remaining Principles. Ord. 01-17 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 01-17 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

\_\_\_\_\_  
 CARI ROTH, ACTING DIRECTOR  
 Division of Community Planning  
 Department of Community Affairs  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

**NOTICE OF ADMINISTRATIVE RIGHTS**

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT

WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this \_\_\_ day of December, 2001.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Frank Kulisky, Mayor
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036
Carol Simpkins, Village Clerk
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036
John Herin, Esq.
Weiss, Serota, Helfman, Pastoriza & Guedes, P.A.
2665 South Bayshore Drive
Miami, FL 33133

By Hand Delivery or Interagency Mail:

Michael McDaniel, Growth Management Administrator, DCA Tallahassee
Rebecca Jetton, DCA Florida Keys Field Office
Richard A. Lotspeich, Assistant General Counsel, DCA Tallahassee

DCA Final Order No.: DCA01-OR-251

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY ISLAMORADA, VILLAGE
OF ISLANDS
ORDINANCE NO. 01-18

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2000), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. On November 20, 2001, the Department received for review Islamorada, Village of Islands Ordinance No. 01-18 which was adopted by the Village Council ("Ord. 01-18"). Ord. 01-18 establishes a mechanism for citizens to appeal

decisions made by Village staff, establishes fees for the service, and establishes a time frame in which the appeals must be made. It also provides that an appeal stays all development review proceedings, except for enforcement proceedings, and establishes a process for a public hearing on the matter.

2. Ord. 01-18 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

3. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2000).

4. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2000), and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

5. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2000). The regulations adopted by Ord. 01-18 are land development regulations.

6. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles"). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2000).

7. Ordinance 01-18 promotes and furthers Principle (a): To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

8. Ordinance 01-18 is not inconsistent with the remaining Principles. Ord. 01-18 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 01-18 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

CARI ROTH, ACTING DIRECTOR
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100



NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE

AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this \_\_\_ day of December, 2001.

Paula Ford, Agency Clerk

By U.S. Mail:

- Honorable Frank Kulisky, Mayor
- Islamorada, Village of Islands
- Post Office Box 568
- Islamorada, FL 33036
- Carol Simpkins, Village Clerk
- Islamorada, Village of Islands
- Post Office Box 568
- Islamorada, FL 33036
- John Herin, Esq.
- Weiss, Serota, Helfman, Pastoriza & Guedes, P.A.
- 2665 South Bayshore Drive
- Miami, FL 33133

By Hand Delivery or Interagency Mail:

- Michael McDaniel, Growth Management Administrator, DCA
- Tallahassee
- Rebecca Jetton, DCA Florida Keys Field Office
- Richard A. Lotspeich, Assistant General Counsel, DCA
- Tallahassee

DCA Final Order No.: DCA01-OR-256

In re: MONROE COUNTY  
SMALL SCALE COMPREHENSIVE PLAN  
AMENDMENT ADOPTED BY MONROE COUNTY  
ORDINANCE NO. 037-2001

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 163.3187(1)(c)1.e., §§ 380.05(6) and (11), and §§ 380.0552(9), Fla. Stat. (2001), rejecting Monroe County Ordinance No. 037-2001 as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.

2. On November 13, 2001, the Department received for review Monroe County Ordinance No. 037-2001 which was adopted by the Monroe County Board of County Commissioners ("Ord. 037-2001"). Ord. 037-2001 amends the Future Land Use Map of the Monroe County Comprehensive Plan for a 6.63 acre parcel of property located in Monroe County and described as Part of Government Lot 5, Section 21, Township 67 South, Range 26 East, East Rockland Key. Ord. 37-2001 changes the land use designation for this property from Industrial to Residential High to allow the construction of 86 affordable housing units on Rockland Key.

3. This change of land use designation would allow an increased concentration of housing and population in the Air Installation Compatibility Use Zone of the Key West Naval Air facility. The future construction of residential housing in such close proximity to this facility has a high probability of creating conflicts between the future residents of this housing and the U.S. military due to the noise from the aircraft and the potential for accidents in the take-off and landing of these aircraft.

4. Ord. 037-2001 is inconsistent with the Monroe County Comprehensive Plan (Objective 501.1).

CONCLUSIONS OF LAW

5. The Department is required to approve or reject small scale comprehensive plan amendments that are adopted by any local government in the Florida Keys Area of Critical State Concern. §§ 163.3187(1)(c)1.e., §§ 380.05(6) and (11), and § 380.0552(9), Fla. Stat. (2001).

6. Monroe County is a local government within the Florida Keys Area of Critical State Concern., § 380.0552, Fla. Stat. and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

7. Ord. 37-2001 is a small scale comprehensive plan amendment pursuant to §§ 163.3187(1)(c), Fla. Stat.

8. Pursuant to the provisions of §§ 163.3187(1)(c)1.e., Fla. Stat., all small scale comprehensive plan amendments adopted within an area of critical state concern must be consistent with the Principles for Guiding Development set forth in § 380.0552(7), Fla. Stat. (the "Principles"). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

9. Ord. 037-2001 is inconsistent with the following Principles in §380.0552(7):

(d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.

(h) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:

4. Key West Naval Air Station and other military facilities;

(l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

10. Ord. 037-2001 is not inconsistent with the remaining Principles. However, Ord. 037-2001 is inconsistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 037-2001 is found to be inconsistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby REJECTED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

CARI ROTH, ACTING DIRECTOR  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

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INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

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IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

**CERTIFICATE OF FILING AND SERVICE**

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this \_\_\_ day of December, 2001.

\_\_\_\_\_  
Paula Ford, Agency Clerk

By U.S. Mail:

Honorable George Neugent  
Mayor of Monroe County  
500 Whitehead Street  
Key West, Florida 33040

Danny L. Kolhage  
Clerk to the Board of County Commissioners  
500 Whitehead Street  
Key West, Florida 33040  
Timothy J. McGarry, AICP  
Director, Growth Management Division  
2798 Overseas Highway, Suite 400  
Marathon, Florida 33050

By Hand Delivery or Interagency Mail:

Michael McDaniel, Growth Management Administrator, DCA  
Tallahassee  
Rebecca Jetton, DCA Florida Keys Field Office  
Richard A. Lotspeich, Assistant General Counsel, DCA  
Tallahassee

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

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 of North America, Inc. d/b/a Motorrad of North America, intends to allow the establishment of Baseline Specialist d/b/a Baseline Specialist, as a dealership for the sale of MZ motorcycles, at 8260 S. E. 58th Avenue, Ocala (Marion), Florida 34471, on or after January 1, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Baseline Specialist d/b/a Baseline Specialist are dealer operator: Sebastian Didato, 6828 S. E. 89th Street, Ocala, Florida 34472; principal investor(s): Sebastian Didato, 6828 S. E. 89th Street, Ocala, Florida 34472.

The notice indicates 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: Mr. Ray Campanile, Vice President G/M, MuZ of North America, Inc. d/b/a Motorrad of North America, 771 Fentress Blvd., Unit 22, Daytona Beach, Florida 32114.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to section 320.642, Florida Statutes, Harley-Davidson Motor Company, intends to allow the establishment of Adamec Cycle Sales Co., Inc., as a dealership for the sale of Buell motorcycles, at 10399 Atlantic Blvd., Jacksonville (Duval County), Florida 32225, on or after December 13, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Adamec Cycle Sales Co., Inc. are dealer operator: Mark Adamec, 136 Oceanfront Drive, North, Atlantic Beach, Florida 32233; principal investor(s): Mark Adamec, 136 Oceanfront Drive, North, Atlantic Beach, Florida 32233.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Ms. Carolyn Mijokovic, Regional Dealer Relations Representative, Harley-Davidson Motor Company, Post Office Box 653, Milwaukee, Wisconsin 53201.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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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 of North America, Inc. d/b/a Motorrad of North America, intends to allow the establishment of Solano Cycle, Inc., as a dealership for the sale of MZ motorcycles, at 32 San Marco Avenue, St. Augustine (St. Johns County), Florida 34748, on or after June 29, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Solano Cycle, Inc. are dealer operators: Martin Solanos, 9921 Moorings Drive, Jacksonville, Florida 32257 and Elaine Haines, 3 Geberts Lane, St. Augustine, Florida 32080; principal investor(s): Martin Solanos, 9921 Moorings Drive, Jacksonville, Florida 32257 and Elaine Haines, 3 Geberts Lane, St. Augustine, Florida 32080.

The notice indicates 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: Mr. Ray Campanile, Vice President G/M, MuZ of North America, Inc. d/b/a Motorrad of North America, 771 Fentress Blvd., Unit 22, Daytona Beach, Florida 32114.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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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 Subaru of America, Inc., intends to allow the relocation of Subaru of Jacksonville, Inc., as a dealership for the sale of Subaru vehicles, from its present location at 8505 Atlantic Blvd., Jacksonville, Florida 32211, to a proposed location at 10800 Atlantic Blvd., Jacksonville (Duval), Florida 32211, on or after December 5, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Subaru of Jacksonville, Inc., are dealer operator: Mr. R. Phil Porter, 8505 Atlantic Blvd., Jacksonville, Florida 32211; principal investor: Mr. R. Phil Porter, 8505 Atlantic Blvd., Jacksonville, Florida 32211.

The notice indicates 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: Mr. Eric Swanson, Dealer Development Operations Manager, Subaru of America, Inc., 220 The Bluffs, Austell, Georgia 30168.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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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 of North America, Inc. d/b/a Motorrad of North America, intends to allow the establishment of The Turning Wheel Sports Center d/b/a The Turning Wheel Sports Center, as a dealership for the sale of MZ motorcycles, at 1503 East Main Street, Leesburg (Lake County), Florida 34748, on or after November 30, 2001.

The name and address of the dealer operator(s) and principal investor(s) of The Turning Wheel Sports Center d/b/a The Turning Wheel Sports Center are dealer operators: Almond Alonso, 36007 Lake Unity Nursery Road, Fruitland Park, Florida 34731 and Frank Alonso, 103 Caminio Reel, Hawey, Florida 34737; principal investor(s): Almond Alonso, 36007 Lake Unity Nursery Road, Fruitland Park, Florida 34731 and Frank Alonso, 103 Caminio Reel, Hawey, Florida 34737.

The notice indicates 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: Mr. Ray Campanile, Vice President G/M, MuZ of North America, Inc. d/b/a Motorrad of North America, 771 Fentress Blvd., Unit 22, Daytona Beach, Florida 32114.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**NOTICE OF GRANT APPLICATION  
SUBMISSION PERIOD AND DEADLINE**

The Department of Environmental Protection announces its Land and Water Conservation Fund grant program submission period from February 11, 2002, through March 12, 2002. Interested parties may contact Collier Clark, (850)488-7896. The full text of this notice is published on the Internet at the Department's home page at <http://www.dep.state.fl.us> under the link or button entitled "Official Notices."

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**DEPARTMENT OF HEALTH**

On December 26, 2001, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Pamela Tinsley Warren Gobeli, R.N. Gobeli holds license number RN 1261682. Gobeli's last known address is 900 Scenic Highway, Pensacola, Florida 32503. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On December 21, 2001, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Linda Langohr Koppelman, R.N. Koppelman holds license number RN 521142. Koppelman last known address is 1405 26th Ave., Vero Beach, Florida 32960. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On December 19, 2001, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Colleen Crozier, R.N. Crozier holds license number RN 3387742. Crozier's last known address is 10210 Miracle Lane, New Port, Florida 34654. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN December 24, 2001  
 and December 28, 2001

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

5F-11.060	12/26/01	1/15/02	27/35	27/47
5F-11.061	12/26/01	1/15/02	27/35	27/47
5F-11.062	12/26/01	1/15/02	27/35	27/47
5F-11.063	12/26/01	1/15/02	27/35	27/47
5F-11.064	12/26/01	1/15/02	27/35	27/47
5F-11.065	12/26/01	1/15/02	27/35	27/47

**DEPARTMENT OF TRANSPORTATION**

14-49.003	12/26/01	1/15/02	27/43
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**DEPARTMENT OF CORRECTIONS**

33-601.233	12/28/01	1/17/02	27/45
33-601.234	12/28/01	1/17/02	27/45
33-601.236	12/28/01	1/17/02	27/45
33-601.237	12/28/01	1/17/02	27/45

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
33-601.238	12/28/01	1/17/02	27/45	
33-601.239	12/28/01	1/17/02	27/45	
33-601.241	12/28/01	1/17/02	27/45	
33-601.242	12/28/01	1/17/02	27/45	
33-601.243	12/28/01	1/17/02	27/45	

**DEPARTMENT OF LOTTERY**

53ER01-78	12/28/01	12/28/01		
53ER01-79	12/28/01	12/28/01		
53ER01-80	12/26/01	12/26/01		
53ER01-83	12/26/01	12/26/01		
53ER01-84	12/26/01	12/26/01		

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

61J2-10.032	12/28/01	1/17/02	27/34
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**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

64B15-6.0038	12/28/01	1/17/02	27/46
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