

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

STATE BOARD OF ADMINISTRATION

RULE TITLE: Investment Policy Statement
RULE NO.: 19-9.001

PURPOSE AND EFFECT: To discuss proposed amendments to the Investment Policy Statement for the Public Employee Optional Retirement Program.

SUBJECT AREA TO BE ADDRESSED: Investment products; non-investment products; investment product providers and managers; manager selection and monitoring guidelines; and performance measurement criteria for the Investment Policy Statement required by Section 121.4501(14), Florida Statutes.

SPECIFIC AUTHORITY: 121.4501(8) FS.

LAW IMPLEMENTED: 121.4501(8)-(15) FS.

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

TIME AND DATE: 2:00 p.m. – 4:30 p.m., Tuesday, March 12, 2002

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is requested to contact Ms. Lazar at least 5 calendar days before the workshop.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Cindy Gokel, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1199

Copies of the proposed amended rule may be obtained from: Joan Lazar, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1492.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE FOR DISTRIBUTION ON FEBRUARY 18, 2002.

STATE BOARD OF ADMINISTRATION

RULE TITLE: Asset Transfer Procedures: Initial Transfers
RULE NO.: 19-10.001
 Occurring between 7/1/02 and 3/31/03

PURPOSE AND EFFECT: To discuss amendments to the initial asset transfer procedures and the enrollment form required to implement the Public Employee Optional Retirement Program.

SUBJECT AREA TO BE ADDRESSED: The enrollment form and the transfer procedures and the roles of the third party administrator; the employers; the employers; the investment product providers and managers; the Division of Retirement; and the State Board of Administration.

SPECIFIC AUTHORITY: 121.4501(3)(c)4.,(8)(a) FS.

LAW IMPLEMENTED: 121.4501(2)-(8),(15), 121.571(1),(2), 215.44(8)(b) FS.

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

TIME AND DATE: 9:00 a.m. – 11:30 a.m., Tuesday, March 12, 2002

PLACE: Room 116, Hermitage Conference Room, 1801 Hermitage Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is requested to contact Ms. Lazar at least 5 calendar days before the workshop.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Gokel, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1199

Copies of the proposed amended rule may be obtained from: Joan Lazar, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1492.

THE PRELIMINARY DRAFT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE FOR DISTRIBUTION ON FEBRUARY 18, 2002.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Telephone Use
RULE NO.: 33-602.205

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise current telephone procedures in order to provide for the use of a proposed new telephone system, to provide correct titles for staff with responsibilities related to inmate telephones, and to clarify terms used in conjunction with provision of inmate telephone services.

SUBJECT AREA TO BE ADDRESSED: Inmate telephone use.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE 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:

33-602.205 Inmate Telephone Use.

(1) No change.

(2) Inmate telephone procedures will be conducted as follows:

(a) No change.

(b) The reception center classification staff shall compile the inmate calling list through use of Form DC6-223, in conjunction with the acquisition of the inmate visiting list. Form DC6-223 shall become part of the inmate's permanent file and shall accompany the inmate with each subsequent transfer. Form DC6-223 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, FL 32399-2500. ~~If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope.~~ The effective date of this form is 2-7-00.

(c) An inmate shall be allowed to change his or her telephone list once every six months. Changes can be made more frequently for the following reasons only:

1. No change.

2. The inmate has married and wishes to add the name and telephone number of the spouse. The inmate shall be responsible for providing documentation of the marriage before the list will be amended.

3. An inmate shall be allowed to update his or her telephone list when there is a change in telephone providers, an installation of updated equipment or software, or a repair to the equipment, if the department determines that an update of the telephone list would be more efficient in completing the change, installation, or repair.

(d) No change.

(e) Except for calls to attorneys as provided in (3)(a), or calls during family crisis as provided in (4), calls shall be limited to 15 ~~40~~ minutes. Calls to attorneys as provided in (3)(a) and calls in time of family crisis as provided in (4) shall be limited to the amount of time reasonably necessary to accomplish the purpose of the call.

(f) No change.

(g) All calls from the monitored telephones shall be collect and shall contain a prompt which clearly identifies the call as coming from a Florida Department of Corrections institution.

1. No change.

2. The prompt shall clearly identify the caller on a prerecorded message ~~one~~ which is input at the time of the inmate's first call.

3. No change.

4. The system will detect conference calls or three-way calling activity and terminate the call when such activity is detected.

(h) through (i) No change.

(j) Wardens are authorized to designate additional staff who will be responsible for monitoring telephone calls and reviewing records and recordings ~~recorded tapes~~ of monitored calls.

(k) Records and ~~Tape~~ recordings of monitored calls shall be kept in an area where staff access is controlled. Records and recordings ~~tapes~~ of monitored calls shall be retained for a minimum of one year. Access to ~~tapes and~~ records and recordings shall be limited to the following persons:

1. No change.

2. Director of Institutions ~~Assistant Secretary for the Office of Security and Institutional Operations~~ or her or his designee;

3. through 6. No change.

(l) The department's contract manager for operations and ~~Wardens~~ shall ensure that the system is checked periodically to assess the integrity of all components of the system. If the notification system is not functioning properly, monitoring of the telephone calls shall immediately cease until the problem is corrected.

(3) Calls to attorneys.

(a) Inmates shall be allowed to make private telephone calls to attorneys upon presentation to the warden or his designee of evidence that the call is necessary. Such evidence shall be a letter from the attorney (transmission by FAX is acceptable) requesting the return call or a court order containing a deadline the inmate cannot meet if he must communicate by letter with the attorney. Except as authorized by warrant or order of court, telephone calls to attorneys made pursuant to this section shall not be monitored or electronically recorded. These calls will be placed on telephones designated for this purpose and shall be collect calls; there shall be at least one telephone at each institution that is not connected to the monitoring system for these calls.

(b) If an inmate requests to place his or her attorney's telephone number on his or her calling list, the attorney must provide written acknowledgment of the telephone procedures by completing Form DC6-214, Inclusion of Attorney on Inmate Telephone List and indicating that he or she understands that there are options available for private calls. The requesting inmate will be responsible for notifying the attorney and arranging for the correspondence to the institution. There will be no special provisions for these calls. They will be placed on regular inmate telephones, will be collect, subject to monitoring and recording, and limited to 15 ~~40~~ minutes. If the inmate and the attorney want to have non-monitored conversations, the procedures in (3)(a) must be followed. Form DC6-214, Inclusion of Attorney on Inmate

Telephone List, is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(4) No change.

(5) Telephone privileges for inmates in Administrative or Disciplinary Confinement shall be in accordance with Rules 33-602.220 (Administrative Confinement) and 33-602.222 (Disciplinary Confinement) are not allowed telephone privileges except in cases of emergency or when necessary to insure the inmate's access to attorneys or courts, provided that in Disciplinary Confinement privileges will only be allowed when alternative means of access are not feasible.

(6) No change.

(7) All long distance calls shall be "collect" calls except:

(a) No change.

(b) Calls to courts when the inmate is required to participate in a telephone conference hearing. Institutional staff shall place a direct call to the court, using the most efficient and economical means available. If the department is involved as a party, the inmate's account shall not be charged for the cost of such call, unless it can be demonstrated that the hearing was scheduled at the inmate's request. In all other circumstances, the inmate's account shall be charged in full for such cost. The charge shall be based on the current SUNCOM telephone rate for State telephone calls.

(c) No change.

(8) through (13) No change.

(14) Prison Tips Hotline.

(a) A toll-free number will be available for dialing from any telephone designated for inmate use to report suspected criminal activity or crimes that occur inside or outside the institution.

(b) The inmate will not have to enter his or her personal identification number (PIN) to access the prison tips hotline.

(c) Calls to the prison tips hotline will be limited to two minutes and will be recorded and retained for 30 days.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 11-19-81, Formerly 33-3.125, Amended 11-21-86, 1-6-92, 3-24-97, 7-22-97, 12-21-98, Formerly 33-3.0125, Amended 2-7-00, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE TITLE: Florida Principles and Practices
 RULE NO.: 61G19-6.0085
 PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the Florida laws and rules examination.
 SUBJECT AREA TO BE ADDRESSED: Laws and rules examination.

SPECIFIC AUTHORITY: 468.606 FS.

LAW IMPLEMENTED: 120.60, 468.609(8) FS.

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

TIME AND DATE: 12:00 Noon or as soon thereafter as can be heard, March 8, 2002

PLACE: Signature Grand Hotel, 6900 State Road 84, Davie, Florida 33317

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE TITLE: Continuing Education for Biennial Renewal
 RULE NO.: 61G19-9.001
 PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the Florida laws and rules for the purpose of continuing education.
 SUBJECT AREA TO BE ADDRESSED: Laws and rules for continuing education.

SPECIFIC AUTHORITY: 455.2124, 468.606, 468.627 FS.

LAW IMPLEMENTED: 455.2124, 468.627 FS.

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

TIME AND DATE: 12:00 Noon or as soon thereafter as can be heard, March 8, 2002

PLACE: Signature Grand Hotel, 6900 State Road 84, Davie, Florida 33317

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Standards of Practice for Dispensing
 Controlled Substances
 RULE NO.: 64B16-27.831
 PURPOSE AND EFFECT: The Board proposes to promulgate a rule to address the standards of practice for dispensing controlled substances.

SUBJECT AREA TO BE ADDRESSED: Standards of practice for dispensing controlled substances.

SPECIFIC AUTHORITY: 465.005, 465.0155, 465.0276, 465.035, 465.186, 465.016 FS.

LAW IMPLEMENTED: 465.0155, 465.016 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Minor Violations RULE NO.: 64B16-30.002

PURPOSE AND EFFECT: The Board proposes to discuss this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Minor violations.

SPECIFIC AUTHORITY: 456.073(3), 465.005 FS.

LAW IMPLEMENTED: 456.073(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Citations RULE NO.: 64B16-30.003

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

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.073, 456.077, 465.005 FS.

LAW IMPLEMENTED: 456.077 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: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS.

64B16-30.003 Citations.

(1) through (2) No change.

(3) The following violations with accompanying fines may be disposed of by citation:

(a) through (g) No change.

(h) Using in the compounding of a prescription, or furnishing upon prescription, an ingredient or article different in any manner from the ingredient or article prescribed, except as authorized in §465.019(6) or §465.025; or dispensing a medication with dosage instructions different in any way than prescribed, provided that:

1. The patient did not ingest the article or ingredient, or in the event that the article or ingredient was ingested, no allegation of harm or ill effects is present;

2. The licensee has no prior disciplinary history; and

3. The event did not result in or pose a significant threat to the health and safety of the patient or the public.

The penalty shall be a fine of \$500 and completion of an approved continuing education course in the prevention of medication dispensing errors.

(4) through (5) No change.

Specific Authority 456.077, 456.073, 465.005 FS. Law Implemented 456.077 FS. History--New 12-22-91, Formerly 21S-30.003, 61F10-30.003, 59X-30.003, Amended 4-3-00, 1-2-02,_____.

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLE: Applicant Administrative Appeal Process RULE NO.: 67-21.0035

PURPOSE AND EFFECT: The purpose of this Rule is to outline the procedures by which the Corporation handles appeals from applicants regarding the scoring of applications.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to Rule 67-21.0035, F.A.C.

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.502, 420.507, 420.508, 420.5087, 420.5089, 420.5099 FS.

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

TIME AND DATE: 9:30 a.m., March 8, 2002
 PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor, Seltzer Room, Tallahassee, Florida 32301-1329

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Laurie Camp at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Amy Harrison or Rachael Harris, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

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

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLE: Applicant Administrative Appeal Procedures
 RULE NO.: 67-48.005

PURPOSE AND EFFECT: The purpose of this Rule is to outline the procedures by which the Corporation handles appeals from applicants regarding the scoring of applications.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to Rule 67-48.005, F.A.C.

SPECIFIC AUTHORITY: 420.507 FS.
 LAW IMPLEMENTED: 420.502, 420.507, 420.508, 420.5087, 420.5089, 420.5099 FS.

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

TIME AND DATE: 9:30 a.m., March 8, 2002
 PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor, Seltzer Room, Tallahassee, Florida 32301-1329

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Laurie Camp at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Amy Harrison or Rachael Harris, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

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

FLORIDA HOUSING FINANCE CORPORATION

RULE CHAPTER TITLE	RULE CHAPTER NO.:
Homeownership Construction	
Loan Program	67-50

RULE TITLES:	RULE NOS.:
PART I ADMINISTRATION	

Purpose and Intent	67-50.001
Definitions	67-50.005
Fees	67-50.010
Notice of Funding Availability (“NOFA”)	67-50.020
General Program Restrictions	67-50.030
Application and Selection Procedures for Developments	67-50.040
Administrative Appeal Procedures	67-50.050
Credit Underwriting Procedures and Loan Origination	67-50.060
Disbursement of Funds, Draw Requests, and Loan Servicing	67-50.070
Compliance and Monitoring	67-50.080

PART II HOMEOWNERSHIP ASSISTANCE PROGRAM

HAP Program Restrictions	67-50.090
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PART III HOME INVESTMENT PARTNERSHIP PROGRAM

HOME Program Restrictions	67-50.100
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PURPOSE AND EFFECT: The purpose of this rule chapter is to establish the procedures by which the Corporation shall:

- (1) Administer the Application process, determine loan amounts, and make and service mortgage loans for new construction of housing under the Florida Homeownership Assistance Program (HAP)/Construction Loan Program, authorized by Sections 420.507 and 420.5088, Florida Statutes (F.S.); and
- (2) Administer the Application process, determine loan amounts, and make and service mortgage loans for new construction of housing under the HOME Investment Partnerships (HOME) Homeownership Construction Loan Program, authorized by Section 420.5089, F.S.

The adoption of this rule chapter will increase the efficiency and effectiveness of Program service and will provide greater clarification of the Program.

SUBJECT AREA TO BE ADDRESSED: The Rule Development Workshop will be held to receive comments and suggestions from interested persons relative to program requirements as specified in Rule Chapter 67-50, Florida Administrative Code.

SPECIFIC AUTHORITY: 420.507, 420.5088, 420.5089 FS.
 LAW IMPLEMENTED: 420.507(23), 420.5088, 420.5089(2) FS.

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

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

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

Any person requiring special accommodation at this hearing because of a disability or physical impairment should contact Laurie Camp at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system, which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bridget E. Warring, HAP Construction Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Stone Crabs

RULE TITLE: Stone Crab Trap Limitation Program

RULE NO.: 68B-13.010

PURPOSE AND EFFECT: The purpose of this rule development effort is to make clarifying and technical changes to the ongoing program stone crab management program. The most substantial changes are to increase the number of additional stone crab trap certificates that can be allocated by the Trap Certificate Advisory and Appeals Board and extend the board's life for an additional year to deal with problems associated with the fishery, when trap tags begin to be used in October of this year. The effect of these changes will be minimal to participants in the fishery, as the board's work will continue.

SUBJECT AREA TO BE ADDRESSED: Stone crabs.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.
IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Cindy Hoffman, ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-13.010 Stone Crab Trap Limitation Program.

(1) through (4) No change.

(5) INCIDENTAL TAKE ENDORSEMENT. Persons possessing valid crawfish or blue crab endorsements may land and sell 5 gallons of stone crab claws per day if the stone crab claws are harvested from legal crawfish or blue crab traps and the crawfish or blue crab endorsement holder also possesses a valid stone crab incidental take endorsement. Application for an incidental take endorsement shall be on Commission Form DMF-SL2800 (07-01) (Application for a Stone Crab Incidental Take Endorsement (I#)), incorporated herein by reference.

(6) No change.

(7) TRAP CERTIFICATE ADVISORY AND APPEALS BOARD. There is hereby established the Trap Certificate Advisory and Appeals Board. Such board shall consider and advise the Commission on disputes and other problems arising from the implementation of the stone crab trap limitation program. The board may also provide information to the Commission on the operation of the trap limitation program.

(a)1. Board Composition. The board shall consist of a member of the Commission staff appointed by the executive director, and eight members appointed by the executive director according to the following criteria, except as otherwise provided in subparagraph 2.:

a. All appointed members other than the commission staff person, shall be stone crab trap certificate holders, none of whom are appealing their trap certificate allotment. Two shall hold fewer than 200 certificates, two shall hold at least 200 but no more than 750 certificates, two shall hold more than 750 but not more than 2,000 certificates, and two shall hold more than 2,000 certificates.

b. At least one member shall come from each of the following regions:

(I) Wakulla, Taylor, Dixie, or Levy Counties;

(II) Citrus, Hernando, Pasco, Pinellas, or Hillsborough Counties; and

(III) Manatee, Sarasota, Charlotte, or Lee Counties.

c. The remaining five members of the board shall come from Collier, Monroe and Dade Counties.

~~d. At least one appointed member shall be a person of Hispanic origin capable of speaking conversational English and Spanish.~~

2. If there are not enough individuals that meet the above-referenced criteria, the executive director of the Commission may fill any position on the initial board with an individual who does not fulfill the requirements of subparagraph 1. However, as soon as individuals are available that meet the requirements of subparagraph 1, the executive director must replace any individual who does not meet the above-referenced criteria, and fill the position on the board with the qualified appointees. The executive director of the commission shall replace any board member who is cited for and convicted of a violation of Chapter 68B-13, F.A.C., or who misses more than two scheduled meetings of the board without approval from the board chair with another stone crab fisherman from any region.

3. Stone crab endorsement holders wanting to be considered for appointment to the Trap Certificate Technical Advisory and Appeals Board shall make their request on Commission form DMF-SL3080 (07-01) (Application for Stone Crab Trap Certificate Technical Advisory and Appeals Board), incorporated herein by reference.

(b) Meetings. The staff member of the Commission appointed by the executive director shall sit on the board as a voting member, and shall call the organizational meeting of the board. The board shall annually elect a chair and a vice chair. There shall be no limitation on successive terms that may be served by a chair or vice chair. The board shall meet at the call of its chair, at the request of a majority of its membership, at the request of the Commission, or at such times as may be prescribed by its procedural rules. Official action of the board shall require a majority vote of the total membership of the board present at the meeting.

(c) Expenses. Members of the board shall receive no compensation, however, they shall be reimbursed for per diem and travel expenses as provided in s. 112.061, Florida Statutes.

(d) Final Action. Upon reaching a decision on any dispute or problem brought before it, including any decision involving the initial allocation of certificates under paragraph (f), the board shall submit such decision as a recommendation to the executive director of the Commission. The executive director may accept, alter, or disapprove any decision of the board, with notice given in writing to the board and to each party in the dispute explaining the reasons for the alteration or the disapproval. The action of the executive director of the Commission constitutes final agency action, and is appealable pursuant to the requirements of Chapter 120, Florida Statutes.

(e) Board Authority. In addition to those certificates allotted pursuant to the initial eligibility provisions established in paragraph (2)(a), up to 180,000 ~~100,000~~ trap certificates may be allotted by the board to make recommendations on allocations to settle disputes or other problems arising from implementation of the trap limitation program, and for special circumstances.

1. Disputes arising from the implementation of the trap limitation program shall cover those problems arising from implementation of the program during the 2000-2001 and 2001-2002 fishing seasons.

2. Special circumstances shall include but are not limited to the following:

a. Fishermen who can demonstrate that they were affected by Chapter 73-432, Laws of Florida (1973), which limited fishermen in Citrus, Dixie, Levy, and Taylor Counties to 600 stone crab traps per boat.

b. Persons who had landings, but did not record any traps on their saltwater products license application during the qualifying years and therefore did not receive an initial trap certificate allocation.

c. Persons who can demonstrate through copies of trip tickets, legitimate sales to a licensed wholesale dealer which were not reported by the dealer or included in the agency landings database.

d. Persons who worked together on the same boat but operated as separate business entities, each with their own SPL and stone crab endorsement, but who reported their landings or who had their landings reported on a single SPL. Under such circumstances the boards may divide the number of certificates allotted between the two people; however, each person must agree to the division prescribed by the board.

e. Persons displaced by Article X, Section 16, of the Florida Constitution who do not otherwise qualify for the stone crab limited entry program and who can demonstrate through landings that their net fishing occurred from Wakulla through Monroe Counties. Such persons shall qualify for 100 trap certificates if they can demonstrate that they:

(I) Sold nets to the state according to the provisions of the net buy back program, s. 370.0805(5), Florida Statutes;

(II) Invested money in the stone crab fishery by the 1999/2000 fishing season;

(III) Produced at least 300 pounds of claws since July 1, 1995; and

(IV) Have no record of net violations since July 1, 1995.

3. Any trap certificates not allotted by July 1, 2002, shall become permanently unavailable.

4. All appeals for additional certificates or other disputes must be filed with the board, on a form established by the commission, before October 1, 2001.

(f) In determining eligibility and initial allotment of traps for the trap reduction program, when a fisherman disagrees with commission records regarding the number of traps fished by the fisherman during a particular qualifying year, the burden of proof shall be on the fisherman to establish the number of traps fished, through trip tickets or copies of his or her SPL applications.

(g) Dissolution. On July 1, 2003 ~~2002~~, the board shall be dissolved.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 7-1-00, Amended 7-22-01, _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Snook

RULE TITLES:

Definitions

RULE NOS.:

68B-21.0015

Prohibition of Sale of Snook

68B-21.003

Snook Culture and Sale for Use in Private

Ponds or Aquariums 68B-21.008

PURPOSE AND EFFECT: The purpose of this rule development effort is to implement the provisions of Section 370.027, Florida Statutes, “to allow persons possessing a valid aquaculture certificate of registration to sell and transport live snook produced in private ponds or private hatcheries as brood stock, to stock private ponds, or for aquarium display” consistent with comparable provisions made for freshwater game fish. The effect of this effort will be to regulate the aquaculture of snook consistent with the stringent management plan for the species currently effective in the state.

SUBJECT AREA TO BE ADDRESSED: Snook Aquaculture and Sale.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Cindy Hoffman, ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-21.0015 Definitions.

(1) “Atlantic Region” means all or part of counties encompassed by the St. Johns Water Management District, and the South Florida Water Management District, except Charlotte County, Collier County, Glades County, Hendry County, Highlands County, Lee County, and Monroe County.

(2) “Certified aquaculture facility” when used in conjunction with the culture of snook, means any aquaculture systems constructed and maintained in accordance with Aquaculture Best Management Practices, Rule 5L-3.004, F.A.C., that do not directly discharge production unit water to surface waters of the state.

(3) “Gulf Region” means Charlotte County, Collier County, Glades County, Hendry County, Highlands County, Lee County, Monroe County and all or part of counties encompassed by the Southwest Florida Water Management District, the Suwannee River Water Management District, and the Northwest Florida Water Management District.

(4)(+) “Harvest” means the catching or taking of a fish by any means whatsoever, followed by a reduction of such fish to possession. Fish that are caught but immediately returned to the water free, alive, and unharmed are not harvested. In addition, temporary possession of a fish for the purpose of measuring it to determine compliance with the minimum size requirement of this chapter shall not construe harvesting such fish, provided that it is measured immediately after taking, and immediately returned to the water free, alive, and unharmed if undersize.

(5)(-) “Snook” means unless the context requires otherwise, any fish of the genus *Centropomus*, or any part thereof.

(6) “Snook Special Activity License” or “SSAL” is a permit that allows certified aquaculture facilities to collect, possess, and transport regional wild broodstock and possess, transport, and sell cultured broodstock progeny. A SSAL also allows certified aquaculture facilities, regional private pond owners, fully contained aquariums, and other fully contained exhibitional display facilities that are open to the public to possess broodstock progeny purchased from certified aquaculture facilities.

(7)(-) “Spearing” means the catching or taking of a fish by bow hunting, gigging, spearfishing, or by any device used to capture a fish by piercing the body. Spearing does not include the catching or taking of a fish by a hook with hook and line gear or by snagging (snatch hooking).

(8) “State waters of the Atlantic Ocean” means all waters of the state in the Atlantic Region, including all state waters of the Atlantic Ocean and all inland waters of the region, including all waters of Lake Okeechobee and the Kissimmee River.

(9) “State waters of the Gulf of Mexico” means all waters of the state in the Gulf Region, including all state waters of the Gulf of Mexico and all inland waters of the region, excluding all waters of Lake Okeechobee and the Kissimmee River.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-9-87, Amended 1-1-98, Formerly 46-21.0015, Amended _____.

68B-21.003 Prohibition of Sale of Snook.

(1) It is unlawful for any person, firm or corporation to buy, sell, trade, barter or exchange snook in any form or manner, or to receive anything of value for any snook with or without changing possession thereof, except as provided in Rule 68B-21.008, F.A.C.

(2) it is unlawful for any wholesale or retail seafood dealer or restaurant to possess, buy, sell or store any snook or part thereof, or permit any snook or part thereof to be possessed, bought, sold or stored on, in, or about the premises or vehicles where such wholesale or retail seafood business or restaurant is carried on or conducted; provided, however, that snook which have been lawfully harvested, or parts thereof, may be kept on the premises of a restaurant for the limited purpose of preparing such snook for consumption by the angler who harvested them, so long as such snook or parts thereof are packaged or on strings with tags bearing the name and address of the owner clearly written thereon.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-23-85, Formerly 46-21.003, Amended _____.

68B-21.008 Snook Culture and Sale for Use in Private Ponds or Aquariums.

(1) SNOOK SPECIAL ACTIVITY LICENSE (SSAL) – The Fish and Wildlife Conservation Commission intends to issue SSALs to valid aquaculture certificate holders collecting and possessing wild broodstock for purposes of snook aquaculture, and possessing, transporting, and selling broodstock progeny. The Commission also intends to issue SSALs to owners of certified aquaculture facilities, regional private ponds, fully contained aquariums, and other fully contained exhibitional facilities that are open to the public and purchase aquacultured broodstock progeny from certified aquaculture facilities. Certified aquaculture facilities possessing SSALs for the purposes of possessing, transporting, and selling live broodstock progeny to owners of other certified aquaculture facilities, regional private ponds, fully contained aquariums, and other fully contained exhibitional facilities open to the public, shall meet each of the following criteria:

(a) The applicant must possess a valid aquaculture certificate of registration issued by the Department of Agriculture and Consumer Services, pursuant to Section 597.04, Florida Statutes.

(b) The applicant must own a certified aquaculture facility that is constructed and maintained in accordance with Aquaculture Best Management Practices, Rule 5L-3.004, F.A.C., and that does not directly discharge production unit water to surface waters of the state.

(c) The applicant must complete and submit a SSAL application provided by the FWC (DMF Form – DMF SSAL 03) that includes information showing the location of the facility within either the Gulf or Atlantic Region, the number

of specimens to be collected, the area of collection, the gear used for harvest, the time period of harvest, a description of the facility, and information indicating the training and experience of the applicant to successfully engage in snook aquaculture. Proof of DACS aquaculture certification must also be submitted with a completed SSAL application.

(d) No applicant shall receive a SSAL who, in the previous three years, has been charged with violating any provision of Titles 68A through 68E, F.A.C., Chapter 370, Florida Statutes, or Chapter 372, Florida Statutes, and who has received a judicial disposition other than acquittal or dismissal on such charges.

(e) The applicant agrees to all conditions specified in Rule 68E-3.004, F.A.C.

(2) SALE OF SNOOK PRODUCED AT AQUACULTURE FACILITIES – Persons culturing snook pursuant to a SSAL shall sell broodstock progeny of any size only to owners of other certified aquaculture facilities, regional private ponds, fully contained aquariums, and other exhibitional display facilities, provided that the following criteria and conditions are met:

(a) Certified aquaculture facilities, regional private ponds, fully contained aquariums, and other fully contained exhibitional facilities that purchase snook broodstock progeny from a certified aquaculture facility must be located within the state of Florida and within the same region as that facility.

(b) Certified aquaculture facilities, regional private ponds, fully contained aquariums, and other fully contained exhibitional facilities that possess snook broodstock progeny purchased from a certified aquaculture facilities shall possess a valid SSAL issued for that purpose. A SSAL will only be issued for private ponds that do not discharge water to surface waters of the state and that are located or designed so that the minimum control elevation is at least one-foot above the 100-year flood elevation.

(c) The holder of a SSAL issued for purposes of possessing, collecting, transporting, and selling live broodstock progeny produced in certified aquaculture facilities shall provide information from the FWC to each purchaser of snook, stating that the intentional release of snook into the wild is prohibited, and once delivered, those snook cannot be sold. Any snook removed from the private property, fully contained aquarium, or other fully contained exhibitional facility must conform to regional size limits, bag limits, and seasonal closures.

(d) The holder of a SSAL issued for purposes of possessing, collecting, transporting, and selling live broodstock progeny produced in certified aquaculture facilities shall provide a bill of sale or other documentary evidence to each purchaser of snook and shall maintain records of such sales. The bill of sale or other documentary evidence should include the name, address, and aquaculture certificate number of the certified aquaculture facility, the name and address of the

person purchasing the snook, the date of purchase, the quantity of snook purchased, and the exact location where the snook are being stocked.

(3) PAY-TO-FISH PONDS – Owners of private ponds that are stocked with snook from certified aquaculture facilities may charge a fee to harvest snook in such ponds, provided:

(a) Snook are not sold on a per-pound or per-fish basis.

(b) Snook removed from the private property on which the pay-to-fish pond is located conform to regional size limits, bag limits, and closed seasons, as follows:

1. In the Atlantic Region, snook removed from the private property on which a pay-to-fish pond is located are subject to size limits, bag limits, possession limits, and closed seasons specified in paragraphs 68B-21.004(1)(a)-(b), Rule 68B-21.005, and subsection 68B-21.006(1), F.A.C.

2. In the Gulf Region, snook removed from the private property on which a pay-to-fish pond is located are subject to size limits, bag limits, possession limits, and closed seasons specified in paragraphs 68B-21.004(1)(a) and (c), Rule 68B-21.005, and subsection 68B-21.006(2), F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Spiny Lobster (Crawfish) and Slipper Lobster

RULE TITLE: Importation of Spiny Lobster; Documentation and Other Requirements

RULE NO.: 68B-24.0045

PURPOSE AND EFFECT: The purpose of this rule development effort is to allow for the properly controlled importation of spiny lobster from foreign countries and sale, during the closed season, for the species in Florida. Documentation will be required to accompany the product, which must also meet minimum sizes and not violate egg-bearing prohibitions. The effect of this effort should be to encourage commerce in this economically valuable commodity, while still protecting Florida’s lucrative spiny lobster resource.

SUBJECT AREA TO BE ADDRESSED: Spiny Lobster Importation During the Closed Season.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 5 calendar days before the workshop/meeting by contacting Cindy Hoffman, ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-24.0045 Importation of Spiny Lobster ~~During Open Season~~; Documentation and Other Requirements.

(1) Documentation Requirements During Open Season – During the open season specified in Rule 68B-24.005(1), F.A.C., a person may possess wrung spiny lobster tails or possess spiny lobster in excess of the bag limit specified in Rule 68B-24.004(1), F.A.C., while on state waters, if such person is also in possession of appropriate receipt(s), bill(s) of sale, or bill(s) of lading to show that the spiny lobster were purchased in a foreign country and are entering the state in international commerce. Failure to maintain such documentation or to promptly produce same at the request of any duly authorized law enforcement officer shall constitute violation of this rule.

(2) Sale of Imported Spiny Lobster During the Closed Season, Documentation – Notwithstanding the provisions of Section 370.14(7)-(9), Florida Statutes, spiny lobster tails or whole spiny lobsters that have been imported into Florida from a foreign country may be sold during the closed harvesting season of April 1 through August 5 of each year, if such spiny lobster are accompanied with the appropriate receipts(s), bill(s) of sale, or bill(s) of lading to show that the spiny lobster were harvested and purchased in a foreign country and are entering the state in international commerce. Such documentation shall accompany the lobster through retail or restaurant sale. Failure to maintain such documentation or to promptly produce same at the request of any duly authorized law enforcement officer shall constitute violation of this rule.

(3) Each spiny lobster imported pursuant to this rule shall comply with the minimum size requirements specified in Rule 68B-24.003(1), F.A.C., and the prohibitions relating to eggbearing spiny lobster specified in subsection 68B-24.007(1), F.A.C.

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History–New 7-2-90, Amended 10-4-95, Formerly 46-24.0045, Amended _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Resources

RULE CHAPTER TITLE: Permit for Catching and Possession of Fish Protected by Law As Stock for Artificial Cultivation

RULE TITLE: Review, Expiration, Revocation, Penalty

RULE NO.: 68E-3.004

PURPOSE AND EFFECT: The purpose of this rule development effort, in conjunction with rules being proposed for the cultivation of snook and sale for use in private pay-to-fish ponds and aquariums, is to change the technical term of permits issued for the collection of broodstock to allow flexibility in issuance and effectiveness. The effect of this effort will be to assist in the artificial cultivation of snook and other species for lawful purposes.

SUBJECT AREA TO BE ADDRESSED: Permits for collection of broodstock for aquaculture purposes.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Cindy Hoffman, ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68E-3.004 Review, Expiration, Revocation, Penalty.

(1) Permit applications will be reviewed and approved by the Directors of the Divisions of Law Enforcement and Marine Fisheries or designated representatives thereof. All approved permit holders are required to notify the Division of Law Enforcement office nearest the collection area prior to each collection trip.

(2) Permits may be issued at any time during the year. All Permits are valid for up to one year from the date of issuance and may be renewed by application in the same manner as for the original permit automatically expire January 31 of each year and are renewable in writing each year. Permits are nontransferable.

(3) Permits may be forfeited and revoked for cause by the Commission. Cause for forfeiture or revocation would include, but not be limited to, violating or otherwise failing to comply with the provisions of Rule 68E-3, F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. 370.02, 370.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const. 370.101(2),(3), 370.021 FS. History—New 11-27-80, Amended 8-6-81, Formerly 16B-43.04, 16B-43.004, 16R-3.004, 62R-3.004, Amended.

**Section II
Proposed Rules**

DEPARTMENT OF STATE

Division of Historical Resources

RULE CHAPTER TITLE: Archaeological and Historical Report

RULE CHAPTER NO.:

Standards and Guidelines

1A-46

RULE TITLE:

RULE NO.:

Standards and Guidelines for Reports

1A-46.001

PURPOSE AND EFFECT: The purpose and effect of the proposed changes is to amend the criteria by which the Division of Historical Resources will review reports of cultural resources identification and evaluation on projects which the Division has review authority.

SUMMARY: The proposed amendment provides expanded standardized definitions for cultural resource management activities and amends investigation and reporting standards for archaeological and historical evaluations.

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

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

SPECIFIC AUTHORITY: 267.031(1), 267.061(5)(k) FS.

LAW IMPLEMENTED: 267.061 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., March 11, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Brian Yates, Office Automation Analyst, Office of the Director, Division of Historical Resources, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, telephone (850)245-6372, e-mail byates@mail.dos.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

1A-46.001 Standards and Guidelines for Reports.

(1) Purpose. This rule specifies criteria by which the Division of Historical Resources (Division) will review reports of cultural resource activities on federally assisted, licensed or permitted projects; on projects on state owned or controlled property or state assisted, licensed, or permitted projects; and on local projects for which the Division has review authority.

(2)(1) Definitions. The following words and terms shall have the meanings indicated:

(a) "Agency" or "Applicant" means any unit of federal, state, county, municipal or other local government; any corporation, partnership or other organization, public or private, whether or not for profit; or any individual or representative of any of the foregoing proposing undertakings.

(b) "Archaeological fieldwork" means actions undertaken for the purpose of recovering data about or from an archaeological site in order to evaluate and determine National Register eligibility; or to document through archaeological excavation the archaeological site prior to proposed alteration, damage or destruction.

(c)(b) "Archaeological site" means the complex of associated physical remains and features contained in the ground that evidence past use or modification by people.

(d) "Area of potential effect" means the geographic area or areas within which an undertaking may directly or indirectly cause changes in character or use of historic resources, if any such properties exist.

(e) "Certified Local Government" means a local government that has been certified to meet Federal and State standards and can participate in the nationwide program of financial and technical assistance to preserve properties.

(f)(e) "Completeness" means the inclusion in the report of archaeological and historical activities of all applicable sections of the prescribed content, but does not mean that said sections are sufficient in comprehensiveness of data or in quality of information provided.

(g) "Days" means calendar days.

(h) "Determination of eligibility" means the process of determining whether identified historical resources are deemed significant using the criteria for significance established by the National Park Service, U.S. Department of the Interior for the National Register of Historic Places.

(d) "~~Documentation activities~~" means ~~actions, such as mitigation of potential impact, undertaken for the purpose of recovering data about or from archaeological sites to evaluate and determine significance or to document through archaeological excavation the archaeological site, fully or by means of representative samples, as it existed prior to proposed alteration, damage or destruction.~~

(e) "~~Evaluation activities~~" means ~~actions, such as inventory and assessment, undertaken for the purpose of determining whether identified archaeological sites are historically significant.~~

(f) "~~Federally involved projects~~" means ~~federal or federally assisted, licensed or permitted actions.~~

(i) "Federal undertaking" means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out with federal assistance; those requiring a federal permit, license or approval; and those subject to state or local regulation administered pursuant to a delegation or approval by a federal agency.

(j)(g) "Florida Master Site File" or "FMSF" means the record list of identified historical resources maintained by the Division all recorded archaeological and historical sites, buildings and other real properties of historical, archaeological or architectural value.

(k) "Historical fieldwork" means actions undertaken for the purpose of recovering data about or from a building(s) or structure(s) to evaluate and determine eligibility; or to document using the Historic American Buildings Survey (HABS) or Historic Engineering Record (HAER) standards and guidelines prior to proposed alteration or destruction.

(l) "Historical resource" means a building, structure, site, object or collection thereof (a prehistoric or historic district) which is generally at least fifty years old of historical, architectural, or archaeological value.

(m) "Historic context" means the organizational format that groups information about related historical resources based on theme, geographical limits and chronological period. A single historic context describes one or more aspects of the historic development of an area, considering history, architecture, archaeology, engineering and culture, and identifies significant patterns that individual historical resources represent. A set of historic contexts is a comprehensive summary of all aspects of the history of an area. "~~Identification activities~~" means ~~actions, such as survey, undertaken for the purpose of locating and identifying archaeological sites.~~

(n)(f) "Local undertaking projects" means a project, activity or program undertakings subject to the provisions of a local ordinance or regulation for which the Division has ~~been~~ assigned review authority responsibility.

(o)(j) "National Register" means the National Register of Historic Places, the list of historical resources significant in American history, architecture, archaeology, engineering and culture and authorized by the National Historic Preservation Act of 1966 as amended and administered by the U.S. Department of the Interior, National Park Service.

~~(p)(k)~~ “Principal Investigator” means the person or persons responsible for supervising archaeological fieldwork and historical fieldwork identification, evaluation, and documentation investigations.

~~(l)~~ “Significance” means historical importance judged according to criteria of National Register eligibility or other criteria specified in applicable law or rule.

~~(q)~~ “State undertaking” means a project, activity or program in which a state agency of the executive branch has direct or indirect jurisdiction; those in which a state agency provides financial assistance to a project or entity; and those in which a state agency is involved through the issuance of state permits or licenses.

~~(r)(m)~~ “Sufficiency” means determining whether a report meets the Secretary of the Interior’s Standards and Guidelines for Archaeology and Historic Preservation (published in the Federal Register, Vol. 48, No. 190, pp. 44716-44740, September 29, 1983), herein incorporated by reference, with respect to identification, evaluation, and documentation.

~~(3)(2)~~ Reports. Reports of the results of archaeological fieldwork and historical fieldwork identification, evaluation and documentation activities shall include the topics in (a)-(h) ~~(f)~~ below in sufficient detail for the Division of ~~Historical Resources (Division)~~ to review for completeness and sufficiency. For projects of limited scope, topics that are not applicable may be omitted when a justification for this decision is provided. In addition, all reports shall be consistent with and meet the terms of the standards and guidelines for identification, evaluation and documentation contained in the “Secretary of the Interior’s Standards and Guidelines for Archaeology and Historic Preservation”. This section shall apply to federal, state and local undertakings ~~federally involved projects, state involved projects and local projects for which the Division has been assigned review responsibility.~~ This section shall not apply to activities permitted by the Division in accordance with Chapter 1A 31, Florida Administrative Code. Principal Investigators for reports of projects on state owned or controlled land and for Division grant in aid projects shall meet the minimum qualifications for ~~archaeologists~~ archaeology, history, architecture, architectural history, or historic architecture contained in 36 C.F.R. 61 (“Procedures for Approved State and Local Historic Preservation Programs, Appendix A, Professional Qualifications Standards”), herein incorporated by reference, effective 7-91. ~~While not required, these minimum qualifications are recommended for principal investigators on state and state assisted undertakings.~~ For purposes of this rule, a “state undertaking” is a project in which a state agency performs the majority, if not all of the project activities. A “state assisted undertaking” is a project in which a state agency provides financial assistance to a project or entity, or is involved through the issuance of state permits or licenses.

(a) General Description. The description of the project shall address the project location (including boundary map) and description; the purpose of the project; the area of potential effect; and the pertinent federal, state or local laws and regulations.

(b) Archival Research. Archival research shall address past field surveys in the project area and the relevance of the major findings to the area currently under study; pertinent data in the Florida Master Site File; pertinent environmental and paleoenvironmental data; pertinent data in other studies appropriate for the research problem; pertinent historical data from records such as plat maps, tract books, subdivision maps, Sanborn maps, city directories, building permits and architectural plans; and pertinent information from informants, which shall include the Certified Local Government within whose boundaries the project lies. Research results shall be presented in a chronologically arranged narrative of the prehistory and history of the project area and of the significant historical events or developments (including important individuals and institutions) which are necessary to place sites and properties in historic contexts within the project area.

(c) Research Design. The description of the research design shall address the objectives; methods; expected results; and procedures to deal with unexpected discoveries including the discovery of human remains in accordance with Section 872.05, Florida Statutes.

(d) Archaeological Fieldwork. The description of archaeological fieldwork activities shall address the types kinds of sites encountered and looked for, evaluated ~~or documented;~~ the boundaries of the area investigated; fieldwork methodology and the rationale for its selection; the location of all tests and ~~or~~ excavations, including maps depicting testing locations and results ~~used to establish site boundaries,~~ site components, integrity of sites and subareas within the portions of sites, ~~and other relevant topics;~~ information on the location and appearance of features and artifacts, as well as the integrity and boundaries of sites and site components; information on any portions of the project area and any portions of identified sites which were not investigated and a statement explaining the reason why investigation did not occur; photographs of each site; photographs and illustrations representative of site subareas or features, and or formal excavation units; identification of portions of the project area that were examined but that did not contain archaeological remains; special survey techniques; and information on changes in research design or methodology. Special survey techniques may be necessary to search for certain subsurface or underwater archaeological sites. The description of special survey techniques shall address the following topics: equipment, field methodologies, areas surveyed and not surveyed, a record of the nature and location of all potential historical resources identified and a description of any potential historical resources investigated by examination to

determine their nature. Underwater archaeological surveys shall be conducted in accordance with the "Florida Division of Historical Resources Performance Standards for Submerged Remote Sensing Surveys", herein incorporated by reference.

(e) Historical Fieldwork. The description of historical fieldwork activities shall address the boundaries of the area investigated; fieldwork methodology and the rationale for its selection; the types of resources identified and evaluated; a list of all historical resources within the survey area, including the Florida Master Site File number, with all identified resources plotted on a U.S. Geological Survey (1:24,000) 7.5 minute series topographic quadrangle map; descriptions for all identified resources; photographs or illustrations representative of resources located in the project area; information on any portions of the project area which were not investigated and a statement explaining the reason why investigation did not occur; and an explanation about those portions of the project area that were examined but that did not contain historical, architectural, engineering or cultural resources.

(f)(e) Archaeological Results and Conclusions. The description of the results analysis and conclusions of the archaeological resource investigations shall address laboratory methods used to analyze artifacts and other site materials recovered collected during the archaeological investigations in the project area; project, and the curation location of artifacts and project records; findings in relation to the stated objectives of the investigations project; how sites are disturbed and an assessment of site their integrity; methods used to apply National Register criteria for a determination of eligibility and historic context; the significance of evaluated sites; a discussion of completeness of project efforts and the need for any additional identification, evaluation or documentation efforts; conclusions and analysis of the findings, including a discussion on how the findings contribute to an understanding of the historic work or treatment of the site; and a bibliography of those sources utilized including preservation, excavation, or no action.

(g) Historical Results and Conclusions. The description of the results and conclusions of the historical, architectural, engineering or cultural resource investigations shall address findings in relation to the stated objectives; an assessment of the integrity of evaluated sites; methods used to apply National Register criteria for a determination of eligibility and historic context; a description of the constituent elements that constitute the complete property (e.g. outbuildings, landscape features, etc.) which is determined eligible for listing in the National Register; the National Register property boundaries depicted on a scaled site plan sketch; conclusions and analysis of the findings; a discussion of the manner in which the resources contribute to an understanding of local, regional, state, or national history and/or architectural history; recommendations regarding the treatment of the resource(s) including but not limited to preservation or avoidance,

minimization or mitigation of potential impacts, or no action; a discussion of the scope and completeness of the project efforts and the need for any additional identification, evaluation or documentation efforts; the location of all curated project records and location of all project records (e.g. photographs, oral interviews, etc.); and a bibliography of those sources used.

(h)(f) Florida Master Site File (FMSF) Requirements. Reports of archaeological fieldwork and historical fieldwork identification, evaluation and documentation activities will be deemed incomplete if they do not contain FMSF survey log sheets for each report and site forms for each site identified, evaluated or documented. All archaeological fieldwork and historical fieldwork identification, evaluation and documentation reports shall should include the following, either as part of the report or as accompanying documents:

1. Completed FMSF Survey Log Sheets (Form HR6E06610-97, effective 9-1-97) (~~Form AH6E03002-89, effective 6-10-92~~) with project boundaries depicted on an attached original or photocopy portion of a U.S. Geological Survey (1:24,000) 7.5 minute series topographic quadrangle map, the Florida Department of Transportation County Highway Map; and

2. Completed FMSF archaeological site forms (Form HR6E06401-97, effective 3-1-97), (~~Form AH6E03002-89, effective 6-10-92~~) and supplement for site forms (~~Form AH6E03202-89, effective 6-10-92~~), as appropriate.

3. Completed FMSF historical structure forms (Form HR6E06308-96, effective 11-1-96) as appropriate.

4. Completed FMSF historical bridge forms (Form HR6E06510-97, effective 10-1-97) as appropriate.

5. Completed FMSF historical cemetery forms (Form HR6E04806-92, effective 8-1-98) as appropriate.

6. Completed FMSF shipwreck forms (Form HR6E05006-92, effective 7-1-92) as appropriate.

7. Completed FMSF resource group forms (Form HR6E05711-01, effective 7-1-00) as appropriate.

8. An with original or photocopy portion of U.S. Geological Survey (1:24,000) 7.5 minute quadrangle series topographic quadrangle maps for all identified sites showing site locations. These forms are herein incorporated by reference and are available by writing the Division at R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250. These forms may also be obtained from the Division's website at www.flheritage.com.

(4)(3) Review Procedures. The following procedures shall be followed in the review of archaeological fieldwork and historical fieldwork identification, evaluation, and documentation reports:

(a) Reports and accompanying documentation shall be submitted to the Bureau of Historic Preservation at the Division.

(b) The Division shall notify the agency or applicant in writing within fifteen ~~ten (10) working~~ days of receipt of a review request, of any additional information required.

(c) Upon its determination that the report information is complete, the Division shall complete its review of the report for sufficiency based on the criteria specified in 1A-46.001(3)(2), F.A.C., within thirty ~~calendar~~ days.

(d) The Division shall notify the agency or applicant of its decision as to whether the reports meets the requirements of this rule with respect to completeness and sufficiency, and shall include a statement of the reason for determining a report to be incomplete or insufficient.

Specific Authority 267.031(1), 267.061(3) FS. Law Implemented 267.061 FS. History--New 6-10-92, Amended 7-21-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Wm. Brian Yates, Office Automation Analyst, Division of Historical Resources

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janet Snyder Matthews, Ph.D., Director, Division of Historical Resources

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

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

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Eligibility for Late Registration by Overseas Voters

RULE NO.: 1S-2.029

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to prescribe specific documentation that is sufficient to determine eligibility for late registration pursuant to section 47, Chapter 2001-40, Laws of Florida.

SUMMARY: This rule provides specific documentation required for late registration for an individual or accompanying family member who has been discharged or separated from the uniformed services, Merchant Marine, or from employment outside the territorial limits of the United States after book closing.

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: 97.0555 FS.

LAW IMPLEMENTED: 97.0555 FS.

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

TIME AND DATE: 3:00 p.m. – 5:00 p.m., March 8, 2002

PLACE: The Ralph D. Turlington Florida Education Center, Room 1703/1707, 325 West Gaines Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Amy K. Tuck, Assistant General Counsel, Division of Elections, Department of State, 107 West Gaines Street, Tallahassee, Florida 32399, (850)245-6200

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Amy K. Tuck, (850)245-6200, at least three days in advance of the meeting.

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.029 Eligibility for Late Registration by Overseas Voters.

(1) Pursuant to s. 97.0555, Florida Statutes, the following persons, who are otherwise qualified, are allowed to register after the book closing for an election and are allowed to vote in that election:

(a) An individual who has been discharged or separated from the uniformed services after the book closing;

(b) An individual who has been employed in the Merchant Marine and has left that employment after the book closing;

(c) An individual who has left his or her employment outside the territorial limits of the United States after the book closing; and

(d) Family members accompanying such individuals. Such persons must register by 5 p.m. on the Friday before the election at the office of the supervisor of elections to be eligible to vote in that election.

(2) Each person registering pursuant to this section must provide documentation pursuant to this rule showing evidence of eligibility to register after the books have closed.

(3) An individual who has been discharged or separated from the uniformed services must:

(a) Provide one of the following pieces of documentation:

1. Certificate of Release or discharge from Active Duty (DD form 214, eff. 2/00), which is hereby incorporated by reference and available from the Department of Defense; or

2. Military Permanent Change of Station Orders to home of record while awaiting a DD Form 214.

(b) In addition to the information provided in (a), an individual who has been discharged or separated from the uniformed services must complete the following oath and this form must indicate that the individual was discharged or separated during the period the books were closed for the election:

Oath of Individual Separated or Discharged from the Uniformed Services

Under penalty of perjury, I _____, hereby swear or affirm that I was discharged or separated from the (branch of service) on (date).

Signature of voter: _____

Address of voter: _____

Sworn to and subscribed before me this _____ day of _____, 20__.

Signature of Supervisor of Elections or deputy supervisor: _____

(4) An individual who has been employed in the Merchant Marine must provide documentation showing evidence of being employed in the Merchant Marine and must complete the oath as provided in (6).

(5) An individual who has left employment outside the territorial limits of the United States must provide a valid passport showing the date of re-entry into the United States, which date must be during the period the books were closed for the election, and must complete the oath as provided in (6).

(6) Oath of Individual Employed Outside the United States or in the Merchant Marine

Under penalty of perjury, I _____, hereby swear or affirm that I was employed outside the territorial limits of the United States or in the Merchant Marine and that my last day of employment was _____. The following is the information regarding my previous employer:

Name of employer: _____

Address of employer: Telephone Number of employer: _____

Signature of voter: _____

Address of voter: _____

Sworn to and subscribed before me this _____ day of _____, 20__.

Signature of Supervisor of Elections or deputy supervisor: _____

(7) A family member accompanying an individual who was discharged or separated from the uniformed services must provide a copy of the information required of the individual pursuant to (3)(a) and complete the following oath:

Oath of Family Member (Uniformed Service)

Under penalty of perjury, I _____ swear or affirm that (name of individual discharged or separated from the uniformed services) was discharged or separated from (branch of service) on (date); that my relationship to this individual is _____; and that I was accompanying this individual immediately prior to his/her discharge or separation.

Signature of family member: _____

Address of family member: _____

Sworn to and subscribed before me this _____ day of _____, 20__.

Signature of Supervisor of Elections or deputy supervisor: _____

(8) A family member accompanying an individual who has left employment in the Merchant Marine must provide documentation showing that the individual was employed in the Merchant Marine and must complete the following oath:

Oath of Family Member

(Merchant Marine)

Under penalty of perjury, I _____ swear or affirm that (name of individual who has left employment in the Merchant Marine) left employment in the Merchant Marine on (date); that my relationship to this individual is _____; and that I was accompanying this individual immediately prior to his/her leaving that employment. The following is the information regarding his/her previous employer:

Name of employer: _____

Address of employer: _____

Telephone number of employer: _____

Signature of family member: _____

Address of family member: _____

Sworn to and subscribed before me this _____ day of _____, 20__.

Signature of Supervisor of Elections or deputy supervisor: _____

(9) A family member who was accompanying an individual who has left employment outside the territorial limits of the United States must provide a valid passport showing the date of re-entry into the United States, which date must be during the period of time the books were closed for the election, and complete the following oath:

Oath of Family Member

(Employment Outside the United States)

Under penalty of perjury, I _____ swear or affirm that (name of individual who has left employment) left employment outside the United States on (date); that my relationship to this individual is _____; and that I was accompanying this individual immediately prior to his/her returning to the United States. The following is the information regarding his/her previous employer:

Name of employer: _____

Address of employer: _____

Telephone number of employer: _____

Signature of family member: _____

Address of family member: _____

Sworn to and subscribed before me this _____ day of _____, 20__.

Signature of Supervisor of Elections or deputy supervisor: _____

Specific Authority 97.0555 FS. Law Implemented 97.0555 FS. History--New _____

NAME OF PERSON ORIGINATING PROPOSED RULE: Amy K. Tuck, Assistant General Counsel, Division of Elections

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 5, 2002

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

DEPARTMENT OF STATE

Division of Elections

RULE TITLE:

Electronic Transmission of
Absentee Ballots

RULE NO.:

1S-2.030

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to authorize a supervisor of elections to accept a request for an absentee ballot and a voted absentee ballot by facsimile or other electronic means from overseas voters.

SUMMARY: This rule authorizes a supervisor of elections to accept a request for an absentee ballot and a voted absentee ballot by facsimile or other electronic means from overseas voters. The rule provides required voter information for an absentee ballot request from an overseas voter via facsimile or electronic mail. The rule provides that an overseas voter may request an absentee ballot by facsimile or electronic mail, but must provide the voted absentee ballot via facsimile. The rule provides for verification and security of transmission as well as proper recording of absentee ballots sent and received.

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: 101.697 FS.

LAW IMPLEMENTED: 101.697 FS.

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

TIME AND DATE: 2:00 p.m. – 5:00 p.m., March 8, 2002

PLACE: The Ralph D. Turlington Florida Education Center, Room 1703/1707, 325 West Gaines Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Amy K. Tuck, Assistant General Counsel, Division of Elections, Department of State, 107 West Gaines Street, Tallahassee, Florida 32399, (850)245-6200

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Amy K. Tuck, (850)245-6200, at least three days in advance of the meeting.

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.030 Electronic Transmission of Absentee Ballots.

(1) The supervisor of elections may accept a request for an absentee ballot via facsimile or electronic mail from an overseas voter as defined in s. 97.021, F.S., and may accept a voted ballot pursuant to the provisions of this rule.

(2) The electronic or facsimile request for an absentee ballot must include:

- (a) The name of the voter requesting the ballot.
- (b) The voter's county of legal residence in Florida.
- (c) The voter's date of birth.
- (d) One of the following:

1. If the voter wishes the ballot to be mailed, an APO/FPO or other deliverable overseas address.

2. If the voter wishes the ballot be faxed, a facsimile machine number where return information will be received.

3. If the voter wishes the ballot to be transmitted via electronic mail, the electronic mail address.

- (e) The voter's signature (facsimile requests only).

(3) Upon receipt of a request for a ballot under these provisions, the supervisor must verify the information provided by the overseas voter and may only provide an absentee ballot if the supervisor determines that the overseas voter is a qualified and registered voter for the election. A request for a ballot to be faxed to the voter is valid for only the upcoming election or the one election specified by the voter.

(4) Upon verification of the overseas voter's eligibility, the supervisor shall provide the appropriate absentee ballot, the instructions for voting and returning the ballot, and the Voter's Certificate to the overseas voter by the means requested by the voter in (2).

(5) The supervisor of elections shall record the date the request was made, the way the ballot was sent to the voter, and the date the absentee ballot was mailed or transmitted to the voter.

(6) The supervisor of elections shall ensure that his or her transmitting equipment is in a secure location with access limited to employees of the supervisor and that the ballot is sent directly to the address or number provided by the overseas voter. It is the voter's responsibility to ensure the security of the receiving facsimile machine or computer.

(7) An overseas voter may return a voted ballot either by mail or by facsimile. Voted ballots returned by electronic mail will not be accepted.

(8) Overseas voters returning a voted absentee ballot by facsimile must send the ballot and the Voter's Certificate directly to the fax number provided by the supervisor of elections. In order for the ballot to be counted it must be received by the supervisor of elections no later than the time the polls close for the election.

(9) Overseas voters mailing back voted ballots received by electronic mail or fax must seal the ballot in an unmarked envelope, which is the security envelope. The Voter's Certificate and the security envelope should be placed in a separate ballot transmittal envelope for mailing. The ballot transmittal envelope should be marked "Absentee Ballot Enclosed."

(10) The Voter's Certificate for ballots being sent to all overseas voters by mail, electronic means, or by fax shall be the same as the Voter's Certificate in s. 101.64, F.S., with the addition of the following language before the voter's signature: "I understand that if I am faxing my voted ballot, I voluntarily waive my right to a secret ballot."

(11) The instructions to be sent to all overseas voters shall be in substantially the following form:

(a) In order to ensure that your absentee ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which you are registered no later than 7 p.m. on the day of the election.

(b) Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.

(c) In order for your ballot to be counted, you must complete the Voter's Certificate, which must include your signature and the signature and address of a witness 18 years of age or older. You must also include the date you signed the Voter's Certificate or your ballot may not be counted.

(d) You may return your voted ballot either by facsimile or by mail.

(e) You may fax your ballot and the Voter's Certificate to the supervisor of elections at (fax phone number). If you fax your voted ballot, you will be voluntarily waiving your right to a secret ballot.

(f) To mail your ballot to the supervisor of elections:

1. Place your marked ballot in a secrecy envelope. If the ballot was mailed to you by the supervisor of elections, use the secrecy envelope sent to you. If your ballot was faxed to you or sent by electronic mail, place your marked ballot in an unmarked envelope and seal the envelope.

2. Insert the secrecy envelope inside a separate mailing envelope. If the ballot was mailed to you, use the mailing envelope provided and fill out the Voter's Certificate on the back. If the ballot was faxed to you or sent by electronic mail, place the sealed secrecy envelope and the completed Voter's Certificate in another envelope for mailing. Do not seal the Voter's Certificate in the secrecy envelope with the ballot. Clearly mark the mailing envelope "Absentee Ballot Enclosed".

3. Mail the ballot the supervisor of elections. Be sure there is sufficient postage.

(g) FELONY NOTICE. It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any other circumstances making your ballot false or fraudulent.

(12) If any absentee voter mails the voted ballot to the supervisor of elections in a envelope other than an absentee ballot envelope provided by the supervisor, the canvassing board is authorized to open the mailing envelope to determine

if the Voter's Certificate is enclosed in the mailing envelope. If the Voter's Certificate is not enclosed, the secrecy envelope containing the ballot shall not be opened and the envelope shall be marked "Rejected as Illegal." If the Voter's Certificate is enclosed, the supervisor of elections shall verify the overseas voter's eligibility, and once verified, the ballot shall be processed as other absentee ballots.

(13) For each voted absentee ballot received from an overseas voter, the supervisor shall record the date such ballot was received.

(14) Upon receipt of a voted ballot transmitted by fax, the supervisor of elections shall enclose the ballot in an envelope and seal it. The Voter's Certificate shall be attached to the envelope. Upon a determination by the canvassing board that the voter was eligible to vote, the ballot shall be removed from the envelope and duplicated so that it can be processed through the tabulating equipment.

(15) The supervisor of elections and the supervisor's staff shall take the steps necessary to keep the voted ballots received by facsimile as confidential as possible.

Specific Authority 101.697 FS. Law Implemented 101.697 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Amy K. Tuck, Assistant General Counsel
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: L. Clayton Roberts, Director, Division of Elections, Department of State
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 5, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 11, 2001

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Entomology – Pest Control	
Regulations	5E-14
RULE TITLES:	RULE NOS.:
Definitions	5E-14.102
Contractual Agreements in Public's Interest	
– Control and Preventative Treatment for	
Wood-Destroying Organisms	5E-14.105
Fumigation Requirements – General Fumigation	5E-14.108
Identification Card – Training Verification	5E-14.1421

PURPOSE AND EFFECT: The purpose and effect of the rule changes is to amend Chapter 5E-14, F.A.C., to address Statute changes, to obtain improved consumer protection provisions by modifying pest control contracts and the Wood-Destroying Organism reporting form. This rule amendment also adds a

new section 5E-14.1421: Identification Card – Training Verification, to further protect consumers by insuring that operator’s competence through training is verifiable.

SUMMARY: The rule addresses Statute changes to obtain improved consumer protection provisions by modifying pest control contracts and the Wood-Destroying Organism reporting form. This rule also adds a new section to further protect consumers by insuring operator’s competence through verifiable training.

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

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

SPECIFIC AUTHORITY: 482.051, 482.071, 482.111, 482.141, 482.155, 482.156, 482.091 FS.

LAW IMPLEMENTED: 482.051, 482.071, 482.111, 482.141, 482.151, 482.155, 482.156 FS.

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

TIME AND DATE: 10:00 a.m., March 15, 2002

PLACE: 3125 Conner Blvd, George Eyster Auditorium, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mr. Steven J. Rutz, Director, Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, Room 130, 3125 Conner Blvd., Tallahassee, Florida 32399-1650, (850)488-3731

THE FULL TEXT OF THE PROPOSED RULES IS:

5E-14.102 Definitions.

(1) through (7) No change.

(8) “Spot treatment” – Treatment restricted to specific area(s) of a structure to control or prevent pests, not including whole structure fumigation, or other treatments that encompass an entire structure performed in accordance with label directions.

(9) No change.

(10) “Classroom” – A student or students studying a subject in a setting conducive to learning, other than field training, with an instructor or other multimedia instructional tools, computer instruction, or correspondence courses.

Specific Authority 482.051 FS. Law Implemented 482.051(1) FS., Section 1, Chapter 92-203, Laws of Florida. History–New 1-1-77, Amended 6-27-79, 6-22-83, Formerly 10D-55.102, Amended 8-11-93, _____.

5E-14.105 Contractual Agreements in Public’s Interest – Control and Preventive Treatment for Wood-Destroying Organisms.

(1) through (3) No change.

(4) In contracts covering spot treatments for wood-destroying organism(s), the requirements of subsections 5E-14.105(1) and (2) shall apply. In addition to these, a statement shall be made, in conspicuous type, that the treatment is a treatment of only specific areas and is not to be considered a treatment of the entire structure. The property owner must initial this statement. The specific areas in, on or under the structure to be treated shall be listed in the written contract.

(5) through (7) No change.

(8) The detection of wood-destroying organisms, meeting the terms or conditions for retreatment as specified in the consumer’s contract, shall be retreated within (180) days.

Specific Authority 482.051 FS. Law Implemented 482.021(15), 482.051(1), 482.161, 482.191, 482.241 FS., Section 1, Chapter 92-203, Laws of Florida. History–New 1-1-77, Joint Administrative Procedures Committee Objection Withdrawn–See FAW Vol. 3, No. 30, July 29, 1977, Amended 6-27-79, 10-25-90, Formerly 10D-55.105, Amended 8-11-93, _____.

5E-14.108 Fumigation Requirements – General Fumigation.

(1) through (3) No change.

(4) The Department may issue an immediate stop-use or stop-work order, DACS 13659 (03-02), incorporated by reference, for fumigation performed in violation of fumigant label requirements or Department rules, or in a manner that presents an immediate serious danger to the health, safety or welfare of the public, including, but not limited to, failure to use required personal protective equipment, failure to use required warning agent, failure to post warning signs, failure to secure a structure’s usual entrances as required, or using a fumigant in a manner that will likely result in hazardous exposure to humans, animals, or the environment. Fumigant use or work cannot be resumed until corrections are made, verified and the release section of the stop order is completed by Department personnel.

Specific Authority 482.051 FS. Law Implemented 482.021(6),(20), 482.051(1), 482.152 FS., Section 1, Chapter 92-203, Laws of Florida. History–New 1-1-77, Amended 6-22-83, Formerly 10D-55.108, Amended 7-5-95, _____.

5E-14.1421 Identification Card – Training Verification.

(1) The licensee shall maintain written training records on all identification cardholders within their employ and make those records available during routine inspection or upon request of the Department. Licensees must maintain the training record for at least a two year period.

(2) The Department will accept any one of the following as verifiable training:

(a) Written record of attendance on a form prescribed by the Department and furnished by the licensee or trainer, DACS 13662 (03-02), with a complete copy of all training materials used during the training session that covers the training topics required by 482.091(10), F.S.; or

(b) Written record of attendance at a Department approved certified operator continuing education course on the form prescribed by the Department and furnished by the trainer, DACS 13325 (01-02), provided the course content covers the training topics as required by 482.091(10), F.S.

(3) Each training session shall be at least 50 minutes in length or one contact hour. Partial contact hours will not be accepted. Suggested topics that would satisfy ID card training requirements in pesticide safety, include, but are not limited to: pesticide types and formulations, human poisoning symptoms, routes of exposure and protective equipment, pesticide storage, transport and use, spray drift and groundwater runoff. Suggested topics that would satisfy ID card training requirements in integrated pest management, include, but are not limited to: inspection (locating and monitoring pests), establishing treatment thresholds, sanitation/habitat modification, trapping, biological and use of pesticides, and pesticide application equipment. Suggested topics that would satisfy ID card training requirements in applicable federal and state laws and rules, include, but are not limited to: reviewing federal FIFRA requirements, reviewing or discussing modifications to Chapter 482, Florida Statutes, and/or Chapter 5E-14, Florida Administrative Code, reviewing the regulatory agencies or legislative bodies dealing with pesticide use, hazardous waste storage/disposal and/or transportation.

Specific Authority 482.051, 482.091(10) FS. Law Implemented 482.021(9), 482.051(1), 482.091(1),(2),(3),(4) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: T. Wayne Gale, Chief, Bureau of Entomology and Pest Control, Department of Agriculture and Consumer Services
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Steven J. Rutz, Director, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2001

**DEPARTMENT OF EDUCATION
Florida School for the Deaf and the Blind**

RULE TITLE: President
RULE NO.: 6D-4.002
PURPOSE AND EFFECT: The purpose of this Rule is to establish the duties and responsibilities of the President of the Florida School for the Deaf and the Blind.
SUMMARY: This rule indicates that the President of Florida School for the Deaf and the Blind shall serve as Secretary to the Board of Trustees of the Florida School for the Deaf and the Blind and Executive Officer of the school. It outlines the President's duties and responsibilities.

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: 242.331(3) FS.

LAW IMPLEMENTED: 242.331(4) FS.

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

TIME AND DATE: 9:00 a.m., March 16, 2002

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-4.002 President.

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

(o) To serve as Secretary to the Board of Trustees and Chief Executive Officer of the clerk to the Florida School for the Deaf and the Blind.

(3) Certification requirements are certification by the State of Florida in Hearing Impaired/Visually Impaired, and Administration and Supervision or Educational Leadership.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4), 120.52(10) FS. History--New 12-19-74, Amended 10-29-84, 9-8-85, 12-6-92, _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2002

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

**DEPARTMENT OF EDUCATION
Florida School for the Deaf and the Blind**

RULE TITLE: Business Manager
RULE NO.: 6D-4.003
PURPOSE AND EFFECT: The purpose of this Rule is to establish the duties and responsibilities of the Business Manager of the Florida School for the Deaf and the Blind.
SUMMARY: This rule establishes areas of supervision of the Business Manager of the Florida School for the Deaf and the Blind and outlines duties and responsibilities of this position.

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: 242.331(3) FS.

LAW IMPLEMENTED: 242.331(4) FS.

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

TIME AND DATE: 9:00 a.m., March 16, 2002

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-4.003 Business Manager.

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

(e) Prepare under the direction of the President ~~and the Finance Committee of the Board~~, a detailed item budget, with analysis, review and justification of the same and of proposed amendments to previously approved budgets, and to prepare periodic reports therefrom as directed.

(f) Serve as advisor to the President and to the Board on the fiscal policy and the needs of the School.

(g) Conduct a continuous internal audit of all financial affairs of the School in a manner prescribed by law.

~~(h) Ensure that leave records are maintained for all personnel.~~

~~(h)(4)~~ Establish written policies to control the use of State-owned vehicles.

~~(i)(4)~~ Be responsible for procedures for all collections from the sale of goods and services and to provide instructions applicable to the work to be accepted.

~~(j)(4)~~ Supervise departments assigned by the President, which include but are not limited to the following departments:

1. Safety Personnel
2. Accounting
3. Purchasing, Receiving and Property Control
4. Resource Development ~~Federal Grants~~
5. Maintenance and Facilities
6. Food Service
7. Household and Laundry Services ~~Transportation Services~~
8. Transportation Services ~~Laundry Services~~
9. Campus Security/Police ~~Health Services~~
10. Student Bank/Endowment ~~Information Services and~~ ~~Other~~ related work as assigned.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4)-120.53(1)(a) FS. History--New 12-19-74, Amended 10-29-84, 9-8-85, 8-26-86, 12-6-92,

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2002

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

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE TITLE: Food Service Policies

RULE NO.: 6D-8.004

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

SUMMARY: This rule establishes guidelines covering subject matter to be incorporated in the Operations Manual of the Food Service Department of the Florida School for the Deaf and the Blind.

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: 242.331(3) FS.

LAW IMPLEMENTED: 242.331(4) FS.

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

TIME AND DATE: 9:00 a.m., March 16, 2002

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-8.004 Food Service Policies.

(1) The Food Service program shall have written policies and procedures which govern the services provided to students. These policies and procedures shall be reviewed at least annually, and revised and updated as necessary. Each policy shall have written procedures for implementation. Policies shall include but not be limited to the provisions for:

- (a) Food Service operations.
- (b) Menu planning.
- (c) Food purchasing and storage.
- (d) Issuances from central storage.
- (e) Food production.
- (f) Meal count/cost control.
- (g) Sanitation.
- (h) Personnel.
- (i) Quality assurance monitoring.
- (j) Energy management.

(2) The Food Service Department Operations Manual, revised October 2001, adopted by the Board of Trustees pursuant to the provisions of Section 242.331(3), F.S., shall be incorporated by this rule and made a part of the rules of the Board of Trustees.

Specific Authority 242.331(3) FS. Law Implemented 120.53(1)(b); 242.331(4) FS. History--New 1-17-91, Amended _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2002

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

DEPARTMENT OF TRANSPORTATION

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

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

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

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

LAW IMPLEMENTED: 334.187 FS.

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

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.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

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

14-114.001 Purpose.

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

14-114.0011 Prepaid Escrow Accounts.

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

(2) Definitions.

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

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

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

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

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

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

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

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

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

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

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

(4) Processing of the Application.

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

(b) Security Deposit. An account will not be approved until the required security deposit has been received and approved by the Department. With the exception of State Agency Accounts, the required security deposit for each account is \$300.00, or three times the estimated monthly usage, whichever is greater. Deposits for Commercial Accounts, Other Governmental Accounts, and Individual Accounts may be made in cash for the full amount of the required security deposit, or with \$300.00 cash and the remainder by account bond. Deposits for Florida Governmental Accounts may be made with a purchase order to the Department up to an amount of \$10,000.00, and the remainder by cash or account bond; or a cash deposit for the full amount of the required security deposit; or with a \$300.00 cash deposit and the remainder by account bond. All account

bonds must be on the Account Bond, Department of Transportation Form 350-060-08, R. 01/02. State Agency Accounts will not require security deposits unless the agency fails to pay the account in compliance with Section 215.422, Florida Statutes. If a State Agency Account holder fails to pay as required, the Department will require the same security deposit for the State Agency Account as for an Other Governmental Account.

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

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

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

(6) Termination. The Department or the account holder may terminate the account for any reason. When an account is terminated, outstanding purchases will be deducted from the balance of the account holder's deposit. If there are not sufficient funds in the account to cover outstanding purchases, the account holder will be notified of the funds due. The account holder must pay all sums due within 30 days of the termination notification. If payment is not received, the Department will pursue collection of any amounts owed. Any funds remaining in the account holder's account in excess of the outstanding purchases will be refunded to the account holder upon verification that all amounts due have been paid. When an account has been terminated for non-payment the account holder will not be eligible to apply for a Prepaid

Escrow Account for a period of one year after the date of termination. Upon the second termination of an account for non-payment, the applicant will no longer be eligible for a Prepaid Escrow Account with the Department.

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

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

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

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

14-114.002 Definitions.

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

14-114.003 Initial Application.

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

14-114.004 Processing of the Application.

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

14-114.005 Monthly Billing.

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

14-114.006 Termination.

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

14-114.007 Forms.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robin Naitove, Comptroller
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas F. Barry, Jr., P.E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 5, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

DEPARTMENT OF CITRUS

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

RULE TITLE: Oranges: 2001-2002 Anhydrous Acid Maturity Standards
RULE NO.: 20-13.0011

PURPOSE AND EFFECT: Amendment would extend through the end of the 2001-2002 citrus season the lower minimum acid requirement for mature fresh oranges, which was adopted by emergency rule effective December 21, 2001.

SUMMARY: Extends lower minimum acid requirement for fresh oranges through the end of the 2001-2002 citrus season.

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

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

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

LAW IMPLEMENTED: 601.111, 601.19 FS.

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

TIME AND DATE: 10:30 a.m., February 20, 2002

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

20-13.0011 Oranges: 2001-2002 ~~1995-1996~~ Anhydrous Acid Maturity Standards.

(1) During the period beginning December 21, 2001 ~~January 25, 1996~~ up to and including July 31, 2002 ~~July 31, 1996~~, oranges shall be deemed mature when the juice sample contains not less than .36 percent of anhydrous citric acid.

(2) All other state laws applicable to the maturity of oranges shall remain in effect.

Specific Authority 601.10(1),(7), 601.11, 601.19 FS. Law Implemented 601.111, 601.19 FS. History–New 3-14-93, Amended 2-12-95, 1-17-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mia L. McKown, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mia L. McKown, General Counsel
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2001

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Grievances – Miscellaneous Provisions
RULE NO.: 33-103.015

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to correct an inconsistency in the rules addressing inmate grievances.

SUMMARY: Rule 33-103.015, F.A.C., requires that medical grievances filed at the institutional level be forwarded to the chief health officer for review and response. Language in Rule 33-103.015, F.A.C., which requires that the warden respond to these grievances is being deleted for consistency between the rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 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:

33-103.015 Inmate Grievances – Miscellaneous Provisions.

(1) through (2) No change.

(3) The warden, assistant warden or deputy warden is authorized to designate other staff to receive, review, and investigate any grievance of an institutional nature. The warden is authorized to designate the assistant warden or deputy warden to grant and implement relief as approved by the warden, except as to grievances involving discipline, ~~medical grievances~~, grievances alleging violation of the Americans with Disabilities Act, grievances challenging placement in close management, grievances of an emergency nature, grievances of reprisal or grievances of a sensitive nature that are filed directly with the warden. For grievances filed directly with the warden, the decision to approve, return, or deny the grievance shall be made by the warden.

(4) through (11) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 1-29-92, 9-3-92, 12-22-92, 7-11-93, 5-3-94, 4-10-95, 9-23-96, 8-10-97, 12-7-97, 5-10-98, 2-17-99, Formerly 33-29.015, Amended 8-1-00, 10-11-00, 2-7-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Celeste Kemp

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

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

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

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE CHAPTER TITLE: Florida Unemployment Compensation Tax

RULE CHAPTER NO.: 60BB-2

RULE TITLES: Definitions

RULE NOS.: 60BB-2.022

General Information 60BB-2.023

Initial Reports and Determinations 60BB-2.024

Reports Required of Liable Employers; Filing

of Reports by Electronic Data

Interchange Methods 60BB-2.025

Determination to Liable Employers 60BB-2.026

Payment of Contributions 60BB-2.027

Delinquent Accounts 60BB-2.028

Succession 60BB-2.031

Employing Unit Records 60BB-2.032

Protests of Liability, Assessment,

Reimbursement and Tax Rate –

Special Deputy Hearings 60BB-2.035

Public Use Forms 60BB-2.037

PURPOSE AND EFFECT: Effective October 1, 2000, the Florida Unemployment Compensation program was transferred from the Department of Labor and Employment Security to the Agency for Workforce Innovation, pursuant to Chapter 2000-165, Laws of Florida. Consequently, the Agency for Workforce Innovation is the entity in Florida charged with the administration of the Unemployment Compensation Law contained in Chapter 443, Florida Statutes. The law further requires that the Agency for Workforce Innovation contract with the Department of Revenue for the collection of Unemployment Compensation taxes from liable employers. These organizational changes necessitate many substantive and technical modifications to this rule chapter.

SUMMARY: These changes to the Florida Unemployment Compensation Tax rules reflect the modifications made to the procedures regarding the payment of contributions by liable employers, as a result of the transfer of the Unemployment Compensation Program to the Agency for Workforce Innovation and the contracting of the tax collection function to the Department of Revenue. The changes clarify for employers the procedures they must follow in order to comply with the Unemployment Compensation Law, the proper entity to which they must submit various forms, the current name and number of those forms, and how the forms may be obtained.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 120.53(1)(b), 443.171(2)(a), 695.25 FS.

LAW IMPLEMENTED: 120.57, 120.58(1),(2),(3), 443.036(16),(17), (18),(19),(33)(a),(34), 443.071(2),(3), 443.101(4), 443.111(4)(b), 443.121(4), 443.131, 443.141, 443.151(3)(b),(c), 443.163, 443.171(1),(7),(8),(9) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Eric R. Hurst, Senior Attorney, 1320 Executive Center Drive, Suite 300, The Atkins Buildings, Tallahassee, Florida 32399-2250, (850)488-7228

THE FULL TEXT OF THE PROPOSED RULES IS:

60BB-2.022 Definitions.

For the purpose of administering Chapter 443, Florida Statutes, the following definitions apply:

(1) No change.

(2) Agency: The Agency for Workforce Innovation. Designees, including, but not limited to, the Florida Department of Revenue, pursuant to Chapter 2000-165, Laws of Florida, shall be identified throughout this chapter.

(2) through (5) renumbered (3) through (6) No change.

~~(6) Division: The Division of Unemployment Compensation.~~

(7) Filing date: When reports, notices, protests, appeals and other documents are mailed to the Agency or the Department of Revenue, the postmark date of the United States Postal Service will be considered the date of filing.

~~(8)(7) No change.~~

~~(8) Predecessor: A legal entity which has transferred all or part of its business to another.~~

(9) through (10) No change.

Specific Authority 120.53(1)(b), 443.171(2)(a) FS. Law Implemented 443.036(19)(d)6.,(g),(n)4.,(34), 443.131, 443.171(1) FS. History--New 8-25-92, Amended 12-28-97, 12-23-98, 5-3-99, Formerly 38B-2.022, Amended _____.

60BB-2.023 General Information.

(1) Address of Record. It is the responsibility of each employing unit to maintain a current address of record with the Department of Revenue Agency at all times.

(2) Reports Prescribed by the Department of Revenue Agency. Each employing unit shall make and file reports as prescribed by the Department of Revenue Agency, shall include the worker's social security number in any report

submitted to the Department of Revenue Agency, and shall maintain a current address of record on file with the Department of Revenue Agency.

(3) Incomplete reports.

(a) Any report required to be signed by the employer, but which is submitted unsigned, or in a format not approved by the Department of Revenue, or any required report incomplete as to detail in accordance with instructions thereon, shall not be deemed a report and the employer shall be subject to the penalties imposed by Section 443.141(1)(b), Florida Statutes, until the filing of a signed and completed report in an approved format as required by the Department of Revenue Agency.

(b) Forms which the Department of Revenue Agency may use to notify employers of incomplete reports are:

1. ~~LES Form UCT-FL06A 41, "Incomplete Report Notice."~~ (Rev 05/01) "Notice of Omission on Report," (Rev 4/87), or

2. ~~LES Form UCT-FL13A 42, "Missing Wage Report."~~ (Rev 05/01) "Notice of Omission on Report Submitted," (Rev 2/91).

Both forms are ~~herein~~ incorporated by reference in Rule 60BB-2.037, F.A.C. and may be obtained from the Bureau of Tax, Caldwell Building, Tallahassee, FL 32399.

(4) Amended and Corrected Reports.

(a) Amended Reports. Amended reports shall be filed as directed by the Department of Revenue Agency or as determined necessary by the employing unit. The decision of the Department of Revenue Agency shall prevail whenever there is disagreement whether an amended report is necessary.

(b) Corrected Reports. Corrections to reports shall be made by using form LES Form UCT-8A, "Correction to Employer's Quarterly Unemployment Report (UCT-6)," (Rev 04/01 ~~2/91~~), ~~herein~~ incorporated by reference in Rule 60BB-2.037, F.A.C. A copy may be obtained from the Bureau of Tax, Caldwell Building, Tallahassee, FL 32399.

(5) Extensions of Time for Filing Reports. Pursuant to Sections 443.141(1)(b) and 443.141(2)(a), Florida Statutes, when a written request for an extension of time for filing a required report is received prior to the report's delinquent date, the Department of Revenue Agency will grant an extension not to exceed 30 days. If received within an approved extension period, the report shall be considered timely.

Specific Authority 120.53(1)(b), 443.171(2)(a), 695.25 FS. Law Implemented 443.036(17)(k), 443.141(1)(b),(2), 443.171(1),(7) FS. History--New 8-25-92, Amended 12-28-97, Formerly 38B-2.023, Amended _____.

60BB-2.024 Initial Reports and Determinations.

(1) Employer Registration Status Report.

(a) Who Must File. Each employing unit ~~An "Employer's Status Report"~~ shall file an employer registration report on form DR-1 (Rev 08/01), "Application to Collect and/or Report Tax in Florida" or form UCS-1, "Unemployment Tax Employer Registration Report" (Rev. 08/01) ~~be filed~~ with the

~~Department of Revenue, Bureau of Tax, Division of Unemployment Compensation by each employing unit, using LES Form UCS-1, "Employer's Status Report" (Rev 5/89), herein incorporated by reference in Rule 60BB-2.037, F.A.C. Copies may be obtained from the Status Section, Bureau of Tax, Caldwell Building, Tallahassee, FL 32399.~~

(b) No change.

(c) Due Date. The employer registration status report shall be filed on or before the last day of the month immediately following the end of the calendar quarter in which the employing unit commenced operations.

(2) No change.

(3) ~~Upon If the Agency~~ determininges that more information is necessary as part of its investigation of whether workers are employees or independent contractors, the Agency ~~or the Department of Revenue~~ shall require completion of ~~form LES Form UCS-6061, "Independent Contractor Analysis Questionnaire" (Rev 01/01 11/86) and LES Form UCS 61, "Workers' Independent Contractor Questionnaire" (Rev 7/90), both of which is are~~ incorporated ~~herein~~ by reference in Rule 60BB-2.037, F.A.C. Copies may be obtained from the Bureau of Tax, Caldwell Building, Tallahassee, FL 32399.

Specific Authority 120.53(1)(b), 443.171(2)(a) FS. Law Implemented 443.036(17),(18), 443.131, 443.141(2), 443.171(1),(7) FS. History--New 8-25-92, Formerly 38B-2.024, Amended _____.

60BB-2.025 Reports Required of Liable Employers; Filing of Reports by Electronic Data Interchange Methods.

(1) Quarterly ~~Wage and Tax~~ Reports; Reimbursable Employer Quarterly Reports.

(a) Contributory and reimbursable employers are required to file a employer quarterly report wage and tax reports using ~~LES Forms UCT-6 and UCT-6W; the Department of Revenue's form UCT-6, "Employer's Quarterly Tax Report" and "Employer's Quarterly Wage Report" (Rev 09/01 1/92), herein incorporated by reference in Rule 60BB-2.037, F.A.C. Copies may be obtained from the Bureau of Tax, Caldwell Building, Tallahassee, Florida 32399.~~

~~(b) Reimbursable employers are required to file reimbursable employer quarterly reports using LES Form UCT 6R, "Employer's Quarterly Report" (Rev 7/86), herein incorporated by reference. Copies may be obtained from the Bureau of Tax, Caldwell Building, Tallahassee, FL 32399.~~

~~(b)(e)~~ The reports shall:

1. Be filed with the Department of Revenue Agency no later than the last day of the month following the calendar quarter to which they apply (Employers, however, who are reporting for the first time are authorized 15 consecutive calendar days from the notification date of liability to submit initial reports without penalty charges.); and

2. through 3. No change.

(2) Wages Paid. For the purpose of this section wages have been paid when the wages are:

(a) Actually received by the worker; or

(b) Made available so they may be drawn upon by the worker; or

(c) Brought within the control and disposition of the worker, even if not possessed by the worker.

(3) Change in Status.

(a) Sale, conveyance or other disposition of a business or any part thereof, or any cessation of business for any reason. Every liable employer shall notify the Department of Revenue Agency in writing of such changes in status. This change shall:

1. Be reported on or before the due date of the next Employer's Quarterly Report no later than on the next quarterly wage and tax report due; and

2. State the name and address of the person, firm or corporation to whom the business was sold, conveyed or otherwise transferred; and

3. Include the name and address of the trustee, receiver, or other official placed in charge of the business when the status change results from bankruptcy, receivership or other similar situations; and

4. Be made by the employer's court appointed personal representative when the status change results from the death of an employer or, in the event no personal representative is appointed, the report shall be made by the heirs succeeding in ~~to the~~ interest of the employer; and

5. Be made by the former partners or joint adventurers when the change is due to dissolution of a partnership or joint venture.

(b) Other Changes. Employers shall report other changes in status on form LES Form UCS-3, "Florida Department of Revenue Employer Employers Report on Change in Status of Business Account Change Form" (Rev 08/01 4/91), herein incorporated by reference in Rule 60BB-2.037, F.A.C. Copies can be obtained from the Status Section, Bureau of Tax, Caldwell Building, Tallahassee, FL 32399.

(4) No change.

(5) Special Reports.

(a) The employer shall, upon request of the Agency or the Department of Revenue, promptly furnish a written statement of the wages of any worker, whenever such statement is necessary in order to determine such worker's eligibility for and rate of benefits. If such statement includes wages which have been earned in a pay period extending over more than one calendar quarter, such wages shall be prorated as stated in subsection 60BB-3.016(1), F.A.C.

~~(b) Notification of Mass Separation. The employer shall notify the Unemployment Compensation Claims Office nearest the job site as soon as the date of a mass separation and the number of workers involved are determined, but not later than the date of separation.~~

~~(b)(e)~~ No change.

~~(c)(d)~~ Magnetic Media Reporting. Employers who report by magnetic media shall submit ~~form LES-Form UCT-50T 65A-DR~~, “Florida Department of Revenue Magnetic Media Reporting Transmittal State Authorization Request for Magnetic Media Reporting” (Rev 01/01 2/90), ~~herein incorporated by reference in Rule 60BB-2.037, F.A.C. Copies may be obtained from the Bureau of Tax, Caldwell Building, Tallahassee, FL 32399.~~

(6) Filing Reports by Electronic Data Interchange Methods. Employers who file reports by electronic data interchange (edi) methods shall comply with Department of Revenue’s rule provisions contained in Rule Chapter 12-24, Florida Administrative Code, which rule provisions are incorporated by reference.

Specific Authority 120.53(1)(b), 443.171(2)(a) FS. Law Implemented 443.036(16),(33)(a), 443.101(4), 443.111(4)(b), 443.131(3)(g)4., 443.141(5), 443.151(3)(b), 443.163, 443.171(1),(7) FS. History–New 8-25-92, Formerly 38B-2.025, Amended.

60BB-2.026 Determination to Liable Employers.

(1) Notification of Benefits Paid and Charged.

(a) through (b) No change.

(c) Application for Redetermination. Such notification shall be conclusive and binding, unless the employer files an application for redetermination with the Agency based on claimant or employer identity within ~~(20)(15)~~ days of the mailing date of such notification. Such application shall not serve to contest employer liability or chargeability for benefits paid in accordance with a determination, redetermination, or a decision pursuant to Section 443.151, Florida Statutes, with respect to which notice has been given as provided in subsection Rule Section 60BB-3.016(2) 3-013(2).

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

(3) Notice of Tax Rate.

~~(a)~~ Notice of Tax Rate Pursuant to Computation of a Benefit Ratio. When the employer first becomes eligible for computation of a benefit ratio as provided in Section 443.131(3)(b), Florida Statutes, the Department of Revenue Agency shall:

~~(a)1-~~ Assign a contribution rate according to the benefit ratio and adjustment factors. This rate will be effective for the calendar quarter in which eligibility is established and for the remainder of that calendar year.

~~(b)2-~~ Notify the employer of the contribution rate not less than fifteen days prior to the end of the calendar quarter for which the rate is to be effective.

~~(b) Notice of Tax Rate Variation. The Agency shall notify in writing each employer eligible for rate variation, on or before March 15 of each year, of the contribution rate determined for that year, pursuant to Section 443.131, Florida Statutes.~~

Specific Authority 120.53(1)(b), 443.171(2)(a) FS. Law Implemented 443.131(3)(b)3.,(3)(i)1.,3., 443.141(2)(b), 443.151(3)(c),(4)(b)1., 443.171(1) FS. History–New 8-25-92, Formerly 38B-2.026, Amended.

60BB-2.027 Payment of Contributions.

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

2. Elected, with written approval by the Department of Revenue Agency, to become an employer.

(3) No change.

Specific Authority 120.53(1)(b), 443.171(2)(a) FS. Law Implemented 443.131(1),(3)(f), 443.171(1), 443.191 FS. History–New 8-25-92, Formerly 38B-2.027, Amended.

60BB-2.028 Delinquent Accounts.

(1) Application of Partial Payments. When a delinquency exists in the account of an employer, not in bankruptcy, and payment in an amount less than the total delinquency is submitted, the Department of Revenue Agency shall apply the payment to the delinquency in such manner as the payer directs. In the absence of specific directions, the Department of Revenue Agency shall apply a partial payment to billed quarters of delinquency in a manner most beneficial to the employer, satisfying first contributions, next interest, next penalty, next service fee, and then filing fee, in each quarter in full before application of the remainder of such payment to the next earlier quarter of delinquency. Once payment is applied pursuant to these rules, the application of payment shall not be changed.

(2) through (3) No change.

(4) Waiver of Penalty and Interest for Delinquent Reports. Pursuant to Section 443.141(1), Florida Statutes, and Chapter 2000-165, Laws of Florida, the Department of Revenue is Director of the Division of Unemployment Compensation and the Chief of the Bureau of Tax are authorized to waive imposition of interest or penalty when the employer files a written request for waiver establishing that the imposition of interest or penalty would be inequitable. Examples of such inequity include situations where the delinquency was caused by one of the following factors:

(a) through (d) No change.

(e) Erroneous information provided to the employer by the Department of Revenue Agency; failure of the Department of Revenue Agency to furnish proper forms upon timely application by the employer; inability of the employer to obtain an interview with a representative of the Department of Revenue Agency. In each of these cases, a diligent attempt to obtain the necessary information or forms must have been made by the employer in sufficient time that prompt action by the Department of Revenue Agency would have allowed the reports to be filed timely.

Specific Authority 120.53(1)(b), 443.171(2)(a) FS. Law Implemented 443.121(4), 443.131(3)(f),(h), 443.141, 443.171(1) FS. History–New 8-25-92, Amended 12-23-98, Formerly 38B-2.028, Amended.

60BB-2.031 Succession.

Pursuant to Section 443.131(3), Florida Statutes, Chapter 2000-165, Laws of Florida, and this rule, the Department of Revenue Agency, upon determining that a succession has

occurred, shall notify each affected employer of any tax rate change that would result from a transfer of employment records. Upon notification, the successor may, at its discretion, apply for transfer of employment records of the predecessor.

(1) Transfer of Employment Records.

(a) Form to be Used for Application.

1. Total and Partial Succession. Application for transfer of the employment records of a predecessor employer is to be made on ~~form LES-Form UCS-1Ss~~, "Report to Determine Succession and Application for Transfer of Experience Rating Records," (Rev. 12/01) ~~herein~~ incorporated by reference in Rule 60BB-2.037, F.A.C. ~~Copies may be obtained from the Bureau of Tax, Caldwell Building, Tallahassee, Florida 32399.~~

2. Partial Succession. Successor employers when applying for a transfer of employment records due to a partial succession must obtain the consent of the predecessor and, as outlined below, timely report all transfers of identifiable and segregable units. The Department of Revenue Agency will then determine the percentage of employment history to be transferred. A portion of the business shall not be considered to be segregable unless that portion is a distinct entity that could operate independently of the remainder of the business. Successor employers when applying for a transfer of employment records due to a partial succession, must additionally;

a. Establish that the records to be transferred are an identifiable and segregable unit and provide the date the unit being transferred first employed workers.

b. Ensure that complete and accurate information is filed with the Department of Revenue Agency within ninety (90) days of the date the partial succession has commenced or the Department of Revenue Agency shall deny the transfer. Upon timely receipt of the information the Department of Revenue Agency will then determine the percentage of employment history to be transferred from the predecessor's records to the successor's record and so notify the employers in accordance with the provisions of this rule. The percentage will be calculated by taking the number of employees transferred to the successor, divided by the total number of employees of the predecessor prior to the transfer. This percentage will then be applied to the benefit charges and taxable payroll of the predecessor and the resulting amount will create the employment history to be transferred to the successor's account. The employment history that is transferred will be applied to the successor's records in the same quarter as the employment history is removed from the predecessor's records. The predecessor shall remain liable for benefit charges paid to transferred employees for any claim based on wages paid by the predecessor up to the date of succession. Upon being timely notified by the parties of the partial succession, the Department of Revenue Agency shall notify the parties of their proposed tax rates. The Department of Revenue Agency shall revoke, within three (3) years of the date of the partial

succession, a previously approved transfer if the Department of Revenue Agency finds that the parties submitted materially inaccurate or incomplete information.

(b) Time Limit for Application. Pursuant to Section 443.131(3)(g)1., Florida Statutes, the Department of Revenue Agency shall notify each successor who was not an employer prior to the succession of liability as a successor and the right to apply for transfer of the predecessor's employment records. The Department of Revenue Agency shall notify each successor who was already an employer of the right to apply for transfer of the predecessor's employment records. The successor will have 30 days from the mailing date of the notification to apply for transfer of the records of the predecessor. If this time limit is not met, the Department of Revenue Agency shall not grant the application.

(c) through (3)(a)1. No change.

2. The tax rate of the predecessor shall remain unchanged until the predecessor next qualifies for computation of a benefit ratio. Should this date be prior to the Department of Revenue Agency's approval of the transfer, the rate computation for the immediately following rate year shall be based on the employment inclusive of the portion sought to be transferred. After approval, the Department of Revenue Agency shall recompute the rate of the predecessor for the entire rate year using only that portion of the employment experience remaining after the transfer has been completed.

(b) Tax Rate of the Successor.

1. No change.

2. A partial successor who was not already an employer shall become an employer as of the effective date of the succession. The tax rate between the date of succession and until the partial successor becomes eligible for an earned rate shall be the initial rate. For each calendar year following, the Department of Revenue Agency shall compute the tax rate pursuant to Section 443.131(3)(b), Florida Statutes, on the basis of the successor's own experience, if any, combined with the experience of the transferred records.

Specific Authority 120.53(1)(b), 443.171(2)(a) FS. Law Implemented 443.131(3)(b),(e),(g), 443.171(1) FS. History--New 8-25-92, Amended 12-7-97, Formerly 38B-2.031, Amended _____.

60BB-2.032 Employing Unit Records.

(1) Retention of Records. Each employing unit shall maintain all records pertaining to remuneration for services performed. Such records shall be maintained for a period of five years following the calendar year in which the services were rendered and must be made available to the Department of Revenue Agency upon request.

(2) No change.

(3) Failure to Keep Records. Any employing unit which fails to maintain and provide the records of employment required by the Agency or the Department of Revenue shall be determined liable effective on the date the Department of Revenue Agency determines from the information available

that employment first occurred. Upon a determination of liability, the Department of Revenue Agency shall advise each employer in writing to keep and maintain the payroll records required by this rule. Such notice shall be personally served upon the employer or sent by registered or certified mail to the employer's address of record.

Specific Authority 120.53(1)(b), 443.171(2)(a) FS. Law Implemented 443.071(2),(3), 443.171(1),(7) FS. History--New 8-25-92, Formerly 38B-2.032, Amended _____.

60BB-2.035 Protests of Liability, Assessment, Reimbursement and Tax Rate – Special Deputy Hearings.

- (1) No change.
- (2) Parties. The Department of Revenue Agency shall be a party respondent in all of the above protests. Where a protest arises from a claim or claims for benefits, those claimants shall be joined as parties.
- (3) through (4) No change.
- (5) Burden of Proof. The burden of proof shall be on the protesting party to establish by a preponderance of the evidence that the determination of the Department of Revenue Agency was in error.
- (6) through (7) No change.
- (8) Subpoenas.
 - (a) through (b) No change.
 - (c) Any person subject to a subpoena may, for any of the grounds set forth in Section 120.569(2)(k)1, 420.58(2), Florida Statutes, file with the special deputy a motion to quash or limit the scope of the subpoena. The motion must be made sufficiently in advance of the date set for compliance with the subpoena to allow the special deputy to rule on the motion and provide notice to the parties of the ruling. If the special deputy's written ruling is not received prior to the date set for compliance, the moving party shall appear at the designated time and place prepared to comply with the subpoena, provided that the moving party shall be entitled to an oral ruling on the motion entered into the record at the inception of the hearing.
 - (d) If a person fails to comply with a subpoena, the party requesting the subpoena may seek enforcement by filing a petition for enforcement pursuant to Section 120.569(2)(k)2, 420.58(3), Florida Statutes, in the circuit court of the judicial circuit wherein the person in noncompliance resides.
- (9) through (11) No change.
- (12) Hearings by the Deputy Director for Workforce Services. The same procedures shall govern hearings conducted by the Deputy Director except that there shall be no recommended order and no opportunity to file exceptions.
- (13) through (14) No change.
- (15) Deputy Director for Workforce Services' Service's Order. The Deputy Director or authorized designee shall make a decision and issue a written order in the matter and serve a copy of the order to the parties by certified mail.

(16) No change.

Specific Authority 120.53(1)(b),(c), 443.171(2)(a) FS. Law Implemented 120.57, 120.58(1),(2),(3), 443.036(17),(19), 443.131(3),(4),(5), 443.141(2),(3), 443.151(3)(c), 443.171(1),(7),(8),(9) FS. History--New 8-25-92, Formerly 38B-2.035, Amended _____.

60BB-2.037 Public Use Forms.

The following public-use forms and instructions are used by the Department of Revenue in its dealings with the public. These forms are hereby incorporated and made a part of this rule by reference. Copies of these forms are available by one or more of the following methods: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 1(800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1(800)367-8331.

- (1) Form DR-1, Application to Collect and/or Report Tax in Florida (Rev. 08/01).
- (2) LES Form UCS-2A, Voluntary Election Questionnaire (Rev. 09/01).
- (3) Form UCS-1, Unemployment Tax Employer Registration Report (Rev. 08/01).
- (4) Form UCS-1S, Report to Determine Succession and Application for Transfer of Experience Rating Records (Rev. 12/01).
- (5) Form UCS-2, Voluntary Election Application (Rev. 08/01).
- (6) Form UCS-3, Florida Department of Revenue Employer Account Change Form (Rev. 08/01).
- (7) Form UCS-6, Employers Reciprocal Coverage Election (Rev. 12/00).
- (8) Form UCS-6061, Independent Contractor Analysis (Rev. 01/01).
- (9) Form UCS-70, Application for Common Paymaster (Rev. 08/01).
- (10) Form UCT-1, Notice of Benefits Paid (Rev. 12/00).
- (11) Form UCT-6, Employer's Quarterly Report (Rev. 09/01).
- (12) Form UCT-8A, Correction to Employer's Quarterly Report (UCT-6) (Rev. 04/01).
- (13) Form UCT-18, Notice of Tax Lien (Rev. 12/00).
- (14) Form UCT-29, Reimbursement Invoice (Rev. 03/01).
- (15) Form UCT-50T, Florida Department of Revenue Magnetic Media Reporting Transmittal (Rev. 01/01).

(16) Form UCT-FL06A, Incomplete Report Notice (Rev. 05/01).

(17) Form UCT-FL13A, Missing Wage Report (Rev. 05/01).

(18) Form UCT-62, Power of Attorney for Unemployment Tax (Rev. 11/01).

Specific Authority 120.53(1)(b), 443.171(2)(a) FS. Law Implemented 443.036(19)(d)6.,(g).(n)4.,(34), 443.131, 443.171(1) FS. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE: Eric R. Hurst, Senior Attorney, 1320 Executive Center Drive, Suite 300, The Atkins Building, Tallahassee, Florida 32399-2250, (850)488-7228

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Clendenning, Process Manager, Workforce Program Support, 1320 Executive Center Drive, The Atkins Building, Tallahassee, Florida 32399-2250

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2002

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Auctioneers

RULE TITLE: Probable Cause RULE NO.: 61G2-7.010

PURPOSE AND EFFECT: To delegate its probable cause function to the Department.

SUMMARY: Delegates responsibility for determining probable cause to the Department.

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: 455.225(4), 468.384(2) FS.

LAW IMPLEMENTED: 455.225(4) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Baker, Executive Director, Board of Auctioneers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61G2-7.010 follows. See Florida Administrative Code for present text.)

61G2-7.010 Probable Cause.

Pursuant to Section 455.225(4), Florida Statutes, the Board delegates to the Department the authority to determine whether probable cause exists in any particular case.

Specific Authority 455.225(4), 468.384(2) FS. Law Implemented 455.225(4) FS. History-New 5-4-87, Formerly 21BB-1.008, 21BB-7.010, Amended 4-17-94.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Auctioneers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 25, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLE: Endorsement of Cosmetologists RULE NO.: 61G5-18.007

PURPOSE AND EFFECT: The Board proposes to amend this rule to further clarify the requirements for issuance of a license by endorsement. This amendment clearly lays out when the Board shall issue a license to an applicant without an examination.

SUMMARY: This rule sets forth requirements for licensure without examination when certain criteria are met.

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

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

SPECIFIC AUTHORITY: 477.019(5), 477.016 FS.

LAW IMPLEMENTED: 477.019(5) FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING DATE WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Baker, Executive Director, Board of Cosmetology, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-18.007 Endorsement of Cosmetologists.

The Department of Business and Professional Regulation shall issue a license to an applicant ~~a person~~ without examination who:

(1) Makes application and pays to the Department the fee specified in Rule 61G5-24.002;

(2) Demonstrates that the applicant is ~~is~~ currently licensed to practice cosmetology under the law of another state;

(3) Demonstrates that the applicant has completed at least 1200 cosmetology school or program hours; the out-of-state license was issued based upon personal qualifications substantially similar to, equivalent to, or greater than the qualifications required of Florida applicants.

(4) Demonstrates that the applicant has passed a written licensure examination to obtain a license;

(5) Demonstrates that the applicant has completed a board approved HIV/AIDS course.

Specific Authority 477.019(5), 477.016 FS. Law Implemented 477.019(5) FS. History--New 11-3-80, Formerly 21F-18.07, Amended 6-22-87, 10-18-87, 12-17-90, Formerly 21F-18.007, 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: January 6, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2002

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Initial Fee for Licensure and Wall Certificate

RULE NO.: 64B19-12.0041

PURPOSE AND EFFECT: The proposed rule amendment is intended to delete the provision for issuance of duplicate licenses. This subject is already treated in Rule 64B19-12.010, F.A.C.

SUMMARY: The proposed rule amendment deletes the provision for issuance of duplicate licenses.

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

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

SPECIFIC AUTHORITY: 490.004(4) FS.

LAW IMPLEMENTED: 456.013(2), 490.005(1)(a), 490.006(1) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) through (3) No change.

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2001

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES: Standards for Records

RULE NOS.: 64B19-19.0025

Releasing Psychological Records

64B19-19.005

PURPOSE AND EFFECT: The proposed rule amendments are intended to address informed consent forms with regard to provisional licensees and to address the release of psychological records.

SUMMARY: The proposed amendment to Rule 64B19-19.0025, F.A.C., requires provisionally licensed psychologists to include on the form for informed consent that the licensee is working under the supervision of a licensed psychologist and to identify said supervisor. The proposed amendment to Rule 64B19-19.005, F.A.C., specifies criteria with regard to release of patient records.

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.

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

SPECIFIC AUTHORITY: 456.057, 490.004(4), 490.0148 FS.
LAW IMPLEMENTED: 456.057, 490.002, 490.009(2)(n), (s),(u), 490.0148, 490.0051 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULES IS:

64B19-19.0025 Standards for Records.

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

(1) through (2) No change.

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

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

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

64B19-19.005 Releasing Psychological Records.

(1) through (2) No change.

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Psychology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2001

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

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 update the rule text by requiring licensees and initial applicants to attend a two (2) hour continuing education course for the prevention of medical errors.

SUMMARY: The Board has determined the rule text should be amended to reflect the required two (2) hour prevention of medical errors continuing education course counting towards the total number of education hours required for the profession.

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

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

SPECIFIC AUTHORITY: 468.1135(4), 456.013(7) FS.

LAW IMPLEMENTED: 468.1135(4), 468.1145(2), 456.013(7) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

64B20-2.001 Licensure by Certification of Credentials.

(1) Any person desiring to be licensed as a speech-language pathologist or audiologist shall apply to the Department of Health and pay the fee required by Rule 64B20-3.002, F.A.C. The application shall be made on Form SPA-1, Application for Licensure, which is incorporated by reference herein, will be effective March 25, 1991, and can be obtained from the Board of Speech-Language Pathology & Audiology, Department of Health, 4052 Bald Cypress Way 2020 Capital Circle, S. E., Bin #C068, Tallahassee, Florida 32399-32563258. The Department shall notify the applicant by letter of any deficiencies in the application within 30 days after

the application is filed. The applicant shall rectify all deficiencies in the application within one year from the date of such letter or the application will be processed as an incomplete application and the application file will be closed.

(2) No change.

(3) Effective January 1, 2002, all applicants for initial or renewal of initial license or licensure by endorsement shall submit to the Board proof of completion of a two (2) hour continuing education course relating to the prevention of medical errors. The 2-hour course shall count toward the total number of continuing education hours required for the profession. The course shall be provided by a Department-approved continuing education provider and shall include a study of root-cause analysis, error reduction and prevention, and patient safety. The address of the Board of Speech Language Pathology & Audiology is 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256.

Specific Authority 468.1135(4), 456.013(7) FS. Law Implemented 468.1185, 468.1145(2), 456.013(7) FS. History—New 3-14-91, Amended 5-25-92, Formerly 21LL-2.001, Amended 11-30-93, Formerly 61F14-2.001, 59BB-2.001, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Speech-Language and Audiology
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Speech-Language and Audiology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 11, 2002

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-144.002	Approval Procedures
4-144.005	Credit for Reinsurance
4-144.010	Accounting Requirements; Life and Health Reinsurance Agreements

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. 35, on August 31, 2001, of the Florida Administrative Weekly. These changes are being made to address concerns expressed at the public hearing and the rule challenge.

4-144.002 Approval Procedures.

~~(1) A retaliatory application fee shall be submitted pursuant to Section 624.5091, Florida Statutes. The retaliatory fee is the greater of:~~

~~(a) the amount that the applicant's domiciliary state or country would charge a Florida domestic insurer making application in the applicant's state or country of domicile, or~~

~~(b) the Florida application fee pursuant to Section 624.501(20)(c), Florida Statutes.~~

~~(1)(2) An insurer seeking the status of an accredited approved reinsurer pursuant to Section 624.610(3)(b)1. 624.610(2)(a)2., Florida Statutes, shall comply with the instructions contained in Form DI4-923, "Application For Accredited Approved Reinsurer Or Satisfactory Non-Approved Reinsurer Status," rev. 11/01 3/93 and submit the following forms. Forms relating to specific types of insurance are to be submitted only by companies issuing policies relating to the type of insurance specified on the form.~~

~~(a) Form DI4-927, "Application For License To Conduct Business In The State of Florida Accredited Reinsurer Status," rev 11/01 8-91;~~

~~(b) Form DI4-841, "Invoice, Request For Payment of Application Fees," rev. 8-91;~~

~~(b)(e) Form DI4-903, "Invoice, Request For Payment of Fingerprint Charges, rev. 4/97 4/94;~~

~~(c)(d) Form DI4-1524 144, "Uniform Consent to Service of Process" rev. 9/21/01 "Consent and Agreement in Re Service of Process," rev. 11-90;~~

~~(e) Form DI4-514, "Resolution Form," rev. 11-90;~~

~~(f) Form DI4-414, "Paid Representative Registration," rev. 6/01/89;~~

~~(d)(g) Form DI4-516, "Insurance Holding Company System Registration Statement," rev. 4/97 11-90;~~

~~(e)(h) Form DI4-1298 DI4-844, "Management Information Form," rev. 4/97 10-91;~~

~~(f)(i) Form DI4-1423 DI4-422, "Biographical Statement and Affidavit," rev. 9/21/01 11-90;~~

~~(g)(j) Form DI4-450, "Authority For Release of Information," rev. 8-91;~~

~~(h)(k) Fingerprint cards furnished by the Department of Insurance, according to instructions in Form DI4-938, "Fingerprint Card Instructions," rev. 7/99 4/91;~~

~~(i)(l) The material required by Form DI4-905 "Instructions for Furnishing Background Investigative Reports," rev. 2/01 8/93;~~

~~(m) DI4-904, "Proformas, Life Companies, pages 1-4 (Exhibits 1A, 1B, 2A, and 2B)," rev. 5-91;~~

~~(n) DI4-896, "Proformas, Property and Casualty Companies, pages 1-18," rev. 5-91; and~~

~~(o) DI4-901, "Life, Accident and Health Insurer Lines of Business by Company Code," rev. 5/91.~~

~~(p)~~ DI4-877, "Property and Casualty Insurer Lines of Business by Company Code," rev. 5/91.

(j) DI4-1464, "FORM AR-1 Certificate of Assuming Insurer", rev. 8/00;

~~(k)(q)~~ In addition, prior to a final decision on whether to grant accredited ~~approve the~~ reinsurer status, the Department shall request such other information as is necessary, depending on the facts and circumstances of the specific insurer, pursuant to Section 624.610, Florida Statutes, to determine whether the insurer meets the standards and the financial standards to ensure adequate protection for those to whom they owe obligations. The financial standards used in making this determination shall be substantially as high as those applicable to an authorized insurer, as found in Part III of Chapter 624, Chapter 628, or Chapter 629, Florida Statutes. The Department shall make no final decision on reinsurer status without complete information.

(2) The cost and expenses incurred by the Department to review a reinsurer's request for accreditation shall be charged for and collected from the requesting reinsurer. Costs are defined as the sum of the time spent by Department personnel calculated at payroll rates inclusive of personnel benefit expenses and overhead expenses for each Department employee, and other Department expenses related to processing the application; or, the actual charges incurred by a third party retained to assist in the Department's review of the application. Should it become necessary to hire an outside consultant in the process of the review, the reinsurer shall be contacted in advance to consent to this and agree to the cost. In the event that the Department and the reinsurer agree to utilize the services of an outside consultant to conduct the review the following applies:

(a) The acceptability of a person or firm to the Department shall be determined based on consideration of the person or firm's professional competence, objectivity, and cost.

(b) Consent of the reinsurer shall be demonstrated by written confirmation from an officer of the reinsurer agreeing to an examination or the specific services to be performed by the person or firm, and acknowledgment that the person or firm is acceptable to the reinsurer and that the cost will be paid by the applicant.

(c) All payments for services under this provision shall be made directly to the person or firm in accordance with the rates and terms agreed to by the Department, the insurer, and the person or firm performing the examination.

(3) An insurer seeking the status of a trusteed satisfactory ~~non-approved~~ reinsurer pursuant to Section 624.610, Florida Statutes, shall comply with the instructions contained in Form DI4-1466, "Application for Trusteed Reinsurer Status For Single Assuming Reinsurer", rev. 11/01 and submit the following: ~~submit all of the forms listed in subsection (2)(a)-(m) in addition to all of the items indicated on Page 2 of~~

Form DI4-923, "Satisfactory Non-Approved Reinsurer Status Instructions," rev. 8-91, to the extent not duplicated in subsection (2)(a)-(n), above.

(a) A copy of its annual statement with information substantially the same as that required to be filed in and with the National Association of Insurance Commissioners convention blank by authorized insurers in the same format required by such form and including all supporting documents. The blanks are adopted and incorporated by reference in subsection 4-144.005(2), F.A.C.;

(b) A certified copy of the trust agreement and any trust amendments;

(c) A certified copy of the approval of the trust and trust amendments by the commissioner of the state in which the trust is domiciled or of the commissioner of another state who, pursuant to the terms of the trust instrument, has accepted principal regulatory oversight of the trust;

(d) A statement from the trustee of the trust to the commissioner having regulatory oversight of the trust certifying the balance of the trust and the trust's investments at the preceding year end with certification that the trust will not expire prior to the following December 31;

(e) Form DI4-1524, "Uniform Consent to Service of Process" rev. 9/21/01;

(f) Form DI4-1298, "Management Information Form," rev. 4/97;

(g) Form DI4-1423, "Biographical Affidavit," rev. 9/21/01 for all individuals listed on Form DI4-1298;

(h) Form DI4-1469, rev. 8/2000, "Certificate of Assuming Insurer to Submit to Examination and Bear the Cost of Examination".

(i) "Checklist Trust Agreement for Trusteed Reinsurer" is included in Form DI4-1466, rev. 11/01.

(4) All forms listed in subsections (1), (2), and (3), above, are hereby adopted and incorporated by reference. All forms may be obtained from and shall be submitted to the Applications Coordination Section, Division of Insurer Services, Department of Insurance, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0300. All checks shall be made payable to the Florida Department of Insurance.

Specific Authority 624.308, 624.610(14) FS. Law Implemented 624.307(1),(2),(3),(5), 624.316, 624.317, 624.318, 624.321, 624.324, 624.34, 624.401, 624.404, 624.407, 624.413, 624.424, 624.501(20)(c), 624.5091, 624.610, 628.051, 628.061, 628.801, 629.081 FS. History--New 1-30-91, Formerly 4-108.002, Amended 5-12-94, _____.

4-144.005 Credit for Reinsurance Allowed a Domestic Ceding Insurer.

(1) No change.

(2) Credit for reinsurance by a domestic insurer shall be allowed when the reinsurance is ceded to an assuming insurer which is accredited approved as a reinsurer in this state pursuant to Section 624.610(3)(b) ~~624.610(2)(a)2.~~, Florida Statutes, and Rule 4-144.002, F.A.C. Florida Administrative

Code, as of any date on which statutory financial statement credit for reinsurance is claimed. An ~~accredited approved~~ reinsurer pursuant to Section ~~624.610(3)(b), 624.610(2)(a)2.~~ Florida Statutes:

(a) through (b) No change

(c) Files annually and quarterly with the Department a copy of its annual and quarterly statements filed on the National Association of Insurance Commissioners convention blanks, which are hereby adopted and incorporated by reference, with the insurance department of its state of domicile or, in the case of a U.S. branch of an alien assuming insurer, with the state through which it is entered and in which it is licensed to transact insurance or reinsurance, and a copy of its most recent audited financial statement and maintains a surplus as regards policyholders in accordance with Section ~~624.610(3)(b)1.d. 624.408,~~ Florida Statutes, and whose approval has been granted by the Department. If quarterly statements are not required by the state of domicile, quarterly statements shall only be required upon written request of the Department. The following National Association of Insurance Commissioners blanks are hereby adopted and incorporated by reference:

(1) NAIC Annual Statement Blank Life/Accident/Health 2001.

(2) NAIC Quarterly Statement Blank Life/Accident/Health 2001.

(3) NAIC Annual Statement Blank Health 2001.

(4) NAIC Quarterly Statement Blank Health 2001.

(5) NAIC Annual Statement Blank Property and Casualty 2001.

(6) NAIC Quarterly Statement Blank Property and Casualty 2001.

(3)(a) No credit for reinsurance shall be allowed a domestic ceding insurer:

1. If the assuming insurer's approval has been revoked by the Department; or

2. In the case of an assuming insurer that is not a licensed or ~~accredited approved~~ reinsurer, unless the assuming insurer agrees in the reinsurance agreements:

(I) through (b) No change.

(4) Credit for Reinsurance – Reinsurers Maintaining Trust Funds.

(a)1. Pursuant to Sections ~~624.610(3)(c)1, 624.610(2)(a)4, and 624.610(2)(b)4,~~ Florida Statutes, the Department shall allow credit for reinsurance ceded by a domestic insurer to an assuming insurer which, as of any date on which statutory financial statement credit for reinsurance is claimed, and thereafter for so long as credit for reinsurance is claimed, maintains a trust fund in an amount prescribed below in a qualified financial institution as defined in Section 624.610(5)(b), Florida Statutes ~~bank or trust company that is subject to supervision by any state of the United States or that~~

~~is a member of the Federal Reserve System,~~ for the payment of the valid claims of its U.S. domiciled ceding insurers, their assigns and successors in interest.

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

(III) In addition to these trusts, the group shall maintain a trustee surplus of which ~~\$100,000,000~~ \$50,000,000 shall be held jointly for the benefit of the U.S. domiciled ceding insurers of any member of the group for all the years of account.

b. No change.

~~3.a. The trust fund for a group of incorporated insurers under common administration, whose members possess aggregate policyholders surplus of \$10,000,000,000 (calculated and reported in substantially the same manner as prescribed by the Annual Statement Instructions and Accounting Practices and Procedures Manual of the NAIC, adopted and incorporated by reference in Rule 4 137.001(4), Florida Administrative Code) and which has continuously transacted an insurance business outside the United States for at least three (3) years immediately prior to making application for accreditation in any state of the United States, shall:~~

~~(I) Consist of funds in trust in an amount not less than the assuming insurers' several liabilities attributable to business ceded by U.S. domiciled ceding insurers to any members of the group pursuant to reinsurance contracts issued in the name of such group; and~~

~~(II) Maintain a joint trustee surplus of which \$50,000,000 shall be held jointly for the benefit of U.S. domiciled ceding insurers of any member of the group; and~~

~~(III) File a properly executed Form AR 1, adopted and incorporated by reference in paragraph (2)(a), as evidence of the submission to this state's authority to examine the books and records of any of its members and shall certify that any member examined will bear the expense of any such examination.~~

~~b. Within ninety (90) days after the statements are due to be filed with the group's domiciliary regulator, the group shall file with the Department an annual certification of each underwriter member's solvency by the member's domiciliary regulators, and financial statements, prepared by independent public accountants, of each underwriter member of the group.~~

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

(VI) Any amendment to the trust shall be filed with the Department no later than thirty (30) days after approval of the amendment by the commissioner who has the regulatory oversight of the trust.

2. through (d) No change.

(e) Assets deposited in the trust and the trustee surplus of a single assuming insurer shall consist of assets of a quality and limitation substantially similar to that required in Part II of Chapter 625, Florida Statutes, and shall be valued according to their fair market value.

(f) Assets deposited in the trust and the trustee surplus of a group including incorporated and individual unincorporated underwriters established to meet the requirements of Section 624.610(3)(c)3.b., Florida Statutes, shall be of the type and subject to limitations of the following:

(e)1. Assets deposited in the trusts established pursuant to Section 624.610(3)(c)3.b., Florida Statutes, and this section shall be valued according to their fair market value and shall consist only of cash in U.S. dollars, certificates of deposit issued by a U.S. Financial institution as defined in Section 624.610(5)(a), Florida Statutes, clean irrevocable, unconditional and “evergreen” letters of credit issued or confirmed by a qualified U.S. financial institution, as defined in Section 624.610(5)(a), Florida Statutes, and investments of the type specified in this subsection.

2. through 5.g. No change.

h. Letters of Credit.

(I) In order for a letter of credit to qualify in funding the trust, the trustee shall have the right and the obligation pursuant to the deed of trust or some other binding agreement (as duly approved by the Department) to immediately draw down the full amount of the letter of credit and hold the proceeds in trust for the beneficiaries of the trust if the letter of credit will otherwise expire without being renewed or replaced.

(II) The trust agreement shall provide that the trustee shall be liable for its negligence, willful misconduct or lack of good faith. The failure of the trustee to draw against the letter of credit in circumstances where such draw would be required shall be deemed to be negligence and willful misconduct.

(5) Trust agreements qualified under Section 624.610(4) 624.610(2)(b)2., Florida Statutes.

(a) No change.

(b) Required conditions.

1. The trust agreement shall be entered into between the beneficiary, the grantor and a trustee, which shall be a qualified United States financial institution as defined in Section 624.610(5)(b), Florida Statutes. As used in this subsection (5), a qualified United States financial institution is one which is a member of the Federal Reserve System.

2. through 9. No change.

10. The trust agreement shall provide that the trustee shall be liable for its negligence, willful misconduct or lack of good faith. The failure of the trustee to draw against the letter of credit in circumstances where such draw would be required shall be deemed to be negligence and willful misconduct.

11. Notwithstanding other provisions of this rule, when a trust agreement is established to meet the requirements of Section 624.610(4) 624.610(2)(b)2., Florida Statutes, in conjunction with a reinsurance agreement covering risks other than life, annuities, and accident and health, where it is customary practice to provide a trust agreement for a specific purpose, the trust agreement may provide that the ceding insurer shall undertake to use and apply amounts drawn upon

the trust account, without diminution because of the insolvency of the ceding insurer or the assuming insurer, only for the following purposes:

a. through c. No change.

12. Notwithstanding other provisions of this rule, when a trust agreement is established to meet the requirements of Section 624.610(4) 624.610(2)(b)2., Florida Statutes, in conjunction with a reinsurance agreement covering life, annuities, or accident and health risks, where it is customary to provide a trust agreement for a specific purpose, the trust agreement may provide that the ceding insurer shall undertake to use and apply amounts drawn upon the trust account, without diminution because of the insolvency of the ceding insurer or the assuming insurer, only for the following purposes:

a. through c. No change.

13. The reinsurance agreement may, but need not, contain the provisions required in (d)1.b. of this subsection (5), so long as these required conditions are included in the trust agreement.

14. No change.

(c) No change.

(d) A reinsurance agreement may contain provisions that stipulate that assets deposited in the trust account shall be valued according to their current fair market value and shall consist only of cash in United States dollars, certificates of deposit issued by a United States bank and payable in United States dollars, and investments permitted by Part II of Chapter 625 of the Florida Insurance Code or any combination of the above, provided investments in or issued by an entity controlling, controlled by or under common control with either the grantor or the beneficiary of the trust shall not exceed five percent (5%) of total investments. The reinsurance agreement may further specify the types of investments to be deposited. Where a trust agreement is entered into in conjunction with a reinsurance agreement covering risks other than life, annuities and accident and health, then the trust agreement may contain the provisions required by this paragraph in lieu of including such provisions in the reinsurance agreement.

(6) Letters of credit qualified under Section 624.610(4)(c) 624.610(2)(b)3., Florida Statutes.

(a)1. through 5. No change.

6.a. As used in this subsection (6), “beneficiary” means the domestic insurer for whose benefit the letter of credit has been established and any successor of the beneficiary by operation of law of the named beneficiary, including without limitation any liquidator, rehabilitator, receiver or conservator.

b. No change.

(b) through (e) No change.

(f) The letter of credit shall be issued or confirmed by a qualified United States financial institution authorized to issue letters of credit, pursuant to Section 624.610(5)(a), Florida Statutes.

(g) No change.

(7) Credit shall be allowed foreign and alien insurers when the reinsurance is ceded to an assuming insurer which is domiciled or licensed in, or, in the case of a U.S. branch of an alien assuming insurer is entered through, a state which employs standards regarding credit for reinsurance substantially similar to those applicable under these rules, and the assuming insurer and the reinsurance agreement meets the requirements established by this rule and Section 624.610, Florida Statutes. ~~or U.S. branch of an alien assuming insurer:~~

~~(a) Maintains a surplus as regards policyholders in an amount not less than \$2,500,000; and~~

~~(b) Submits to the authority of this state to examine its books and records; provided, however,~~

~~(c) The requirement of paragraph (a), above, does not apply to reinsurance ceded and assumed pursuant to pooling arrangements among insurers in the same holding company system.~~

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.610 FS. History—New 1-30-91, Formerly 4-108.005, Amended 12-25-97,_____.

4-144.010 Accounting Requirements: Life and Health Reinsurance Agreements.

(1) through (2)(a)7.b. No change.

c. In determining the reserve interest rate adjustment, the formula must reflect the ceding company's investment earnings and incorporate all realized and unrealized gains and losses reflected in the statutory statement. The following is an acceptable formula.

Note that the line references are for the 2001 ~~1994~~ National Association of Insurance Commissioners (NAIC) Annual Statement and are supplied as a convenient reference. Line references may be different in subsequent annual statements.

$$\text{Rate} = 2 * (\text{I} + \text{CG}) \div (\text{X} + \text{Y} - \text{I} - \text{CG})$$

Where: I is the net investment income (Exhibit 2, Line 16, Column 7)

CG is capital gains less capital losses (Exhibit 3, Line ~~40~~ 9, Column 4 plus Exhibit 4, Line ~~9~~ 40, Column 4)

X is the current year cash and invested assets (Page 2, Line ~~11~~ 10A, Column 1) plus investment income due and accrued (Page 2, Line ~~18~~ 46, Column 1) less borrowed money (Page 3, Line 22, Column 1)

Y is the same as X but for the prior year

8. through (5) No change.

Specific Authority 624.308(1), 624.424(1), 624.610(12),(14) FS. Law Implemented 624.307(1), 624.424(1), 624.610(4),(6),(10),(11),(12), 625.012(8), 626.9641(1)(d),(h), 631.051, 631.061, 631.071, 631.081 FS. History—New 1-30-91, Formerly 4-108.010, Amended 3-28-96,_____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE CHAPTER NO.: 5C-11 RULE CHAPTER TITLE: Swine Garbage Feeding

RULE NO.: 5C-11.015 RULE TITLE: Feeding Garbage; Application for Permit; Fees

NOTICE OF CORRECTION

The Florida Department of Agriculture and Consumer Services announces a correction to the Notice of Proposed Rulemaking, regarding Chapter 5C-11, Swine Garbage Feeding, Feeding Garbage, Application for Permit; Fees, which appeared in the January 25, 2002, issue of the Florida Administrative Weekly, Vol. 28, No. 4, page 270.

Specifically, the notice indicated that if requested within 21 days of the date of the notice, a hearing would be held at 10:00 a.m., February 6, 2002, Room 316, Mayo Building, 407 South Calhoun Street, Tallahassee, Florida.

The correct date and time will be 10:00 a.m., February 18, 2002.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE CHAPTER NO.: 5C-13 RULE CHAPTER TITLE: State Diagnostic Laboratories

RULE NO.: 5C-13.004 RULE TITLE: Schedule of Fees

NOTICE OF CORRECTION

The Florida Department of Agriculture and Consumer Services announces a correction to the Notice of Proposed Rulemaking, regarding Chapter 5C-13, State Diagnostic Laboratories, Schedule of Fees for Services, which appeared in the January 25, 2002, issue of the Florida Administrative Weekly, Vol. 28, No. 4, page 271.

Specifically, the notice indicated that if requested within 21 days of the date of the notice, a hearing would be held at 1:00 p.m., February 8, 2002, Room 316, Mayo Building, 407 South Calhoun Street, Tallahassee, Florida.

The correct date and time will be 1:00 a.m., February 18, 2002.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE CHAPTER NO.: 5C-24 RULE CHAPTER TITLE: Schedule of Fees for Services

RULE NO.: 5C-24.003 RULE TITLE: Official Certificate of Veterinary Inspection

NOTICE OF CORRECTION

The Florida Department of Agriculture and Consumer Services announces a correction to the Notice of Proposed Rulemaking, regarding Chapter 5C-24, Schedule of Fees for Services, Official Certificate of Veterinary Inspection, which appeared in the January 25, 2002, issue of the Florida Administrative Weekly, Vol 28, No. 4, page 276.

Specifically, the notice indicated that if requested within 21 days of the date of the notice, a hearing would be held at 1:00 p.m., February 6, 2002, Room 316, Mayo Building, 407 South Calhoun Street, Tallahassee, Florida.

The correct date and time will be 1:00 a.m., February 18, 2002.

DEPARTMENT OF REVENUE

Division of Child Support Enforcement

RULE NO.: 12E-1.028
 RULE TITLE: Garnishment by Levy
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to this proposed rule, as published in the Florida Administrative Weekly on November 21, 2001, Vol. 27, No. 47, pp. 5527-5530. These changes are in response to comments received from the Joint Administrative Procedures Committee, in accordance with s. 120.54(3)(d)1., F.S.

New subsection (4) has been added to proposed Rule 12E-1.028, F.A.C., so that, when adopted, the subsection will read:

(4) Custodian's Response to Notice of Freeze. Within five days after receipt of the Notice of Freeze, the custodian of assets shall advise the department of assets in the custodian's possession or control, and the value and location of the assets.

Subsection (4) of proposed Rule 12E-1.028, F.A.C., has been renumbered (5) and has been changed, so that, when adopted, the subsection will read:

(5) Notice to the Obligor of Intent to Levy. The department shall give notice of its intent to levy on the obligor's assets by sending a Notice of Intent to Levy by certified mail with return receipt requested to the obligor's most current address listed by the department. If the department has no current address for the obligor, the department shall send the notice to the obligor's address of record provided by the custodian of the assets, if one is provided. The notice shall inform the obligor and any joint owner of the right to contest the intended levy not later than 21 days after the date of receipt of the notice. The notice must inform the obligor and joint owner that they may request an informal conference with the department to resolve any disputed matters concerning the levy. To request an informal conference, they must contact the person indicated in the notice upon receipt of the notice. Their rights will not be adjudicated at an informal conference, and the right to contest the intended levy by requesting a formal or informal hearing will not be affected by requesting or participating in an

informal conference. A request for informal conference does not extend the 21 days allowed for contesting the intended levy. Mediation pursuant to s. 120.573, F.S., is not available as an alternative remedy. If the obligor or joint owner meets in person with an employee of the department, the employee may hand deliver the notice in lieu of mailing it. The employee shall attest to hand delivery of the notice by completing an Affidavit of Service by Hand Delivery, which shall constitute good and sufficient proof of receipt of notice by the obligor or joint owner.

Subsection (5) of proposed Rule 12E-1.028, F.A.C., has been renumbered (6). Paragraphs (a) and (d) of renumbered (6) have been changed, so that the reference to subsection (8) has been changed to subsection (9) and the reference to subsection (9) has been changed to subsection (10). When adopted, paragraphs (a) and (d) of renumbered subsection (6) will read:

(a) The department determines in accordance with subsection (9) of this rule that all or part of the frozen assets belong exclusively to a joint owner.

(d) The department determines that all or part of the assets are current earnings that are exempt from the levy in accordance with subsection (10) of this rule.

Subsection (6) of proposed Rule 12E-1.028, F.A.C., has been renumbered (7) and paragraph (a) of renumbered (7) has been changed, so that the reference to paragraph (10)(a) has been changed to paragraph (11)(a). When adopted, paragraph (a) of renumbered subsection (7) will read:

(a) In accordance with s. 409.25656(7)(d), F.S., if an obligor who received a Notice of Intent to Levy consents in writing to the levy, the department shall levy before the end of the time periods provided in paragraph (11)(a) of this rule. Upon request, the department shall provide an obligor or joint owner with a Consent to Levy form.

Subsections (7) through (9) of proposed Rule 12E-1.028, F.A.C., have been renumbered (8) through (10) No change.

Subsection (10) of proposed Rule 12E-1.028, F.A.C., has been renumbered (11) and renumbered subsection (11) has been changed, so that, when adopted, the subsection will read:

(11) Notice of Levy.

(a) Unless the obligor and each joint owner, if any, consents to a levy as provided in subsection (7) of this rule, the department shall not send a Notice of Levy to the custodian of the obligor's assets until after the latest of the following time periods:

1. Thirty days from the date the custodian of assets received the Notice of Freeze (the first day of this time period is the day after the date the custodian received the notice); or

2. Thirty days from the earlier of the dates the department sent or hand delivered the Notice of Intent to Levy to the obligor in accordance with subsection (5) of this rule (the first day of this time period is the day after the date the department sent or hand delivered the notice); or

3. If the intended levy is contested in accordance with s. 409.25656(8) and (9), F.S., the department shall not send the Notice of Levy to the custodian until after a final disposition occurs that is favorable to the department.

(b) The department shall send a Notice of Levy to the custodian by certified mail with return receipt requested.

(c) When the custodian is required by a Notice of Levy to transfer the assets to the department or pay to the department the amount owed to the obligor, up to the amount of past due or overdue support stated in the notice, the custodian shall provide with the asset or payment the obligor's name, social security number and the control number referenced on the Notice of Levy.

(d) The department shall send a Notice of Levy only after determining, on the date of issuance of the notice, that none of the conditions in subparagraphs 1. through 5. of paragraph (2)(b) above exist. The department shall send a Notice of Levy if the conditions in subparagraph 6. of paragraph (2)(b) above exist, provided the past due or overdue support owed in the case is greater than zero.

DEPARTMENT OF REVENUE

**NOTICE OF CABINET AGENDA
ON FEBRUARY 27, 2002**

The Governor and Cabinet, on February 27, 2002, sitting as head of the Department of Revenue, will consider approval of new Rule 12E-1.028, F.A.C., for adoption. The proposed rule was originally noticed in the Florida Administrative Weekly of November 21, 2001, Vol. 27, No. 47, pp. 5520-5530. A public hearing on the proposed rule was held on December 17, 2001. No members of the public appeared at the public hearing. Written comments concerning the proposed rule were received from the Joint Administrative Procedures Committee. In response to the comments, changes have been made to the proposed rule as it appeared in the Florida Administrative Weekly. A Notice of Change describing the changes appears in the February 15, 2002 issue of the Florida Administrative Weekly.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-40
RULE CHAPTER TITLE: Highway Beautification and Landscape Management
RULE NO.: 14-40.003
RULE TITLE: Highway Landscape Projects
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 Florida Administrative Weekly, Vol. 27, No. 51, December 21, 2001, Pages 6003 through 6008.

SUMMARY OF CHANGES: A public hearing was conducted on January 14, 2002, at the time and place specified in the notice of rulemaking.

1. The following changes resulted from comments received at that hearing:

a. 14-40.003(2)(f) is changed to read:

(f) "Non Governmental Entity" means any person or organization, other than a governmental entity, who seeks approval of a highway landscape project.

b. 14-40.003(a)7. is changed to read:

7. Plans prepared by or for Department highway landscape projects, ~~the total estimated cost of which are \$10,000 or greater,~~ must be signed and sealed by prepared by a registered landscape architect. Signing and sealing of plans submitted to the Department for review must be in accordance with Part II of Chapter 481, Florida Statutes, Landscape Architecture.

c. 14-40.003(3)(e) is changed to read:

(e) An abutting private property owner is not required to comply with subsection (3)(d) of this Rule and may apply for a permit to alter or install landscape materials on the Department's non limited access right of way directly abutting the owner's property between the right of way line and the nearest edge of pavement through submission of a Permit for Landscaping on State Road Right of Way, Form #850-060-03, Rev. 05/00, which is incorporated herein by reference and is available at any Department District Maintenance Office. Abutting private property owners must submit for approval a landscape plan, maintenance plan, and work zone traffic control plan. Approval will only be granted when it is determined that all plans meet the requirements of this Rule section. No permit will be issued to an abutting private property owner to provide visibility of such property through the cutting, trimming, or removal of trees, shrubs, or herbaceous plants.

d. 14-40.003(6) is changed to read:

(6) Donation of Landscape Projects. The Department will accept donations of plants, materials, installation, and maintenance for landscape projects on the State Highway System that meet the requirements of this Rule ~~Chapter~~.

2. In addition to the above listed changes resulting from the public hearing, two technical corrections were made in response to a review by the Joint Administrative Procedures Committee:

a. Law Implemented: Add 339.24, Florida Statutes.

b. Correction of a typographical error in the wording of Paragraph 8 of Form 850-060-03. The revision date for that form also is changed from 05/00 to 02/02.

NOTE: For purposes of this change notice, the add/delete coding shown reflect changes from the "amended" language, i.e., treating the previously proposed amendments as having been made. The filed rule amendment will show add/delete language of the proposed amendment and this change based upon the current Florida Administrative Code.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-4.051
 RULE TITLE: Exemptions

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to proposed Rule 40D-4.051, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 47, November 21, 2001, issue of the Florida Administrative Weekly:

40D-4.051 Exemptions.

The following activities are exempt from permitting under this chapter:

(1) through (5) No change.

(6) Any system for a mining or mining related activity which has a valid permit ~~or exemption confirmation letter~~ issued by the District or the Department pursuant to Rule 40D-45.041 ~~or Rule 40D-45.051~~, F.A.C. This exemption shall be for the plans, terms and conditions approved in the permit ~~or exemption confirmation letter~~ issued pursuant to Chapter 40D-45, F.A.C. ~~Proposed modifications to systems previously exempt under Rule 40D-45.051, F.A.C., may be subject to permitting under Chapter 40D-4, F.A.C. as provided in Rule 40D-4.054, F.A.C. If an operator of a system previously permitted under Chapter 40D-45, F.A.C., proposes an "alteration" as the term is defined in subsection 40D-4.021(7), F.A.C., such system shall be reviewed under the provisions of Chapter 40D-4, F.A.C.~~

(7) through (12) renumbered (8) through (13) No change.

Specific Authority 373.044, 373.118, 373.414(9) FS. Law Implemented 373.413, 373.419 FS. History-Readopted 10-5-74, Formerly 16J-4.05, Amended 10-1-84, 10-1-86, 3-1-88, 1-24-90, 10-3-95, 4-18-01, 5-17-01,

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Managed Care and Health Quality

RULE CHAPTER NO.: 59A-4
 RULE CHAPTER TITLE: Minimum Standards for Nursing Homes

RULE NOS.: 59A-4.103
 RULE TITLES: Licensure, Administration and Fiscal Management

59A-4.106
 Facility Policies
NOTICE OF CHANGE

Proposed amendments to Chapter 59A-4, F.A.C., minimum standards for nursing homes, were published November 2, 2001, in Vol. 27, No. 44 of the Florida Administrative Weekly.

59A-4.103 Licensure, Administration and Fiscal Management.

(1) The licensee or prospective licensee shall make application for an initial, renewal or change of ownership license to operate a nursing home facility and shall provide all of the information required by this rule and chapter 400, Part II, F.S., on AHCA form 3110-6001, January, 2002,

‘Application for Nursing Home Licensure’ and “Instructions for Completing Application for Nursing Home Licensure”, which is incorporated by reference and AHCA forms 3110-0011, 3110-0011A, 3110-0011B, 3110-0011C, and 3110-0011D, August, 2001, “Controlling Interest Affidavit for Nursing Homes”, which is incorporated by reference, and AHCA Form 1332-0001, January, 2002, “Proof of Financial Ability Schedule”, which is incorporated by reference, available from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive, Tallahassee, Florida 32308.

59A-4.106 Facility Policies.

(1)(f) All resident transfers and discharges shall be in accordance with the facility’s policies and procedures, provisions of s. 400.022, F.S., and s. 400.0255, F.S., this rule ~~and other applicable state and federal laws~~ and will include notices provided to residents which are incorporated by reference by using AHCA Form 3120-0002, 3120-0002A, Revised, May, 2001, “Nursing Home Transfer and Discharge Notice,” and 3120-0003, Revised May, 2001, “Fair Hearing Request For Transfer or Discharge From a Nursing Home,” and 3120-0004, Revised, May, 2001, “Long-Term Care Ombudsman Council Request for Review of Nursing Home Discharge and Transfer.” These forms may be obtained from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive MS 33, Tallahassee, FL 32308. The Department of Children and Family Services will assist in the arrangement for appropriate continued care, when requested.

Law Implemented 400.022, 400.0255, 400.102, 400.141, 400.141(7), 400.151, 400.23, 765.110 FS.

The following sentence is injected at the top of page seven of nine on AHCA Form 3001-6001, “Additional Instructions for New Medicare Provider Agreement for Change of Ownership/Change of Licensed Operator Application”:

If the effective date of a Change of Ownership results in the late filing of a license renewal, the late fine will be imposed pursuant to Section 400.111(1), F.S.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NOS.: 61J1-4.002
 RULE TITLES: Equivalency Education
 61J1-4.003 Continuing Education
 61J1-4.005 Notice of Satisfactory Course Completion
 61J1-4.008 Continuing Education for School Instructor

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules referenced above in accordance with subparagraph 120.54(3)(d)1., F.S., originally published in Vol. 26, No. 45, November 7, 2000; and Vol. 27, No. 27, July

6, 2001, and as amended in Vol. 27, No. 36, September 7, 2001, issues of the Florida Administrative Weekly. The changes are in response to comments received by the Joint Administrative Procedures Committee and for the purpose of publishing the entire text of the rules as amended and proposed by the Florida Real Estate Appraisal Board.

61J1-4.002 Equivalency Education.

The criteria for approval of equivalency for courses completed by individuals seeking credit for pre-registration, pre-licensure, pre-certification, or appraiser continuing education shall be that the course or courses covered substantially the same subject matter, hours of attendance, hours of instruction, and completion standards as prescribed by the Florida Real Estate Appraisal Board in Rules 61J1-4.001, 4.003 or 4.007, Florida Administrative Code. Application for past course evaluation shall be accompanied by an official transcript or other documentation showing the subjects taken together with the date completed and grade received. If the requested information is found lacking to show course equivalency, the board shall request supportive documentation to determine course equivalency.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617 FS. History—New 10-15-91, Formerly 21VV-4.002, Amended 4-6-98, _____.

61J1-4.003 Continuing Education.

(1) All registered, licensed and certified appraisers must satisfactorily complete a minimum of 30 hours of 50 minutes each of appraiser continuing education as prescribed or approved by the Florida Real Estate Appraisal Board, without duplication of material, during each renewal period as defined in Rule 61J1-2.002, Florida Administrative Code. Of the 30 hours, a minimum of 7 hours with a maximum of 18 hours, without significant duplication of material, shall include an update of the Uniform Standards of Professional Appraisal Practice as defined in s. 475.611(1)(m), Florida Statutes, and will review and update the Florida Real Estate Appraisal License Law and board rules, and provide an introduction to other state and federal laws affecting real estate appraisals. A minimum of 3 hours shall be dedicated to an update of the Florida Real Estate Appraisal License Law and board rules. A registered, licensed or certified appraiser is not required to complete the 30 hours of continuing education as a condition for initial registration, licensure or certification renewal if the time between the effective date on the initial registration, license or certificate and the beginning of the initial registration, licensure or certificate renewal is less than 12 months.

(2) The board shall approve for appraisal continuing education credit any course, seminar or conference in the real estate appraisal practice area provided by national or state recognized appraisal organization, accredited university, college, community college, area technical center, state or federal agency or commission or proprietary real estate school. The course will be approved for 24 months. A course may not

be offered after the expiration date except for a course that is begun before the expiration date may be completed even if the completion date is after the expiration date. The criteria for approval shall be as set out in subsection (3) below.

(3) Satisfactory completion of the board prescribed or approved continuing education course or courses of classroom instruction is demonstrated by successfully meeting standards established for each board prescribed course. These standards for approval of continuing education courses for appraisers shall be that the course or courses contain at least 3 hours of instruction and cover real estate appraisal related topics such as ad valorem taxation, arbitration, business courses related to real estate appraisal, construction estimating, ethics and standards of professional practice, land use planning, zoning and taxation, management, leasing, brokerage, timesharing, property development, real estate appraisal (valuations/evaluations), real estate financing and investment, real estate law, real estate litigation, real estate appraisal related computer applications, real estate securities and syndication, and real property exchange. Approval of satisfactory course completion shall not be issued to any registrant, licensee or certificate holder not attending a minimum of 90% of each of the classroom hours of board prescribed course instruction.

(a) A copy of the course and all course materials shall be submitted to the Board for evaluation at least 90 days prior to use. The Board will issue a status report to the course provider within 60 days after submission of the course. Approval must be granted before the course and examinations, if required, may be offered. It is the responsibility of the institution, school, or entity offering the Board approved courses to keep the course materials current and accurate, and notify the Board at least 90 days before implementing any significant changes to the course during its approval period.

(b) The national or state recognized appraisal organization, accredited university, college, community college, area technical center, state or federal agency or commission, or proprietary real estate school offering these Board prescribed or approved courses shall fully inform each student of the standards and requirements at the commencement of each course by providing each student a course syllabus that clearly states the course objective(s) and explains the desired learning outcomes. At least 70% of the desired learning outcomes shall be at the application level or higher. No more than 10% of the desired learning objectives shall be at the knowledge level. Notice of course completion shall be made as prescribed by the Board in Rule 61J1-4.005, Florida Administrative Code.

(c) For purposes of this rule, "application level" is defined as the ability to use the learned material in a completely new and concrete situation. It usually involves the application of rules, policies, methods, computations, laws, theories, or any other relevant and available information.

(d) For purposes of this rule, "knowledge level" is defined as recalling specific facts, patterns, methods, terms, rules, dates, formulas, names, or other information that must be committed to memory.

(4)(a) The continuing education courses required in this rule may be taught by a Board approved equivalent distance education course. Distance education is education that takes place when the learner is separated from the source of instruction by time and/or distance. Such distance education course subject matter, assignment work, scholastic standards and other related requirements shall be substantially the same as the course offered by classroom instruction, having due regard however, to the different method of presentation.

(b) A copy of the distance education course materials and a copy of each form of the course examination that will be administered to students shall be submitted to the Board for evaluation and approval at least 90 days prior to use. A minimum of 2 course examinations for each course shall be submitted for approval. The examination may be administered at the end of the course or portions of the examination may be administered to students at appropriate intervals during the course. The Board will issue a status report to the course provider within 60 days after submission of the course and examinations. Approval must be granted before the course and examinations may be offered. Thereafter, the course and examinations shall be maintained by each institution, school, or entity offering the distance education course(s) in accordance with the Board approved standard as subsequently modified by changing times, standards and laws. It is the responsibility of the institution, school or entity offering the Board approved distance education courses to keep the course material current and accurate, and notify the Board at least 90 days before implementing any significant changes to the course during its approval period.

(c) Satisfactory completion of the Board prescribed continuing education course(s) through distance education is demonstrated by achieving a grade of 80% or higher on the Board approved examination. Students failing the Board prescribed course examination must repeat the Board prescribed distance education course of study prior to being eligible to again take the course examination, which must be a different examination from the one the student previously failed.

(d) The objective of the distance education course examination is to test fairly and reliably whether students have learned essential facts and concepts from the course. This examination shall consist of a minimum of 3 questions per instructional hour. All questions shall be multiple choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content. The answer key must reference the page number(s) containing the information on which each question and correct answer is based. The answer key must be unique for each form of the

examination. At least 70% of the questions on each form of the test shall be at the application level or higher. No more than 10% of the questions on each form of the test shall be at the knowledge level.

(e) In all Board approved continuing education courses by distance education, the institution, school or entity shall provide to students an address, telephone number, or e-mail address of a Board approved instructor to answer inquiries.

(f) Continuing education courses by distance education will be approved for 24 months at which point the course will expire unless submitted to the board and approved for renewal. Courses may not be offered or distributed after the expiration date. However, a 15-day grace period beyond the expiration date will be allowed in order to grade an examination postmarked or otherwise received prior to the expiration date of the course. Students must be notified of the course expiration date upon receipt of the course materials.

(5) The Florida institution, organization, permitted real estate school or board approved entity offering these board prescribed or approved courses shall fully inform each student of the standards, requirements and criteria at the commencement of each course. Each student shall receive a copy of the most current course approval letter, issued by the board, at the commencement of each course. Notice of course completion shall be as prescribed by Rule 61J1-4.005, Florida Administrative Code.

(6) These board prescribed or approved courses shall be offered by a nationally or state recognized appraisal organization, area technical centers, accredited university, college and community college, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451, Florida Statutes, or at a place approved by the board. Satisfactory completion of these courses will not entitle any person to renew a registration, license or certification until such person has met all requirements of law.

(7) A registrant, licensee, or certificate holder, including a board member, may earn five (5) classroom hours by attending an entire meeting where the board considers disciplinary cases, for a maximum of ten (10) of the required thirty (30) hours; provided that, the individual is not appearing as a party to a disciplinary action and notifies the Division of Real Estate, Education Section, of the intent to attend at least seven (7) days prior to the meeting. Of the required 30 classroom hours, 5 hours may be earned by attending a meeting of the board wherein disciplinary cases are considered. Attendance must be for the entire day that the board is in session. At least 7 days advance notice of the intent to attend the board meeting must be given to the Education Section of the Division of Real Estate so attendance may be monitored. Failure to give advance notice will result in no credit hours. A maximum of 10 hours will be allowed during a renewal cycle. Credit hours may

~~not be earned when the registrant, licensee or certificate holder attends a disciplinary case session as a party to a disciplinary action.~~

~~(8) Any current member of the Florida Real Estate Appraisal Board who attends at least 8 meetings of the board in a renewal period where disciplinary cases involving violations of the USPAP, amendments to the USPAP and revisions to Chapter 475, Part II, are discussed shall receive 30 hours of continuing education.~~

(8)(9) Credit towards the continuing education requirements of this rule may also be satisfied by teaching board approved appraisal courses. Credit shall be awarded on an hour-for-hour basis. Individuals claiming such credit must teach the appraisal course during the renewal cycle in which credit is claimed and may not claim the course more than once in the renewal cycle. The board may request supportive documentation to ascertain course content and to verify the date(s), time, place and hours taught.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.618 FS. History—New 10-15-91, Amended 4-21-92, 6-7-92, Formerly 21VV-4.003, Amended 11-3-94, 4-6-98, 9-6-98, _____.

61J1-4.005 Notice of Satisfactory Course Completion.

(1) Applicants must submit, with the application for registration, licensure or certification a grade report as proof to the department that they have satisfactorily completed the applicable course(s) prescribed in Rule 61J1-4.001 or 4.002, Florida Administrative Code.

(2) through (6) No change.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615 FS. History—New 10-15-91, Formerly 21VV-4.005, Amended 7-19-95, 4-6-98, _____.

61J1-4.008 Continuing Education for School Instructors.

(1) All persons holding “school instructor” permits shall recertify their competency during each renewal period as defined in Rule 61J1-2.002, Florida Administrative Code, by satisfactorily completing a minimum of 21 hours of instruction in real estate appraisal subjects and instructional techniques as prescribed by the board. A school instructor is not required to complete the 21 hours of recertification education as a condition for initial permit renewal if the time between the effective date on the initial permit as an instructor and the beginning of the initial renewal permit is less than 12 months. Of the required 21 hours, up to 14 hours may be applied toward the continuing education requirement for registration, licensure, or certification pursuant to Rule 61J1-4.003, Florida Administrative Code.

(2) All board prescribed 21 hours of instruction shall consist of 7-hour seminar conducted by the board and a minimum of 7-hours of board approved instruction in real estate appraisal subjects and a minimum of 7-hours of board approved instruction consisting of an update of the Uniform Standards of Professional Appraisal Practice (USPAP) as defined in s. 475.611(1)(m), Florida Statutes, a review and

update of the Florida Real Estate Appraisal License Law and board rules, and an introduction to other state and federal laws affecting real estate appraisals. A minimum of 3 of the 7 update hours shall be dedicated to an update of the Florida Real Estate Appraisal License Law and board rules. The 14 hours of instruction may be offered by accredited universities, colleges, and community colleges, in this state, by real estate schools registered pursuant to s. 475.451, Florida Statutes, and entities approved by the board. Requests for approval to offer the 7-hours of instruction in real estate appraisal subjects and the 7-hours of instruction in USPAP shall be made to the board at least 90 days prior to offering the course. The requests shall include a detailed course description and the criteria for satisfactory course completion. The Board will issue a status report to the course provider at least 60 days after submission of the course. Approval must be granted before the course may be offered. The criteria for approval shall be as set in subsection (4) below

(3) Satisfactory completion of the board conducted 7-classroom hour seminar is demonstrated by attending all 7-classroom hours of instruction. Satisfactory completion of the remaining hours of instruction is demonstrated by completing the board approved course(s). In accordance with the standards established by the board. In Rule 61J1-4.003, Florida Administrative Code.

(4) The institution, school or approved entity offering the board approved 7-hours of instruction in real estate appraisal subjects and the 7-hours of instruction in USPAP, the Florida Real Estate Appraisal License Law and Board rules, and other state and federal laws affecting real estate appraisals shall inform each student of the standards and requirements at the commencement of each course. Each student shall receive a copy of the most current course approval letter, issued by the board, at the commencement of each course. The enforcement thereof shall be the responsibility of the board and the DBPR and their decision on any such matters shall be final. The institution, school or approved entity will be responsible for issuing a grade report. The information required in the grade report can be located in Rule 61J1-4.005, Florida Administrative Code.

(a) The Board shall approve any course, seminar, or conference in the real estate appraisal practice area provided by a national or state recognized appraisal organization, accredited university, college, community college, area technical center, state or federal agency or commission, or proprietary real estate school for appraisal continuing education credit for school instructors. The standards for board approval of appraisal continuing education courses for school instructors shall be that the course or courses cover real estate appraisal related topics, be designed to be training oriented to teach school instructors how to present the courses, and to provide updates on statutes and rules relevant to the appraisal industry. The course will be approved for 24 months. A course

may not be offered after the expiration date except for a course that is begun before the expiration date may be completed ~~completed~~ even if the completion date is after the expiration date.

(b) Satisfactory completion of the board prescribed or approved continuing education course or courses is demonstrated by successfully meeting standards established for each Board prescribed course.

(c) A copy of the course and all course materials shall be submitted to the Board for evaluation at least 90 days prior to use. The Board will issue a status report to the course provider within 60 days after submission of the course. Approval must be granted before the course and examinations, if required, may be offered. It is the responsibility of the institution, school, or entity offering the Board-approved courses to keep the course materials current and accurate, and notify the Board at least 90 days before implementing any significant changes to the course during its approval period.

(d) The national or state recognized appraisal organization, accredited university, college, community college, area technical center, state or federal agency or commission, or proprietary real estate school offering these Board prescribed or approved courses shall fully inform each student of the standards and requirements at the commencement of each course by providing each student a course syllabus that clearly states the course objective(s) and explains the desired learning outcomes. At least 70% of the desired learning outcomes shall be at the application level or higher. No more than 10% of the desired learning objectives shall be at the knowledge level. Notice of course completion shall be made as prescribed by the Board in Rule 61J1-4.005, Florida Administrative Code.

(5)(a) The continuing education courses required in this rule may be taught by a Board approved equivalent distance education course. Distance education is education that takes place when the learner is separated from the source of instruction by time and/or distance. Such distance education course subject matter, assignment work, scholastic standards and other related requirements shall be substantially the same as the course offered by classroom instruction, having due regard however, to the different method of presentation.

(b) A copy of the distance education course materials and a copy of each form of the course examination that will be administered to students shall be submitted to the Board for evaluation and approval at least 90 days prior to use. A minimum of 2 course examinations for each course shall be submitted for approval. The examination may be administered at the end of the course or portions of the examination may be administered to students at appropriate intervals during the course. The Board will issue a status report to the course provider within 60 days after submission of the courses and examinations. Approval must be granted before the course and examination may be offered. Thereafter, the course and examinations shall be maintained by each institution, school,

or entity offering the distance education course(s) in accordance with the Board approved standard as subsequently modified by changing times, standards, and laws. It is the responsibility of the institution, school, or entity offering the Board approved distance education courses to keep the course material current and accurate, and notify the Board at least 90 days before implementing any significant changes to the course during its approval period.

(c) Satisfactory completion of the Board prescribed continuing education course(s) through distance education is demonstrated by achieving a grade of 80% or higher on the Board approved examination. Students failing the Board prescribed course examination must repeat the Board prescribed distance education course of study prior to being eligible to again take the course examination, which must be a different examination from the one the student previously failed.

(d) The objective of the distance education course examination is to test fairly and reliably whether students have learned essential facts and concepts from the course. This examination shall consist of a minimum of 3 questions per instructional hour. All questions shall be multiple choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content. The answer key must reference the page number(s) containing the information on which each questions and correct answer is based. The answer key must be unique for each form of the examination. At least 70% of the questions on each form of the test shall be at the application level or higher. No more than 10% of the questions on each form of the test shall be at the knowledge level.

(e) In all Board approved continuing education courses by distance education, the institution, school, or entity shall provide to students an address, telephone number, or e-mail address of a Board approved instructor to answer inquires.

(f) Continuing education courses by distance education will be approved for 24 months at which point the course will expire unless submitted to the Board and approved for renewal. Courses may not be offered or distributed after the expiration date. However, a 15-day grace period beyond the expiration date will be allowed in order to grade an examination postmarked or otherwise received prior to the expiration date of the course. Students must be notified of the course expiration date upon receipt of the course materials.

Specific Authority 475.61 FS. Law Implemented 475.618 FS. History--New 10-15-95, Amended 9-6-98, 11-15-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Florida Appraisal Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 99-27R

RULE CHAPTER NO.: 62-4.242
RULE CHAPTER TITLE: Antidegradation Permitting Requirements; Outstanding Florida Waters; Outstanding National Resource Waters; Equitable Abatement

NOTICE OF RELOCATION OF HEARING

The Department of Environmental Protection announces the relocation of the rulemaking hearing for consideration of proposed amendments to Chapter 62-4, Florida Administrative Code, as part of the current triennial review of state surface water quality standards. The original notice of proposed rulemaking, published in the January 25, 2002 issue of the Florida Administrative Weekly, Vol. 28, No. 4, pages 295-296, and on the Department's web home page at <http://www.dep.state.fl.us/> stated that the proposed rule amendments were scheduled for consideration and possible adoption by the Florida Environmental Regulation Commission on February 28, 2002, at the Sheraton Hotel in West Palm Beach. The location of the adoption hearing has been moved. The proposed rule amendments are now scheduled for a hearing before the Environmental Regulation Commission at the time, date and place shown below:

TIME AND DATE: 9:00 a.m., February 28, 2002
PLACE: South Florida Water Management District, 3301 Gun Club Road, B-1 Auditorium, West Palm Beach, Florida 33406
The Department regrets any inconvenience this change in location may have caused. If you have any questions concerning this notice or the proposed rule amendments, please contact Eric Shaw, Department of Environmental Protection, Bureau of Watershed Management, 2600 Blair Stone Road, MS 3570, Tallahassee, Florida 32399-2400, telephone (850)921-9929.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 98-52R

RULE CHAPTER NO.: 62-302
RULE CHAPTER TITLE: Surface Water Quality Standards

NOTICE OF RELOCATION OF HEARING

The Department of Environmental Protection announces the relocation of the rulemaking hearing for consideration of proposed amendments to Chapter 62-302 of the Florida Administrative Code as part of the current triennial review of state surface water quality standards. The original notice of

proposed rulemaking, published in the January 25, 2002 issue of the Florida Administrative Weekly, Vol. 28, No. 4, page 296, and on the Department's web home page at <http://www.dep.state.fl.us/> stated that the proposed rule amendments were scheduled for consideration and possible adoption by the Florida Environmental Regulation Commission on February 28, 2002, at the Sheraton Hotel in West Palm Beach. The location of the adoption hearing has been moved. The proposed rule amendments are now scheduled for a hearing before the Environmental Regulation Commission at the time, date and place shown below:

TIME AND DATE: 9:00 a.m., February 28, 2002
PLACE: South Florida Water Management District, 3301 Gun Club Road, B-1 Auditorium, West Palm Beach, Florida 33406
The Department regrets any inconvenience this change in location may have caused. If you have any questions concerning this notice or the proposed rule amendments, please contact Eric Shaw, Department of Environmental Protection, Bureau of Watershed Management, 2600 Blair Stone Road, MS 3570, Tallahassee, Florida 32399-2400, telephone (850)921-9929.

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DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-37R

RULE CHAPTER NO.: 62-302
RULE CHAPTER TITLE: Surface Water Quality Standards
RULE NO.: 62-302.540
RULE TITLE: Everglades Protection Area Phosphorus Criterion

NOTICE OF CONTINUATION OF HEARING

SUMMARY: The Department of Environmental Protection gives notice of the continuation of the rule adoption hearing for the adoption of the Everglades Protection Area Phosphorus Criterion, proposed Rule 62-302.540, F.A.C.

The Notice of Proposed Rulemaking was published in the December 28, 2001 issue of the Florida Administrative Weekly, Vol. 27, No. 52, at page 6110. On January 31, 2002, the Environmental Regulation Commission opened the hearing and approved an extended schedule of continuations of the hearing, to be held during future meetings. The next meeting and hearing continuation will occur on February 28, 2002, with subsequent meetings and hearing continuations to be held on March 21, 2002; April 25, 2002; May 30, 2002; June 27, 2002; August 29, 2002; September 26, 2002; and October 24, 2002. The expected final adoption date by the Environmental Regulation Commission is October 24, 2002.

The full text of this notice, which includes specific information about meeting times, locations and anticipated subject matter to be covered, is published on the Internet at the Department of

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

For further information, please contact: Frank Nearhoof, Division of Water Resource Management, Everglades Technical Support Section, Mail Station 3560, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-9489.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 98-56R

RULE NO.: 62-532
 RULE TITLE: Water Well Permitting and Construction Requirements
 NOTICE OF CHANGE

The proposed rule was noticed in Vol. 28, No. 1, Florida Administrative Weekly.

SUMMARY: As a result of the public hearing, the Department has made changes to Rule Chapter 62-532, Water Well Permitting and Construction Requirements. The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE NO.: 64B6-2.006
 RULE TITLE: Examiners for Practical Examination
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 45, November 9, 2001, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE RULE WITHDRAWAL IS: Joe Baker, Jr., Board Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: 64B18-14.002
 RULE TITLE: Penalties
 NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 27, No. 45, November 9, 2001, issue of the Florida Administrative Weekly. The changes are in response to comments received from the staff of the Joint Administrative Procedures Committee and comments provided

during the February 1, 2002, telephone conference call. Subsections (1)(a),(c),(d),(e),(2)(a),(b),(d),(e),(i),(j),(k),(q),(v), and (x) of the rule shall now read as follows:

(1)(a) Practicing or attempting to practice podiatric medicine or advertising podiatric services in this State without an active license to practice podiatric medicine pursuant to Chapter 461, Florida Statutes, or with a license fraudulently obtained. In the case of an applicant, the Board shall deny the application. In the case of a licensee who has obtained or attempted to obtain a license by fraud, the Board shall impose probation to revocation and a fine of \$1000 to \$10,000, depending on the severity of the act. In the case of a licensee who has practiced, attempted to practice, or advertised while holding an inactive license, the Board shall impose a reprimand with or without a period of suspension and a fine of \$1000 to \$5000.

(c) Selling or fraudulently obtaining or furnishing any podiatry diploma, license, or record of registration or aiding or abetting in the same. The Board in the case of a licensee shall impose a penalty ranging from suspension to revocation and a fine of \$1000 to \$10,000. In the case of an applicant, the Board shall deny the application.

(d) Making any willfully false oath or affirmation whenever an oath or affirmation is required by Chapter 461, Florida Statutes. The Board in the case of licensee shall impose a penalty ranging from suspension to revocation and a fine of \$2000 to \$10,000. In the case of an applicant, the Board shall deny the application.

(e) Using the name or title "Podiatrist," "Doctor of Podiatry," "Doctor of Podiatric Medicine," or using the phrase "foot clinic," "foot doctor," "Podiatric Technician," or any other name, title, or phrase which would lead the public to believe that such person is engaging in the practice of podiatric medicine, unless such person is licensed as a podiatrist in this State. The Board in the case of a licensee shall impose a penalty ranging from a reprimand to suspension, and a fine of \$1000 to \$10,000. In the case of an applicant, the Board shall deny the application.

(2)(a) Attempting to obtain, obtaining or renewing a license to practice podiatric medicine by bribery, by fraudulent misrepresentation, or through an error of the Department or the Board. In the case of an applicant, the Board shall deny the application. In the case of a licensee, the Board shall impose a penalty of a reprimand to suspension and a fine of \$500 to \$10,000, based on the severity of the offense.

(b) Having a license to practice podiatric medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country. In the case of a licensee, the Board shall impose a penalty that parallels the action taken by the other jurisdiction and a fine from \$250 to \$10,000, depending upon the nature of the offense and the substantiating evidence. In the case of an applicant, the Board shall deny the application.

(d) Advertising in a manner which is false, deceptive or misleading. The Board shall impose a penalty ranging from reprimand to probation and a fine from \$1000 to \$5000.

(e) Advertising, practicing or attempting to practice under a name other than one's own. The Board shall impose a penalty ranging from reprimand to suspension and a fine from \$1000 to \$5000.

(i) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those which are signed in the capacity of a licensed podiatrist. If negligent, the Board shall impose a penalty ranging from reprimand to probation and a fine of \$2500 to \$10,000. If fraud, the Board shall impose a penalty ranging from probation to revocation and a fine of \$10,000.

(j) Paying or receiving any commission, bonus, kickback, rebate or engaging in any split-fee arrangement in any form whatsoever with a physician, organization, agency or person, either directly or indirectly, for patients referred to providers of health care goods and services, including, but not limited to hospitals, nursing homes, clinical laboratories, ambulatory surgical centers or pharmacies. The Board shall impose a penalty ranging from reprimand to suspension and a fine of \$1000 to \$10,000.

(k) Making misleading, deceptive, untrue or fraudulent representations in the practice of podiatric medicine or employing a trick or scheme in the practice of podiatric medicine when such scheme or trick fails to conform to the generally prevailing standards of treatment in the podiatric community. The Board shall impose a penalty ranging from probation to suspension and a fine of \$500 to \$10,000.

(q) Prescribing, dispensing, or administering any medicinal drug appearing on any schedule set forth in chapter 893 by the podiatrist to himself except those prescribed, dispensed or administered to the podiatrist by another practitioner authorized to prescribe, dispense or administer them. The Board shall impose a penalty ranging from probation to suspension and a fine of \$1000 to \$10,000.

(v) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he is not competent to perform. The Board shall impose a penalty ranging from probation to revocation and a fine of \$1000 to \$5000, depending on the severity of the offense.

(x) Violating any provision of Chapter 461 or 456, Florida Statutes, or any rule of the Board or Department. The Board shall impose a penalty ranging from reprimand to revocation and a fine of \$1000 to \$10,000, depending on the severity of the offense.

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

DEPARTMENT OF HEALTH

Board of Speech Language Pathology and Audiology

RULE NO.: 64B20-7.001
 RULE TITLE: Disciplinary Guidelines
 NOTICE OF CHANGE

Notice is hereby given that the attached changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 46, November 16, 2001 issue of the Florida Administrative Weekly.

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 (Substantial rewording of Rule 64B20-7.001 follows. See Florida Administrative Code for present text.)

64B20-7.001 Disciplinary Guidelines.

(1) Purpose. The Legislature created the Board to assure protection of the public from persons who do not meet minimum requirements for safe practice or who pose a danger to the public. Pursuant to 456.079, F.S., the Board provides within this rule disciplinary guidelines which shall be imposed upon applicants or licensees whom it regulates under Chapter 468, Part I, F.S. The purpose of this rule is to notify applicants and licensees of the ranges of penalties which will routinely be imposed unless the Board finds it necessary to deviate from the guidelines for the stated reasons given within this rule. The ranges of penalties provided below are based upon a single count violation of each provision listed; multiple counts of the violated provisions or a combination of the violations may result in a higher penalty than that for a single, isolated violation. Each range includes the lowest and highest penalty and all penalties falling between. The purposes of the imposition of discipline are to punish the applicants or licensees for violations and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants or licensees from violations.

(2) The range of penalties including any and all in Section 456.072(2), F.S., is:

- (a) Denial of an application for licensure with conditions to be met prior to any re-application.
- (b) Revocation or Permanent Revocation, with no or limited ability to re-apply or suspension of a license.
- (c) Imposition of an administrative fine not to exceed \$10,000 for each count or separate offense and costs of investigation and prosecution.

(d) Issuance of a Letter of concern, remedial education, and/or refund of fees billed.

(e) Placement of the licensee on probation for a period of time and subject to such conditions as the Board may specify to assure protection of the public, including requiring the speech-language pathologist or audiologist to attend continuing education courses or to work under the supervision of another licensed speech-language pathologist or audiologist.

(f) Restriction of the authorized scope of practice.

(3) Any individual who had their license revoked by this Board, and has complied with all of the disciplinary terms and conditions set forth in the final order, shall apply for initial license by satisfying the requirements as specified in Section 468.1185, F.S.

(4) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Section 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses is descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included. For applicants, any and all offenses listed herein are sufficient for refusal to certify an application for licensure. In addition to the penalty imposed, the Board shall recover the costs of investigation and prosecution of the case. Additionally, if the Board makes a finding of pecuniary benefit or self-gain related to the violation, then the Board shall require refunds of fees billed and collected from the patient or a third party on behalf of the patient.

VIOLATIONS	RECOMMENDED PENALTIES		
	First Offense	Second Offense	Third Offense
(a) Procuring or attempting to procure, or renew a license by misrepresentation, bribery, fraud or through an error of the Department or the Board. (468.1295(1)(a), F.S.); (456.072(1)(h), F.S.)	(a) From suspension to revocation of the license and an administrative fine of \$10,000.00.	(a) From suspension to revocation of the license and an administrative fine of \$10,000.00.	(a) From revocation, without the ability to reapply, and an administrative fine of \$10,000.00.
(b) Action taken against license by another jurisdiction. (468.1295(1)(b), F.S.) (456.072(1)(f), F.S.)	(b) Imposition of discipline which would have been if the substantive violation occurred in Florida up to suspension/denial until the license is unencumbered in the jurisdiction in which the disciplinary action was originally taken and a \$10,000.00 administrative fine.	(b) Imposition of discipline which would have been if the substantive violation occurred in Florida up to revocation until the license is unencumbered in the jurisdiction in which the disciplinary action was originally taken and a \$10,000.00 administrative fine.	(b) Revocation and a \$10,000 administrative fine.
(c) Guilty of a crime directly related to the ability to practice speech pathology or audiology. (468.1295(1)(c), F.S.); (456.072(1)(l), F.S.)	(c) From 6 months probation with conditions to 1 year suspension and an administrative fine ranging from \$1,000.00 \$5,000.00, or refusal to certify an application for licensure.	(c) From 1 year suspension of the license to revocation and an administrative fine ranging from \$5,000.00 to \$10,000, or refusal to certify an application for licensure.	
(d) Filing a false report or failing to file a report as required. Such reports or records shall include only those which the person is required to make or file as a speech pathologist or audiologist. (468.1295(1)(d), F.S.).	(d) From a letter of concern to reprimand of the license, and an administrative fine of \$10,000.00.	(d) From reprimand to probation of the license, and an administrative fine of \$10,000.00.	(d) From probation to suspension of the license, and an administrative fine of \$10,000.00.

<u>(e) False, deceptive, or misleading advertising. (468.1295(1)(e), F.S.).</u>	<u>(e) From a letter of concern to 6 months suspension of the license, and an administrative fine of \$10,000.00.</u>	<u>(e) From 6 to 9 months suspension of the license, and an administrative fine of \$10,000.00.</u>	<u>(e) From 9 months suspension to revocation of the license, and an administrative fine of \$10,000.00.</u>
<u>(f) Fraud or deceit, or negligence, incompetence, or misconduct in the authorized practice of speech pathology or audiology. (468.1295(1)(f), F.S.).</u>	<u>(f) From reprimand to probation of the license, and an administrative fine of \$10,000.00.</u>	<u>(f) From probation to suspension of the license, and an administrative fine of \$10,000.00.</u>	<u>(f) From suspension to revocation of the license, and an administrative fine of \$10,000.00.</u>
<u>(g)1. Violation or repeated violation of Chapter 468, Part I or Chapter 456, or any rules promulgated pursuant thereto, or a subpoena of the Department. (468.1295(1)(g),(i),F.S.) (456.072(1)(b),(q),F.S.)</u>	<u>(g)1. From reprimand to suspension of the license, and an administrative fine ranging from \$1,000 to \$3,000.00, or refusal to certify an application for licensure.</u>	<u>(g)1. From probation to revocation of the license, and an administrative fine ranging from \$3,000.00 to \$6,000.00, or refusal to certify an application for licensure.</u>	<u>(g)1. From suspension to revocation of the license, and an administrative fine ranging from \$6,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u>
<u>2. Violation of a lawful order of the Board or Department.</u>	<u>2. From a letter of concern to reprimand of the license, and an administrative fine ranging from \$1,000.00 to \$3,000.00, or refusal to certify an application for licensure.</u>	<u>2. From probation to suspension of the license, and an administrative fine ranging from \$3,000.00 to \$5,000.00, or refusal to certify an application for licensure.</u>	<u>2. From suspension to revocation of the license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u>
<u>(h) Practicing with a revoked, suspended, inactive or delinquent license. (468.1295(1)(h), F.S.).</u>	<u>(h) From reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.</u>	<u>(h) From probation to suspension of the license and an administrative fine ranging from \$1,000.00 to \$5,000.00, or refusal to certify an application for licensure.</u>	<u>(h) From suspension to revocation, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u>
<u>(i) Using, promoting any testimonial, promotional literature, any advertising matter, warranty, label, brand however disseminated or published which is misleading, deceiving or untruthful. (468.1295(1)(j), F.S.).</u>	<u>(i) From reprimand to suspension of the license, and an administrative fine of \$10,000.00.</u>	<u>(i) From probation to suspension, and an administrative fine of \$10,000.00.</u>	<u>(i) From suspension to revocation, and an administrative fine of \$10,000.00.</u>
<u>(j) Showing or demonstrating or, in the event of sale, delivery or a product unusable or impractical for the purpose represented or implied by such action. (468.1295(1)(j), F.S.).</u>	<u>(j) From reprimand to probation of the license, and an administrative fine of \$10,000.00.</u>	<u>(j) From probation to suspension of the license, and an administrative fine of \$10,000.00.</u>	<u>(j) From suspension to revocation of the license and an administrative fine of \$10,000.00.</u>

<p><u>(k) Failure to maintain and have available for inspection by the Agency certification for the testing and calibration of any audiometric testing equipment designated by the Board covering the current year as well as the three (3) years prior.</u> (468.1295(1)(5), F.S.).</p>	<p><u>(k) From reprimand to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(k) From probation to suspension, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(k) From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(l) Aiding, assisting, procuring, or advising any licensed person to practice speech-language pathology or audiology contrary to this part or to a rule of the Department or the Board adopted thereto.</u> (468.1295(1)(l), F.S.)</p>	<p><u>(l) From a reprimand to probation of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(l) From probation to suspension of the license, and an administrative fine ranging from \$5,000.00 to \$7,500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(l) From suspension to revocation of the license, and an administrative fine ranging from \$7,500.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(m) Misrepresentation of professional services available in the fitting, sale, adjustment, service or repair of a hearing aid, or use of any other term or title connoting availability of professional services when such use is not accurate.</u> (468.1295(1)(m), F.S.); (456.072(1)(i), F.S.).</p>	<p><u>(m) From a letter of concern to probation of the license, and an administrative fine \$10,000.00.</u></p>	<p><u>(m) From probation to suspension of the license, and an administrative fine of \$10,000.00.</u></p>	<p><u>(m) From suspension to revocation of the license and an administrative fine of \$10,000.00.</u></p>
<p><u>(n) Representation, advertisement, or implication that a hearing aid or its repair is guaranteed without full disclosure of the identity of the guarantor; the nature, extent, and duration of the guarantee; and the existence of the conditions or limitations imposed upon the guarantee.</u> (468.1295(1)(n), F.S.); (456.072(1)(n), F.S.).</p>	<p><u>(n) From reprimand to probation of the license, and an administrative fine of \$10,000.00.</u></p>	<p><u>(n) From probation to revocation of the license, and an administrative fine of \$10,000.00.</u></p>	<p><u>(n) From suspension to revocation and an administrative fine of \$10,000.00.</u></p>

<p><u>(o) Representing, directly or by implication, that a hearing aid utilizing bone conduction has certain specified features, such as absence of anything in the ear or leading to the ear, or the like, without disclosing clearly or conspicuously that the instrument operates on the bone conduction principle and that in many cases of hearing loss this type of instrument may not be suitable.</u> (468.1295(1)(o), F.S.).</p>	<p><u>(o) From letter of guidance to suspension of the license, and an administrative fine of \$10,000.00.</u></p>	<p><u>(o) From suspension to revocation of the license, and an administrative fine of \$10,000.00.</u></p>	<p><u>(o) From suspension to revocation of the license, without the ability to reapply, and an administrative fine of \$10,000.00.</u></p>
<p><u>(p) Stating or implying that the use of any hearing aid will improve or preserve hearing or prevent or retard the progression of a hearing impairment or that it will have any similar or opposite effect.</u> (468.1295(1)(p), F.S.).</p>	<p><u>(p) From reprimand to probation of the license, and an administrative fine of \$10,000.00.</u></p>	<p><u>(p) From probation to suspension of the license, and an administrative fine of \$10,000.00.</u></p>	<p><u>(p) From suspension to revocation of the license, and an administrative fine of \$10,000.00.</u></p>
<p><u>(q) Making any statement regarding the cure of the cause of a hearing impairment by the use of a hearing aid.</u> (468.1295(1)(q), F.S.);</p>	<p><u>(q) From reprimand to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(q) From probation to revocation of the license, and an administrative fine ranging from \$750.00 to \$900.00, or refusal to certify an application for licensure.</u></p>	<p><u>(q) From suspension to revocation of the license, and an administrative fine ranging from \$900.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(r) Representing or implying that hearing aid is or will be “custom-made,” “made to order,” or “prescription-made” or in any other sense specially fabricated for an individual person, when such is not the case.</u> (468.1295(1)(r), F.S.);</p>	<p><u>(r) From reprimand to probation of the license, and an administrative fine of \$10,000.00.</u></p>	<p><u>(r) From probation to suspension of the license, and an administrative fine of \$10,000.00.</u></p>	<p><u>(r) From suspension to revocation of the license, and an administrative fine of \$10,000.00.</u></p>
<p><u>(s) Canvassing from house to house or by telephone either in person or by an agent for the purpose of selling a hearing aid, except that contacting persons who have evidenced an interest in hearing aids, or have been referred as in need of hearing aids, shall not be considered canvassing.</u> (468.1295(1)(s), F.S.);</p>	<p><u>(s) From reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(s) From probation to revocation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(s) From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>

<p><u>(t) Failing to notify the department in writing of a change in current mailing and place-of-practice mailing address within thirty (30) days after such change.</u> (468.1295(1)(t))</p>	<p><u>(t) Letter of guidance to reprimand of license and an administrative fine of \$250.00 to \$500.00.</u></p>	<p><u>(t) Reprimand to probation of license and an administrative fine of \$500.00 to \$750.00.</u></p>	<p><u>(t) Reprimand to suspension of license and an administrative fine of \$750.00 to \$1,000.00.</u></p>
<p><u>(u) Failure to provide all information as described in Section 468.1245(1), 468.1225(5)(b) and 468.1246.</u> (468.1295(1)(u))</p>	<p><u>(u) From a letter of guidance to reprimand of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(u) From reprimand to probation of the license, and an administrative fine ranging from \$5,000.00 to \$7,500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(u) From suspension to revocation of license, and an administrative fine ranging from \$7,500.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(v) Exercising influence on a client in such a manner as to exploit the client for financial gain of the licensee or of a third party.</u></p>	<p><u>(v) Reprimand of the license, and an administrative fine ranging from \$500.00 to \$3,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(v) Probation of the license, and an administrative fine ranging from \$3,000.00 to \$6,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(v) Six month suspension, and an administrative fine ranging from \$6,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(w) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee or certificateholder knows, or has reason to know, the licensee or certificateholder is not competent to perform.</u> (468.1295(1)(w))</p>	<p><u>(w) From reprimand to suspension of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(w) From probation to revocation of the license, and an administrative fine ranging from \$5,000.00 to \$7,500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(w) From suspension to revocation of license, and an administrative fine ranging from \$7,500.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(x) Aiding, assisting, procuring, or employing any unlicensed person to practice speech-language pathology or audiology.</u> (468.1295(1)(x))</p> <p>Should the violator be an unlicensed person, the Board will request the Department to enter a cease and desist order.</p>	<p><u>(x) From a reprimand to probation of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(x) From probation to suspension of the license, and an administrative fine ranging from \$5,000.00 to \$7,500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(x) From suspension to revocation of license, and an administrative fine ranging from \$7,500.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(y) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience and authorization to perform them.</u> (468.1295(1)(y))</p>	<p><u>(y) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(y) From reprimand to suspension of the license, and an administrative fine ranging from \$5,000.00 to \$7,500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(y) From suspension to revocation of license, and an administrative fine ranging from \$7,500.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p>

<u>(z) Committing any act upon a patient or client which would constitute sexual batter or which would constitute sexual misconduct as defined pursuant to section 468.1296. (468.1295(10)(z))</u>	<u>(z) From reprimand to suspension of the license until such time as the fine has been paid and the licensee personally appears before the Board, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.</u>	<u>(z) From probation to suspension of the license until such time as the fine has been paid and the licensee personally appears before the Board, and an administrative fine ranging from \$5,000.00 to \$7,500.00, or refusal to certify an application for licensure.</u>	<u>(z) From suspension to revocation of license until such time as the fine has been paid and the licensee personally appears before the Board, and an administrative fine ranging from \$7,500.00 to \$10,000.00, or refusal to certify an application for licensure.</u>
<u>(aa) Impairment under 456.076, Florida Statutes. (468.1295(1)(aa))</u>	<u>(aa) Referral to Physicians Recovery Network (PRN) up to suspension until the licensee can demonstrate the ability to practice with reasonable skill and safety, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u>	<u>(aa) Referral to PRN up to suspension until the licensee can demonstrate the ability to practice with reasonable skill and safety, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u>	<u>(aa) Referral to PRN up to suspension until the licensee can demonstrate the ability to practice with reasonable skill and safety, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u>
<u>(bb) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto. (468.1295(1)(bb))</u>	<u>(bb) From a reprimand to probation of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.</u>	<u>(bb) From probation to suspension of the license, and an administrative fine ranging from \$5,000.00 to \$7,500.00, or refusal to certify an application for licensure.</u>	<u>(bb) From suspension to revocation of license, and an administrative fine ranging from \$7,500.00 to \$10,000.00, or refusal to certify an application for licensure.</u>

Specific Authority 468.1135(4) FS. Law Implemented 456.063, 456.072, 456.076, 468.1295, 468.1296 FS. History—New 2-7-91, Amended 11-9-92, Formerly 21LL-7.001, 61F14-7.001, Formerly 59BB-7.001, Amended 10-25-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Speech-Language and Audiology
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Speech-Language and Audiology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 24, 2001

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 398, SHOPPING SPREE
SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 398, “SHOPPING SPREE,” for which the Department of the Lottery will start selling tickets on a date

RULE NO.: 53ER02-6

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:

53ER02-6 Instant Game Number 398, SHOPPING SPREE.

(1) Name of Game. Instant Game Number 398, “SHOPPING SPREE.”

(2) Price. SHOPPING SPREE lottery tickets sell for \$1.00 per ticket.

(3) SHOPPING SPREE 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 SHOPPING SPREE lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the

validity of any SHOPPING SPREE lottery ticket, or as to the prize amount, the VIRN number under the latex shall prevail over the bar code.

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

INSERT SYMBOLS

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

INSERT SYMBOLS

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

INSERT SYMBOLS

(7) The legends are as follows:

INSERT SYMBOLS

(8) Determination of Prize Winners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches either number in the "LUCKY NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to four matching sets of numbers. The prizes are: TICKET, \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$100, \$500, \$2,000.

(b) A ticket having a "TICKET" symbol in the play area shall entitle the claimant to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a SHOPPING SPREE 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 estimated odds of winning, value, and number of prizes in Instant Game Number 398 are as follows:

<u>GAME PLAY</u>	<u>WIN</u>	<u>ODDS OF</u> <u>1 IN</u>	<u>NUMBER OF</u> <u>WINNERS IN</u> <u>56 POOLS OF</u> <u>180,000 TICKETS</u> <u>PER POOL</u>
<u>TICKET</u>	<u>\$1</u>	<u>8.33</u>	<u>1,209,600</u>
<u>\$1</u>	<u>\$1</u>	<u>21.43</u>	<u>470,400</u>
<u>\$1 + \$1</u>	<u>\$2</u>	<u>33.33</u>	<u>302,400</u>
<u>\$1 + \$1 + \$1 + \$1</u>	<u>\$4</u>	<u>42.86</u>	<u>235,200</u>
<u>\$2 + \$2</u>	<u>\$4</u>	<u>60.00</u>	<u>168,000</u>
<u>\$4</u>	<u>\$4</u>	<u>100.00</u>	<u>100,800</u>
<u>\$1 + \$2 + \$2 + \$5</u>	<u>\$10</u>	<u>150.00</u>	<u>67,200</u>
<u>\$5 + \$5 + \$5</u>	<u>\$15</u>	<u>300.00</u>	<u>33,600</u>
<u>\$5 + \$5 + \$5 + \$10</u>	<u>\$25</u>	<u>600.00</u>	<u>16,800</u>
<u>\$20 + \$20</u>	<u>\$40</u>	<u>5,806.45</u>	<u>1,736</u>
<u>\$100 x 4</u>	<u>\$400</u>	<u>504,000.00</u>	<u>20</u>
<u>\$500 x 4</u>	<u>\$2,000</u>	<u>1,260,000.00</u>	<u>8</u>
<u>\$2,000</u>	<u>\$2,000</u>	<u>2,016,000.00</u>	<u>5</u>

(10) The estimated overall odds of winning some prize in Instant Game Number 398 are 1 in 3.87.

(11) For reorders of Instant Game Number 398, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

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

(13) Payment of prizes for SHOPPING SPREE 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 2-1-02.

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

EFFECTIVE DATE: February 1, 2002

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 427, SUPER MONOPOLY® GAME
 RULE NO.: 53ER02-7

SUMMARY OF THE RULE: Instant Game Number 427, "SUPER MONOPOLY® GAME," will be sold by Florida Lottery retailers on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, procedures to be followed on how to play the game, and the estimated number and size of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-7 Instant Game Number 427, SUPER MONOPOLY® GAME.

(1) Name of Game. Instant Game Number 427, "SUPER MONOPOLY® GAME."

(2) Price. SUPER MONOPOLY® GAME tickets sell for \$5.00 per ticket.

(3) SUPER MONOPOLY® GAME 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 SUPER MONOPOLY® GAME lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any SUPER MONOPOLY® GAME lottery ticket, or as to the prize amount, the VIRN number under the latex shall prevail over the bar code.

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

INSERT SYMBOLS

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

INSERT SYMBOLS

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

INSERT SYMBOLS

(7) The legends are as follows:

INSERT SYMBOLS

(8) Determination of Prize Winners.

(a) A ticket having a number in the "YOUR HOUSE NUMBERS" play area that matches any number in the "HOTEL NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to fifteen matching sets of numbers. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$15.00, \$25.00, \$50.00, \$100, \$200, \$500, \$1,000, \$5,000, \$10,000, and \$100,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$5.00 instant ticket or any combination of instant and on-line tickets that totals \$5.00, except as follows. A person who submits by mail a SUPER MONOPOLY® GAME lottery ticket which entitles the claimant to a prize of a \$5.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$5.00 in lieu of an actual ticket.

(b) A ticket having a "train" symbol in the "YOUR HOUSE NUMBERS" play area shall entitle the claimant to double the corresponding prize shown.

(c) A ticket having a "GO" symbol in the "YOUR HOUSE NUMBERS" play area shall entitle the claimant to a prize of \$200.

(9) Number and Size of Prizes. The estimated odds of winning, value, and number of prizes in Instant Game Number 427 are as follows:

GAME PLAY TICKET	WIN	NUMBER OF WINNERS IN 42 POOLS OF 120,000 TICKETS PER POOL	
		ODDS OF 1 IN	
\$5 TICKET	\$5	7.06	714,000
\$1 x 5	\$5	60.00	84,000
(\$1 x 3) + \$2	\$5	120.00	42,000
\$1 + \$2 (D)	\$5	30.00	168,000
\$5	\$5	30.00	168,000
\$1 x 10	\$10	30.00	168,000
\$5 (D)	\$10	60.00	84,000
(\$1 x 4) + (\$2 x 3)	\$10	60.00	84,000
\$1 + (\$2 x 2) + \$5	\$10	80.00	63,000
\$10	\$10	240.00	21,000
\$1 x 15	\$15	60.00	84,000
\$5 x 3	\$15	120.00	42,000
\$5 + \$10	\$15	120.00	42,000
\$5 x 5	\$25	400.00	12,600
(\$5 x 3) + \$10	\$25	400.00	12,600
(\$2 x 10) + \$5	\$25	240.00	21,000
(\$1 x 10) + (\$5 x 3)	\$25	400.00	12,600
(\$1 x 5) + (\$2 x 5) + (\$5 x 2)	\$25	400.00	12,600
\$5 + \$10 (D)	\$25	400.00	12,600
\$50	\$50	181.00	27,846
(\$5 x 5) + (\$10 x 5)	\$75	8,000.00	630
\$5 + (\$10 x 7)	\$75	8,000.00	630
\$5 x 15	\$75	8,000.00	630
(\$1 x 5) + (\$2 x 5) + \$5 (D) + \$10 (D) + \$15 (D)	\$75	8,000.00	630
(\$10 x 5) + \$25	\$75	4,800.00	1,050
\$50 (D)	\$100	6,000.00	840
\$10 + (\$15 x 6)	\$100	6,000.00	840
\$10 x 10	\$100	6,000.00	840
\$25 x 4	\$100	6,000.00	840
AUTOWIN SYMBOL (GO)	\$200	6,000.00	840

\$50 x 10	\$500	336,000.00	15
(\$100 x 3) + AUTOWIN SYMBOL (GO)	\$500	336,000.00	15
(\$25 x 8) + (\$50 x 6)	\$500	336,000.00	15
\$100 x 10	\$1,000	504,000.00	10
(\$50 x 10) + (\$100 x 5)	\$1,000	504,000.00	10
(\$50 x 10) + (\$100 x 3) + AUTOWIN SYMBOL (GO)	\$1,000	504,000.00	10
\$500 (D)	\$1,000	504,000.00	10
\$1,000	\$1,000	504,000.00	10
\$1,000 x 10	\$10,000	2,520,000.00	2
\$5,000 (D)	\$10,000	2,520,000.00	2
\$10,000	\$10,000	2,520,000.00	2
\$100,000	\$100,000	2,520,000.00	2

(10) The estimated overall odds of winning some prize in Instant Game Number 427 are 1 in 2.68.

(11) For reorders of Instant Game Number 427, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

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

(13) Payment of prizes for SUPER MONOPOLY® GAME 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 2-1-02.

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

EFFECTIVE DATE: February 1, 2002

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on January 22, 2002, the South Florida Water Management District (District) received a petition for waiver from June Rigol Gwinn, for utilization of Works or Lands of the District known as the C-100B Canal, Miami-Dade County. The petition seeks relief from subsections 40E-6.011(4),(5) and (6), Fla. Admin. Code and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the placement of permanent and semi-permanent above-ground encroachments within 40 feet of the top of canal bank within Works or Lands of the District, to allow an existing fence, dock and shed to remain.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail at jsluth@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that on January 23, 2002, the South Florida Water Management District (District) received a petition for waiver from Marc Stuppard, for utilization of Works or Lands of the District known as the C-13 Canal, Broward County. The petition seeks relief from subsections 40E-6.011(4),(5) and (6), Fla. Admin. Code, and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the placement of permanent and semi-permanent above-ground encroachments within 40 feet of the top of canal bank within Works or Lands of the District, to allow an existing fence to remain.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail at jsluth@sfwmd.gov.

The SFWMD will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP has received a petition for a variance under Section 120.542, F.S., from Lake County Water Authority to reduce the fee established in paragraph 62-4.050(4)(h), F.A.C., for review and processing of an application for an Environmental Resource Permit and Sovereign Submerged Lands Authorization.

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

DEP received a petition from Nancy Kohutek requesting a waiver pursuant to Chapter 120.542, F.S., of the \$500 ATRP deductible required under paragraph 62-769.800(4)(c), F.A.C. The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

On January 18, 2002, DEP received a petition from Inez Green requesting a waiver pursuant to Chapter 120.542, F.S., of the \$500 ATRP deductible required under paragraph 62-769.800(4)(c), F.A.C. The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEP received a petition from Essie Miller requesting a waiver pursuant to Chapter 120.542, F.S., of the \$500 ATRP deductible required under paragraph 62-769.800(4)(c), F.A.C. The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEP received on January 22, 2002, a petition from SRC Environmental Solutions, Inc., for a waiver pursuant to subsection 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S. The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that the Department of Health, by order dated January 10, 2002 has granted the petition for permanent waiver from subsection 64E-15.004(5), Florida Administrative Code, filed by Ms. Charlene I. Darst, Owner of Seaview Trailer Park. The petition was filed with the Department on October 12, 2001; and, notice of receipt of the Petition was published in Vol 27, No. 47, pages 5550-5551 of the Florida Administrative Weekly on November 21, 2001.

No comments from interested persons were received.

The Order provides the Petition for Permanent Waiver from subsection 64E-15.004(5), Florida Administrative Code as the park lacks sufficient space and lacks sufficient financial resources for construction of a sanitary dump station. Further, Seaview Trailer Park requires connection of self-contained long-term tenant RVs to the park's sewer connections and because no other are allowed, there is no need for the provision of a sanitary dump station, as required by subsection 64E-15.004(5), Florida Administrative Code.

A copy of the Order may be obtained from: Amy M. Jones, Acting Agency Clerk, Department of Health, Bin #A02, 4052 Bald Cypress Way, Tallahassee, FL 32399-1703, (850)245-4005.

The Board of Medicine hereby gives notice that the Petition for Waiver or Variance filed on behalf of Kevin Free, M.D., has been withdrawn.

Petitioner withdrew the Petition for Waiver or Variance at the Credentials Committee of the Board of Medicine, held on January 19, 2002, in Miami, Florida.

The Board of Psychology hereby gives notice that it has received a petition filed on January 24, 2002, by James B. Goebel, Ph.D., seeking a waiver from Rule 64B19-11.0035, F.A.C., with regard to the requirement for participation in a one-year internship. Comments on the petition should be filed with Board of Psychology, MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice.

For a copy of the petition, contact: Kaye Howerton, Executive Director, Board of Psychology, at above address.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN that the Department of Children and Family Services has issued a Final Order denying a Petition for Waiver or paragraphs 65D-30.004(3)(a) and 65D-30.004(20)(b), Florida Administrative Code. The Petition was received by the Agency Clerk on December 5, 2001, by Cyberside Counseling and assigned Case No. 01-008W. The Final Order was rendered on February 4, 2002.

A copy of the Final Order may be obtained by writing: Office of the Agency Clerk, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on February 5, 2002, Florida Housing Finance Corporation ("Florida Housing") received a Petition for Waiver of paragraph 67-21.008(1)(b), Florida Administrative Code, from Valencia Trace of Orlando, Ltd. (the "Petition"), seeking a waiver of the rule which requires the amortization of a mortgage loan beginning in the 25th month after the loan closing.

A copy of the Petition can be obtained from: Sheila A. Freaney, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Section VI

Notices of Meetings, Workshops and Public Hearings

NOTICE OF CORRECTION – The location published in Vol. 28, No. 7, Florida Administrative Weekly, was incorrect, please note the correct location below:

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: February 27, 2002, 9:00 a.m.

PLACE: County Commission Chambers, 1 Courthouse Square, Kissimmee, Florida

PURPOSE: Regular scheduled meeting of the Governor and Cabinet

DEPARTMENT OF STATE

The **Department of State, Division of Elections** announces a public hearing to which all persons are invited.

DATE AND TIME: February 22, 2002, 3:00 p.m. – 5:00 p.m.

PLACE: The Ralph D. Turlington Florida Education Center, Room 1706, 325 W. Gaines Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss Proposed Rules 1S-2.027 and 1S-2.031.

A copy of the agenda may be obtained by contacting: Amy K. Tuck, (850)245-6200.

In accordance with the Americans with Disabilities Act, persons needing special accommodation to participate in this proceeding by contacting: Amy K. Tuck, Division of Elections, Room 100, 107 West Gaines Street, Tallahassee, FL 32399-0250, atuck@mail.dos.state.fl.us, (850)245-6200, no later than 3 days prior to the scheduled hearing.

The **Department of State, Division of Elections** announces a public meeting to which all persons are invited. A joint meeting of: Voter Registration Advisory Board of the Florida State Association of Supervisors of Elections, Voter Registration Technical Advisory Group of the Florida State

Association of Supervisors of Elections, Representatives of the Voter Registration Project Management, Oversight and Budget Team of the Florida Department of State.

DATE AND TIME: March 1, 2002, 9:00 a.m. – 12:00 Noon

PLACE: Orange County Supervisor of Elections Office, 119 West Kaley Street, Orlando, FL 32806

GENERAL SUBJECT MATTER TO BE CONSIDERED: Design of a Statewide Voter Registration Database.

The agenda will be an update on the progress of system development and further discussion of procedural issues which have not yet been resolved.

Questions about this agenda may be directed to: Paul Craft, Division of Elections, Room 231, The Collins Building, 107 West Gaines Street, Tallahassee, FL 32399-0250, pcraft@mail.dos.state.fl.us, (850)245-6220.

Pursuant to Section 286.26, Florida Statutes, any person requiring special accommodations to participate in this meeting is asked to advise the agency as soon as possible and at least 48 hours before the meeting by contacting: Paul Craft, Division of Elections, Room 231, The Collins Building, 107 West Gaines Street, Tallahassee, FL 32399-0250, pcraft@mail.dos.state.fl.us, (850)245-6220.

The **Department of State, Division of Cultural Affairs** announces the following public meeting to which all persons are invited:

COMMITTEE: Art Selection Committee

DATE AND TIME: Tuesday, February 26, 2002, 1:00 p.m.

PLACE: Pensacola City Hall, Hagler-Mason Conference Room, 180 Governmental Center, Pensacola, FL 32521, (850)435-1609

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Proposal Meeting to review and discuss final proposal for Art in State Buildings Project No. DOT 222-972 Milton Operation Complex, Santa Rosa County.

COMMITTEE: Art Selection Committee

DATE AND TIME: Thursday, February 28, 2002, 11:00 a.m.

PLACE: Hendry County Health Department, Conference Room, 1140 Pratt Boulevard, LaBelle, FL 33975, (863)674-4056

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Slide Review Meeting to select artwork for Art in State Buildings Project No. DOH 9730/9910, Hendry County Health Department, Clewiston, Hendry County.

For more information or to obtain a copy of the agenda, please contact: Lee Modica, Arts Administrator, Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250, (850)487-2980, Ext 116.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Division of Cultural Affairs.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Don Blancett, (850)487-2980, Ext 131. If you are hearing or speech impaired, please contact the agency by calling TT: (850)488-5779.

NOTICE OF CHANGE – The Department of State, Division of Cultural Affairs, Florida Arts Council announces these changes in public meetings previously scheduled to which all persons are invited:

DATE AND TIME: Wednesday, March 6, 2002, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Local Arts Agency Grant Review Panel Meeting.

DATES AND TIME: Thursday and Friday, March 14-15, 2002, 9:00 a.m.

PLACE: Twin Towers, Room 609, 2600 Blairstone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Arts in Education Grant Review Panel Meeting.

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

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Music Fellowship Grant Review Panel Meeting.

A copy of the agenda may be obtained by writing: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida, 32301 or by calling Valerie Ohlsson, Arts Administrator, (850)487-2980.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record these meetings.

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 Don Blancett, (850)487-2980. If you are hearing or speech impaired, please contact the agency by calling, (850)488-5779.

The **Department of State, Division of Cultural Affairs,** Florida Arts Council announces public meetings to which all persons are invited:

DATE AND TIME: Thursday, March 7, 2002, 9:00 a.m.

PLACE: Florida League of Cities, Sittig Hall, Kleman Plaza, 301 South Bronough Street, Tallahassee, Florida

DATE AND TIME: Friday, March 8, 2002, 9:00 a.m.

PLACE: Mary Brogan Museum of Art and Science, Florida Lottery Room, 350 South Duval Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee and General Session meetings to the Council.

A copy of the agenda may be obtained by writing: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, FL 32301 or by calling Dianne Alborn, Administrative Assistant, (850)487-2980.

Should any person wish to appeal any decision made with respect of any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record these meetings.

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 Dianne Alborn, (850)487-2980. If you are hearing or speech impaired, please contact the agency by calling, (850)488-5779.

The **Department of State, Division of Cultural Affairs,** Florida Arts Council announces a public meeting to which all persons are invited:

DATE AND TIME: Tuesday, April 23, 2002, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: International Cultural Exchange Grant Panel.

Telephone Participation Procedures – as stated on page 8 of the 2002-2003 Florida Guide to Cultural Programs for Organization, organization grant applicants may participate in the panel meetings by telephone. Applicants must submit a written request for telephone participation, which must be received by the Division no later than 4:00 p.m. (Eastern Standard Time), on the last business day immediately preceding the scheduled panel meeting.

The request must contain the organization name and application number; the name and date of the panel meeting; the name of the person or persons designated to speak to the panel; and the complete telephone number, including the area code and extension. The request must be signed by an authorized official of the organization with the name and title typed below the signature.

A copy of each meeting agenda may be obtained by writing: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301 or by calling Sandy Shaughnessy, (850)487-2980.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meetings, he/she may need to ensure a verbatim recording of the proceedings in order to provide a record for judicial review. 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 Sandy Shaughnessy, (850)487-2980. If you are hearing or speech impaired, please contact the agency by calling TT (850)488-5779.

DEPARTMENT OF LEGAL AFFAIRS

The Job Search Committee of the Florida **Commission on the Status of Women** will hold a meeting:

DATE AND TIME: Monday, February 25, 2002, 12:00 Noon – 5:00 p.m.

PLACE: Collins Building, Room G-19, 107 West Gaines Street, Tallahassee, FL (Please call (850)414-3300 for instructions on participation)

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

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

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

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

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

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

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

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

DATE AND TIME: Friday, March 1, 2002, 11:00 a.m.

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

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

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

DEPARTMENT OF BANKING AND FINANCE

The Florida **Board of Funeral and Cemetery Services** announces a telephone conference Board Meeting and all persons are invited to attend.

DATE AND TIME: March 21, 2002, 9:00 a.m. – 11:00 a.m.

PLACE: Telephone conference

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business.

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

To obtain further information on how to participate contact: Frances Restifo, Administrative Assistant II, Division of Securities and Finance, Room 649B, Fletcher Bldg., 101 East Gaines St., Tallahassee, FL 32399-0350, (850)410-9853. An agenda will be available seven days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise Frances Restifo, (850)410-9853, at least 48 hours before the meeting. If you are hearing or speech impaired, contact Frances Restifo via the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a meeting of the Peanut Advisory Council:

DATE AND TIME: Thursday, February 28, 2002, 3:00 p.m.

PLACE: Suite 1, 2741 Pennsylvania Avenue, Marianna, Florida 32448

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the Peanut Advisory Council to review peanut marketing projects and proposals for the year 2002-2003, and to address other issues as needed.

If special accommodations are needed to attend this meeting because of a disability, please contact Scottie Howell, (850)488-4366.

The Florida **Department of Agriculture and Consumer Services** announces a public meeting of the Commissioner's Agricultural Water Policy Group in conjunction with the Soil and Water Conservation Council to which all persons are invited:

DATE AND TIME: Monday March 4, 2002, 1:30 p.m.
 PLACE: Florida Department of Agriculture and Consumer Services, Doyle Conner Building, Eyster Auditorium, 3125 Conner Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items for discussion includes the Florida Department of Environmental Protection and Water Management Districts' water programs, and including updates on ongoing agricultural water issues.

A copy of the agenda or directions may be obtained by contacting: Bill Bartnick, Suite 200, 1203 Governor Square Blvd., Mail Stop GS-50, Tallahassee, FL 32399-1650, (850)414-1065.

If an accommodation is needed for a disability in order to participate in this meeting, please notify the Bureau of Personnel Management, Department of Agriculture and Consumer Services, (850)488-1806, at least seven days prior to the meeting.

DEPARTMENT OF EDUCATION

The public is invited to a meeting of the Florida **Board of Education**.

DATE AND TIME: February 26, 2002, 10:00 a.m.
 PLACE: Florida A & M University, Band Rehearsal Hall, Foster-Tanner Music Building, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Strategic Plan, Reorganization of the Department of Education, Accountability Workgroup, Higher Education Workgroup, Approval of Criteria for new Baccalaureate Degrees at Community Colleges, Demonstration of the FACTS System, Update on the Data Warehouse, State and Federal Issues and Priorities, Delivery System Action Items, and other matters pertaining to the Florida Board of Education. Public testimony will be taken at the conclusion of the regular business agenda.

A copy of the agenda may be obtained from the Secretary of Education's website at <http://www.flboe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity and Diversity, (850)201-7160 (Voice), (850)201-7164 (TDD), at least 7 days in advance, so that their needs can be accommodated.

The **Florida Atlantic University**, Florida's Art in State Buildings Program announces the following public meeting to which all persons are invited:

COMMITTEE: Art Selection Committee
 DATE AND TIME: Tuesday, February 19, 2002, 9:00 a.m.
 PLACE: Florida Atlantic University, Florida's Art in State Buildings Program, University Center, Royal Palm Room, Room 227, 777 Glades Road, Boca Raton, Florida 33431
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a slide Review meeting to review entries and select artists as finalists for Florida's Art in State Buildings Program, BR-612/636, University Center.

For more information or to obtain a copy of the agenda, please contact: Patty Singer, Program Administrator for Florida's Art in State Buildings Program, Florida Atlantic University, 777 Glades Road, ADM Building, Room 392, Boca Raton, Florida 33431, (561)297-1064, (561)297-2539.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Florida's Art in State Buildings Program.

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 Patty Singer, (561)297-1064, (561)297-2539. If you are hearing or speech impaired, please contact the agency by calling TT 1(800)955-8770.

The Board of Trustees of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, February 23, 2002, 9:00 a.m.
 PLACE: Wilson Music Building, Auditorium, FSDB campus, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by writing: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799 or by calling (904)827-2000.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance from the aforementioned address.

The **Polk County School Readiness Coalition**, Inc. announces the following meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 20, 2002, 8:30 a.m.

PLACE: Lakeland YMCA, 3620 Cleveland Heights Boulevard, Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regularly scheduled monthly meeting of the Board of Directors to discuss School Readiness issues.

For more information access the following website: www.pcsb.k12.fl.us/parents/coalition.htm

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: March 6, 2002, 9:00 a.m. – 3:00 p.m.

PLACE: Holiday Inn Capital, 1355 Apalachee Parkway, Tallahassee, Florida 32301

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. Education and Outreach Program
7. 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).

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation, District 7, announces a Public Hearing to which all persons are invited.

DATE AND TIME: Thursday, March 14, 2002, 4:30 p.m. – 7:30 p.m. (formal presentation – 6:00 p.m.)

PLACE: First Baptist Church of St. Petersburg, Heritage Hall, 1900 Gandy Boulevard, St. Petersburg, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This Hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of Work Program Item Segment Number 256931 1/FAP No. F-295-1(1); the Project Development and Environment (PD & E) Study for SR 694 (Gandy Boulevard) from US 19 to East of 4th Street in Pinellas County, Florida.

A copy of the handout may be obtained by writing: Kenneth A. Hartmann, P.E., Secretary, District Seven, Florida Department of Transportation, 11201 N. McKinley Drive, Tampa, Florida 33612-6456.

Pursuant to the provisions of the Americans with Disabilities Act of 1990, any person requiring special accommodations at the Hearing is asked to contact the agency at least seven (7) days before the Hearing by contacting Ginger Regalado, 1(800)226-7220, (813)975-6460 or by email at ginger.regalado@dot.state.fl.us.

STATE BOARD OF ADMINISTRATION

The **Florida Prepaid College Program** Board announces a public hearing to which all interested parties are invited to attend.

DATE AND TIME: Tuesday, February 26, 2002, 8:30 a.m. or soon thereafter

PLACE: The Hermitage Room, First Floor, 1801 Hermitage Blvd., Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider the regular business of the Board and other matters concerning the Florida College Savings Program.

A copy of the agenda may be obtained by writing: Thomas J. Wallace, Executive Director, Florida Prepaid College Program, Suite 210, 1801 Hermitage Blvd., Tallahassee, Florida 32308, or by calling, (850)488-8514.

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

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of a public meeting of the Florida Commission on Hurricane Loss Projection Methodology to which all persons are invited.

DATE AND TIME: Wednesday, March 27, 2002, 9:00 a.m. – 4:00 p.m. (Eastern Standard Time)

PLACE: The Hermitage Centre, Hermitage Centre Conference Room, 1801 Hermitage Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is a regular business meeting of the Commission in which the Commission plans to discuss the Commission’s review of computer models under the standards and acceptability process for 2001 and to address other general business of the Commission.

TELEPHONE PARTICIPATION: Persons who wish to “attend” telephonically may call (850)488-5778 or Suncom 278-5778, on the date and at the time indicated for access to the meeting.

INVITATION: The public is invited to this meeting. Anyone wishing to be placed on the Commission’s mailing list to receive copies of notices and agendas by mail or wishing a copy of the agenda for the meeting noticed above, should contact: Donna Sirmons, State Board of Administration, Post Office Box 13300, Tallahassee, FL 32317-3300.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend any of these meetings is requested to call Donna Sirmons, (850)413-1349, five days prior to the meeting so that appropriate arrangements can be made.

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of two public meetings of the Advisory Council to the Florida Hurricane Catastrophe Fund to which all persons are invited.

DATE AND TIME: Tuesday, March 19, 2002, 10:00 a.m. – 12:00 Noon (Eastern Standard Time)

PLACE: This meeting will be a teleconference call. Persons who wish to participate or listen may call (850)922-2998 or Suncom 292-2998 on the date and at the time indicated for access to the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To obtain approval to file Rules 19-8.010, (Reimbursement Contract), 19-8.012, (Ineligibility/Exemption from Fund) and 19-8.029, F.A.C. (Insurer Reporting Requirements) for adoption, and to engage in the general business of the Council.

DATE AND TIME: March 28, 2002, 9:00 a.m. – 4:00 p.m. (eastern standard time)

PLACE: The Hermitage Centre, Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida. Persons who wish to participate or listen telephonically may call (850)922-2998 or Suncom 292-2998, on the date and at the time indicated for access to the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To obtain approval to file Rule 19-8.028, F.A.C. (Reimbursement Premium Formula), for Notice of Proposed Rulemaking, to discuss the 2002 Ratemaking Formula Report to the Florida State Board of Administration and the Premium Rates Report. In addition, other general business of the Council will be addressed.

Anyone wishing a copy of the agenda for either meeting should contact: Patti Elsbernd, Florida Hurricane Catastrophe Fund, Post Office Drawer 13300, Tallahassee, FL 32317-3300.

In compliance with the Americans with Disabilities Act, any person needing special accommodation to attend the meeting is requested to contact Patti Elsbernd by mail, at the address given immediately above or by telephone, (850)413-1346, five days prior to the meeting so that appropriate arrangements can be made.

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. 020005-WS – Annual reestablishment of price increase or decrease index of major categories of operating costs incurred by water and wastewater utilities pursuant to Section 367.081(4)(a), F.S.

DATE AND TIME: March 4, 2002, 9:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the annual reestablishment of price increase or decrease index of major categories of operating costs incurred by water and wastewater utilities pursuant to Section 367.081(4)(a), F.S., 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. 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 prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 000824-EI – Review of Florida Power Corporation’s earnings, including effects of proposed acquisition of Florida Power Corporation by Carolina Power & Light.

DATE AND TIME: March 4, 2002, 1:30 p.m.

PLACE: The Betty Easley Conference Center, Hearing Room 152, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

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

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

Docket No. 010743-TL – Petition for review of proposed numbering plan relief for the 407/321 area codes by Neustar, Inc., as North American Numbering Plan Administrator (NANPA), on behalf of Florida telecommunications industry.

DATE AND TIME: March 4, 2002, 1:30 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

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

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: March 5, 2002, 9:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Rule 25-22.002, F.A.C.), by contacting the Division of the Commission Clerk and Administrative Services, (850)413-6770 or writing: Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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

The Florida **Public Service Commission** announces its Internal Affairs Meeting for March 5, 2002, to which all interested persons are invited.

DATE AND TIME: March 5, 2002, Immediately following the Commission Conference which commences at 9:30 a.m., Commission Hearing Room 148

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

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

****THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.****

EXECUTIVE OFFICE OF THE GOVERNOR

The **Executive Office of the Governor, Office of Tourism, Trade and Economic Development** announces a public meeting to which all persons are invited.

MEETING: The Governor’s Council of Economic Advisors
 DATE AND TIME: Thursday, February 21, 2002, 12:00 Noon – 3:00 p.m.

PLACE: Offices of Enterprise Florida, Inc., Suite 1300, 390 North Orange Avenue, Orlando, FL 32801, (407)316-4600
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The impact of local, national and global economic forces influencing the state.

For further information contact: Katherine Morrison or Jan Russo, Office of Tourism, Trade and Economic Development, The Capitol, Suite 2001, Tallahassee, FL 32399-0001, (850)487-2568.

Any person requiring a special accommodation at this meeting because of a disability should contact Katherine Morrison, (850)487-2568, no later than 48 hours prior to the meeting. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

REGIONAL PLANNING COUNCILS

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

MEETING: North Central Florida Regional Hazardous Materials Response Team

DATE AND TIME: February 28, 2002, 1:30 p.m.
 PLACE: North Central Florida Regional Planning Council, 2009 N. W. 67th Place, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Regional Hazardous Materials Response Team.

Any persons deciding to appeal any decision of the Team with respect to any matter considered at the meeting may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by contacting: Charles F. Justice, Executive Director, North Central Florida Regional Planning Council, Suite A, 2009 N. W. 67th Place, Gainesville, FL 32653.

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

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

MEETING: Executive Committee
 DATE AND TIME: February 28, 2002, 6:00 p.m.

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

MEETING: Clearinghouse Committee
 DATE AND TIME: February 28, 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: February 28, 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.

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

DATE AND TIME: February 20, 2002, 10:00 a.m.
 PLACE: Northeast Florida Regional Planning Council, Suite 350, 9143 Philips Highway, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting.

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

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

Individuals needing materials in alternate format, sign language interpreter or other meeting information, call Ginny Montgomery, (904)363-6375, Ext. 146, 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.

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 4, 2002, 10:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Adopted Local Government Comprehensive Plan for Sunny Isles Beach, Tamarac, Deerfield Beach, Pompano Beach and Monroe County; Any adopted Local Government Comprehensive Plan received prior to the meeting; Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m., at the above location.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, Suite 140, 3440 Hollywood Boulevard, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the board with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices, (954)985-4416 (Broward).

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces public meetings to which all persons are invited:

DATE AND TIME: February 28, 2002, 11:15 a.m. – 12:30 p.m. (EST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: District Lands Committee and Administration, Budget and Finance Committee meetings – to discuss District issues.

DATE AND TIME: February 28, 2002, 1:00 p.m. (EST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Governing Board meeting – to consider District Business

DATE AND TIME: February 28, 2002, 1:15 p.m. (EST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing for the Consideration of Regulatory Matters.

DATE AND TIME: February 28, 2002, 1:30 p.m. (EST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing for the Consideration of Land Acquisition Matters.

PLACE: District Headquarters, 10 miles west of Tallahassee on U.S. Highway 90, Tallahassee, Florida

A copy of the agendas may be obtained by contacting: Carolyn Wise, NWFWM, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999 (also available through the Internet at 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 **St. Johns River Water Management District** announces the following public meeting, which may be attended by one or more Governing Board members, to which all persons are invited:

DATE AND TIME: Thursday, March 7, 2002, 4:00 p.m. – 6:00 p.m.

PLACE: St. Johns River Water Management District, Altamonte Springs Service Center, 975 Keller Road, Altamonte Springs, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Open House to familiarize the public and local officials with the new service center.

Anyone requiring a special accommodation to participate in this event is requested to advise the District at least 48 hours before the event by contacting Shirlee Arrowood, (407)659-4822. If you are hearing or speech impaired, please contact the agency by calling, (407)659-4807 (TDD).

The **South Florida Water Management District** will hold a public meeting on the Northern Palm Beach County Comprehensive Water Management Plan, Volumes I and II, at the South Florida Water Management District Headquarters Auditorium, to which all interested parties are invited:

DATE AND TIME: Wednesday, February 21, 2002, 10:00 a.m. – 12:00 Noon

PLACE: South Florida Water Management District, Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33460

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public workshop meeting is being held to obtain public comments on the Northern Palm Beach County Comprehensive Water Management Plan.

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

For more information, please contact Patricia Walker, 1(800)432-2045, Extension 6302 or (561)682-6302.

The **South Florida Water Management District** announces a public hearing required under Sections 373.59 and 373.139, Florida Statutes, to which all interested persons are invited:

DATE AND TIME: March 14, 2002, 8:50 a.m. – Governing Board Meeting

PLACE: District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33407

GENERAL SUBJECT MATTER TO BE CONSIDERED: The acquisition of certain lands contained within the Save Our Rivers Land Acquisition and Management Plan which lands are further described as follows:

Part of the Kissimmee Chain of Lakes project comprised of three parcels referred to as SFWMD Tract No. 18-121-001 consisting of approximately 2,000 acres lying in Sections 33, 34, and 35, Township 28 South, Range 29 East and Sections 2, 3, 4, 9 and 10, Township 29 South, Range 29 East in Polk County, Florida, SFWMD Tract No. 18-021-002 consisting of approximately 10.1 acres, lying in Sections 2 and 11, Township 29 South, Range 29 East in Polk County, Florida, and SFWMD Tract No. 18-021-003 consisting of approximately 5.5 acres, lying in Section 11, Township 29 South, Range 29 East in Polk County, Florida.

FAW Reference No. 2845

Part of the Kissimmee River project comprised of one parcel referred to as SFWMD Tract No. 19-103-040 consisting of approximately 6.2 acres and lying in Section 27, Township 35 South, Range 32 East in Okeechobee County, Florida.

FAW Reference No. 2846

Part of the Kissimmee River project comprised of one parcel referred to as SFWMD Tract No. 19-103-452 consisting of approximately 0.11 acres and lying in Section 17, Township 36 South, Range 33 East in Highlands County, Florida.

FAW Reference No. 2847

Part of the Atlantic Ridge Ecosystem project comprised of one parcel referred to as SFWMD Tract No. X1-100-003 consisting of approximately 40 acres plus access easement and lying in Section 24, Township 39 South, Range 41 East in Martin County, Florida.

FAW Reference No. 2848

Part of the East Coast Buffer Project being acquired under the terms of an Interlocal Agreement with Palm Beach County comprised of one parcel referred to as SFWMD Tract No. W9-100-085 consisting of approximately 573.78 acres and lying in Section 12, Township 41 South, Range 46 East in Palm Beach County, Florida.

FAW Reference No. 2849

Part of the East Coast Buffer, CERP C-11 Impoundment and CERP WCA 3A/3B Seepage Management Project Areas comprised of twenty-nine parcels referred to as SFWMD Tract Nos. W9-200-917, W9-200-921, W9-200-931, W9-311-942, W9-311-943, W9-311-944, W9-311-945, W9-311-953, W9-312-001, W9-312-002, W9-312-003, W9-312-005, W9-312-009, W9-312-011, W9-312-021, 12-101-003, 12-101-004, 12-101-010, 12-101-011, 12-101-032, 12-101-036, 12-101-037, 12-101-067, 12-101-091, 12-101-092, 12-102-012, 12-102-013, 12-102-036 and 12-103-019 consisting of approximately 174 acres and lying in Sections 03, 09, 10, 15, 22, 27 and 34, Townships 50, 51, 52 and 53 South, Ranges 35, 37, 39 and 40 East in Broward and Miami-Dade Counties, Florida.

FAW Reference No. 2850

Part of the Water Conservation Areas comprised of four parcels referred to as SFWMD Tract Nos. 27-100-048, 27-100-050, 27-100-051 and 27-100-052 consisting of approximately 530 acres and lying in Sections 01, 03, 31 and 32, Townships 52 and 53 South, Ranges 35 and 37 in Miami-Dade County.

FAW Reference No. 2851

Part of the Biscayne Coastal Wetlands Project (Phase I) comprised of four parcels referred to as SFWMD Tract Nos. GZ-200-001, GZ-200-002, GZ-200-003 and GZ-200-004 consisting of approximately 350.00 acres and lying in Sections 4 and 9, Township 57 South, Range 40 East, lying East of the L-31 East Levee in Miami-Dade County, Florida.

FAW Reference No. 2852

Part of the East Coast Buffer and Critical C-4 projects comprised of sixteen parcels referred to as SFWMD Tract Nos. W9-311-940, W9-311-948, W9-311-952, W9-311-955, W9-311-957, W9-311-958, W9-311-960, W9-311-961, W9-311-962, W9-311-963, W9-311-971, W9-311-976, W9-311-977, W9-311-979, W9-311-993 and W9-311-999 consisting of approximately 361 acres and lying in Section 04, Township 54 South, Range 39 East in Miami-Dade County, Florida.

FAW Reference No. 2853

Part of the CERP Indian River Lagoon C34/24 North Reservoir Project comprised of two parcels referred to as SFWMD Tract Nos. KE-100-001 and KE-100-002 consisting of approximately 1,133.0 acres and lying in Sections 19, 20, 29 and 30, Township 35 South, Range 38 East in Miami-Dade County, Florida.

FAW Reference No. 2854

Additional information concerning specific parcels or interests can be obtained from: Blair R. LittleJohn, III, South Florida Water Management District, Post Office Box 24680, West Palm Beach, Florida 33416-4680, (561)686-8800.

Appeals from any South Florida Water Management District Board decision requires a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

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

For additional information, please contact: Mr. Blair R. LittleJohn, III, Deputy Department Director, Land Acquisition Department, (561)686-8800.

NOTICE OF CORRECTION – The South Florida Water Management District announces a public meeting to which all interested parties are invited:

DATE AND TIME: February 22, 2002, 9:00 a.m. – 4:00 p.m.

PLACE: DuPuis Reserve, 23500 S. W. Kanner Highway, Canal Point, Florida 33438

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Budget/Planning Retreat.

A copy of the agenda may be obtained at the (1) District website <http://www.sfwmd.gov/agenda.html> or (2) by writing: South Florida Water Management District, Mail Stop 2130, Post Office Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally

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

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Stanford Ford, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115, West Palm Beach, FL 33406, (561)682-2798.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a Subcommittee meeting of the Commission for the Transportation Disadvantaged to which all persons are invited.

DATE AND TIME: Friday, February 22, 2002, 9:00 a.m. – completion

PLACE: LYNX Headquarters, Suite 800, 455 West Amelia Street, Orlando, FL, (850)410-5700

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss operational issues of the local service area.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Tiffany McNabb at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS #49, Tallahassee, FL 32399-0450, (850)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 Conference Committee Meeting to which all persons are invited.

DATE AND TIME: Monday, February 25, 2002, 10:00 a.m. – completion

PLACE: Suite 1A, Rhyne Building, 2740 Centerview Drive, Tallahassee, FL, (850)410-5700

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 at the following address and telephone number: 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 meeting (via conference call) of the Rate Review Committee to which all persons are invited.

DATE AND TIME: Thursday, February 28, 2002, 10:00 a.m. – completion

PLACE: Conference Call: (850)921-6623 or Suncom 291-6623, Rhyne Building, Suite 1-A, 2740 Centerview Drive, Tallahassee, Florida, (850)410-5700

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and act upon pending rate increases for community transportation coordinators.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Tiffany McNabb at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS #49, Tallahassee, FL 32399-0450, (850)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 meeting of the Procedures Subcommittee of the Finance, Audit and Program Performance Committee to which all persons are invited.

DATE AND TIME: Thursday, March 7, 2002, 1:00 p.m. – completion

PLACE: Rhyne Building, Room 308, 2740 Centerview Drive, Tallahassee, Florida, (850)410-5700

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review, approve and make recommendations of the procedures of the Commission and other committee business.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Tiffany McNabb at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS #49, Tallahassee, FL 32399-0450, (850)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 meeting of the Finance, Auditing and Program Performance (FAPP) Committee to which all persons are invited.

DATE AND TIME: Friday, March 8, 2002, 9:00 a.m. – completion

PLACE: Rhyne Building, Room 308, 2740 Centerview Drive, Tallahassee, Florida, (850)410-5700

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review the financial statements, receive reports, overview of suggestions on changing the TD funding formula, and other committee business.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Tiffany McNabb at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS #49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only).

The meeting is subject to change upon chairperson's request.

EXPRESSWAY AUTHORITIES

The **Miami-Dade Expressway Authority** (MDX) will hold a Public Hearing to address the Master Plan Improvements for State Road (SR) 874 (Don Shula Expressway), and SR 878 (Snapper Creek Expressway) ("SR 874 Master Plan").

DATE AND TIME: February 20, 2002, 7:30 p.m. – 9:00 p.m. – Public Hearing

PLACE: Killian High School, 10655 S. W. 97th Avenue, Miami-Dade County, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This Public Hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of Miami-Dade Expressway Authority (MDX) Project Number 874-001 (the "Project").

SR 874 is a tolled expressway in Miami-Dade County, located between the Homestead Extension of Florida's Turnpike (HEFT) in the south and the Palmetto Expressway in the north. The Project consists of the following improvements:

1. Modifications to the SR 874/Killian Parkway interchange.
2. Construction of new toll plazas at the SR 874/SR 878 interchange.
3. Modifications to the existing SR 874 toll plaza.
4. Construction of a new on-ramp from Kendall Drive to northbound SR 874.
5. Construction of a new interchange at SR 874 and SW 117th Avenue.
6. Construction of express lanes throughout SR 874 for morning and evening peak-period travel.

The purpose of the SR 874 Master Plan is to provide several integrated improvement projects to address congestion, increase capacity, update existing facilities and improve traffic safety and operations on SR 874.

The Public Hearing will consist of a presentation of the Project and its associated impacts, followed by a public testimony period. MDX staff and consultants will be available to answer questions before and after the Public Hearing. There will be a Question and Answer Session before the Public Hearing from 6:30 p.m. – 7:30 p.m.

A copy of the Draft State Environmental Impact Report (SEIR), project maps, drawings, conceptual design plans and other pertinent information developed by MDX will be available for public inspection on weekdays at the following

locations: MDX's Headquarters, 3790 N. W. 21st Street, Miami, Florida; Miami-Dade Public Library: Main Library 101 West Flagler Street; Kendall Branch Library, 9101 S. W. 97th Avenue; Miami-Dade Community College Kendall Campus Library.

The Draft State Environmental Impact Report (SEIR) is also available at MDX's website www.mdx-way.com, at the Public Hearing site on the day of the Public Hearing (from 6:00 p.m.) and/or by contacting MDX at the number below.

All MDX meeting locations comply with applicable requirements of the American with Disabilities Act. Auxiliary aids or services will be provided upon request with at least five (5) days notice prior to the proceedings. If hearing impaired, telephone the Florida Relay Service Numbers 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance. MDX invites all interested parties to attend.

Persons desiring to submit comments in place of or in addition to oral statements may do so at the Public Hearing. Written statements or exhibits may also be submitted as part of the Public Hearing if received within ten calendar days after the date of the Public Hearing.

For further information or assistance, please contact: Miami-Dade Expressway Authority, Attention: Jesus Sanchez, 3790 N. W. 21st Street, Miami, Florida 33142, (305)637-3277.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the Florida Hospital Record Report Work Group of the Comprehensive Health Information System Advisory Council to which all interested parties are invited.

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

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study available data on hospital services, medical staff, accreditation history, complaints, or other data and make recommendations for publication and dissemination to consumers.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Carolyn H. Turner, (850)922-5861, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Carolyn H. Turner, Agency for Health Care Administration, Building 3, 2727 Mahan Drive, Mail Stop #16, Tallahassee, FL 32308-5403.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Board of Pilot Commissioners** announces the following meeting via telephone conference, to which all persons are invited to participate.

DATE AND TIME: Monday, March 4, 2002, 10:00 a.m.

PLACE: Access Phone (850)921-5320 or Suncom 291-5320, 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 further information contact: Board of Pilot Commissioners, 1940 N. Monroe Street, Tallahassee, Florida 32399-0773.

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 Florida **Board of Professional Surveyors and Mappers** announces the following meeting to be held by telephone conference call, to which all persons are invited to attend.

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

PLACE: Access Phone (850)488-0979, Suncom 278-0979

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business meeting.

To obtain a copy of the agenda, further information or submit written or other physical evidence, contact in writing: Board of Surveyors and Mappers, 1940 N. Monroe St., Tallahassee, Florida 32399.

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

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board Office, (850)413-7480, 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 **Department of Business and Professional Regulation** announces the following meeting to be conducted by the Building Code Administrators and Inspectors Board (Board), to which all persons are invited to attend. This meeting will take place concurrently with the Fourteenth Annual South Florida Building Code Conference, presented by the Building Officials and Inspectors Association of Broward County and the South Florida Building Officials Association (Miami-Dade County):

MEETING: Building Code Administrators and Inspectors Board

DATE AND TIME: March 7, 2002, 8:00 a.m.

MEETING: Building Code Administrators and Inspectors Board

DATE AND TIMES: March 8, 2002, 8:00 a.m. – 8:30 a.m. (The Board will recess at this time to participate in the BOIA/SFBOA Annual Conference); 9:30 a.m. – 12:00 Noon (The Board will reconvene at this time)

MEETING: Building Code Administrators and Inspectors Board, Rules Workshop

DATE AND TIME: March 8, 2002, 12:00 Noon or shortly thereafter

PLACE: The Signature Grand Hotel, 6900 State Road 84, Davie, FL 33317, (954)424-4000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct an official meeting of the Building Code Administrators and Inspectors Board (Board).

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by writing: Board Office, 1940 North Monroe Street, Tallahassee, Florida 32399-2211.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Gregory Spence, Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board, (850)921-4847, at least forty eight (48) hours prior to the meeting. If you are hearing or speech impaired, please call Elise Rice, Building Code Administrators and Inspectors Board using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Appraisal Board** announces a meeting of it's Probable Cause Panel.

DATE AND TIME: Monday, March 4, 2002, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 301, Third Floor, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Estate Appraisal Board Probable Cause Panel. Portions of the Probable Cause Panel Meeting are not open to the public.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Real Estate Appraisal Board, Division of Real Estate, (407)245-0800, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Florida Real Estate Appraisal Board, Division of Real Estate using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection** announces a public meeting to which all interested persons are invited.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This public meeting is the fourth meeting of the Technical Advisory Committee which was formed to provide technical assistance to the Department of Environmental Protection during development of proposed revisions to Chapter 62-604, Florida Administrative Code (F.A.C.), Collection Systems and Transmission Facilities.

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."

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 26, 2002, 1:30 p.m.

PLACE: Department of Environmental Protection, Conference Room A, 1st Floor, Douglas Bldg., 3900 Commonwealth Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is discussion by the Evaluation Committee of responses to the Department of Environmental Protection solicitation (DRAM 01-01/2002) to procure vendor services for an Integrated Management System project. Evaluation Committee members will meet to make a recommendation, based on scoring of proposals, on selection of Respondents for subsequent negotiations.

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."

The **Department of Environmental Protection** (DEP) announces a site visit and public meeting to which all interested persons are invited.

DATE: February 27, 2002 – Site Visit to the Everglades Agricultural Area (EAA) for Environmental Regulation Commission (ERC) members; February 28, 2002 – Public Meeting of the ERC

For more information contact: Jacqueline McGorty, email: jackie.mcgorty@dep.state.fl.us or (850)921-9660.

The full text of this notice, which includes specific information about meeting time, location and anticipated subject matter to be covered, 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."

The **Department of Environmental Protection** announces a meeting of the Florida Greenways and Trails Council's Citizen Support Organization (CSO) Steering Committee to be held via conference call on:

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

PLACE: Call (850)921-6433 or Suncom 291-6433

GENERAL SUBJECT MATTER TO BE CONSIDERED: To name Board of Directors to The Florida Greenways and Trails Foundation, Inc. and to discuss the bylaws of said Foundation.

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

DEPARTMENT OF HEALTH

The **Board of Acupuncture** announces a conference call meeting to which all interested persons are invited to attend.

DATE AND TIME: Friday, March 1, 2002, 9:00 a.m. or soon thereafter

PLACE: Call (850)488-8275, Suncom 278-8275

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting, including, but not limited to, consideration of declaratory statement by Paul E. Susz; hearings of intent to deny; by applicants Jonathan Cohen and Robert Friedman; discussion of Rules 64B1-7.0015 and 64B1-6.005, F.A.C.; certification endorsement applicants.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Acupuncture, (850)488-0595, at least five (5) 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 at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Acupuncture, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256.

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

The Florida **Board of Dentistry** will hold a Probable Cause Panel meeting to which all persons are invited:

DATE AND TIME: February 28, 2002, 6:00 p.m.

PLACE: The Hotel Sofitel, 5800 Blue Lagoon Drive, Miami, FL 33126, (305)264-4888

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review 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 Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258 or you may call (850)245-4474. 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 Linda Barber, (850)245-4474, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Barber using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Correctional Medical Authority** announces a Budget and Personnel Committee meeting held in Tallahassee, Florida to which all persons are invited to participate.

DATE AND TIME: February 28, 2002, 10:00 a.m. – 12:00 Noon

PLACE: Correctional Medical Authority, Conference Room Suite 120, Prather Building, 2585 Merchants Row Boulevard, Tallahassee, FL 32399-1732

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of correctional health care budget and personnel issues.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Florida **Department of Children and Family Services** announces a meeting of the Lake County Community Alliance to which all persons are invited.

DATE AND TIME: Wednesday, February 20, 2002, 12:00 Noon

PLACE: Public Safety Complex, Room. 302, 12900 Lane Park Cutoff Road, Tavares, 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 Steering Committee to which all persons are invited.

DATE AND TIME: Wednesday, February 27, 2001, 9:00 a.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, February 27, 2001, 4:30 p.m.

PLACE: Sumter County Courthouse, Room 222, 209 North 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.

The Florida **Department of Children and Family Services** announces the District 8, Lee County Community Alliance Strategic Planning subcommittee to which all interested persons are invited:

DATES AND TIMES: February 25, 2002, 2:00 p.m.; March 11, 2002, 2:00 p.m.; March 25, 2002, 1:00 p.m.

PLACE: Regional Service Center, 2295 Victoria Avenue, Fort Myers, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and prepare for a Community Alliance Strategic Planning session.

The conference room will be posted on the meeting schedule in the rotunda on each meeting date.

For further information, contact: Department of Children and Family Services, Community-Based Care Unit, 2nd Floor, 2295 Victoria Avenue, Fort Myers, Florida 33901. All persons are invited.

In accordance with the Americans With Disabilities Act, persons needing an accommodation to participate in the meetings or needing additional information should contact the Community-Based Care Unit, (941)338-1343.

The Suncoast Region, **DeSoto County Community Alliance** will meet on:

DATE AND TIME: Tuesday, February 26, 2002, 11:00 a.m.

PLACE: The DeSoto County Administration Building, Commissioners Meeting Room, 201 East Oak St., Arcadia, Florida

The public is welcome to attend. For information call: (941)741-3682.

The **Department of Children and Family Services**, District Ten, in conjunction with the community will conduct the following meetings during March 2002:

The District Ten, Family Care Council announces a public meeting to which you are invited to attend:

DATE AND TIME: Tuesday, March 5, 2002, 7:00 p.m.

PLACE: ARC Broward, Room 235, 10250 N. W. 53 Street, Sunrise, Florida 33351

GENERAL SUBJECT MATTER TO BE CONSIDERED: People who have Developmental Disability issues.

The Alcohol, Drug Abuse and Mental Health (ADM) Standing Committee announces a public meeting to which you are invited to attend:

DATE AND TIME: Monday, March 11, 2002, 3:00 p.m.

PLACE: Broward Regional Health Planning Council, Conference Room 115, 915 Middle River Drive, Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Issues relating to Alcohol, Drug Abuse and Mental Health.

A copy of the agenda may be obtained by writing: Scott Silverman, Management Review Specialist, Regional Office, Suite 200, 201 W. Broward Blvd., Ft. Lauderdale, FL 33301.

Anyone requiring a special accommodation to participate in this meeting is requested to advise District Administration (Scott Silverman) at least 5 working days before the meeting, (954)759-5446 or (954)467-4509 (TDD).

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting of the Advisory Council on Environmental Education. This notice announces the date, time and place of that meeting to which all interested persons are invited:

DATE AND TIME: February 26, 2002, 11:30 a.m.

PLACE: Sea World, 7007 Sea World Drive, Security Gate 1 (Zoological Operations), Orlando, Florida

A copy of the proposed agenda may be obtained from: Florida Fish and Wildlife Conservation Commission, Office of Informational Services, ATTN: Scott Ball, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-4676.

If any person decides to challenge any decision with respect to any matter considered at the above meeting, a record of the proceeding will be needed. For this purpose, you may need to ensure that a verbatim record of the proceeding is made which includes testimony and evidence upon which the challenge is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the workshop or meeting is asked to advise the Commission at least 5 calendar days prior by calling Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling, (850)488-9542.

FLORIDA INDEPENDENT LIVING COUNCIL

The **Florida Independent Living Council** announces the following meetings:

MEETING: Program Sub-committee Meeting of the Steering Committee

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

MEETING: Development Committee Meeting

DATE AND TIME: Wednesday, February 13, 2002, 3:00 p.m. (EST)

MEETING: Steering Committee Meeting

DATE AND TIME: Wednesday, February 20, 2002, 10:00 a.m. (EST)

MEETING: Finance Committee Meeting

DATE AND TIME: Wednesday, February 20, 2002, 2:00 p.m. (EST)

MEETING: Planning Committee Meeting

DATE AND TIME: Wednesday, February 20, 2002, 3:00 p.m. (EST)

MEETING: Advocacy Committee Meeting

DATE AND TIME: Thursday, February 21, 2002, 3:00 p.m. (EST)

MEETING: Outreach Committee Meeting

DATE AND TIME: Tuesday, February 26, 2002, 4:00 p.m. (EST)

MEETING: Executive Committee Meeting

DATE AND TIME: Wednesday, February 27, 2002, 3:00 p.m. (EST)

MEETING: Legislative Sub-committee Meeting of the Steering Committee

DATE AND TIME: Monday, March 4, 2002, 11:00 a.m. (EST)

MEETING: Finance Committee Meeting

DATE AND TIME: Wednesday March 6, 2002, 2:00 p.m. (EST)

MEETING: Planning Committee Meeting

DATE AND TIME: Wednesday, March 6, 2002, 3:00 p.m. (EST)

MEETING: Program Sub-committee Meeting of the Steering Committee

DATE AND TIME: Wednesday, March 13, 2002, 9:00 a.m. (EST)

MEETING: Development Committee Meeting

DATE AND TIME: Wednesday, March, 13, 2002, 3:00 p.m. (EST)

MEETING: Steering Committee Meeting

DATE AND TIME: Wednesday, March 20, 2002, 10:00 a.m. (EST)

MEETING: Advocacy Committee Meeting

DATE AND TIME: Thursday, March 21, 2002, 3:00 p.m. (EST)

MEETING: Outreach Committee Meeting

DATE AND TIME: Tuesday, March 26, 2002, 4:00 p.m. (EST)

MEETING: Executive Committee Meeting

DATE AND TIME: Wednesday, March 27, 2002, 3:00 p.m. (EST)

MEETING: Legislative Sub-committee Meeting of the Steering Committee

DATE AND TIME: Monday, April 1, 2002, 11:00 a.m. (EST)

MEETING: Finance Committee Meeting

DATE AND TIME: Wednesday, April 3, 2002, 2:00 p.m. (EST)

MEETING: Planning Committee Meeting

DATE AND TIME: Wednesday, April 3, 2002, 3:00 p.m. (EST)

MEETING: Program Sub-committee Meeting of the Steering Committee
DATE AND TIME: Wednesday, April 10, 2002, 9:00 a.m. (EST)
MEETING: Development Committee Meeting
DATE AND TIME: Wednesday, April 10, 2002, 3:00 p.m. (EST)
MEETING: Steering Committee Meeting
DATE AND TIME: Wednesday, April 17, 2002, 10:00 a.m. (EST)
MEETING: Advocacy Committee Meeting
DATE AND TIME: Thursday, April 18, 2002, 3:00 p.m. (EST)
MEETING: Outreach Committee Meeting
DATE AND TIME: Tuesday, April 23, 2002, 4:00 p.m. (EST)
MEETING: Program Sub-committee Meeting of the Steering Committee
DATE AND TIME: Wednesday, April 24, 2002, 9:00 a.m. (EST)
MEETING: Executive Committee Meeting
DATE AND TIME: Wednesday, April 24, 2002, 3:00 p.m. (EST)
MEETING: Steering Committee Meeting
DATE AND TIME: Wednesday, May 1, 2002, 10:00 a.m. (EST)
MEETING: Finance Committee Meeting
DATE AND TIME: Wednesday May 1, 2002, 2:00 p.m. (EST)
MEETING: Planning Committee Meeting
DATE AND TIME: Wednesday, May 1, 2002, 3:00 p.m. (EST)
MEETING: Legislative Sub-committee Meeting of the Steering Committee
DATE AND TIME: Monday, May 6, 2002, 11:00 a.m. (EST)
MEETING: Program Sub-committee Meeting of the Steering Committee
DATE AND TIME: Wednesday, May 8, 2002, 9:00 a.m. (EST)
MEETING: Development Committee Meeting
DATE AND TIME: Wednesday, May 8, 2002, 3:00 p.m. (EST)
MEETING: Steering Committee Meeting
DATE AND TIME: Wednesday, May 15, 2002, 10:00 a.m. (EST)
MEETING: Advocacy Committee Meeting
DATE AND TIME: Thursday, May 16, 2002, 3:00 p.m. (EST)
MEETING: Outreach Committee Meeting
DATE AND TIME: Tuesday, May 21, 2002, 4:00 p.m. (EST)
MEETING: Program Sub-committee Meeting of the Steering Committee
DATE AND TIME: Wednesday, May 22, 2002, 9:00 a.m. (EST)
MEETING: Executive Committee Meeting
DATE AND TIME: Wednesday, May 22, 2002, 3:00 p.m. (EST)
MEETING: Steering Committee Meeting

DATE AND TIME: Wednesday, May 29, 2002, 10:00 a.m. (EST)
PLACE: FILC, Inc. Administrative Offices, Suite 100A, 1018 Thomasville Road, Tallahassee, Florida 32303-6271
MEETING: Grassroots Forum for People with Disabilities
DATES AND TIMES: Monday, June 10, 2002, 8:00 a.m. – 8:00 p.m. (EST); Tuesday, June 11, 2002, 7:30 a.m. – 12:00 Noon; Wednesday, June 12, 2002, 9:00 a.m. – 12:00 Noon
MEETING: Full Council Meeting
DATE AND TIME: Thursday, June 13, 2002, 3:00 p.m. (EST)
PLACE: Rosen Centre Hotel, 9840 International Drive, Orlando, FL 32819-8122
GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, Suite 100A, 1018 Thomasville Road, Tallahassee, Florida 32303-6271, (850)488-5624 or toll free (877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Beth Schultz at the council address.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105)

WORKFORCE FLORIDA

The **Workforce Florida**, Inc., Board of Directors announces a Teleconference to which all persons are invited to participate:
DATE AND TIME: Monday, February 18, 2002, 10:00 a.m. – 12:00 Noon

PLACE: Workforce Florida, Inc. has relocated to 1974 Commonwealth Lane, Tallahassee, Florida 32303, and individuals wishing to access this teleconference are requested to call (850)921-1119 for confirmation of the location

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the business of the board.

This location is accessible to those individuals with a disability or physical impairment. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Workforce Florida, Inc.**, Board of Directors announces a Board of Directors' Meeting and associated meetings in which all persons are invited to participate:

DATE AND TIME: February 21, 2002, 9:15 a.m. – 3:30 p.m.

PLACE: Embassy Suites Hotel, 191 East Pine Street, Orlando, FL 32801, (407)841-1000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the business of the Board.

A copy of the agenda(s) may be obtained by contacting: Beth Lee after February 11, 2002, (850)921-1119, e-mail blee@workforceflorida.com or by visiting our website at www.workforceflorida.com.

Those individuals wishing to participate in these meetings on February 21, 2002 are advised that this location is accessible to those individuals with a disability or physical impairment. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771(TDD).

H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE

The **H. Lee Moffitt Cancer Center and Research Institute, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 19, 2002, 1:30 p.m.

PLACE: Moffitt Research Center, Auditorium, 13131 Magnolia Drive, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Board of Directors.

A copy of the agenda may be obtained by writing: Ms. Lori Payne, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, Tampa, FL 33612.

Persons requiring special accommodations due to disability or physical impairment should contact: Ms. Payne, by Monday, February 18, 2002.

VISIT FLORIDA

The Florida **Commission on Tourism** announces a public meeting of the **Visit Florida**, Board of Directors and the Florida Commission on Tourism as follows:

MEETING: Visitor Services Advisory Committee

DATE AND TIME: Wednesday, March 20, 2002, 8:00 a.m. – 9:45 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will hear updates on the Florida Welcome Centers and other business as necessary.

MEETING: Nature/Heritage Tourism Committee

DATE AND TIME: Wednesday, March 20, 2002, 9:00 a.m. – 12:00 Noon

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will hear regional updates and other business as necessary.

MEETING: Nature/Based and Heritage Advisory Committee to the Florida Commission on Tourism

DATE AND TIME: Wednesday, March 20, 2002, 1:00 p.m. – 5:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and discuss old and new business and committee structure.

MEETING: Finance Committee

DATE AND TIME: Wednesday, March 20, 2002, 10:00 a.m. – 11:45 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will review quarterly budgets and financial statements.

MEETING: Multicultural Subcommittee

DATE AND TIME: Wednesday, March 20, 2002, 10:00 a.m. – 11:45 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The subcommittee will review and discuss business as necessary.

MEETING: Partner Development Committee

DATE AND TIME: Wednesday, March 20, 2002, 1:00 p.m. – 3:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will discuss old business and strategies for recruiting new Partners.

MEETING: Marketing Committee

DATE AND TIME: Wednesday, March 20, 2002, 3:00 p.m. – 5:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will discuss and review marketing strategies and other business as necessary.

MEETING: Visit Florida, Board of Directors Meeting

DATE AND TIME: Thursday, March 21, 2002, 9:00 a.m. – adjournment

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will discuss committee reports, on-going and developing issues and other matters.

MEETING: Florida Commission on Tourism

DATE AND TIME: Thursday, March 21, 2002, upon adjournment of the Board of Directors meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will ratify actions of the Board of Directors and discuss other matters as necessary.

PLACE: University Center Club, Tallahassee, FL, (850)644-8528

For further information contact: Susan Gale, Visit Florida, Post Office Box 1100, Tallahassee, Florida 32302-1100, (850)488-5607, Ext. 334.

Any person requiring special accommodations at this meeting because of a disability should contact Visit Florida, at least five business days prior to the meeting. Persons who are hearing or speech impaired can contact Visit Florida by using the Florida Relay Service at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION

The **Sunshine State Governmental Financing Commission** announces a public meeting, where all interested parties are invited:

DATE AND TIME: Friday, February 22, 2002, 10:00 a.m.
 PLACE: Conference Room "R", Second Floor, City Hall, City of Orlando, 400 South Orange Avenue, Orlando, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors Meeting.
 NOTE: A copy of the agenda may be obtained by contacting: Mr. Richard C. Dowdy, Program Administrator, (850)878-1874.

FLORIDA LEAGUE OF CITIES

The **Florida Municipal Pension Trust Fund** announces a public meeting to which all persons are invited:

DATE AND TIME: February 28, 2002, 11:00 a.m.
 PLACE: Casa Monica Hotel, 95 Cordova Street, St. Augustine, FL 32084, (904)827-1888
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Florida Municipal Pension Trust Fund to discuss general business of the Trust.
 A joint meeting of the Florida Municipal Pension Trust Fund and the Florida Municipal Investment Trust will also be held:
 DATE AND TIME: February 28, 2002, 1:00 p.m.
 PLACE: Casa Monica Hotel, 95 Cordova Street, St. Augustine, FL 32084, (904)827-1888
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to receive reports from investment manager and performance monitor.
 A copy of the meeting agenda may be obtained by contacting: Jeannie Hagan, Director of Financial Services, Florida League of Cities, Inc., Post Office Box 1757, Tallahassee, Florida 32302-1757, 1(800)616-1513, Ext. 277.

The **Florida Municipal Investment Trust (FMIvT)** announces a public meeting to which all persons are invited:

DATE AND TIME: February 28, 2002, 2:00 p.m.

PLACE: Casa Monica Hotel, 95 Cordova Street, St. Augustine, FL 32084, (904)827-1888

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Florida Municipal Investment Trust (FMIvT) to discuss general business of the Trust.

A joint meeting of the Florida Municipal Pension Trust Fund and the Florida Municipal Investment Trust will also be held:

DATE AND TIME: February 28, 2002, 1:00 p.m.
 PLACE: Casa Monica Hotel, 95 Cordova Street, St. Augustine, FL 32084, (904)827-1888

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to receive reports from investment manager and performance monitor.

A copy of the meeting agenda may be obtained by contacting: Jeannie Hagan, Director of Financial Services, Florida League of Cities, Inc., Post Office Box 1757, Tallahassee, Florida 32302-1757, 1(800)616-1513, Ext. 277.

The **Florida Municipal Loan Council** announces a public meeting to which all persons are invited:

DATE AND TIME: February 28, 2002, immediately upon adjournment of FMIvT meeting
 PLACE: Casa Monica Hotel, 95 Cordova Street, St. Augustine, FL 32084, (904)827-1888

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Board of Directors for the Florida Municipal Loan Council to discuss general business of the Council.

A copy of the meeting agenda may be obtained by contacting: Jeannie Hagan, Director of Financial Services, Florida League of Cities, Inc., Post Office Box 1757, Tallahassee, Florida 32302-1757, 1(800)616-1513, Ext. 277.

AREA AGENCY ON AGING OF PASCO-PINELLAS

The **Area Agency on Aging of Pasco-Pinellas, Inc. (AAAPP)** announces public meetings for the year 2002 to which all persons are invited:

ANNUAL MEETING
 DATE AND TIME: Friday, March 1, 2002, 9:30 a.m.
 PLACE: The Radisson, 12600 Roosevelt Boulevard, St. Petersburg, FL
 DATES AND TIME: Monday, April 15, 2002; Monday, May 20, 2002; Monday, June 17, 2002; Monday, July 15, 2002; Monday, August 19, 2002; Monday, September 16, 2002; Monday, October 21, 2002; Monday, November 18, 2002, 9:30 a.m.

PLACE: Area Agency on Aging of Pasco-Pinellas, Inc., 9455 Koger Blvd., St. Petersburg, Florida (Please call to confirm date, time and location)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Area Agency on Aging of Pasco-Pinellas, Inc., Board Meetings.

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 SURPLUS LINES SERVICE OFFICE

The **Florida Surplus Lines Service Office**, Board of Governors' announces a public meeting to which all interested parties are invited:

BOARD OF GOVERNORS' QUARTERLY MEETING

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

PLACE: Florida Surplus Lines Service Office, 114 S. Duval Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Matters.

A copy of the agenda may be obtained by sending a faxed request: Georgie Barrett, (850)513-9624.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact Georgie a week prior to the meeting, (850)224-7676, Ext. 19.

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from Doug Murdock, CBO, Building Official of the City of Gainesville on December 19, 2001. The request was assigned the number DCA01-DEC-246. This Declaratory Statement was issued February 1, 2002, and found that for the rehabilitation project proposed, replacement cost is the appropriate measure of value of the building for application of Chapter 34 of the Florida Building Code, 2001, Building Volume.

A copy of the Declaratory Statement may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from Paul S. Roth, Roll-a-Way Protective Pool Fence, on December 18, 2001. The request was assigned the number DCA01-DEC-244. This Declaratory Statement was

issued February 1, 2002, and found that only one end of the subject barrier required permanent attachment and that a gate is not a required element of that barrier.

A copy of the Declaratory Statement may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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:

George MacLafferty vs. Department of Management Services; Case No.: 02-0227RX; Rule No.: 60K-5.030(5)

Alberta Lash vs. Department of Children and Family Services; Case No.: 02-0104RX; Rule No.: 65E-5.2301(1),(3), 65E-5.170

Terry H. Meek vs. Department of Management Services; Case No.: 01-2088RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Aneshia Hamp vs. Department of Banking and Finance; Case No.: 01-4394RP; Rule No.: 3C-560.906; Closed

Columbia/JFK Medical Center Limited Partnership, d/b/a JFK Medical Center and Lawnwood Medical Center, Inc., d/b/a Lawnwood Regional Medical Center and Florida Society of Thoracic and Cardiovascular Sugeons, 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.: 01-0376RP; Rule Nos.: 59C-1.002(41), 59C-1.033; Closed

Naples Community Hospital, Inc. and Florida Society of Thoracic and Cardiovascular Sugeons, 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.: 01-0388RP; Rule Nos.: 59C-1.002(41), 59C-1.033; Closed

Columbia/JFK Medical Center Limited Partnership, d/b/a JFK Medical Center and Lawnwood Medical Center, Inc., d/b/a Lawnwood Regional Medical Center vs. Agency for Health Care Administration; Case No.: 01-2066RP; Rule No.: 59C-1.033(7); Closed

Naples Community Hospital vs. Agency for Health Care Administration; Case No.: 01-1957RP; Rule No.: 59C-1.033(7)(b),(c); Closed

First Coast Health and Rehabilitation Center vs. Agency for Health Care Administration; Case No.: 01-3756RX; Rule No.: 59G-4.200; Closed

Florida Service Agreement Association and Service Contract Industry Council vs. Department of Insurance; Case No.: 01-2833RE; Rule Nos.: 4ER01-1 through 4ER01-22; Closed

Terry H. Meek vs. Department of Management Services; Case No.: 01-2088RU; Dismissed

Pinnacle Grove, Ltd. vs. Florida Housing Finance Corporation and The Palms at Vero Beach, Limited Partnership; Case No.: 01-2863RU; Closed

Joanine Fowler vs. Department of Children and Family Services; Case No.: 01-3654RU; Closed

Geraldine Gapinski vs. Department of Management Services, Division of Retirement; Case No.: 01-3898RU; 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

NOTICE FOR FOOD SERVICE VENDORS TO REGISTER WITH THE STATE DEPARTMENT OF EDUCATION TO VEND UNITIZED MEALS AND SNACKS TO 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 (SFSP) for the fiscal year 2002.

The primary purpose of the program is to provide breakfast, lunch or snacks to economically needy children during periods when public schools are generally closed for summer recess.

Food service vendors who wish to become eligible to participate in this Program may write for a vendor registration and guidance package to the address listed below. Successful registration will require copies of the following: A current Florida business license; The most recent health inspection report with no unresolved violations; A completed Summer Food Service Program registration form; Evidence of general liability, product liability and insurance on delivery vehicles.

For more information please contact the Food and Nutrition Management Section, Summer Food Service Program for Children, 1(800)504-6609. The contact persons for registration are Dave Whetstone or Sheila Thomas.

Direct written inquires to:

The Florida Department of Education
Food and Nutrition Management Section
325 West Gaines St., Room 1122
Tallahassee, FL 32399-0400

REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: 02L-113, Housing Project BR131-300, Diamond Village, Building 300 Renovation, estimated budget: \$350,000-\$400,000, to be opened March 12, 2002, 2:00 p.m. (Local Time). Scope of work: The interior spaces are vacant and scheduled for partial demolition followed by the reconstruction with new materials. A complete new mechanical split system is included. Portions of the existing electrical and plumbing systems will be re-used. Specifications and Plans are available in Central Purchasing, Elmore Hall, Radio Road, Gainesville, FL 32611, (352)392-1331. A Mandatory Pre-Bid Meeting will be held February 28, 2002, 3:00 p.m., in the Housing Office Conference Room, S. W. corner of Museum Road and S. W. 13th Street (441), Gainesville, FL. All questions should be

directed to: A. J. Sontag, Assistant Director, UF Purchasing, (352)392-1331, Ext. 306. AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Emily J. Hamby, (352)392-1331, Ext. 303, within three (3) days of the event.

INVITATION TO PROPOSAL

Sealed proposals shall be received by the Florida State University Purchasing Department until the dates and times shown for the following projects. Proposals may be brought to the proposal opening or sent to:

Purchasing Department
 Suite A1400, University Center
 Florida State University
 Tallahassee, FL 32306-2370

prior to bid opening. Proposer must reference proposal number, opening date and time on outside of proposal package to ensure proper acceptance. Proposals submitted by facsimile are not acceptable. For information relating to the Invitation(s) to Proposal contact the Purchasing Agent identified in the proposal.

K 4400-0	Real Time Power System Simulator
Public Proposal Opening:	11:00 a.m., Tuesday, March 12, 2002
	Suite A1400, University Center
Proposal Documents:	Purchasing Department Florida State University

NOTICE TO CONSTRUCTION MANAGERS

The University of South Florida announces, construction management services will be required for the project listed below:

Project No.: BR-587

Project and Location: College of Business Administration Building Expansion (Quinn Hall), University of South Florida, Tampa Campus, Tampa, Florida

The College of Business Administration Building Expansion is planned to accommodate the projected program needs for the College to meet mission objectives. The initial scope of the expansion of the existing facility will accommodate the activities of the graduate programs in Business Administration including the offices of the dean, graduate program administration and college development; and the program needs and administrative offices of educational outreach programs at the University. The initial scope will consist of a new multi-story facility of approximately 21,000 GSF. The estimated construction cost is \$3,400,000.00. The overall scope of the project is projected to increase, up to an estimated project cost of \$12,000,000, as additional funding is realized and will be incorporated under this contract.

The contract for construction management services will consist of two (2) phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at the 50% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. Early bid packages for site work are anticipated. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, ensuring the inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement, may result in the termination of the construction manager’s contract.

Selection of finalists for interviews will be made on the basis of construction manager qualifications including experience and ability, past experience, bonding capacity, record-keeping/administrative ability, critical path scheduling expertise, conceptual cost estimating and cost control ability, quality control capability, qualification of the firm’s personnel, staff and consultants, and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements, and a copy of the standard State University System’s construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. Award of this Contract is subject to availability of funds. The construction manager shall have no ownership, entrepreneurial, or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed “Construction Manager Qualifications Supplement.” Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must

warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

The "Construction Manager Qualifications Supplement" form and the Project Fact Sheet may be obtained by contacting: Vanessa Poole, Contracts Administrator, Facilities Planning and Construction, University of South Florida, FPC110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550, Email: vpoole@admin.usf.edu, (813)974-0891, (813)974-2625 or Fax (813)974-3542.

Interested firms are invited and encouraged to attend a Pre-submittal Meeting at the University of South Florida, Tampa Campus, to be held at 10:00 a.m. (Eastern Standard Time), Friday, March 1, 2002, in the FPC Conference Room FPC109, 4202 East Fowler Avenue, Tampa, Florida, to review the scope and requirements of this project. Requests for meeting by individual firms will not be granted.

It shall be noted that no verbal communication shall take place between the shortlisted applicants and the State University System. Requests for any project information must be in writing to the above address.

Six (6) bound copies of the above required proposal data shall be submitted to: Ramon L. Gonzalez, R.A., Project Manager, Facilities Planning and Construction, University of South Florida, FPC110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550.

Submittals must be received at the above campus address by 2:00 p.m. (Eastern Standard Time), Thursday, March 21, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered.

The Escambia County School Readiness Coalition, Inc. announces that it is requesting proposals for school readiness services in Escambia County to which all persons are invited to bid. The proposal will be released on February 8, 2002.

The Escambia County School Readiness Coalition is soliciting proposals for school readiness services for a one-year contract with options to renew on a year-to-year basis for an additional two years. The service period covered by the Request for Proposals is July 2002 through June 2005. Services will be funded through federal, state and local allocations. Providers must meet state and federal criteria for early education and care services. Proposals are being solicited in three components: Eligibility and Provider Payments, Parent and Child Services, Provider Recruitment and Development. Proposals may be submitted for any or all of the service components.

Contracts of approximately \$14 million total will be awarded with services to begin July 1, 2002.

To request a copy of the Request for Proposals or for additional information contact: Diane Hutcherson, Executive Director, Escambia County School Readiness Coalition, 3300 North Pace Boulevard, Suite 305, Pensacola, FL 32505, (850)595-5400 or Fax (850)595-5405.

DEPARTMENT OF TRANSPORTATION

NOTICE OF REQUEST FOR QUALIFICATIONS

The Florida Department of Transportation, District 6 announces the following project:

BID/PROPOSAL NUMBER: E-6A49/RFQ-DOT-01/02-6000DS

FINANCIAL PROJECT NUMBER: 252047-3-52-01

MBE/DBE RESERVATION OR PREFERENCE: NONE

REQUEST FOR QUALIFICATIONS DUE DATE AND TIME: April 11, 2002, 2:00 p.m.

SCOPE OF SERVICES: The Florida Department of Transportation is requesting sealed written qualifications from interested performance contractors for the purpose of selecting the most qualified contractor to enter into a guaranteed energy savings contract pursuant to Section 489.145, Florida Statutes, to develop and implement a comprehensive energy management program in order to realize maximum energy and operational savings. Included in this program is the re-design and renovation of the headquarters office building located at 1000 Northwest 111th Avenue, Miami, Florida 33172.

MANDATORY PRE-BID/PRE-PROPOSAL MEETING: March 7, 2002, 10:00 a.m., in the District Six, Auditorium, 1000 Northwest 111th Avenue, Miami, Florida 33172. Proposals will only be accepted from those companies whose authorized representative has attended this conference.

FEDERAL DEBARMENT: By signing and submitting a Request for Qualification the consultant certifies that no principal (which includes officers, directors or executives) is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation on this transaction by any federal department or agency.

QUALIFICATION REQUIREMENTS

1. All guaranteed energy performance savings contractors must be licensed under Chapter 471, Chapter 481 or Section 489.145, Florida Statutes, and have completed a minimum of five performance contracting projects within the State of Florida utilizing Section 235.215 or 489.145, Florida Statutes.
2. The respondent must have served as the Prime Contractor on each of these projects in order for them to count towards the Department's requirement.

SPECIAL NOTES: This project does not fall within the Florida Department of Transportation standard types of work. Therefore, pre-qualification of consultants responding to this announcement is not mandatory. Responding consultants

should request a Pre-Qualification package from the District Six Procurement Office. Letters of Qualifications should contain the following items:

1. Project Name/Project Number/Fin Number.
2. Consultant's name and address.
3. Proposed responsible office for consultant.
4. Contact person and telephone number.
5. Proposed key personnel and their titles and/or classifications.
6. Answers to Requirements as stated in Request for Qualification package available from the District Six Procurement Office.
7. Firm profile.
8. Work history of similar projects (especially performance contracting for Governmental Agencies in South Florida, including reference names and telephone numbers), a sample energy audit, information pertaining to the firm's Bonding Capacity, an estimate of the consultant's current workload and ability to assign resources to the project, and brief résumés of key personnel be used on the project.

Consultants not pre-qualified should include the following with their response to this request for qualification:

1. Proof of commercial general liability, comprehensive automobile liability, workers's compensation, and professional liability insurance.
2. All applicable licenses.
3. Registration.
4. A certification of an adequate cost accounting system that separates and accumulates both direct and indirect costs.
5. A certification that an overhead audit for the most recently completed fiscal year performed by an independent C.P.A. is available.

BID/PROPOSAL BOND: Prior to the Award of a Guaranteed Energy Savings Contract, the Performance Contractor shall provide the Florida Department of Transportation with a one hundred percent (100%) Project Value Bond for its faithful performance as required by Section 489.145, Florida Statutes, as well as a Labor and Material Payment Bond.

REQUESTING BID/PROPOSAL DOCUMENTS: Requests for packages showing the format to be submitted for the Request for Qualification should be directed to: Nancy Kay Lyons, District Contracts Administrator, Florida Department of Transportation, District 6, Procurement Services Office, 1000 Northwest 111th Avenue, Room 6107-A, Miami, Florida 33172, Fax (305)470-5871. Projects may also be requested via Internet e-mail or via the InFoFax System. For Internet e-mail requests please send your request to nancy.lyons@dot.state.fl.us. If you have been provided an Infobox access number, please dial (305)470-5871, and follow the prompts to order a request for qualification package. Enter the document number 6000; the Request for Qualification Format package will be mailed within 48 hours.

RANKING OF THE RESPONSES TO THIS REQUEST FOR QUALIFICATION: Following a thorough review of all written responses to this Request for Qualification the Florida Department of Transportation will post a listing of respondents in their order of ranking. This list will be posted at the District Six Contracts Office, 1000 Northwest 111th Avenue, Miami, Florida 33172, May 9, 2002, 4:00 p.m. A listing of respondents in their order of ranking will also be available through our InFoFax system after 5:00 p.m., May 9, 2002. Please call our InFoFax system, (305)470-5871, and order catalog number 4. **THE DEPARTMENT RESERVES THE RIGHT TO REJECT ANY OR ALL REQUESTS FOR QUALIFICATION RECEIVED.**

WATER MANAGEMENT DISTRICTS

REQUEST FOR BIDS No. 01/02-030 WR

WELL DRILLING OF APPROXIMATELY NINE (9) MONITOR WELLS IN THE MANATEE SPRINGS STATE PARK AND APPROXIMATELY SIX (6) MONITOR WELLS IN FANNIN SPRINGS STATE RECREATION AREA

The Suwannee River Water Management District (DISTRICT) invites interested contractors to submit sealed bids to drill approximately nine (9) wells at Manatee Springs State Park and approximately six (6) wells at Fanning Springs State Recreation Area.

Responses to this request are due at the DISTRICT office by 3:00 p.m., March 1, 2002. Requests for the RFB document (RFB #01/02-030 WR) should be directed to:

Suzanne Richardson, Administrative Assistant
Suwannee River Water Management District
9225 CR 49

Live Oak, Florida 32060

(386)362-1001 or 1(800)226-1066 (Florida only)

If you have questions regarding the project, please direct them to: Ron Ceryak, SRWMD, (386)362-1001 or toll free (Florida only) 1(800)226-1066, Fax (386)362-1056.

REQUEST FOR BIDS No. 01/02-029 WR

WELL DRILLING OF APPROXIMATELY TWELVE (12) MONITOR WELLS IN THE ICHETUCKNEE SPRINGS STATE PARK IN SOUTHWESTERN COLUMBIA COUNTY

The Suwannee River Water Management District (DISTRICT) invites interested contractors to submit sealed bids to drill approximately twelve (12) monitor wells in the Ichetucknee State Park in southwestern Columbia County.

Responses to this request are due at the DISTRICT office by 3:00 p.m., March 1, 2002. Requests for the RFB document (RFB #01/02-029 WR) should be directed to:

Suzanne Richardson, Administrative Assistant
Suwannee River Water Management District
9225 CR 49

Live Oak, FL 32060

(386)362-1001 or 1(800)226-1066 (Florida only)

If you have questions regarding the project, please direct them to: Ron Ceryak, SRWMD, (386)362-1001 or toll free (Florida only) 1(800)226-1066, Fax (386)362-1056.

EXPRESSWAY AUTHORITIES

**NOTICE OF INVITATION TO BID
MDX PROJECT NO. 000-016**

The Miami-Dade Expressway Authority (“MDX”) is seeking the services of a contractor (“Bidder”) for milling and resurfacing along State Road (SR) 836 (the “Project”). The Work for the Project consists of, but is not limited to, providing all labor, Materials, Equipment and incidentals necessary for milling and resurfacing of asphalt pavement surfaces for various sections of SR 836; including roadway pavement markings, and maintenance of traffic operations. The Bidder should be aware that the majority of the Work associated with the Project shall be done during off-peak hours (9:30 a.m. to 3:30 p.m. and 9:00 p.m. to 6:00 a.m.).

Sealed Bids will be received at the MDX Headquarters Building, located at 3790 N. W. 21st Street, Miami, Florida 33142 (“MDX Headquarters Building), until 2:00 p.m., Wednesday, March 27, 2002. A Bidder must be prequalified by the State of Florida Department of Transportation in accordance with Rule Chapter 14-22, Florida Administrative Code or certified with Miami-Dade County to provide general contractor services on the submittal date for the Bids in order to submit a Bid. A Bidder that is not prequalified in accordance with Rule Chapter 14-22, F.A.C., or certified with Miami-Dade County on the date of the Bids submittal, shall be declared “NON RESPONSIVE” and the Bid will be REJECTED.

Copies of the Plans, Specifications and the Bid Blank book will be available on Monday, March 4, 2002 after 12:00 Noon, at the MDX Headquarters Building located at 3790 N. W. 21st Street, Miami. The cost of these documents is \$20.00 per set. Make checks payable to the Miami-Dade Expressway Authority. No refunds will be made for the above charges for any of the documents.

The construction cost estimate for the Project is \$3,050,000 (Three Million Fifty Thousand Dollars) and Contract time for this Project is set for sixty (60) calendar days from the Notice to Proceed.

MDX has scheduled a Mandatory Pre-Bid Conference to discuss the Project with interested Bidders on Wednesday, March 13, 2002, 2:00 p.m., at the MDX Headquarters Building located at 3790 N. W. 21st Street, Miami, FL. Please be advised that this a Mandatory Pre-Bid Conference. Any Bidder not attending the Mandatory Pre-Bid Conference will be declared “Non-Responsive”.

If you have any questions regarding this notice, or would like to additional information, please contact:

Ms. Helen M. Cordero
MDX Procurement Officer
Ph. (305)637-3277
Fax (305)637-3283
E-mail: Hcordero@mdx-way.com

All sealed Bids must be received by MDX at 3790 N. W. 21st Street, Miami, Florida 33142, no later than 2:00 p.m., Wednesday, March 27, 2002.

Equal Employment Opportunities. The Miami-Dade Expressway Authority prohibits discrimination on the basis of race, color, sex, age, national origin, religion and disability or handicap in accordance with the Provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e 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. MDX notifies all bidders and individuals that it requires and encourages equal employment opportunities for minorities and women.

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.

DEPARTMENT OF MANAGEMENT SERVICES

**NOTICE TO PROFESSIONAL CONSULTANTS
PROFESSIONAL SERVICES
FOR ASBESTOS AND LEAD CONSULTING**

PROJECT NAME: Continuing Area Contracts for Asbestos and Lead Consulting Services

PROJECT LOCATION: Florida North Region (All counties in a line across the State north of Manatee, Hardee, Highlands, Okeechobee and St. Lucie).

The Department of Management Services, Division of Facilities Management and Building Construction, requests qualifications from Asbestos Consultant Firms that are also accredited to provide Lead Consultant Services. Applicant must be licensed as an Asbestos Consultant Firm, Asbestos Consultant and have current Lead Accreditation Credentials from the US EPA. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application.

Scope of services may include (Asbestos): Bulk sampling, laboratory analysis, facility surveys, management plans, abatement specifications, project management, air monitoring, TEM sampling and analysis and final abatement report and project close out documents.

Scope of services may include (Lead): Bulk sampling, laboratory analysis, XRF scanning, facility surveys, risk assessment, abatement specifications, TCLP analysis, project management, air monitoring, wipe samples and analysis and final abatement report and project close out documents.

The Department of Management Services may enter into a contract with up to two firms responsible for performance of contracts that will vary in size up to \$500,000. This will be a multiple award contract for an initial period of two years with an option to renew for two additional, one-year periods.

Selection of finalists for interview will be made in accordance with Section 255.29(3), F.S., and the procedures and criteria of the Division of Facilities Management and Building Construction.

INSTRUCTIONS

Firms interested in being considered for this project must submit four (4) copies of their application with a table of contents and tabbed sections containing the following information:

1. Letter of interest which indicates the firm's qualifications, related experience, the firm's abilities to do the work and other pertinent data.
2. Current Professional Qualifications Supplement (PQS) Form DBC5112.
3. A copy of the firm's current Florida Professional Registration License Renewal.
4. For Corporations only: If the firm offering services is a corporation, it must be properly chartered with the Department of State to operate in Florida and must provide a copy of the firm's current Florida Corporate Charter.
5. Completed SF-254.
6. Completed SF-255.

RESPONSE DUE DATE: March 18, 2002, 4:00 p.m. (Local Time)

Applications are to be sent to: Mrs. Carole Nichols, Department of Management Services, Division of Facilities Management and Building Construction, Building 4030, Suite 360B, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)487-2824.

DATE AND LOCATION OF SHORTLIST: March 26, 2002, Department of Management Services, Division of Facilities Management and Building Construction, 4030 Esplanade Way, Suite 360L, Tallahassee, FL 32399-0950

DATE AND LOCATION OF INTERVIEWS: April 9, 2002, Department of Management Services, Division of Facilities Management and Building Construction, 4030 Esplanade Way, Suite 360L, Tallahassee, FL 32399-0950

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Betty Stevens, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any changes to the above dates will be published on our website, <http://fcn.state.fl.us/dms/dbc/oppor1.html>.

The selected firms will be given official notice of selection results by Fax and/or mail. Failure to file a protest within 72 hours (not including Saturday, Sunday or a legal holiday) after receipt of notice shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. The selection results will be published in the Florida Administrative Weekly and on our website.

NOTICE TO PROFESSIONAL CONSULTANTS FOR ASBESTOS AND LEAD CONSULTING

PROJECT NAME: Continuing Area Contracts for Asbestos and Lead Consulting Services

PROJECT LOCATION: Florida South Region (All counties in a line across the State south of Pinellas, Hillsborough, Polk, Osceola and Indian River).

The Department of Management Services, Division of Facilities Management and Building Construction, requests qualifications from Asbestos Consultant Firms that are also accredited to provide Lead Consultant Services. Applicant must be licensed as an Asbestos Consultant Firm, Asbestos Consultant and have current Lead Accreditation Credentials from the US EPA. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application.

Scope of services may include (Asbestos): Bulk sampling, laboratory analysis, facility surveys, management plans, abatement specifications, project management, air monitoring, TEM sampling and analysis and final abatement report and project close out documents.

Scope of services may include (Lead): Bulk sampling, laboratory analysis, XRF scanning, facility surveys, risk assessment, abatement specifications, TCLP analysis, project management, air monitoring, wipe samples and analysis and final abatement report and project close out documents.

The Department of Management Services may enter into a contract with up to two firms responsible for performance of contracts that will vary in size up to \$500,000. This will be a multiple award contract for an initial period of two years with an option to renew for two additional, one-year periods.

Selection of finalists for interview will be made in accordance with Section 255.29(3), F.S., and the procedures and criteria of the Division of Facilities Management and Building Construction.

INSTRUCTIONS

Firms interested in being considered for this project must submit four (4) copies of their application with a table of contents and tabbed sections containing the following information:

1. Letter of interest which indicates the firm's qualifications, related experience, the firm's abilities to do the work and other pertinent data.
2. Current Professional Qualifications Supplement (PQS) Form DBC5112.
3. A copy of the firm's current Florida Professional Registration License Renewal.
4. For Corporations only: If the firm offering services is a corporation, it must be properly chartered with the Department of State to operate in Florida and must provide a copy of the firm's current Florida Corporate Charter.
5. Completed SF-254.
6. Completed SF-255.

RESPONSE DUE DATE: March 18, 2002, 4:00 p.m. (Local Time)

Applications are to be sent to: Mrs. Carole Nichols, Department of Management Services, Division of Facilities Management and Building Construction, Building 4030, Suite 360B, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)487-2824.

DATE AND LOCATION OF SHORTLIST: March 28, 2002, Department of Management Services, Division of Facilities Management and Building Construction, 4030 Esplanade Way, Suite 360L, Tallahassee, FL 32399-0950

DATE AND LOCATION OF INTERVIEWS: April 9, 2002, Department of Management Services, Division of Facilities Management and Building Construction, 4030 Esplanade Way, Suite 360L, Tallahassee, FL 32399-0950

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Betty Stevens, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any changes to the above dates will be published on our website, <http://fcn.state.fl.us/dms/dbc/oppor1.html>.

The selected firms will be given official notice of selection results by Fax and/or mail. Failure to file a protest within 72 hours (not including Saturday, Sunday or a legal holiday) after receipt of notice shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. The selection results will be published in the Florida Administrative Weekly and on our website.

INVITATION TO BID**SECURITY SYSTEMS IMPROVEMENTS****CAPITAL CIRCLE OFFICE COMPLEX**

ADVERTISEMENT NUMBER: 25-969-750-M

Invitation to Bid will be available at:

4050 Esplanade Way

Tallahassee, FL 32399-0950

Invitation to Bid will be opened at the above address at 2:00 p.m., March 18, 2002.

Please direct all questions to: Kaye Robertson, (850)488-3158, Suncom 278-3158, Fax (850)488-5498, Email: robertk@dms.state.fl.us.

The ITB may be viewed and downloaded from the State Purchasing website at <http://www.myflorida.com> (Click on Business and Industry and under Vendor Bid Systems click on Search Advertisements) under Agency select the Department of Management Services. Or if you prefer a hardcopy of the ITB, please call (850)488-8440.

Any person with a qualified disability requiring special accommodations at the pre-bid conference and/or bid/proposal opening shall contact purchasing at the phone number above at least five (5) working days prior to the event. If you are hearing or speech impaired, please contact this office by using the Florida Relay Services which can be reached at 1(800)955-8771 (TDD).

The Department reserves the right to reject any and all bids or accept minor irregularities in the best interest of the State of Florida.

Minority Business Enterprises are encouraged to participate in the bidding process.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
REQUESTED FOR PROPOSALS

The Florida Department of Children and Family Services, District 13, is requesting proposals for Grant-In-Aid for the Homeless. A total of \$33,614 is available for District 13. The contract is for one year. General units of local government, non-profit agencies, minority non-profit businesses, and Indian tribes are eligible to apply. Funds can be used for: essential support services, including clothing, personal care items, counseling, medical, assistance in location housing, assistance in obtaining employment, assistance in obtaining government benefits, information and referral, case management, transportation, child care, job training, and staff to carry out these functions. Expenditures for staff to help operate shelters and supervise shelter residents are limited to 10 percent of the grant award. Grand funds may not be expended for administrative purposes or indirect costs. Departmental priorities for awarding Grant-In-Aid are as follows: (1) The applicant presents services and activities that are eligible for funding as defined by Section 420.625(3), F.S., pertaining to

the Grants-In-Aid funds; (2) The applicant demonstrates a reasonable capability for continued delivery of services to the homeless beyond the termination of the contract; and (3) The applicant is a certified minority enterprise.

Copies of the Request for Proposal may be obtained from: Department of Children and Family Services, on or after Friday, February 15, 2002. Written notices of intent to submit proposals must be received by the department by Monday, February 25, 2002. All proposals for Grant-In-Aid funds must be received by the department no later than Monday, March 25, 2002, 5:00 p.m. (EST). Proposals received after that time will not be considered. The proposal opening will take place at 9:00 a.m. (EST), March 26, 2002. Posting of intended award recipient will occur at 3:00 p.m. (EST), April 1, 2002, at the address listed below. Certified minority business enterprises are encouraged to participate in any respondents' conferences, pre-solicitation or pre-bid meetings that are scheduled. The department reserves the right to reject any and all bids or accept minor irregularities in the best interest of the state. No electronic or faxed proposals will be accepted. All request for proposals, inquiries, notices of intent to respond to the request for proposals, and submission of proposals for Grant-In-Aid funds are to be directed in writing to the following: John Pridham, Contract Management Unit, Department of Children and Family Services, 1601 W. Gulf Atlantic Highway, Wildwood, Florida 34785.

**NOTICE TO ROOFING CONTRACTORS
INVITATION TO BID**

Proposals are requested from qualified roofing contractors by the Department of Children and Family Services, hereinafter referred to as Owner, for the construction of:

PROJECT NUMBER: DCF 00240310
PROJECT: REROOFING OF THE
GYMNASIUM, DAHLIA
HOSPITAL AND 13
MAINTENANCE BUILDINGS
TACACHALE
GAINESVILLE, FLORIDA

PREQUALIFICATION: The Owner accepts bids from those contractors who demonstrate current licensed status with the Department of Business and Professional Regulations. The Instructions to Bidders "Bidder Qualification Requirements and Procedures" are included in the specifications under Article B-2.

PERFORMANCE BOND AND LABOR AND MATERIAL BOND: A performance bond and labor and material payment bond are required.

DATE AND TIME: Sealed bids will be received at the Administration Building's Conference Room, March 7, 2002, until 2:00 p.m. (Local Time), at which time they will be publicly opened and read aloud.

MANDATORY PRE-BID INSPECTION: We will conduct a mandatory prebid inspection with the architect at the project site on Tuesday, February 28, 2002, 10:30 a.m., for all interested contractors.

PROPOSAL: Bids must be submitted in full accordance with the requirements of the drawings, specifications, bidding conditions and contractual conditions, and with a copy of the contractor's license. The contract documents may be examined and obtained from the Architect/Engineer:

FLEET AND ASSOCIATES
ARCHITECTS/PLANNERS, INC.
4041 SUNBEAM ROAD
JACKSONVILLE, FLORIDA 32257
TELEPHONE: (904)730-8103

CONTRACT AWARD: The bid tabulation and Notice of Award Recommendation will be posted at 2:00 p.m. (Local Time), March 8, 2002, at the Administration office. In the event that the bid tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by Certified United States mail, Return Receipt requested. Any protests of the bid must be made within 72 hours of posting of the results. "Failure to file a protest within the time prescribed in s. 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes." If no protest is filed per Section B-21 of the Instructions to Bidders, "Notice and Protest Procedures", the contract will be awarded to the qualified, responsive low bidder by the Owner.

INVITATION TO BID

PROPOSALS ARE REQUESTED FROM QUALIFIED UTILITY/GENERAL CONTRACTORS BY THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES, HEREINAFTER REFERRED TO AS OWNER, FOR THE CONSTRUCTION OF:

PROJECT NO: DCF-99230200
SAMAS CODE: 60-10-1-000326-60900203-30-080751-99 and 60-20-2-021060-60900203-30-0800500-00.

PROJECT NAME: FLORIDA STATE HOSPITAL POTABLE WATER SYSTEM IMPROVEMENTS AND NEW EAST ELEVATED WATER TANK – CONTRACT 1 – NEW EAST ELEVATED WATER STORAGE TANK

LOCATION: FLORIDA STATE HOSPITAL, CHATTAHOOCHEE, FLORIDA 32324

FOR: CONSTRUCTION OF A NEW 250,000 GALLON ELEVATED WATER STORAGE TANK.

PREQUALIFICATION: Each prime bidder shall be state certified in accordance with Chapter 489, Florida Statutes, as a contractor certified to perform the work. Bids from contractors not able to furnish proof of the required certification will be disqualified.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000 or less, a Performance Bond and a Labor and Material Payment Bond are not required.

SITE VISITS TO THE PROJECT AREA ARE ENCOURAGED PRIOR TO SUBMITTING A BID. DIRECTIONS TO THE SITE ARE AVAILABLE FROM THE ENGINEER OR OWNER.

Sealed bids will be received on:

DATE AND TIME: March 15, 2002, until 2:00 p.m. (Local Time) (Eastern Standard Time), at which time they will be publicly opened and read aloud.

PLACE: Boyle Engineering Corporation Office, 5971 Cattleridge Boulevard, Suite 200, Sarasota, Florida 34232

Bids shall be submitted in triplicate in a sealed envelope plainly marked in the lower right hand corner, indicating the name of the bidding contractor, the project name and number and the closing time and date of the bid, and clearly marked on the face of the envelope the words "SEALED BID". Bids shall be addressed to:

Boyle Engineering Corporation
5971 Cattleridge Boulevard, Suite 200
Sarasota, Florida 34232
for the Florida Department of
Children and Family Services

PROPOSAL: Bids must be submitted in full accompanied by a bid guarantee in the amount of 5% of the bid amount, in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the Engineer.

ENGINEER: Boyle Engineering Corporation, 5971 Cattleridge Boulevard, Suite 200, Sarasota, Florida 34232

TELEPHONE: (941)377-8858, ALTERNATE NUMBER: (813)630-2500

Plans and specifications may be purchased from the office of Boyle Engineering Corporation, 5971 Cattleridge Boulevard, Suite 200, Sarasota, Florida 34232, for a non-refundable payment of \$100.00 per set.

Checks shall be payable to Boyle Engineering Corporation. Contractors, subcontractors, and suppliers requesting plans and specifications should provide a complete mailing and street address, telephone and telefax numbers, and name of person to contact.

CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted at 4:00 p.m. (Local Time) (Eastern Standard Time), March 22, 2002, at the location where the bids were opened. In the event that the Bid Tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by certified United States Mail, return receipt requested. Any protests of the bid must be made within 72 hours of posting of

the results. "Failure to file a protest within the time prescribed in s. 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes." If no protest is filed per Section B-21 of the Instructions To Bidders, "Notice and Protest Procedures", the Owner will award a contract to the qualified, responsive low bidder in accordance with established Owner contracting procedures (CFOP 70-7).

All questions regarding the project should be directed to: Bryan T. Veith, P.E., Boyle Engineering Corporation, (813)630-2500, Fax (813)621-2300 or Efax (208)988-3928. Approved resolution of discrepancies, questions and modifications to the Contract Documents will be made in writing by Addendum only. Addenda will be issued to all registered plan holders. The bid proposal must acknowledge all addenda. No addenda will be issued after 72 hours prior to bid opening.

INVITATION TO BID

PROPOSALS ARE REQUESTED FROM QUALIFIED UTILITY/GENERAL CONTRACTORS BY THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES, HEREINAFTER REFERRED TO AS OWNER, FOR THE CONSTRUCTION OF:

PROJECT NO: DCF-99230200

SAMAS CODE: 60-10-1-000326-60900203-30-080751-99 and 60-20-2-021060-60900203-30-0800500-00.

PROJECT NAME: FLORIDA STATE HOSPITAL POTABLE WATER SYSTEM IMPROVEMENTS AND NEW EAST ELEVATED WATER TANK - CONTRACT 2 - NEW WATER MAIN INTERCONNECTIONS

LOCATION: FLORIDA STATE HOSPITAL, CHATTAHOOCHEE, FLORIDA 32324

FOR: CONSTRUCTION OF APPROXIMATELY 2,700 LINEAR FEET OF 10-INCH WATER MAIN, DUCTILE IRON FITTINGS, VALVES, HYDRANTS, APPURTENANCES AND RESTORATION.

PREQUALIFICATION: Each prime bidder shall be state certified in accordance with Chapter 489, Florida Statutes, as a contractor certified to perform the work. Bids from contractors not able to furnish proof of the required certification will be disqualified.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000 or less, a Performance Bond and a Labor and Material Payment Bond are not required.

SITE VISITS TO THE PROJECT AREA ARE ENCOURAGED PRIOR TO SUBMITTING A BID. DIRECTIONS TO THE SITE ARE AVAILABLE FROM THE ENGINEER OR OWNER.

Sealed bids will be received on:

DATE AND TIME: March 15, 2002, until 2:00 p.m. (Local Time) (Eastern Standard Time), at which time they will be publicly opened and read aloud

PLACE: Boyle Engineering Corporation Office, 5971 Cattleridge Boulevard, Suite 200, Sarasota, Florida 34232

Bids shall be submitted in triplicate in a sealed envelope plainly marked in the lower right hand corner, indicating the name of the bidding contractor, the project name and number, and the closing time and date of the bid, and clearly marked on the face of the envelope the words "SEALED BID". Bids shall be addressed to:

Boyle Engineering Corporation
5971 Cattleridge Boulevard, Suite 200
Sarasota, Florida 34232
for the Florida Department of
Children and Family Services

PROPOSAL: Bids must be submitted in full accompanied by a bid guarantee in the amount of 5% of the bid amount, in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the Engineer.

ENGINEER: Boyle Engineering Corporation, 5971 Cattleridge Boulevard, Suite 200, Sarasota, Florida 34232

TELEPHONE: (941)377-8858, ALTERNATE NUMBER: (813)630-2500

Plans and specifications may be purchased from the office of Boyle Engineering Corporation, 5971 Cattleridge Boulevard, Suite 200, Sarasota, Florida 34232, for a non-refundable payment of \$100.00 per set.

Checks shall be payable to Boyle Engineering Corporation. Contractors, subcontractors and suppliers requesting plans and specifications should provide a complete mailing and street address, telephone and telefax numbers, and name of person to contact.

CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted at 4:00 p.m. (Local Time) (Eastern Standard Time), March 22, 2002, at the location where the bids were opened. In the event that the Bid Tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by certified United States Mail, return receipt requested. Any protests of the bid must be made within 72 hours of posting of the results. "Failure to file a protest within the time prescribed in s. 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes." If no protest is filed per Section B-21 of the Instructions To Bidders, "Notice and Protest Procedures", the Owner will award a contract to the qualified, responsive low bidder in accordance with established Owner contracting procedures (CFOP 70-7).

All questions regarding the project should be directed to: Bryan T. Veith, P.E., Boyle Engineering Corporation, (813)630-2500, Fax (813)621-2300, or Efax (208)988-3928. Approved resolution of discrepancies, questions and modifications to the Contract Documents will be made in writing by Addendum only. Addenda will be issued to all

registered plan holders. The bid proposal must acknowledge all addenda. No addenda will be issued after 72 hours prior to bid opening.

INVITATION TO BID

PROPOSALS ARE REQUESTED FROM QUALIFIED UTILITY/GENERAL CONTRACTORS BY THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES, HEREINAFTER REFERRED TO AS OWNER, FOR THE CONSTRUCTION OF:

PROJECT NO: DCF-99230200

SAMAS CODE: 60-10-1-000326-60900203-30-080751-99 and 60-20-2-021060-60900203-30-0800500-00.

PROJECT NAME: FLORIDA STATE HOSPITAL POTABLE WATER SYSTEM IMPROVEMENTS AND NEW EAST ELEVATED WATER TANK – CONTRACT 3 – DEMOLITION OF EXISTING ELEVATED AND GROUND STORAGE TANKS.

LOCATION: FLORIDA STATE HOSPITAL, CHATTAHOOCHEE, FLORIDA 32324

FOR: DEMOLITION OF TWO 500,000 GAL. GROUND STORAGE TANKS and ONE BID ALTERNATE FOR DEMOLITION OF 250,000 GAL. ELEVATED WATER STORAGE TANK.

PREQUALIFICATION: Each prime bidder shall be state certified in accordance with Chapter 489, Florida Statutes, as a contractor certified to perform the work. Bids from contractors not able to furnish proof of the required certification will be disqualified.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000 or less, a Performance Bond and a Labor and Material Payment Bond are not required.

SITE VISITS TO THE PROJECT AREA ARE ENCOURAGED PRIOR TO SUBMITTING A BID. DIRECTIONS TO THE SITE ARE AVAILABLE FROM THE ENGINEER OR OWNER.

Sealed bids will be received on:

DATE AND TIME: March 15, 2002, until 2:00 p.m. (Local Time) (Eastern Standard Time), at which time they will be publicly opened and read aloud.

PLACE: Boyle Engineering Corporation Office, 5971 Cattleridge Boulevard, Suite 200, Sarasota, Florida 34232

Bids shall be submitted in triplicate in a sealed envelope plainly marked in the lower right hand corner, indicating the name of the bidding contractor, the project name and number and the closing time and date of the bid, and clearly marked on the face of the envelope the words "SEALED BID". Bids shall be addressed to:

Boyle Engineering Corporation
5971 Cattleridge Boulevard, Suite 200
Sarasota, Florida 34232

for the Florida Department of
Children and Family Services

PROPOSAL: Bids must be submitted in full accompanied by a bid guarantee in the amount of 5% of the bid amount, in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the Engineer.

ENGINEER: Boyle Engineering Corporation, 5971 Cattlebridge Boulevard, Suite 200, Sarasota, Florida 34232

TELEPHONE: (941)377-8858, **ALTERNATE NUMBER:** (813)630-2500

Plans and specifications may be purchased from the office of Boyle Engineering Corporation, 5971 Cattlebridge Boulevard, Suite 200, Sarasota, Florida 34232, for a non-refundable payment of \$60.00 per set.

Checks shall be payable to Boyle Engineering Corporation. Contractors, subcontractors, and suppliers requesting plans and specifications should provide a complete mailing and street address, telephone and telefax numbers, and name of person to contact.

CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted at 4:00 p.m. (Local Time) (Eastern Standard Time), March 22, 2002, at the location where the bids were opened. In the event that the Bid Tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by certified United States Mail, return receipt requested. Any protests of the bid must be made within 72 hours of posting of the results. "Failure to file a protest within the time prescribed in s. 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes." If no protest is filed per Section B-21 of the Instructions To Bidders, "Notice and Protest Procedures", the Owner will award a contract to the qualified, responsive low bidder in accordance with established Owner contracting procedures (CFOP 70-7).

All questions regarding the project should be directed to: Bryan T. Veith, P.E., Boyle Engineering Corporation, (813)630-2500, Fax (813)621-2300 or Efax (208)988-3928. Approved resolution of discrepancies, questions and modifications to the Contract Documents will be made in writing by Addendum only. Addenda will be issued to all registered plan holders. The bid proposal must acknowledge all addenda. No addenda will be issued after 72 hours prior to bid opening.

SARASOTA MEMORIAL HEALTH CARE SYSTEM

REQUEST FOR QUALIFICATIONS FOR GENERAL CONTRACTING WORK FOR A NEW PARKING GARAGE STRUCTURE

The Sarasota County Public Hospital Board of Sarasota County, Florida, is accepting statements of qualifications from General Construction firms for a construction of an on-site Parking Garage structure. Work includes site development and construction of a seven-story parking structure of approximately 1,100 to 1,200 spaces.

The scope of work may include Pre-Construction phase services such as cost estimating, value engineering, critical path method scheduling, constructability reviews and cost control, in addition to construction phase services. Firms interested in being considered as candidates are required to submit five bound submittals of qualifications that include at least the following data, to be organized in the following order:

1. A copy of Florida Professional and Corporate Registration certificates.
2. Completed AIA Document A305 Contractor's Qualification Statement 1986 Edition.
3. Proof of General and Professional Liability Insurability.
4. A separate statement as to whether the firm is a certified small/or Minority Business Enterprise as defined by the Florida Small Business Assistance Act of 1985.
5. A list of at least five client references consisting of name title, address, telephone number and project name(s) for each reference of projects.
6. Resumes of key personnel that would be used on the project and their past experience in projects of similar size and scope.
7. Examples of successful completion of projects of similar scope.
8. Any additional information to be included at the discretion of the submitting firm.

COMMENTS:

1. No less than three (3) firms will be short-listed from those submitting statements of qualifications. These candidates may be asked to make presentations to the selection committee.
2. The basis for selecting short-list candidates includes, but is not limited to, consideration of related project experience and qualifications of proposed team members.
3. Five copies of the submittals are due no later than 3:00 p.m., Thursday, February 28, 1997. Submit proposals to Mr. William A. Shevlin, Manager of Construction, Facilities/Ambulatory Development, Sarasota Memorial Hospital, 1700 South Tamiami Trail, Sarasota, Florida 34239.

Proposals received after this deadline will be returned unopened. Interested parties should contact Bill Shevlin, Project Manager, (941)917-1899 with questions.

4. Information packets are available free of charge for pick-up. Information packets are available from The Construction Department, (941)917-1804.

Published: Sarasota Herald Tribune,
Florida Administrative Weekly

ANNOUNCEMENT OF INTENT TO CONTRACT FOR ARCHITECTURAL AND ENGINEERING PROFESSIONAL SERVICES FOR EXPANSION OF THE EMERGENCY CARE CENTER FOR THE SARASOTA COUNTY PUBLIC HOSPITAL BOARD, SARASOTA MEMORIAL HOSPITAL

The Sarasota County Public Hospital Board of Sarasota County, Florida is accepting statements of qualifications from Architectural/Engineering Consulting Firms under the provisions of the Consultants' Competitive Negotiation Act, Section 287.055, Florida Statutes. The scope of work may include analysis of Hospital supplied data, functional space programming, schematic design, design development, construction documents and construction administration for architectural, mechanical, electrical, structural and site design work for construction of a Emergency Care Center building expansion.

Firms qualified to submit include Architectural/Engineering firms or an association of firms under the direction of the Architect. Services required may include architectural, mechanical, electrical, structural, landscape and civil design and engineering. Firms interested in being considered as candidates are required to submit Five bound submittals of qualifications that include at least the following data, to be organized in the following order:

1. A copy of Florida Professional and Corporate Registration certificates.
2. Completed GSA Standard Forms 254 and 255.
3. Proof of General and Professional Liability Insurability.
4. A separate statement as to whether the firm is a certified Small and/or Minority Business Enterprise as defined by the Florida Small and Minority Business Assistance Act of 1985.
5. Examples of related projects.
6. Any additional information to be included at the discretion of the submitting firm.

Comments:

1. The Hospital reserves the right to reject any or all submittals. No fewer than three qualified firms will be short listed. These candidates may be asked to make final presentations to the selection committee.
2. Considerations in the selection of candidates include: the firm's recent related design experience, location and ability to respond rapidly and qualifications of personnel.
3. The final product of all design services shall include digital data in the form of disks (CD's, etc.) (Autocad, 2000).

4. Questions regarding submissions shall be directed to Dan McDaniel, AIA, (941)917-2048 or to Bill Shevlin, Construction Manager, (941)917-1899.

5. Information packets are available free of charge for pick-up. Information packets are available from The Construction Department, (941)917-1804.

6. Submissions shall be titled "EMERGENCY CARE CENTER" and shall be submitted no later than 3:00 p.m., February 28, 2002, at the office of:

Dan McDaniel, Director
Architecture and Facilities Development
Sarasota Memorial Hospital
1700 South Tamiami Trail
Sarasota, FL 34239

Published: Sarasota Herald Tribune, Florida Administrative Weekly

ANNOUNCEMENT OF INTENT TO CONTRACT FOR ARCHITECTURAL AND ENGINEERING PROFESSIONAL SERVICES FOR AMBULATORY CARE CENTER – UNIVERSITY PARKWAY FOR THE SARASOTA COUNTY PUBLIC HOSPITAL BOARD SARASOTA MEMORIAL HOSPITAL

The Sarasota County Public Hospital Board of Sarasota County, Florida is accepting statements of qualifications from Architectural/Engineering Consulting Firms under the provisions of the Consultants' Competitive Negotiation Act, Section 287.055, Florida Statutes. The scope of work may include programming, schematic design, design development, construction documents and construction administration for architectural, mechanical, electrical, structural and site design work for renovation to and expansion of the existing Ambulatory Care Center building on University Parkway.

Firms qualified to submit include Architectural/Engineering firms or an association of firms under the direction of the Architect. Services required may include architectural, mechanical, electrical, structural, landscape and civil design and engineering. Firms interested in being considered as candidates are required to submit Five bound submittals of qualifications that include at least the following data, to be organized in the following order:

1. A copy of Florida Professional and Corporate Registration certificates.
2. Completed GSA Standard Forms 254 and 255.
3. Proof of General and Professional Liability Insurability.
4. A separate statement as to whether the firm is a certified Small and/or Minority Business Enterprise as defined by the Florida Small and Minority Business Assistance Act of 1985.
5. Examples of related projects.
6. Any additional information to be included at the discretion of the submitting firm.

Comments:

1. The Hospital reserves the right to reject any or all submittals. No fewer than three qualified firms will be short listed. These candidates may be asked to make final presentations to the selection committee.
2. Considerations in the selection of candidates include: the firm's recent related design experience, location and ability to respond rapidly and qualifications of personnel.
3. The final product of all design services shall include digital data in the form of disks (CD, floppy, etc.) (Autocad, 2000).
4. Questions regarding submissions shall be directed to Dan McDaniel, AIA, (941)917-2048 or to Bill Shevlin, Construction Manager, (941)917-1899
5. Information packets are available free of charge for pick-up. Information packets are available from The Construction Department, (941)917-1804.
6. Submissions shall be titled "AMBULATORY CARE CENTER – UNIVERSITY PARKWAY" and shall be submitted no later than 3:00 p.m., February 28, 2002, at the office of:

Dan McDaniel, Director
 Architecture and Facilities Development
 Sarasota Memorial Hospital
 1700 South Tamiami Trail
 Sarasota, FL 34239

**Section XII
 Miscellaneous**

DEPARTMENT OF BANKING AND FINANCE

NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following 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 Rule 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., March 8, 2002):

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: Educational Community Credit Union, Post Office Box 2600, Jacksonville, Florida 32232-0077

Expansion Includes: Organizations and persons who work or reside within Putnam and Flagler Counties, and the zip codes of 32212 and 32220 located in Duval County.

Received: January 30, 2002

Name and Address of Applicant: Eastern Financial Florida Credit Union, 3700 Lakeside Drive, Miramar, Florida 33027-3225

Expansion Includes: Persons who live or work in Miami-Dade County; and employees of Entertainment Network, Inc., Tampa, Florida; Barnes Industrial Plastic Piping, Inc., Tampa, Florida; Liberty Tax Service, Temple Terrace, Florida; Pinarama Bowling Lanes, Inc., Tampa, Florida; and Mad Graphics, Inc., Tampa, Florida.

Received: January 30, 2002

Name and Address of Applicant: Miami Postal Service Credit Union, Post Office Box 520622, Miami, Florida 33122-1824

Expansion Includes: Employees of American Security Administrative Services, LLC, Miami, Florida; employees of J & J Retail Foods, Inc., d/b/a Dunkin Donuts/Togo's, Miami, Florida; employees of IG-Tech, Hialeah, Florida; and employees of CMA-CGM (Caribbean), Inc., Miami, Florida.

Received: February 4, 2002

NOTICE IS HEREBY GIVEN THAT the Department of Banking and Finance, Division of Securities and Finance, on January 31, 2002, issued a Notice of Intent to Enter a Final Order Granting Recovery from the Securities Guaranty Fund in Administrative Proceeding No. 3306-S-8/01 to Hedwig M. Mury, Individually, and as Trustee of the Hedwig M. Mury Trust dated 3/25/95 regarding the activities of FIRST AMERICAN SECURITIES GROUP, INC., CRD #20597. Those persons whose substantial interests may be determined by this proceeding are advised that they may request a hearing concerning the Notice of Intent, to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. The petition for hearing must comply with Rules 28-106.201, 28-106.301 or 28-107.004, Florida Administrative Code, and must be received within twenty-one (21) days of the date of publication of this notice. Petitions shall be filed with:

Agency Clerk
 Department of Banking and Finance
 Suite 526, Fletcher Building
 101 East Gaines Street
 Tallahassee, Florida 32399-0350

FAILURE OF A RESPONDENT TO TIMELY FILE A REQUEST FOR HEARING WITHIN THE 21 DAY TIME PERIOD, SHALL CONSTITUTE A WAIVER OF THAT RESPONDENT'S RIGHT TO REQUEST A HEARING ON ANY MATTER SET FORTH IN THE NOTICE OF INTENT, AND THE DEPARTMENT WILL ISSUE ITS FINAL ORDER TAKING THE ACTIONS SET FORTH IN THE NOTICE OF INTENT.

DEPARTMENT OF COMMUNITY AFFAIRS

DCA Final Order No.: DCA02-OR-028

In re: A LAND DEVELOPMENT REGULATION
 ADOPTED BY ISLAMORADA, VILLAGE OF
 ISLANDS
 ORDINANCE NO. 01-20

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 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 December 21, 2001, the Department received for review Islamorada, Village of Islands Ordinance No. 01-20 which was adopted by the Village Council on December 13, 2001 ("Ord. 01-20"). Ord. 01-20 establishes regulations governing the placement, construction and modification of wireless communications facilities.
2. Ord. 01-20 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. (2001).
4. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2001), 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. (2001). The regulations adopted by Ord. 01-20 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. (2001).
7. Ordinance 01-20 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.
 - (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.

8. Ordinance 01-20 is consistent with Principle (f): To enhance natural scenic resources, promote the aesthetic benefits of the natural environment, and ensure that development is compatible with the unique historic character of the Florida Keys.
9. Ordinance 01-20 is not inconsistent with the remaining Principles. Ord. 01-20 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 01-20 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.

SONNY TIMMERMAN, 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.

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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.

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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 January, 2002.

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.: DCA02-OR-027

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY ISLAMORADA, VILLAGE OF ISLANDS
ORDINANCE NO. 01-21

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 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 December 21, 2001, the Department received for review Islamorada, Village of Islands Ordinance No. 01-21 which was adopted by the Village Council on December 13, 2001 ("Ord. 01-21"). Ord. 01-21 establishes standards for the regulated placement and construction of fences.
2. Ord. 01-21 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. (2001).
4. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2001), 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. (2001). The regulations adopted by Ord. 01-21 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. (2001).
7. Ordinance 01-21 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 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.
8. Ordinance 01-21 is not inconsistent with the remaining Principles. Ord. 01-21 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 01-21 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.

SONNY TIMMERMAN, 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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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.

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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 January, 2002.

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.: DCA02-OR-030

In re: CITY OF KEY WEST
LAND DEVELOPMENT REGULATIONS
ADOPTED BY CITY OF KEY WEST
ORDINANCE NO. 02-01

FINAL ORDER

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., (2001), approving City of Key West Ordinance No. 02-01 as set forth below.

FINDINGS OF FACT

1. The City of Key West is a designated area of critical state concern.
2. On January 7, 2002, the Department received for review City of Key West Ordinance No. 02-01 which was adopted by the City of Key West City Commission on January 2, 2002 (“Ord. 02-01”). Ord. 02-01 amends Section 1-2.6 of the Land Development Regulations entitled “General Administration” to re-establish the standards for consideration of a variance application by the Key West Board of Adjustment.
3. Ord. 02-01 is consistent with the City’s Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in an area of critical state concern. §§ 380.05(6) and (11), Fla. Stat., (2001).
5. The City of Key West is an Area of Critical State Concern. § 380.05, Fla. Stat. (2001) and Rule 28-36.001, Fla. Admin. Code.
6. “Land development regulations” include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2001). The regulations adopted by Ord. 02-01 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for the particular area (the “Principles”). § 380.05(6), Fla. Stat.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff’d, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles for the City of Key West Area of Critical State Concern are set forth in Rule 28-36.003, Fla. Admin. Code.
8. Ord. 02-01 is consistent with Principle (a) in Rule 28-36.003(1):
(a) To strengthen local government capabilities for managing land use and development.
9. Ord. 02-01 promotes and furthers Principle (h) in Rule 28-36.003(1):

(h) Protection of the public health, safety, welfare and economy of the City of Key West and the maintenance of Key West as a unique Florida Resource.

10. Ord. 02-01 is not inconsistent with the remaining Principles. Ord. 02-01 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 02-01 is found to be consistent with the Principles for Guiding Development of the City of Key West 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.

SONNY TIMMERMAN, DIRECTOR
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

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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.

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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 February, 2002.

Paula Ford, Agency Clerk

By U.S. Mail:
 Jimmy Weekly
 Mayor of the City of Key West
 P. O. Box 1409
 Key West, Florida 33041
 Cheri Smith
 Clerk to the City Commission
 P. O. Box 1409
 Key West, Florida 33041
 Robert Tischenkel
 City Attorney
 P. O. Box 1409
 Key West, FL 33041
 Julio Avel
 City of Key West
 P. O. Box 1409
 Key West, FL 33041
 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.: DCA02-OR-029

In re: MONROE COUNTY
 LAND DEVELOPMENT REGULATIONS
 ADOPTED BY MONROE COUNTY
 ORDINANCE NO. 041-2001

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 Monroe County Ordinance No. 041-2001 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 December 19, 2001, the Department received for review Monroe County Ordinance No. 041-2001 which was adopted by the Monroe County Board of County Commissioners on November 20, 2001 ("Ord. 041-2001"). Ord. 041-2001 changes the zoning for a 0.9 acre parcel of land located in the Point Pleasant subdivision on Key Largo from Improved Subdivision to Park and Refuge, which is consistent with the Future Land Use Map designation.
3. Ord. 041-2001 is consistent with the County's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

4. 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. (2001).
 5. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2001) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
 6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2001). The regulations adopted by Ord. 041-2001 are land development regulations.
 7. 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"). § 380.0552(7), Fla. Stat.; see *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). 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. (2001).
 8. Ord. 041-2001 promotes and furthers the following Principles in § 380.0552(7):
 - (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.
 10. Ord. 041-2001 is not inconsistent with the remaining Principles. Ord. 041-2001 is consistent with the Principles for Guiding Development as a whole.
- WHEREFORE, IT IS ORDERED that Ord. 041-2001 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.

SONNY TIMMERMAN, 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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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 February, 2002.

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

**NOTICE OF APPROVAL FOR
PRESERVATION 2000 FUNDS**

The Florida Communities Trust ("Trust") reviewed and approved project plans for land acquisition projects submitted under the Trust Preservation 2000 Program, Series P10 funding cycle. The project plan listed below was approved by the Executive Director under authority delegated from the governing body. The Executive Director is authorized to execute the agreements for acquisition of the project sites and all other documents necessary to close the project and that funds be released as follows:

Project: 00-025-P10/McNab Park Restoration Project

Grantee: City of Tamarac

Amount of Approved Funds: the lesser of 40.00% of the final total project costs or \$257,780.00

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, F.A.C. A petition is filed when it is received by the Trust Clerk at 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR
VEHICLES**

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Panoz Auto Development Co. intends to allow the establishment of Auto Quest, as a dealership for the sale of Panoz Esperante, at 14498 S. Tamiami Trail, Ft. Myers (Lee County), Florida 33912, on or after January 2, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Auto Quest are dealer operator(s) and principal investor(s): Gavin Rickes, 5010 Harborage Dr., Ft. Myers, FL 33908.

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. Merla Sawyer, Controller, Panoz Auto Development Co., 1101 Highway 124, Hoschton, GA 30548.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Daewoo Motor America, Inc., intends to allow the establishment of Dick Norris Buick Pontiac GMC, Inc., as a dealership for the

sale of Daewoo motor vehicles, at 30801 U.S. 19, North, Palm Harbor (Pinellas County), Florida 34684, on or after January 31, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Dick Norris Buick Pontiac GMC, Inc. are dealer operator(s) and principal investor(s): Richard Norris, 3266 Masters Drive, Clearwater, FL 33761.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Mr. Donald Betz, General Manager Dealer Development, Daewoo Motor America, Inc., 1055 W. Victoria St., Compton, CA 90220.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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, Boss Hoss Cycles, Inc., intends to allow the establishment of Highlander Boss Hoss, Inc., as a dealership for the sale of Boss Hoss Cycle bikes, trikes, accessories and parts, at 1821 South Ridgewood Avenue, South Daytona (Volusia County), Florida 32119, on or after February 28, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Highlander Boss Hoss, Inc. are dealer operator(s) and principal investor(s): Randy Epling, 1821 South Ridgewood Ave., South Daytona, FL 32119.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Mr. Rad Hunsley, Chief Operations Officer, Boss Hoss Cycles, Inc., 790 South Main Street, Dyersburg, TN 38024.

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.

DEPARTMENT OF HEALTH

On January 30, 2002, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of James F. Graves, Jr., M.D., license number ME 0043946. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 455.225(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On January 30, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Catherine Louise Maturo, R.N. Maturo holds license number RN 2204992. Maturo's last known address is 3901 South Ocean Drive, Apt. 12-U, Hollywood, Florida 33019-3004. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On January 31, 2002, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of James Michael Kissinger, M.D., license number ME 0067742. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 455.225(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On February 4, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Christopher Erb, RPh., license number PS 0024827. Christopher Erb's last known address is 44 St. George Place, Palm Beach Gardens, Florida 33418. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to 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.

FISH AND WILDLIFE CONSERVATION COMMISSION

Request for Information to be Considered in Management

The Fish and Wildlife Commission determined at its January 23-25, 2002, meeting that reclassifying the red-cockaded woodpecker (*Picoides borealis*) from Threatened status to Species of Special Concern status was warranted, thereby ending Phase 1 and beginning Phase 2 of the listing action process (Rule 68A-27.0012, F.A.C.) for this species. The Commission now requests information on the conservation needs of the red-cockaded woodpecker and any economic and social factors that should be considered in its management.

Comments should be sent to: Dr. Bradley J. Gruver, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, by 5:00 p.m., April 5, 2002.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN January 28, 2002
 and February 1, 2002**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF BANKING AND FINANCE
Division of Banking

3C-560.906	1/31/02	2/20/02	27/39	27/51
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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

5E-9.019	2/1/02	2/21/02	27/51	
5E-9.021	2/1/02	2/21/02	27/51	
5E-9.024	2/1/02	2/21/02	27/51	
5E-9.027	2/1/02	2/21/02	27/51	
5E-9.028	2/1/02	2/21/02	27/51	
5E-9.029	2/1/02	2/21/02	27/51	
5E-9.034	2/1/02	2/21/02	27/51	

DEPARTMENT OF TRANSPORTATION

14-17.011	1/30/02	2/19/02	27/51	
14-17.012	1/30/02	2/19/02	27/51	
14-17.014	1/30/02	2/19/02	27/51	
14-17.015	1/30/02	2/19/02	27/51	
14-80.002	1/30/02	2/19/02	27/52	
14-84.0011	1/30/02	2/19/02	27/51	

EXECUTIVE OFFICE OF THE GOVERNOR

Office of Tourism, Trade and Economic Development

27M-1.001	2/1/02	2/21/02	27/39	
27M-1.002	2/1/02	2/21/02	27/39	
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27M-1.013	2/1/02	2/21/02	27/39	27/52
27M-1.014	2/1/02	2/21/02	27/39	27/52
27M-1.015	2/1/02	2/21/02	27/39	27/52

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF CORRECTIONS

33-204.002	1/29/02	2/18/02	27/51	
33-204.003	1/29/02	2/18/02	27/51	

AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid Program Office

59G-6.010	1/31/02	2/20/02	27/44	
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

61G15-24.001	2/1/02	2/21/02	27/52	
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Board of Veterinary Medicine

61G18-30.003	1/28/02	2/17/02	27/51	
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Florida Real Estate Appraisal Board

61J1-3.001	2/1/02	2/21/02	27/45	
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Florida Real Estate Commission

61J2-24.002	2/1/02	2/21/02	27/45	
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Resource Management

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DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

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Board of Medicine

64B8-55.002	1/31/02	2/20/02	27/50	
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Board of Nursing

64B9-3.001	1/28/02	2/17/02	27/51	
64B9-8.005	1/28/02	2/17/02	27/51	

Board of Occupational Therapy

64B11-4.005	1/31/02	2/20/02	27/44	27/49
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