

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE TITLES:	RULE NOS.:
Clear Indication of Voter’s Choice on a Ballot	1S-2.027
State Write-in Ballot	1S-2.028
Eligibility for Late Registration by Overseas Citizens	1S-2.029
Electronic Transmission of Absentee Ballots	1S-2.030
Recount Procedures	1S-2.031
Uniform Primary and General Election Ballot	1S-2.032
Standards for Nonpartisan Voter Education	1S-2.033
Polling Place Procedures Manual	1S-2.034

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

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

SPECIFIC AUTHORITY: 97.0555, 98.255(1), 101.151(8), 101.6951, 101.697, 102.014(5), 102.166(3),(5)(b),(6)(c) FS. (as amended by Chapter 2001-40, Laws of Florida), 101.015 FS.

LAW IMPLEMENTED: 97.0555, 98.255(1), 101.151(8), 101.6951, 101.697, 102.014(5), 102.166(3),(5)(b),(6)(c) FS. (as amended by Chapter 2001-40, Laws of Florida)

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

TIME AND DATE: 1:30 p.m., June 7, 2001

PLACE: Saddlebrook Resort – Tampa, 5700 Saddlebrook Way, Wesley Chapel, Florida 33543-4499

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

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

DEPARTMENT OF LAW ENFORCEMENT

Office of Inspector General

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Violent Crime Emergency Account	11N-1
RULE TITLES:	RULE NOS.:
Purpose	11N-1.001
Criteria	11N-1.002
Limitations	11N-1.003
Procedures for Emergency Funding	11N-1.004
Procedures for Formal Funding Requests	11N-1.005
Contributions	11N-1.006
Annual Audit	11N-1.007

PURPOSE AND EFFECT: To review and update Chapter 11N pursuant to legislative amendments to s. 943.031 and 943.042, F.S., to allow funding for illicit money laundering investigative efforts or task force efforts to contribute to achieving the state's goal of reducing drug-related crime.

SUBJECT AREA TO BE ADDRESSED: The Violent Crime Council’s funding for multiagency or statewide drug control or illicit money laundering investigative efforts or task force efforts.

SPECIFIC AUTHORITY: 943.03(4), 943.042 FS.

LAW IMPLEMENTED: 943.031, 943.042 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: 8:30 a.m., Monday, June 11, 2001

PLACE: Embassy Suites Orlando Downtown, San Juan Rooms 2 & 3, 191 E. Pine Street, Orlando, Florida 32801

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-7900 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joyce Gainous-Harris, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

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

DEPARTMENT OF REVENUE

Division of Child Support Enforcement

RULE TITLES:	RULE NOS.:
Determination of Cooperation; Determination of Noncooperation; Determination of Good Cause	12E-1.008
Suspension of Driver's License; Suspension of Motor Vehicle Registration	12E-1.023
Written Agreements for Payment of Past-Due Support	12E-1.027
Garnishment by Levy	12E-1.028

PURPOSE AND EFFECT: A) The purpose of the draft proposed amendments to Rule 12E-1.008, F.A.C., is to revise the department's policies and procedures concerning the determination of cooperation, noncooperation, and good cause. The effect of the draft proposed amendments is to establish: requirements for public assistance applicants and recipients to cooperate in good faith with the child support enforcement program; a methodology for determining cooperation, and noncooperation; the requirement to give notice of a pending determination of noncooperation and an opportunity to request a review of the determination; provisions for claiming good cause for noncooperation; a methodology for determining good cause; procedures for notifying the Department of Children and Families of determinations of noncooperation and subsequent determinations of cooperation.

B) The purpose of the draft proposed amendments to Rule 12E-1.023, F.A.C., is to conform with the statutory provisions authorizing the Department to seek the suspension of an obligor's driver license and motor vehicle based upon delinquent child support payments or failure of the obligor to comply with a subpoena or similar order to appear relating to paternity or child support proceedings. The effect of the draft proposed amendments is to ensure all obligors understand the driver license and vehicle registration suspension process, including: the criteria for when the department may seek suspension; the exception criteria for when the department will not seek suspension; the procedures for giving notice of the intent to suspend; the conditions for terminating the suspension process; procedures for entering into written agreements with obligors; and the conditions and procedures for reinstating a suspended license.

C) The purpose of the draft proposed new Rule 12E-1.027, F.A.C., is to establish procedures for the department to settle enforcement actions by entering into written agreements with child support obligors for the payment of past-due support. The effect of the draft proposed rule is: to establish factors the department will consider in entering into written agreements, to require disclosure of information related to those factors, to require certain terms in written agreements, and to make requirements for the form and completion of written agreements.

D) The purpose of the draft proposed new Rule 12E-1.028, F.A.C., is to implement the provisions of s. 409.25656, F.S., for levying upon a child support obligor's property in the possession of another person. The effect of the draft proposed rule is to establish: factors to be considered in selecting cases for levy; conditions when the department will not issue a notice of freeze or notice of levy; requirements in issuing a notice of freeze, notice of intent, and notice of levy; circumstances when the department will release a freeze; conditions for an obligor consenting to a levy; requirements in levying in two or more of an obligor's cases; requirements in levying against jointly owned property; and limits on levying against current earnings in an account at a financial institution.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is to discuss the proposed changes to the Department's procedures specified above.

SPECIFIC AUTHORITY: 409.2557(3)(f),(h),(i), 409.2564(14), 409.25656(11) FS.

LAW IMPLEMENTED: 61.13016, 322.058, 409.2557(3)(f), 409.2561(1), 409.2561(2)(b), 409.2561(3), 409.2564(4), 409.25656, 409.2572, 409.2598 FS.

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

TIME AND DATE: 9:00 a.m., June 4, 2001

PLACE: Room 301, 4070 Esplanade Way, Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained from Mike Vergenz, Senior Management Analyst II, Department of Revenue, Resource Management Process, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9568

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Mike Vergenz, (850)922-9568. If you are hearing or speech-impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: For information concerning the proposed changes to Rules 12E-1.008 and 12E-1.023, contact Phil Scruggs, Senior Management Analyst II, Resource Management Process, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9558, and for information concerning the proposed new rules 12E-1.027 and 12E-1.028, contact Mike Vergenz, Senior Management Analyst II, Resource Management Process, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9568

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 12E-1.008 follows. See Florida Administrative Code for present text.)

12E-1.008 Determination of Cooperation; Determination of Noncooperation; Determination of Good Cause.

(1) Definitions and Federal and State Law.

(a) Definitions. As used in this section:

1. "Applicant or recipient" means an individual who has applied for or receives public assistance.

2. "Cooperation" means an applicant or recipient taking the actions identified in s. 409.2572, F.S., as requested by the child support enforcement program or legal service provider staff, to assist in identifying and locating the noncustodial parent, establishing paternity, establishing, modifying, and enforcing medical and financial support, and collecting support or other payments or property due from the noncustodial parent.

3. "Department" means the Department of Revenue.

4. "Good cause" means a legally and factually sufficient reason to excuse the applicant or recipient from cooperation requirements as determined by the department, after evaluating the applicant or recipient's written good cause claim, and other evidence available to the department, in accordance with subsection (5) of this rule.

5. "Public assistance" means food stamps received on behalf of a child under 18 years of age who has an absent parent, money assistance paid on the basis of foster care or medicaid programs operating under Title IV-E and Title XIX of the Social Security Act, respectively, or temporary cash assistance.

(b) Federal and state laws. Cooperation provisions are located in 42 U.S.C. 608(a), 42 U.S.C. 654(29), 45 CFR 264.30 and ss. 409.2572, 414.095(7) and 414.32(1)(a), F.S. Members of the public may obtain copies of the federal laws from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 or by accessing <http://uscode.house.gov/usc.htm> to obtain the above U.S.C. or <http://www.access.gpo.gov/nara/cfr/to> to obtain the above CFR on the Internet.

(2) Cooperation Requirements for Applicants or Recipients of Public Assistance. As a condition of eligibility for public assistance, an applicant or a recipient must cooperate in good faith with the child support enforcement program. An adult who applies for or receives Medicaid services for a child only is not required to cooperate as provided by this rule. The requirement for an applicant or a recipient to cooperate with the child support enforcement program will be excused only when good cause for refusing to do so is determined in accordance with subsection (5) of this rule.

(a) Cooperation Requirement for Applicants for Public Assistance.

1. If an applicant for public assistance provides to the department, either directly or via the Department of Children and Families, the following information concerning the noncustodial parent for each eligible child, the applicant shall be determined to have cooperated for purposes of eligibility for public assistance:

a. Name (first and last)

b. Gender

c. Race

d. Date of birth or social security number

2. If an applicant fails to provide the four items listed in subparagraph 1. above, the applicant must be interviewed by the department prior to authorization of public assistance benefits. At this interview the applicant will have the opportunity to cooperate with the department by providing information concerning the noncustodial parent for each eligible child that will help the department to identify and locate the noncustodial parent, establish paternity, establish, modify, and enforce medical and financial support, and collect support and other payments or property due from the noncustodial parent or claim good cause as provided by subsection (5). An applicant who alleges a lack of information regarding the location or identity of the putative or other parent(s), pursuant to paragraph (b), subparagraph 2., below, has demonstrated cooperation with the department.

3. An applicant shall not be eligible for public assistance benefits when the applicant fails to cooperate with the department in accordance with subparagraphs 1. and 2. above. The department shall notify the Department of Children and Families of the applicant's failure to cooperate, in accordance with subsection (6).

4. Once the applicant complies with subsection (2), paragraph (a), subparagraphs 1. or 2. and is determined eligible to receive public assistance, the recipient shall be required to further cooperate with the department in accordance with subsection (2), paragraph (b), of this rule and s. 409.2572, F.S.

(b) Continuous Cooperation Requirement.

1. A recipient of public assistance must continue to make a good faith effort to cooperate with the department in accordance with s. 409.2572, F.S., to assist the department in its efforts to identify and locate the noncustodial parent, establish paternity, establish, modify, and enforce medical and financial support, and collect support or other payments or property due from the noncustodial parent.

2. With respect to identifying and locating the noncustodial parent, the recipient must provide the following information regarding the noncustodial parent, when requested and if available:

a. Social Security Number

b. Race

c. Date of birth

d. Current or former employer

- e. Place of birth
- f. Current or former address and phone number of the noncustodial parent
- g. Schools attended and dates when attended
- h. Drivers license number and state where issued
- i. Make, model and license number of vehicles owned by the noncustodial parent and state where vehicle is or was registered
- j. Arrest or incarceration history
- k. Banks or other financial institutions where the noncustodial parent conducts business
- l. Places of social contact. This includes names, addresses or telephone numbers of parents, friends or relatives.
- m. First and last names of the noncustodial parent's parents
- n. Other information, based upon individual case circumstances, that will assist the department in determining the noncustodial parent's identity and location.

2. A recipient who alleges a lack of information regarding the location or identity of the putative or other parent(s), pursuant to subsection (2), paragraph (b), subparagraph 2., above, has demonstrated cooperation with the department.

(3) Determination of Noncooperation. If the recipient of public assistance fails to cooperate with the department in accordance with s. 409.2572, F.S., and subsection (2) above, then the department shall determine the recipient noncooperative and take the following action.

(a) The department shall send notice of the recipient's noncooperation to the recipient at the last known address provided to the department.

(b) Failure of the recipient to take one of the following three actions within 10 business days from the mail date on the notice shall result in a determination of noncooperation and notification to the Department of Children and Families in accordance with subsection (6) of this rule:

1. Contact the department and make arrangements to cooperate. Noncooperation shall not be reported by the department if the recipient takes the requested action by the scheduled compliance date.

2. When the recipient responds within the 10 days allowed and claims to have a good cause reason to not cooperate, the recipient shall not be reported as uncooperative unless the good cause claim is denied by the department pursuant to subsection (5). Food stamp only recipients must request a good cause determination from the Department of Children and Families.

3. Request the department to conduct an informal review pursuant to subsection (4).

(4) Request for Review.

(a) The recipient may request a review of a pending determination of noncooperation. The department shall provide the recipient with the necessary documentation to request a review. The recipient must return the completed request to the

department within 10 business days from the date the department mails the documentation to the recipient. If the recipient telephones the department and requests a review, the department shall mail the necessary documentation to the recipient within five business days of the telephone call. Failure of the recipient to return the request within the designated time shall result in the department notifying the Department of Children and Families that the recipient has failed to cooperate.

(b) Reviews of pending determinations of noncooperation requested pursuant to subsection (3), paragraph (b), subparagraph 3, shall be finalized within 20 business days of receipt of a completed request for review. Incomplete requests provided to the department shall be returned to the recipient, with an explanation of the additional information required. The recipient will have five additional business days to return the completed request for review. When a request for review is not returned within the five additional business days, the recipient shall be determined noncooperative and the department will notify the Department of Children and Families. The department shall take the following actions when a completed request for review is received by the department.

1. Schedule a date to conduct the review.

2. Provide notice of the date, time and place of the review to the recipient, or their representative. Recipients shall be informed of their rights to have a representative present at the review, to provide information, to review the case file and to discuss the case.

3. Conduct the review. Reviews shall consist of an examination of the department's case file, interview with department staff and an evaluation of the recipient's statements. The record shall be reviewed to determine whether:

a. The recipient has cooperated with the department in good faith;

b. The department has complied with established time frames and notices; and,

c. The facts of the case support a determination of noncooperation.

4. Notify the recipient in writing of the department's findings.

(5) Determination of Good Cause. The department is authorized in accordance with 42 U.S.C. 654(29), and s. 409.2572(4), F.S., to determine a recipient's claim of good cause for failure to cooperate with the department, except when the recipient is receiving only food stamps. Food stamp only recipients must seek a good cause determination from the Department of Children and Families. An approved good cause claim excuses the recipient from the requirement to cooperate with the department on the specific case against a specific noncustodial parent for which good cause is approved.

(a) The department shall provide the recipient with written notice of their right to make a claim for good cause, the basis for submitting a claim, and how to submit a claim.

(b) The recipient shall return documentation to the department to support the claim of good cause within 20 business days from the date the written notice is mailed by the department. If the recipient is unable to provide all the needed documentation within 20 business days, additional time can be requested by the recipient. The department shall approve requests for additional time as determined on a case-by-case basis, taking into account the unique circumstances for the delay in receiving the documentation. Failure of the recipient to submit documentation by the due date creates a presumption that the recipient is noncooperative.

(c) Good cause shall be determined when the recipient provides sufficient evidence, based upon the unique circumstances of the good cause claim, to justify the existence of one or more of the following circumstances.

1. A reasonable certainty that physical or emotional harm would come to the child or recipient, if they cooperated with the department.

2. The child was born as a result of rape or incest.

3. Legal proceedings for the adoption of the child are pending before a court.

4. The parent or caretaker relative is being assisted by a public or licensed private social agency to determine whether to place the child for adoption.

(d) Good cause claims which have been determined by the department are categorized as approved indefinitely, approved time-limited, or denied, based upon the unique factors of each claim and the documentation provided by the recipient. The department shall suspend child support enforcement case activities from the time a good cause claim is submitted until its final determination.

1. A claim is approved indefinitely when documentation is submitted to substantiate the claim and the circumstances of the claim will most likely continue.

2. A claim is approved time-limited when documentation is submitted to substantiate the claim and the circumstances of the claim are likely to change within a determinable period.

3. A claim is denied when documentation is insufficient to substantiate the claim.

(e) The department shall notify the recipient of the decision.

(f) A recipient whose claim has been denied pursuant to paragraph (d), subparagraph 3, above, must cooperate with the department in accordance with s. 409.2572, F.S., and subsection (2). If the recipient fails to cooperate, the process of determining noncooperation shall commence.

(6) Notification to the Department of Children and Families.

(a) In accordance with s. 409.2572(3), F.S., the department is responsible for determining and reporting to the Department of Children and Families, acts of noncooperation by applicants and recipients of public assistance.

(b) The Department of Children and Families is the agency responsible for imposing and removing sanctions, to include providing the applicant or recipient notice of the sanction, information about hearing requirements, to include, the applicant or recipient's right to request a hearing with the Department of Children and Families, Office of Appeal Hearings.

(c) The department shall notify the Department of Children and Families when the applicant or recipient cooperates with the department in accordance with s. 409.2572, F.S., or when the department determines that an applicant or recipient has failed to cooperate, or when the department determines that good cause exists for the applicant or recipient's noncooperation.

(d) The department shall notify the Department of Children and Families and the applicant or recipient within two business days of either:

1. The department's determination that the applicant or recipient is cooperating in good faith,

2. Upon the department's determination that cooperation by the applicant or recipient is not needed to take the next appropriate case action, or

3. The department's determination that good cause exists for the applicant or recipient's noncooperation.

Specific Authority 409.2557(3)(h) FS. Law Implemented 409.2572 FS. History—New 4-1-86, Amended 4-6-88, 7-20-94, Formerly 10C-25.006, Amended _____.

(Substantial rewording of Rule 12E-1.023 follows. See Florida Administrative Code for present text.)

12E-1.023 Suspension of Driver's License; ~~Suspension of Motor Driving Privilege and Vehicle Registration.~~

(1) Suspension Criteria. The department is authorized pursuant to section 61.13016, F.S., to request the suspension of an obligor's driver license and motor vehicle registration. Suspension of an obligor's driver license and the registration of all motor vehicles solely owned by the obligor shall occur when the following case circumstances exist:

(a) The obligor is 15 days delinquent in making a payment in child support.

(b) The obligor fails to comply with a subpoena, order to appear, order to show cause, or similar order relating to paternity or child support proceedings. The department shall stop a suspension action when the obligor complies with one of the provisions stated in subsection (5) of this rule.

(2) Exception Criteria. The department shall not take suspension action when the following case circumstances exist:

(a) The obligor is making full payments as required by the court order or is paying pursuant to an income deduction.

(b) The obligor is a recipient of Temporary Cash Assistance or Supplemental Security Income (SSI).

(c) The obligor has filed for bankruptcy under Chapter 11, 12 or 13.

(3) Notice to Obligor of Intent to Suspend Driver License; Notice to Suspend Motor Vehicle Registration. In accordance with section 61.13016(1), F.S., the obligor must be provided notice of the department's intent to suspend the driver license and motor vehicle registration.

(a) When the department has a more current address than the Department of Highway Safety and Motor Vehicles (DHSMV), the department shall simultaneously send the notice to the obligor's last address of record with the Department of Highway Safety and Motor Vehicles and send a copy of the notice to the most current address listed by the department.

(b) Service of the notice is complete upon mailing to the obligor's last known address as stated in subsection (3), paragraph (a) above.

(4) Notice to the Department of Highway Safety and Motor Vehicles to Suspend Driver License; Notice to Suspend Vehicle Registration. In accordance with section 61.13016(2), F.S., the department shall complete and send to the Department of Highway Safety and Motor Vehicles the notice to suspend obligor's driver license and vehicle registration(s).

(5) Termination of Driver License Suspension Process; Termination of Motor Vehicle Registration Suspension Process. The department shall stop a pending suspension action when the obligor complies with one of the provisions stated in section 61.13016(1)(c)1., F.S. Additionally, the department shall stop the suspension process based upon one of the following circumstances:

(a) An income deduction notice is sent to the obligor's payor of income;

(b) The non-public assistance recipient of IV-D services requests case closure and the department no longer has the authority to enforce the support order;

(c) The department erroneously notified the Department of Highway Safety and Motor Vehicles to suspend the obligor's license/vehicle registration;

(d) The department verifies the obligor is receiving Temporary Cash Assistance or Supplemental Security Income (SSI); or

(e) The department verifies the obligor has filed for bankruptcy under Chapter 11, 12 or 13.

(6) Written Agreements.

(a) When negotiating with the obligor under this subsection for a written agreement for payment, the department shall take into account the following factors:

1. The obligor's ongoing support obligation amount, delinquent amount and past due obligation(s); and

2. The obligor's ability to make a lump sum payment toward the delinquent amount or to comply with terms of the department's proposed payment agreement.

(b) A statement must be included in the written agreement indicating each of the following:

1. The obligor admits liability for the total amount of child support past due; and

2. The obligor agrees that the department will pursue, without further notice to the obligor, the suspension of the obligor's driver license and motor vehicle registration through direct notice to the Department of Highway Safety and Motor Vehicles should the obligor fail to comply with the written agreement.

3. The obligor agrees to entry of a court order incorporating the terms of the agreement.

(c) If the obligor defaults on any payment required by the written agreement, the department shall, without further notice to the obligor, request the Department of Highway Safety and Motor Vehicles to suspend the obligor's license and registration, as provided by the terms of the written agreement, unless one of the circumstances listed in subsection (5) exists.

(7) Reinstatement of the Driver License; Reinstatement of Motor Vehicle Registration. The department shall authorize the reinstatement of the obligor's license and registration when the obligor complies with one of the provisions stated in section 322.058(2), F.S., or when one of the following circumstances exist:

(a) The obligor complies with a subpoena or similar order to show cause relating to paternity or child support proceedings;

(b) The department verifies the obligor has filed for bankruptcy under Chapter 11, 12 or 13;

(c) The non-public assistance recipient of services requests case closure and the department no longer has the authority to enforce the support order;

(d) The department has requested the suspension in error;
or

(e) The department verifies the obligor is receiving Temporary Cash Assistance or Supplemental Security Income (SSI).

(8) Procedure for Reinstatement.

(a) When one of the circumstances cited in subsection (7), paragraph (a), (b) or (c) occurs, the department shall complete, sign and provide to the obligor an affidavit to reinstate driver license/privilege and motor vehicle registration. The obligor must present this affidavit to the driver license examining office before the obligor's license and registration can be reinstated. The affidavit to reinstate is valid up to 30 days from the date it is issued.

(b) When the circumstance cited in subsection (7), paragraph (d) occurs, the department shall notify, by facsimile, the Department of Highway Safety and Motor Vehicles to reinstate the obligor's license and registration.

(c) When the circumstance cited in subsection (7), paragraph (e) occurs, the Department shall notify the obligor that the department is no longer pursuing suspension action at this time due to the obligor's Temporary Cash Assistance or Supplemental Security Income (SSI) status.

Specific Authority 409.2557(3)(i) FS. Law Implemented 61.13016, 322.058 FS. History—New 7-20-94, Formerly 10C-25.020, Amended _____.

12E-1.027 Written Agreements for Payment of Past-Due Support.

(1) Scope. This rule establishes procedures for the department to settle enforcement actions in child support cases by entering into written agreements with child support obligors for the payment of past-due support. The department may enter into such written agreements in accordance with this rule.

(2) Definitions.

(a) "Authorized representative" means a representative of the department's Child Support Enforcement Program authorized in writing to complete and sign a written agreement.

(b) "Past-due support" means the amount of support determined under a court order or an order of an administrative process established under state law for support and maintenance of a child or of a child and the parent with whom the child is living, which has not been paid.

(c) "Written agreement" means an agreement entered into by the department and an obligor in a format prescribed by the department and suitable to be filed in court or administrative proceedings that sets the terms for payment of past-due support.

(3) Requirements for Entering into Written Agreements for Payment of Past-Due Support.

(a) The department may enter into an agreement with an obligor for payment of past-due support if, after considering the factors in paragraph (b), the department agrees that the obligor is currently unable to satisfy the past-due support by an immediate lump sum payment in full.

(b) The department shall consider the following factors in determining whether to enter into an agreement for payment of past due support, and shall require documentation when necessary:

1. The obligor's current income and assets;
2. The obligor's employment history, current employment and capacity for work;
3. The obligor's medically verifiable disability, if any;
4. The obligor's ability to borrow money;
5. The obligor's previous support payment record(s), if any;
6. The obligor's ability to meet a payment schedule based on projected cash flow;
7. The length of time required to pay off the past-due support under a payment schedule; and
8. Other factors as circumstances require based on the particular facts of a case.

(4) Terms of Written Agreements for Payment of Past-Due Support.

(a) An obligor completing a written agreement for payment of past-due support shall admit liability for the total amount of past-due support determined by the department to be due in accordance with the records of the appropriate court depository established by section 61.181, F.S., or other appropriate records in interstate cases.

(b) Written agreements for payment of past-due support must provide for payment(s) that will satisfy the total amount of past-due support, as follows:

1. A one-time payment of the total past-due support; or
2. Periodic payments in equal amounts, paid at the same frequency as the ongoing support obligation, if any; or
3. Another agreed upon payment schedule that satisfies the total past-due support.

(c) The department may renegotiate an agreement for payment of past-due support. When renegotiating, the department shall consider the obligor's payment record during the term of the initial agreement and the factors in subsection (3).

(d) When the department agrees to suspend an enforcement remedy to accept a payment plan, the written agreement shall provide that, in the event the obligor does not pay as agreed:

1. The department may resume the enforcement remedy without further notice;
2. The obligor consents to the department resuming the enforcement remedy; and
3. The obligor waives the right to further notice or hearing concerning the department resuming the enforcement remedy.

For example, if an obligor enters into a written agreement that interrupts the department's enforcement action for suspension of a driver license and that establishes a payment plan, and the obligor subsequently does not pay as agreed, the department may resume the driver license suspension action without further notice.

(5) Form and Completion of Written Agreements.

(a) A written agreement completed under this rule must specify the obligor's name, the obligee's name, and the civil circuit case number, if applicable.

(b) A written agreement must be signed on behalf of the department by an authorized representative.

(c) A written agreement must be signed by the obligor, or the obligor's attorney, or another representative authorized by law to enter into an agreement on behalf of the obligor.

(d) A written agreement becomes effective when completed and signed by both the department and the obligor, or the obligor's representative as described in paragraph (c). After execution of a written agreement, the department shall furnish the obligor, or the obligor's representative as described in paragraph (c), and the obligee with a copy of the agreement.

Specific Authority 409.2557(3)(f), 409.2564(14) F.S. Law Implemented 61.13016, 409.2557(3)(f), 409.2561(1), 409.2561(2)(b), 409.2561(3), 409.2564(4), 409.2598 F.S. History—New _____.

12E-1.028 Garnishment by Levy.

(1) Definitions. As used in this rule:

(a) “Account” has the meaning provided by paragraph 409.25657(1)(b), F.S.

(b) “Assets” means any credits or personal property, including wages, owned by an obligor, or debts owed to an obligor, which are in the possession or control of a custodian.

(c) “Current earnings” means earnings received by an obligor from any source:

1. Within 30 days prior to the date the freeze was placed on the obligor’s assets; and

2. During the time period the freeze on the obligor’s assets remains in effect.

(d) “Custodian” means any person other than the obligor, including any business entity, who has control or possession of any assets owned by, or owed to, an obligor.

(e) “Freeze” means a hold placed by a custodian on an obligor’s assets pursuant to a Notice of Freeze that prevents transfer or other disposition of the assets from the time of receipt of the notice by the custodian until the freeze terminates.

(f) “Joint owner” means a person who co-owns an asset with the obligor.

(g) “Levy action” means the garnishment procedure authorized by section 409.25656, F.S., beginning with the department’s issuance of a Notice of Freeze, including the freeze defined in paragraph (e), and ending with either the termination of the freeze or the department’s allocation of the proceeds from assets received from the custodian in the event the department issues a Notice of Levy.

(2) Case Selection.

(a) In determining whether to pursue levy actions against obligors who owe past due or overdue support and are identified in the quarterly data match system provided by section 409.25657, F.S., the department shall consider factors including, but not limited to:

1. Maximizing the dollar amount collected from levies,

2. Minimizing the potential for adverse litigation from actions to contest a levy,

3. Maximizing the use of the department’s resources, and

4. Specific facts of the obligor’s case.

(b) Conditions When the Department Shall Not Issue a Notice of Freeze. The department shall not send a Notice of Freeze to a custodian of assets if the department determines that any of the following conditions exist:

1. The obligor is a recipient of temporary cash assistance, as defined by subsection 414.0252(12), F.S.

2. The obligor is a recipient of Federal Supplemental Security Income (SSI) benefits.

3. The child support obligation in the case is a public assistance debt repayment only order established after March 22, 1993 in which the order amount was based solely on the total amount of public assistance paid to the family.

4. The obligor has filed for bankruptcy under Chapters 11, 12, or 13 of Title 11, USC.

5. The obligor’s support obligation does not arise from a Florida support order or another state’s support order that is registered for enforcement in a Florida court.

6. The amount of past due or overdue support owed in the case is equal to or less than:

a. \$600; or

b. Four times the monthly amount of the current support and arrearage repayment obligations.

(3) Notice of Freeze. If the conditions in paragraph (2)(b) do not exist, the department may send a Notice of Freeze to the custodian of assets by certified mail with return receipt requested. On receiving the notice, the custodian of assets shall not transfer or dispose of the obligor’s assets, up to the amount of past due or overdue support stated in the notice, until the freeze is terminated as follows.

(a) If an action to contest the intended levy is filed, the department shall notify the custodian of assets of the contest. The freeze remains in effect until final disposition of the action to contest and the custodian shall not transfer or dispose of the assets until further notice from the department.

(b) If an action to contest is not filed, the freeze terminates at the earliest of the following:

1. 60 days after the custodian’s receipt of the Notice of Freeze;

2. When the department consents to a transfer or disposition of the assets; or

3. When the custodian receives a notice of levy from the department.

(4) 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 last known address maintained by the department. If the department has no last known 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. 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.

(5) Release of Freeze. In the following circumstances, the department shall release the freeze on the obligor's assets, in full or in part, as appropriate:

(a) The department determines in accordance with subsection (8) of this rule that all or part of the frozen assets belong exclusively to a joint owner.

(b) The department completes a written agreement with the obligor or the obligor and joint owner to release the freeze, in full or in part.

(c) The department determines that the freeze was in error or that the amount of past due or overdue support is less than the amount of the freeze.

(d) The department determines that all or part of the assets are current earnings that are exempt from the levy in accordance with subsection (9) of this rule.

(e) The department determines that a writ of attachment, writ of garnishment, or writ of execution issued through a judicial process involving the same asset was in effect at the time the freeze was implemented.

(f) The department determines that a bankruptcy stay has been entered on behalf of the obligor under Chapters 11, 12, or 13 of Title 11, USC.

(g) The department determines that a prior superior interest in the asset exists.

(h) The obligor or joint owner prevails at a hearing on an action to contest the intended levy.

(6) Consent to Levy.

(a) In accordance with paragraph 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 (10)(a) of this rule. Upon request, the department shall provide an obligor or joint owner with a Consent to Levy form.

(b) The obligor's written consent to levy must meet all of the following conditions:

1. The consent to levy must be signed and dated by the obligor and, if the asset is jointly owned, by each joint owner.

2. The consent to levy must include a statement that each party signing the consent to levy has received the Notice of Intent to Levy.

3. If the obligor or a joint owner previously filed an action contesting the intended levy, the action to contest must be withdrawn or otherwise disposed of prior to the department's acceptance of the consent to levy.

4. A consent to levy must not impose conditions on the department's levy, unless such conditions reflect the terms of a written agreement the department has entered into with the obligor or the obligor and joint owner concerning the levy.

(c) Upon receiving a written consent to levy that meets all the conditions in paragraph (b), the department may levy on the assets.

(d) Upon receiving a written consent to levy that does not meet all the conditions in paragraph (b), the department shall notify the obligor in person, in writing or by telephone that the department will not accept the obligor's consent to levy and shall explain the conditions that must be met for the department to accept the consent to levy.

(7) Levy Actions In Two or More Cases in Which an Obligor Owes Past Due or Overdue Support.

(a) If an obligor has two or more cases that meet the criteria in paragraph (2)(b) of this rule, the department shall include all of the cases in a single levy action. The past due or overdue support amount owed in each case shall be combined and listed as one amount on notices issued in accordance with this rule.

(b) Upon receipt from the custodian of the proceeds from the assets, the department shall allocate the proceeds among the cases pro rata in the same proportion as the total amount of past due or overdue support owed in each case as of the date the department issued a Notice of Levy.

(8) Levy Actions Against an Obligor's Jointly Owned Assets.

(a) When a levy action is against an obligor's jointly owned assets, the department shall provide the same notice and opportunity for a hearing to a joint owner as the department provides to the obligor, as follows:

1. A Notice of Intent to Levy given or sent to the obligor shall include a statement advising any joint owners that they have the same right to contest the levy as the obligor.

2. A joint owner may contest the department's intent to levy in the same manner as provided for an obligor by subsection 409.25656(8), F.S., and within 21 days of receipt of the Notice of Intent to Levy.

(b) If the department is informed, orally or in writing, that the joint owner has not received the Notice of Intent to Levy given or sent to the obligor, the department shall give in person to the joint owner or send by certified mail with return receipt requested to the joint owner a Notice to Joint Owner of Intent to Levy, along with a copy of the Notice of Intent to Levy previously given to the obligor. The joint owner may contest the levy within 21 days after the date of receipt of the Notice to Joint Owner of Intent to Levy.

(c) Treatment of a Claim That All or Part of Assets Belong Exclusively to a Joint Owner. The department shall not levy upon that portion of the obligor's jointly owned assets that the department determines belongs exclusively to a joint owner of the assets. Upon determining that a portion of the assets belongs exclusively to the joint owner, the department shall release such portion of the assets from the freeze.

1. The obligor and joint owner shall have the burden of proving that frozen assets belong exclusively to the joint owner and must provide proof to the department, which may include the following:

- a. Documentation of deposits made by the joint owner.
- b. Documentation that deposits were exclusively from the joint owner's funds.
- c. Account statements that correspond to the time period of the joint owner's deposits.
- d. Any other documentation necessary to prove the assets belong exclusively to the joint owner.

2. If the obligor and joint owner fail to provide proof in accordance with subparagraph 1., the department shall reject the claim.

3. If the department cannot determine the validity of a claim based on the information provided by the obligor and joint owner, the department may release the freeze upon such terms as may be agreed by all parties.

(d) An agreement between the department and the obligor and joint owner to partially release a freeze on joint assets shall be reduced to writing and executed by the parties.

(9) Limits on Levying Against Current Earnings.

(a) If the department determines the freeze on an obligor's account in a financial institution includes the obligor's current earnings, as defined in paragraph (1)(c), the department shall not levy from the current earnings an amount that is greater than the limits on garnishments provided by the Consumer Credit Protection Act (CCPA), 15 USC 1673(b).

(b) Funds in an account that are not current earnings are not subject to the limits in paragraph (a).

(c) A support payment paid from current earnings shall apply dollar for dollar to lower the limits in paragraph (a).

(d) An obligor who claims that the department has frozen current earnings that would be exempt from a levy under this subsection must provide the department with the following proof concerning the current earnings and the account:

- 1. The pay date or dates of the current earnings received by the obligor;
- 2. The gross amount of the current earnings;
- 3. The amount of mandatory deductions from current earnings for state, federal or local taxes; Social Security taxes; and Medicare taxes;
- 4. The net amount of the current earnings;
- 5. The pay interval for the current earnings, such as weekly, bi-weekly or monthly;
- 6. The amount of current earnings deposited in the account and the deposit date or dates;
- 7. The dates and amounts of all debits and withdrawals from the account, from the first date of deposit of current earnings until the date of the freeze.
- 8. If the amount of the freeze equals the amount requested to be frozen in the Notice of Freeze, the total balance of the account as of the close of business on the date of the freeze must be documented, including any amounts exceeding the freeze amount.

(e) Upon receipt of the proof required by paragraph (d), the department shall determine if the amount that has been frozen includes current earnings that are exempt from levy under this subsection. Upon determining that exempt current earnings have been frozen, the department shall notify the financial institution to release the exempt portion of current earnings from the freeze.

(10) Notice of Levy.

(a) Unless the obligor and each joint owner, if any, consents to a levy as provided in subsection (6) 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 (4) 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 subsections 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) The department may 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) exist. The department may send a Notice of Levy if the conditions in subparagraph 6. of paragraph (2)(b) exist, provided the past due or overdue support owed in the case is greater than zero.

Specific Authority 409.2557(3)(i), 409.25656(11) FS. Law Implemented 409.25656 FS. History--New _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Early Termination of Supervision
 RULE NO.: 33-302.111
 PURPOSE AND EFFECT: The purpose of the proposed rule is to establish procedures relating to early termination of supervision. The effect of the rule is to establish eligibility criteria for consideration for early termination and establish routing and notification procedures for recommendations for early termination.
 SUBJECT AREA TO BE ADDRESSED: Early termination of supervision.
 SPECIFIC AUTHORITY: 948.04 FS.
 LAW IMPLEMENTED: 944.09, 948.04 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: Giselle Lylen Rivera, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-302.111 Early Termination of Supervision.

(1) Correctional probation officers shall consider recommendations for early termination of supervision on offenders who meet the following criteria:

- (a) Completion of one-half of the supervision period or at least eighteen months, whichever is greater;
- (b) Payment in full of restitution, fines, and court costs;
- (c) Cost of supervision is current;
- (d) All special conditions of supervision are Fulfilled;
- (e) An FCIC/NCIC records check reveals no new arrest during the course of supervision of which the sentencing or releasing authority has not been previously notified;
- (f) The offense is not a sex offense as defined in Chapters 794, 827 or section 948.04, F.S.;
- (g) No violations are pending; and,
- (h) The offender has made significant life improvements and is no longer in need of supervision.

(2) The officer will also take into account other factors before recommending an early termination including:

- (a) The seriousness of the offense;
- (b) The offender's prior record;
- (c) Any potential threat to the community resulting from early termination of supervision;
- (d) The offender's previous supervision history; and,
- (e) Known objection from the victim, victims, or the State Attorney's office in the county from which the sentence originated.

(3) Once a recommendation for early termination is approved by a supervisor, a request must be sent to the State Attorney's Office requesting their approval. If the offense involved a victim, the officer will request the State Attorney's Office to obtain the victim's consent to the early termination. The Recommendation to Early Terminate Probation or Community Control, Form DC3-272, or a letter that contains the information required in Form DC3-272, shall be forwarded to the State Attorney's office, citing the officer's justification for an early termination of supervision. Form DC3-272 is hereby incorporated by reference. A copy of this form may be obtained 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 _____ . If the State Attorney's office denied the request, or the victim opposes the early termination, the officer shall notify the offender that the department will not proceed with the early termination recommendation.

(4) If the State Attorney's Office approves the recommendation, and no objection is made by the victim, the officer shall prepare a Petition For and Termination of Probation, Form DC3-257, and a letter to the judge outlining the offender's history of supervision and reasons for recommending the early termination. Form DC3-257 is hereby incorporated by reference. A copy of this form may be obtained 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 _____ .

(5) The officer will notify the offender of the judge's decision upon receipt of the response, and if granted, the officer will review the restoration of civil rights process with the offender and provide her or him with a copy of Form DC3-257.

Specific Authority 948.04 FS. Law Implemented 944.09, 948.04 FS. History--New _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Property
 RULE NO.: 33-602.201

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise and clarify the procedures for handling inmate's lost property claims.

SUBJECT AREA TO BE ADDRESSED: Inmate property.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 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:

33-602.201 Inmate Property.

(1) through (12) No change.

(13) Missing Inmate Property.

(a) When an inmate's property is being returned after being stored for any reason and items documented on the inmate property list, form DC6-224, If items of impounded property cannot be located when the property is returned to an inmate, a written report of this fact shall be documented on the

~~form. Any request for compensation or replacement of missing items shall be initiated via the inmate grievance process by the inmate whose property is missing.~~

~~(b) If the grievance is approved, listing the missing items and their possible value, with attached property records documenting ownership, shall be given to the assistant warden or other designee of the warden shall, who will conduct an or initiate a thorough investigation of the loss. The investigation shall be completed and forwarded within thirty (30) days.~~

~~(a) The Assistant warden or other designee shall complete the investigation and forward the findings to the warden or Officer in Charge within thirty (30) days.~~

~~(b) The Assistant warden's or designee's report will identify any employee determined by the investigation to be responsible for the loss.~~

~~(c) If the lost or stolen property cannot be located and returned, the inmate suffering the loss shall be advised to pursue the loss through the inmate grievance procedure.~~

~~(c)(d) If the loss is claims are substantiated by the investigation, the warden shall forward to the regional director or designee a cover letter with recommendation of payment amount, along with a copy of the investigation with supporting documentation including proof and verification of ownership (Form DC6-224), and a completed Department of Insurance Lien Disclosure through inmate property records to the Regional Director or his designee outlining reasons for recommending reimbursement.~~

~~(d)(e) The Regional Director or his designee shall:~~

~~1. Ensure that the claim has been properly investigated and contains all supporting documents, and forward the claim to the Department of Corrections Environmental Health, Safety and Risk Management Office; or~~

~~2. Ensure that supporting documents provide evidence of ownership of lost or destroyed property.~~

~~3. Return the claim to the institution for further investigation or action if the claim is incomplete or if there is insufficient evidence available to support the claim.~~

~~4. Forward the claim and supporting documents to the Office of the Inspector General, Risk Management Section, for processing if the claim is complete.~~

~~(e)(f) The Department of Corrections Environmental Health, Safety and Risk Management Section of the Office of the Inspector General shall review and forward the claim to the Department of Insurance, Division of Risk Management, for review and reimbursement consideration. Form DC6-238, Report of Risk Management Claim for Inmate Property, shall be used to notify the regional office of action taken on the claim by the Department of Corrections Environmental Health, Safety and Risk Management Office for this purpose.~~

~~(f)(g) In the event that the Department of Insurance, Division of Risk Management, decides to pay any or all of the inmate's claim, the following procedure will be followed:~~

~~1. The Department of Corrections Bureau of Finance and Accounting, Inmate Bank Section, will receive the check for deposit and payment package will be received by the Risk Management Section of the Office of the Inspector General.~~

~~2. The Department of Corrections Bureau of Finance and Accounting, Inmate Bank Section, will notify the Environmental Health, Safety and eheck will be retained in the Risk Management Section of the Office via memo or e-mail of the deposit of the inmate's claim check of the Inspector General and the lien disclosure form provided by the Department of Insurance and the property release form will be forwarded to the regional office servicing the institution where the inmate is currently housed.~~

~~3. The regional office will forward the lien disclosure and property release for signature to the institution where the inmate is currently housed.~~

~~4. After the inmate signs the forms, the original documents will be sent to the Department of Insurance, Division of Risk Management, with copies sent to the Risk Management Section of the Office of the Inspector General, and to the regional office. If the inmate refuses to sign any of the documents, the refusal shall be documented in writing and returned to the Department of Insurance, Division of Risk Management, with copies sent to the Risk Management Section of the Office of the Inspector General, and to the regional office.~~

~~5. When the Inspector General's Office receives its copy from the institution (provided the inmate has signed the documents), the check will be forwarded to the inmate bank for deposit and distribution as directed by the Department of Insurance. If the inmate has refused to sign the documents, the check will be returned to the Department of Insurance along with the refusal documents.~~

~~(14) through (15) No change.~~

~~(16) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of any of these forms are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for forms to be mailed must be accompanied by a self addressed stamped envelope.~~

~~(a) through (e) No change.~~

~~(f) DC6-238, Report of Risk Management Claim for Inmate Property, effective date _____ November 21, 2000.~~

~~Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 6-4-81, Formerly 33-3.025, Amended 11-3-87, 11-13-95, 5-20-96, 1-8-97, 6-1-97, 7-6-97, 10-15-97, 2-15-98, 3-16-98, 8-4-98, 12-7-98, Formerly 33-3.0025, Amended 11-21-00,_____.~~

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLES:	RULE NOS.:
Manner of Application	61G5-18.002
Re-examination	61G5-18.004
Endorsement of Cosmetologists	61G5-18.007

PURPOSE AND EFFECT: The Board proposes to amend the existing rules by updating the language within.

SUBJECT AREA TO BE ADDRESSED: Manner of Application; Re-examination; Endorsement of Cosmetologists.

SPECIFIC AUTHORITY: 120.53, 477.016, 455.217(1), 477.019(5), 477.016 FS.

LAW IMPLEMENTED: 477.019, 455.217(2), 477.022, 477.019(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Baker, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLES:	RULE NOS.:
Salon Requirement	61G5-20.002
Mobile Salons	61G5-20.010

PURPOSE AND EFFECT: The Board proposes to amend the existing rules by updating the language within.

SUBJECT AREA TO BE ADDRESSED: Salon Requirement; Mobile Salons.

SPECIFIC AUTHORITY: 477.016, 477.025(2) FS.

LAW IMPLEMENTED: 477.025, 477.025(10) 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: Julie Baker, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLES:	RULE NOS.:
Endorsement of Specialty Registration Who May Apply	61G5-29.011 61G5-29.012

PURPOSE AND EFFECT: The Board proposes to amend the existing rules by updating the language within.

SUBJECT AREA TO BE ADDRESSED: Endorsement of Specialty Registration; Who May Apply.

SPECIFIC AUTHORITY: 477.016 FS.

LAW IMPLEMENTED: 477.0201 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: Julie Baker, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLE:	RULE NO.:
Hair Braiding, Hair Wrapping, and Body Wrapping Registration	61G5-31.003

PURPOSE AND EFFECT: The Board proposes to amend the existing rule by updating the language within.

SUBJECT AREA TO BE ADDRESSED: Hair Braiding, Hair Wrapping, and Body Wrapping Registration.

SPECIFIC AUTHORITY: 477.0132, 477.016, 477.026(1)(f) FS.

LAW IMPLEMENTED: 477.0132, 477.026(1)(f), 477.029 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: Julie

SPECIFIC AUTHORITY: 376.303, 376.3071 FS.

LAW IMPLEMENTED: 376.3071 FS.

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

TIME AND DATE: 9:00 a.m., continuing until completion, but no later than 5:30 p.m., June 20, 2001, in conjunction with a workshop for Rule 62-777

PLACE: Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Twin Towers Office Building, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND THE RISK IMPACT STATEMENT IS: Rebecca Grace, Department of Environmental Protection, Office of General Counsel, M.S. 35, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000, telephone (850)921-9623, or at the e-mail address rebecca.grace@dep.state.fl.us.

A copy of the preliminary rule text is not available at this time. A mailing list is being compiled for future mailings of any preliminary rule text. For placement of a name on the mailing list or for a copy of any preliminary rule text when the text becomes available please contact: Rebecca Grace, at the above address.

A copy of the workshop agenda may be obtained by contacting the above named person or an electronic copy may be obtained at the Internet address: <http://www.dep.state.fl.us/dwm/programs/drycleaning/default.htm>

If an accommodation is needed for a disability in order to participate in this activity, please notify the Personnel Service Specialist in the Bureau of Personnel at (850)487-1855 or 1(800)955-8771 (TDD) at least 48 hours prior to the workshop.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-36R

RULE CHAPTER TITLE: Contaminant Cleanup Criteria
RULE CHAPTER NO.: 62-777

PURPOSE AND EFFECT: Rule development for amendments to the Contaminant Cleanup Criteria rules, Chapter 62-777, F.A.C., to include a rule development workshop and risk impact statement meeting.

SUBJECT AREA TO BE ADDRESSED: The Department of Environmental Protection proposes to amend the Contaminant Cleanup Criteria rule, Chapter 62-777, Florida Administrative Code. The proposed amendments will modify certain existing contaminant cleanup target levels applicable to the cleanup of petroleum, drycleaning solvent, and brownfield contaminated sites as well as modify cleanup target levels for treatment of contaminated soils. The modifications are the result of recommendations from the Methodology Focus Group and the Contaminated Soils Forum. The recommendations were based on changes to exposure factors affecting but not limited to the following topics: Surface Area, Adherence Factors, Dermal

Absorption, and GI Absorption. The Department anticipates that a concise risk impact statement will be prepared for the proposed Chapter 62-777 which will explain the risk to the public health addressed by the proposed amendments and shall identify and summarize the source of the scientific information used in evaluating that risk. This is the second workshop in a series to be held.

SPECIFIC AUTHORITY: 376.3071, 376.81, 376.3078 FS.

LAW IMPLEMENTED: Section 376.3071, 376.81, 376.3078 FS.

A RULE DEVELOPMENT WORKSHOP TO DISCUSS THE PROPOSED RULE CHAPTER AND THE RISK IMPACT STATEMENT FOR THE PROPOSED RULE CHAPTER WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. continuing until completion, but not later than 5:30 p.m., June 20, 2001

PLACE: Department of Environmental Protection, 2400 Blair Stone Road, Room 609, Twin Towers Office Building, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND THE RISK IMPACT STATEMENT IS: Roger B. Register, Department of Environmental Protection, Bureau of Waste Cleanup, Mail Station 4505, Twin Towers, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)488-0190 or at the e-mail address: roger.register@dep.state.fl.us

For copies of the meeting agenda, the preliminary rule text, or the rule tables, contact the person named above in writing or by e-mail. Electronic copies may be obtained at the Internet address <http://www.dep.state.fl.us/dwm/programs/brownfields>

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist, Bureau of Personnel, (850)487-1855 or 1(800)955-8771 (TDD), at least seven days before the meeting.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO: 01-28R

RULE CHAPTER TITLE: Drycleaning Solvent Cleanup Criteria
RULE CHAPTER NO.: 62-782

PURPOSE AND EFFECT: Rule development for amendments to the Drycleaning Solvent Cleanup Criteria rule, Chapter 62-782, F.A.C., to include a rule development workshop.

SUBJECT AREA TO BE ADDRESSED: Revisions to the Drycleaning Solvent Cleanup Criteria rule, Chapter 62-782, F.A.C., will change the date of the "Technical Report: Development of Soil Cleanup Target Levels (SCTLs) for Rule 62-777, F.A.C." Rule 62-777 is presently in the rulemaking process for modifications to the cleanup target levels. (See the Notice for Rule 62-777, published elsewhere in this F.A.W.)

SPECIFIC AUTHORITY: 376.3078(4) FS.
 LAW IMPLEMENTED: 376.3078(4) FS.
 A RULE DEVELOPMENT WORKSHOP TO DISCUSS THE PROPOSED RULE CHAPTER WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 9:00 a.m. continuing until completion, but no later than 5:30 p.m., June 20, 2001, in conjunction with a workshop for Rule 62-777
 PLACE: Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Twin Towers Office Building, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND THE RISK IMPACT STATEMENT IS: William E. Burns, Jr., Department of Environmental Protection, Bureau of Waste Cleanup, M.S. 4520, Room 372, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)488-0190, or at the e-mail address bill.burns@dep.state.fl.us.

A copy of the preliminary rule text is not available at this time. A mailing list is being compiled for future mailings of any preliminary rule text. For placement of a name on the mailing list or for a copy of any preliminary rule text when the text becomes available please contact: William E. Burns, Jr., at the above address.

A copy of the workshop agenda may be obtained by contacting the above named person or an electronic copy may be obtained at the Internet address: <http://www.dep.state.fl.us/dwm/programs/drycleaning/default.htm>

If an accommodation is needed for a disability in order to participate in this activity, please notify the Personnel Service Specialist in the Bureau of Personnel at (850)487-1855 or 1(800)955-8771 (TDD) at least 48 hours prior to the workshop.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

DOCKET NO.: 01-27R

RULE CHAPTER TITLE: Rules and Procedures for Coastal

RULE CHAPTER NO.:

Construction and Excavation
 (Permits for Construction Seaward
 of the Coastal Construction Control

Line and Fifty-Foot Setback 62B-33

PURPOSE AND EFFECT: To address statutory changes made during the 2000 legislative session. Amendments are necessary due to the implementation of the Florida Building Code. Upon the effective date of this code a portion of the Coastal Construction Control Line program will no longer be implemented by the Department's Office of Beaches and Coastal Systems.

SUBJECT AREA TO BE ADDRESSED: Rules and procedures for construction and excavation seaward of a coastal construction control line.

SPECIFIC AUTHORITY: 161.052, 161.053, 161.0535, 161.085 FS.

LAW IMPLEMENTED: 161.052, 161.053, 161.0535, 161.054, 161.061, 161.071, 161.081, 161.085 FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS WORKSHOP WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m., June 5, 2001

PLACE: Conference A, Douglas Bldg., 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT AND WORKSHOP AGENDA IS: Rosaline Beckham, Florida Department of Environmental Protection, Office of Beaches and Coastal Systems, Mail Station #300, Tallahassee, Florida 32399-3000, (850)487-1262, Extension 186

If accommodation for a disability is needed to participate in this activity, please notify Rosaline Beckham, (850)487-1262, Extension 186, or 1(800)955-8771 (TDD), or 1(800)955-8770 (Voice), VIA, Florida Relay Service, at least seven days before the meeting.

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance Boards

RULE TITLE: Disciplinary Guidelines

RULE NO.: 64B-30.002

PURPOSE AND EFFECT: The Board of Massage Therapy determined it necessary to review and update the disciplinary guidelines and further define the penalties for each violation.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

SPECIFIC AUTHORITY: 456.073(4), 456.079(1),(3),(4), 480.035(7) FS.

LAW IMPLEMENTED: 456.073(4), 456.079(1),(2),(3),(4), 480.041, 480.046, 480.047 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THIS NOTICE AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE JULY 26, 2001 MEETING OF THE BOARD OF MASSAGE THERAPY, IN ORLANDO, FLORIDA. THE LOCATION OF THE MEETING MAY BE OBTAINED BY CONTACTING THE BOARD OF MASSAGE AT THE ADDRESS HEREIN.

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 Ms. Angela Richardson, Acting Executive

Director, Board of Massage Therapy, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256. If you are hearing or speech impaired, please contact the agency by calling (850)245-4587, 1(800)955-8770 Voice and 1(800)955-8771 TDD.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, THE LOCATION OF THE MEETING AND TO RECEIVE A PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms. Angela Richardson, Acting Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256.

THE PRELIMINARY TEXT OF THE RULE BEING DEVELOPED IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH
Board of Chiropractic Medicine**

RULE TITLE: Continuing Education During Initial Licensure Period

RULE NO.: 64B2-13.007

PURPOSE AND EFFECT: The Board proposes to reduce the continuing education required of practitioners during their first biennium of licensure.

SUBJECT AREA TO BE ADDRESSED: Continuing education during initial licensure period.

SPECIFIC AUTHORITY: 460.405 FS.

LAW IMPLEMENTED: 455.564(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe R. Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-13.007 Continuing Education During Initial Licensure Period.

Licensed practitioners shall not be required to complete the continuing education requirements during the biennium in which they receive initial licensure.

~~(1) Any person who is initially licensed in the first 12 months of the biennium shall be required to demonstrate, for the first renewal of licensure, completion of at least forty (40) hours of continuing education, five (5) of which shall concern risk management, during the biennium in which licensure was obtained.~~

~~(2) Any person who is initially licensed in the second 12 months of the biennium shall be required to demonstrate, for the first renewal of licensure, completion of at least twenty~~

~~(20) hours of continuing education, three (3) of which shall concern risk management, during the biennium in which licensure was obtained.~~

Specific Authority 460.405, ~~460.408, 456.013(6)~~ FS. Law Implemented ~~456.013(6), 455.564(4)~~ FS. History—New 1-25-88, Formerly 21D-13.007, 61F2-13.007, 59N-13.007, Amended.

**DEPARTMENT OF HEALTH
Board of Clinical Laboratory Personnel**

RULE TITLE: Technician

RULE NO.: 64B3-5.004

PURPOSE AND EFFECT: With regard to technicians, the Board proposes to amend the histology qualifications and to set forth qualifications in the area of molecular genetics.

SUBJECT AREA TO BE ADDRESSED: Technician.

SPECIFIC AUTHORITY: 483.805(4), 483.811(2), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-5.004 Technician.

(1) through (2) No change.

(3) Qualifications for Histology Technicians. For the category of histology, applicants for technician licensure ~~in~~ order to be licensed as a histology technician, an applicant shall have four (4) hours of Board approved HIV/AIDS continuing education and; a minimum of a high school diploma or its equivalent a high school equivalency diploma and one of the following:

(a) Examination certification in histology by the American Society of Clinical Pathologists successfully completed a Board approved histology training program at technician level.

(b) Any individual completing a Board approved histology technician program which includes the successful completion of a written and practical examination administered by that program at the completion of the training shall be granted a technician histology license by endorsement successfully completed an accredited program in histology at the technician level.

~~(c) successfully completed a military clinical laboratory personnel training program in histology which shall consist of 1500 clock hours of study within 12 calendar months.~~

~~(d) five (5) years of pertinent clinical laboratory experience in histology accrued within 10 years immediately preceding application for licensure.~~

(4) Qualifications for Molecular Genetic Technicians. To be licensed as a molecular genetic technician, an applicant shall have four hours of Board approved HIV/AIDS continuing education, a minimum of a high school diploma or high school equivalent, and be licensed as a clinical laboratory technologist or technician in any specialty area.

~~(5)(4) Qualifications for Technicians Who Perform High Complexity Testing. Technicians performing high complexity testing as defined in 42 C.F.R. 493.10 and 493.17, and who have been licensed after September 1, 1997, shall meet the minimum educational and training qualifications provided in 42 C.F.R. 493.1489 (March, 1999), incorporated herein by reference, including a minimum of an associate degree in laboratory science, medical laboratory technology, or equivalent education and training.~~

~~(6)(5) Responsibilities of Technicians. The technician shall:~~

(a) Perform tests classified as highly complex pursuant to 42 CFR 493.17 (September 7, 1999), incorporated by reference herein, only when under direct supervision of a licensed technologist, supervisor, or director unless the technician meets the minimum qualifications contained in 42 CFR 493.1489 (September 7, 1999), incorporated by reference herein and the requirements contained in Rule 64B3-5.004(5).

(b) Follow the clinical laboratory's procedures for specimen handling, processing, test analyses, and reporting and maintaining records of patient test results.

(c) Notify a licensed technologist or supervisor whenever test systems are not within the clinical laboratory's defined acceptable levels of performance.

(d) Adhere to the clinical laboratory's quality control policies and document quality control activities, instrument and procedural calibrations and maintenance performed.

(e) Identify problems that may adversely affect test performance or reporting of test results and immediately notify a licensed technologist or supervisor.

(f) Document the corrective actions taken when test systems deviate from the clinical laboratory's established performance specifications.

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 59O-5.004, Amended 5-26-98, 9-20-98, 1-11-99, 8-31-99, 9-27-00, 12-26-00,_____.

DEPARTMENT OF HEALTH

School Psychology

RULE TITLES:	RULE NOS.:
License Required	64B21-500.001
Application Form	64B21-500.002
Application Requirements	64B21-500.003
Verification of Supervised Experience	64B21-500.004
Experience Required	64B21-500.005
Education Requirements for	
School Psychologists	64B21-500.009
Examination	64B21-500.011
Licensure by Endorsement	64B21-500.013

PURPOSE AND EFFECT: The Department of Health is proposing amendments to school psychology rules regulating application requirements. These amendments eliminate language that duplicates existing statutory requirements, conform the rules to changes in Chapter 456, Florida Statutes, update statutory references, and make other miscellaneous technical changes.

SUBJECT AREA TO BE ADDRESSED: Application requirements for school psychologists.

SPECIFIC AUTHORITY: 490.015 FS.

LAW IMPLEMENTED: 490.005(2), 490.006, 456.017 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: Kaye Howerton, Executive Director, Department of Health, 4052 Bald Cypress Way, BIN #C05, Tallahassee, FL 32399-3255

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

DEPARTMENT OF HEALTH

School Psychology

RULE TITLES:	RULE NOS.:
Collection and Payment of Fees	64B21-501.001
Biennial Renewal Fee	64B21-501.003
Application Fees	64B21-501.005
Reactivation Fee	64B21-501.006
Inactive Renewal Fee	64B21-501.007
Application Fee for Inactive Status	64B21-501.008
Initial Licensure Fee	64B21-501.009
Continuing Education Provider Fee	64B21-501.010
Delinquency fee	64B21-501.011
Fee to Enforce Prohibition Against	
Unlicensed Activity	64B21-501.012
Wall Certificate and Duplicate License Fee	64B21-501.013

PURPOSE AND EFFECT: The Department of Health is proposing amendments to school psychology rules regulating fees.

SUBJECT AREA TO BE ADDRESSED: Licensure fees associated with the practice of school psychology.

SPECIFIC AUTHORITY: 490.015, 490.007, 456.013, 456.036, 490.085, 456.025(2),(7) FS.

LAW IMPLEMENTED: 490.007(1), 456.013, 490.005, 490.006, 456.036, 490.085, 456.025(2),(7) 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: Kaye Howerton, Executive Director, Department of Health, 4052 Bald Cypress Way, BIN #C05, Tallahassee, FL 32399-3255

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

DEPARTMENT OF HEALTH

School Psychology

RULE TITLES:	RULE NOS.:
Continuing Education	64B21-502.001
Continuing Education Credit Guidelines	64B21-502.004
Initial Licensure Period	64B21-502.005

PURPOSE AND EFFECT: The Department of Health is proposing amendments to school psychology rules regulating continuing education requirements.

SUBJECT AREA TO BE ADDRESSED: Continuing education requirements for school psychologists.

SPECIFIC AUTHORITY: 490.007(2), 490.0085, 490.015 FS.

LAW IMPLEMENTED: 490.0085, 456.031 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: Kaye Howerton, Executive Director, Department of Health, 4052 Bald Cypress Way, BIN #C05, Tallahassee, FL 32399-3255

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

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Mobile Home and Recreational Vehicle Parks	64E-15

RULE TITLE:	RULE NO.:
Permits and Fees	64E-15.010

PURPOSE AND EFFECT: The Bureau of Facility Programs of the Division of Environmental Health announces its intent to amend Chapter 64E-15.010, Permits and Fees. A problem has arisen within the administration of this program by the rule requirement to submit an annual application for existing parks and camps. The problem of requiring an annual application is a duplication of other required computer functions. The amendment would reduce the time county health departments and the owners/operators of existing parks and camps would require completing an annual application process.

SUBJECT AREA TO BE ADDRESSED: Under 64E-15.010, Permits and Fees, FAC., the statement "Applications for parks and camps that have previously been permitted shall be filed with the department at least 30 days before the expiration date".

SPECIFIC AUTHORITY: 513.05 FS.

LAW IMPLEMENTED: 513.03 FS.

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

TIME AND DATE: 9:00 a.m., Wednesday, June 6, 2001

PLACE: Division of Environmental Health, 4042 Bald Cypress Way, Conference Room 240P, Tallahassee, FL 32399-1710

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ken Widergren, Bureau of Facility Programs, Department of Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1710, (850)245-4444, Ext. 2453

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

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Tanning Facilities	64E-17
RULE TITLE:	RULE NO.:
Licenses and Fees	64E-17.006

PURPOSE AND EFFECT: The Bureau of Facility Programs of the Division of Environmental Health announces its intent to amend Chapter 64E-17.006, Licenses and Fees, F.A.C. A conflict of purposes has created a problem with the requirement of annual applications for tanning facilities licenses. In the process of permitting, the invoice contains the information that the original or current permit already provides. If changes are made at the park or camp, management is still required to complete another application

reflecting the current status of the park or camp. The process is unduly time-consuming for both county health department and park or camp staff.

SUBJECT AREA TO BE ADDRESSED: Chapter 64E-17.006(3)(b), FAC. states "An application for renewal of the tanning facility license shall be made through the local county public health unit. The application for renewal shall be completed and received by the department not less than 30 days prior to the expiration of the current license".

SPECIFIC AUTHORITY: 381.89(13) FS.

LAW IMPLEMENTED: 381.89(3)(b) FS.

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

TIME AND DATE: 1:30 p.m., Wednesday, June 6, 2001

PLACE: Division of Environmental Health, 4042 Bald Cypress Way, Conference Room 240P (Second Floor), Tallahassee, FL 32399-1710

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ken Widergren, Bureau of Facility Programs, Department of Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1710, (850)245-4444, Ext. 2453.

THE PRELIMINARY TEXT OF PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Shrimping and Stonecrabbing: Closed Areas and Seasons

RULE TITLE: Taylor County Shrimp Closure

RULE NO.: 68B-38.003

PURPOSE AND EFFECT: The line established in Rule 68B-38.003, F.A.C., separates food shrimp producers from stone and blue crab trappers and smaller scale live bait shrimp producers.

During the first week of May, 2001, the Fish and Wildlife Conservation Commission was made aware that two navigational flashing light markers, numbers 18 and 22, used as visible points along the line established to separate food shrimpers from crab trappers and bait shrimpers, had been removed by the United States Coast Guard. The Commission staff determined from discussions with Coast Guard District 7 personnel in Miami that these markers would not be replaced. Emergency Rule 68BER01-1, published elsewhere in this issue, inserts latitude and longitude coordinates for the points where the flashing light navigational markers once stood. The purpose of this rule development effort is to make the same changes to the rule on a permanent basis and to also insert coordinates as well for the two other markers used in the rule to define the closure line. The effect of this effort should be to

preserve the status quo in this sensitive area where conflicts between commercial harvesters using different gear types could erupt otherwise.

SUBJECT AREA TO BE ADDRESSED: Taylor County Shrimp Closure.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution; Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-38.003 Taylor County Shrimp Closure.

(1) through (2) No change.

(3) Except as provided in subsection (4), no person shall operate any trawl within the following described area of state waters off Taylor County:

Beginning at a point on the shoreline of the Gulf of Mexico on the north side of the channel at Steinhatchee; thence westerly along the line of navigational buoys marking the north side of said channel to flashing light number "1" marking the outer extent of said channel (29°39.21'N., 83°27.21'W.); thence westerly to navigational flashing light number "18" (29°40.045'N., 83°35.218'W.); thence northwesterly to navigational flashing light number "22" (29°53.253'N., 83°53.01'W.); thence north-northwesterly to a privately maintained flashing light at Gamble Point near the mouth of the Aucilla River (30°04.38'N., 83°59.20'W.); thence southeasterly along the shoreline along the Gulf of Mexico to the point of beginning.

(4) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 1-1-91, Formerly 46-38.003, Amended.

Section II Proposed Rules

DEPARTMENT OF INSURANCE

RULE TITLE:

RULE NO.:

Reporting Requirements for Licensees
Concerning Unlicensed Insurance

Activity by Multiple Employer Welfare

Arrangements, Labor Leasing Organizations,

and Purportedly Collectively Bargained Plans 4-230.033

PURPOSE AND EFFECT: The purpose of this rule section is to require licensed insurers, managed care entities, agents, brokers, third-party administrators, adjusters, and other licensees of the Department to submit to the Department information of which they become aware concerning unlicensed insurance activity in this State. Such information will assist the Department in identifying unlicensed insurance activity in advance of its occurrence and will therefore aid in protecting the public from such activity.

SUMMARY: This rule requires licensed insurers, managed care entities, agents, brokers, third-party administrators, adjusters, and other licensees of the Florida Department of Insurance to submit to the Department information of which they become aware concerning unlicensed insurance activity in this State.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 624.308(1), 624.33(2), 624.4431 FS.

LAW IMPLEMENTED: 624.09, 624.44, 624.307, 624.317, 624.437, 624.442, 624.446, 626.901, 626.910, 626.9571, 626.9581, 626.9591, 626.9601 FS.

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

TIME AND DATE: 9:00 a.m., June 12, 2001

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Phil Fountain, Bureau Chief, Agent and Agency Services, Department of Insurance, 200 East Gaines Street, Tallahassee, FL 32399-0333, phone number (850)413-5600

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Phil Fountain, (850)413-5600.

THE FULL TEXT OF THE PROPOSED RULE IS:

4-230.033 Reporting Requirements for Licensees Concerning Unlicensed Insurance Activity by Licensees Seeking to Do Business With Unlicensed Insurers Including Certain Multiple Employer Welfare Arrangements, Labor, Leasing Organizations, and Purportedly Lessor, and Collectively Bargained Plans.

(1) Purpose. The purpose of this rule section is to require licensed insurers, managed care entities, agents, brokers, third-party administrators, adjusters, and other licensees of the Department to submit to the Department information of which they become aware concerning unlicensed insurance activity in this State. Such information will assist the Department in identifying unlicensed insurance activity in advance of its occurrence and will therefore aid in protecting the public from such activity ~~agents, brokers, third-party administrators and insurers to submit information to the Department prior to assisting in any way in the marketing of insurance coverage by unlicensed insurers including certain types of multiple employer arrangements identified in this rule, for the purpose of assisting the Department in identifying unauthorized insurance arrangements before the transactions occur. The reports also will help licensees identify unauthorized insurance arrangements so that they can protect themselves from potential liability for assisting in the transaction of unauthorized insurance.~~ This rule is not intended to affect the determination of any issue arising under Public Law 93-406, the Employee Retirement Security Act, as amended from time to time.

(2) Definitions. For purposes of this rule, the following definitions shall apply.

(a) "Agent" means and includes any person holding any type and class of licensure, whether limited or unlimited, issued by the Department under Chapter 626, Florida Statutes. The term also includes any person licensed or registered by the Department as an agent, sales representative, sales agent, salesperson, runner, or bail bondsman, under any of the following statutes: 626.634 (fraternal benefit agents); 634.031 (warranty association sales person); 635.051 (mortgage guaranty insurance agent); 637.141 (optometric service plan sales representative); 637.301 (pharmaceutical service plan sales representative); 638.181 (ambulance service association

or insurer sales representative); 639.185 (pre-need funeral merchandise or services contract sales agent); 641.386 (health maintenance organization sales agent); 642.036 (legal expense insurance sales representative); or 648.30 (bail bondsman or bail runner). The term includes such persons whether residents of Florida or not.

(b) "Arrangement" means a fund, trust, plan, instrument, program, association, union, or other entity or mechanism, any portion of which does, or purports to, provide for the transfer of the risk of loss, damage, or expense resulting from a fortuitous event, from the person or entity having incurred the loss, damage, or expense, to another program, association, union, or other entity or mechanism any portion of which calls for a person to provide, or attempt to provide, insurance benefits to individuals.

~~(c) "Beneficiary" means a person designated by a participant, or by the terms of an employee benefit plan, who is or may become entitled to a benefit thereunder.~~

~~(c)(d) "Collectively bargained arrangement" means an arrangement (as defined in sub-section (b) hereof), that exists pursuant to one or more bona fide labor agreements, including arrangements that are sponsored by a union or a union local. For purposes of the reporting requirements of this rule, the term also includes arrangements in which both union members and non-members do or may participate which provides or represents that it is providing insurance benefits or coverage under or pursuant to one or more collective bargaining agreements. The term includes, but is not limited to, such arrangements sponsored by a union and/or a union local. For purposes of the reporting requirements of this rule, the term also includes associate membership programs under which insurance coverage is provided to individuals who are not members of a union as well as to union members. However, this inclusive definition shall have no bearing upon the issue of whether a given program is in fact collectively bargained for purposes of determining state jurisdiction under 29 USC 1144(b)(6). This term includes such arrangements regardless of whether the U.S. Department of Labor had found one or more of the agreements to be bona fide collective bargaining agreements. For purposes of this rule, a collectively bargained arrangement does not include an arrangement which is fully insured by a licensed insurer for so long as the arrangement stays fully insured.~~

~~(d)(e) "Department" means the Florida Department of Insurance.~~

~~(e)(f) "Employee" means any individual employed by an employer.~~

~~(f)(g) "Employee leasing" means a relationship whereby an employee leasing company assigns its employees to a client and allocates the direction of and control over the leased employees between the leasing company and the client. The definition includes, and is subject to the conditions, exclusions and limitations of Chapter 468, Part XI, Florida Statutes and~~

rules promulgated in accordance therewith. Notwithstanding, for as long as an employee leasing company makes available insurance benefits only through licensed insurers, such employee leasing company shall not be a subject of the reporting requirements of this rule. ~~arrangement" means an arrangement, under contract or otherwise, whereby one business or other entity leases a significant portion of its labor force from another business or entity. The phrase includes employee leasing companies as defined in section 468.520, Florida Statutes, and any resulting rules thereto. For purposes of this rule, an employee leasing arrangement does not include an arrangement which is fully insured by a licensed insurer for so long as the arrangement stays fully insured.~~

~~(g)(h) "Employee Welfare benefit plan" means any plan, fund or program maintained by an employer or by an employee organization, or by both, to the extent that such plan, fund or program was established or is maintained in whole or in part for the purpose of providing for its participants or their beneficiaries, through the purchase of insurance or otherwise, medical, surgical or hospital care or benefits, or benefits in the event of sickness, accident, disability, death or unemployment.~~

~~(h)(i) "Employee organization" means any labor union or any organization of any kind, or any agency or employee representation committee, association, group, or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning an employee benefit plan, or other matters incidental to employment relationships; or any employees' beneficiary association organized for the purpose in whole or in part, of establishing such a plan.~~

~~(i)(j) "Employer" means any person acting directly as an employer, or indirectly in the interest of an employer, in relation to an employee benefit plan; and includes a group or association of employers acting for an employer in such capacity.~~

~~(k) "Filer" means the person, agent, third party administrator, or insurer making a filing as required by this rule.~~

~~(l) "Fully insured by a licensed insurer" means that for all of the insurance coverage provided or offered by or through an arrangement:~~

~~1. A licensed insurer is directly obligated by contract to provide all of the coverage to or under the arrangement;~~

~~2. Such licensed insurer assumes all of the risk for payment of all covered services or benefits; and~~

~~3. The liability of such licensed insurer for payment of the covered services or benefits is directly to the individual employee, member, or dependent, participant, or beneficiary receiving the insurance services.~~

~~(m) "Licensed insurer" means an insurer, as defined in Section 624.03, Florida Statutes, having a certificate of authority to transact insurance in this state issued by the department.~~

(n) “Participant” means any employee or former employee of an employer, or any member or former member of an employee organization, who is or may become eligible to receive a benefit of any type from an employee benefit plan which covers employees of such employer or members of such organization, or whose beneficiaries may be eligible to receive any such benefit.

(o) “Person” means and includes but is not limited to, except as expressly noted: any natural person; corporation, whether for profit or not for profit; partnership, whether limited or general; trust; sole proprietorship, union or other collective bargaining entity; estate; association; society; syndicate; and every other legal entity.

(j)(p) “Reportable MEWA,” for purposes of this rule, means a person that provides or offers insurance benefits or coverage to the employees of two or more employers, whether alone or with other benefits. “Reportable MEWA” does not include:

1. A licensed insurer;
2. An arrangement which is fully insured by a licensed insurer for so long as the arrangement stays fully insured;
3. An employee welfare benefit plan established or maintained by a rural electric cooperative or a rural telephone cooperative;
4. A MEWA licensed by the Department.

(q) “Rural Electric Cooperative” means:

1. Any organization which is exempt from tax under Section 501(a) of Title 26 of the United States Code and which is engaged primarily in providing electric service on a mutual or cooperative basis; or

2. Any organization described in paragraph (4) or (6) of Section 501(e) of Title 26 of the United States Code which is exempt from tax under Section 501(a) of Title 26 and at least 80% of the members of which are organizations which are engaged primarily in providing electric service on a mutual or cooperative basis.

(r) “Rural Telephone Cooperative” means an organization described in paragraph (4) or (6) of Section 501(e) of Title 26 of the United States Code which is exempt from tax under Section 501(a) of such Title 26 and at least 80% of the members of which are organizations engaged primarily in providing telephone service to rural areas of the United States on a mutual cooperative or other basis.

(k)(s) “Third party administrator” or “TPA” means “administrator” under section 626.88, Florida Statutes, and includes, but is not limited to, all persons licensed by the department as administrators.

(l)(t) “Unlicensed insurer” is any insurer as defined in section 624.03, Florida Statutes, including self-insurers, which has not been licensed to transact insurance by the Department under the provisions of the Florida Insurance Code; except that any person or group authorized to self-insure for workers' compensation coverage pursuant to sections 440.38(1), 440.57,

and 440.575, Florida Statutes, and the rules of the Florida Department of Labor and Employment Security, Division of Workers' Compensation, is not an “unlicensed insurer” for purposes of this rule. The term includes any plan required to be licensed under the provisions of Chapter 632 or Chapters 634-651, Florida Statutes.

(3) Information Required to Be Reported. Agents Prohibited from Assisting Reportable MEWAs or Unlicensed Insurers.

(a) Any agent, third party administrator or insurer with knowledge of an unlicensed insurer doing business in the State of Florida, shall report the activities of the insurer to the Department and, if known, shall provide the following information: No agent may solicit, advertise, or market in this state the services, insurance benefits, or coverage of an employee leasing arrangement or a person or arrangement which represents itself as an employee leasing arrangement unless the agent first files the information required by subsection (7), below:

1. Organizational information concerning the reportable MEWA, employee leasing arrangement, welfare benefit plan, employee organization, collectively bargained arrangement, or other unlicensed insurer;

2. Information on any insurance or reinsurance contracts, benefits or coverage offered by the reportable MEWA, employee leasing arrangement, welfare benefit plan, employee organization, collectively bargained arrangement, or other unlicensed insurer;

3. The names, addresses, and phone numbers of any officers or agents of the reportable MEWA, employee leasing arrangement, welfare benefit plan, employee organization, collectively bargained arrangement, or other unlicensed insurer;

4. The names, addresses, and phone numbers of any employers, employees, or individuals who may be enrolled by, or who will be receiving services from the reportable MEWA, employee leasing arrangement, welfare benefit plan, employee organization, collectively bargained arrangement, or other unlicensed insurer;

(b) No agent may solicit another agent to enter into an agreement to solicit, advertise or market the insurance benefits, coverage or services of an employee leasing arrangement unless the first agent first files the information required by subsection (7), below.

(4) The report shall be made with the Department at the following address: Attn: Unlicensed Entity Coordinator, Florida Department of Insurance, Division of Insurance Fraud. The report can be made by phone, (850)413-4000, or by mail to 2020 Capital Circle, S. E., Alexander Building, Tallahassee, FL 32301. Agents Prohibited from Assisting Employee Leasing Arrangements Prior to Filing.

~~(a) No agent may solicit, advertise, or market in this state the services, insurance benefits, or coverage of an employee leasing arrangement or a person or arrangement which represents itself as an employee leasing arrangement unless the agent first files the information required by subsection (7), below.~~

~~(b) No agent may solicit another agent to enter into an agreement to solicit, advertise, or market services, insurance benefits or coverage of a reportable MEWA or other unlicensed insurer unless the first agent first files the information required by rule subsection (7), below.~~

~~(5) Agents Prohibited from Assisting Collectively Bargained Arrangements Prior to Filing.~~

~~(a) No agent may solicit, advertise, or market in this state membership in, or insurance benefits or coverage from, or accept an application for membership in or coverage from, or place coverage for a person who resides in this state with, a collectively bargained arrangement or an arrangement which represents itself as a collectively bargained arrangement unless the agent first files the information required by subsection (7), below.~~

~~(b) No agent may solicit another agent to enter into an agreement to solicit, advertise or market the insurance benefits or coverage of a collectively bargained arrangement unless the first agent first files the information required by subsection (7), below.~~

~~(6) Third Party Administrators and Licensed Insurers Prohibited from Assisting Reportable MEWAs, Employee Leasing Arrangements, Collectively Bargained Arrangements, or Other Unlicensed Insurers Prior to Filing.~~

~~(a) No third party administrator may solicit or effect coverage of, underwrite for, collect charges or premiums for, or adjust or settle claims of a resident of this state for, or enter into any agreement to perform any of those functions for, a reportable MEWA, an employee leasing arrangement, a collectively bargained arrangement, or any other unlicensed insurer unless the third party administrator first files the information required by subsection (7), below.~~

~~(b) No licensed insurer may solicit or effect coverage of, underwrite for, collect charges or premiums for, adjust or settle claims of a resident of this state for, or enter into any agreement to perform any of those functions for, a reportable MEWA, an employee leasing agreement, a collectively bargained arrangement, or any other unlicensed insurer unless the insurer first files the information required by subsection (7), below.~~

~~(c) No third party administrator or insurer may, using offices or personnel located in this state, conduct such activities with respect to persons or property located in another state without first filing the information required by subsection (7) below.~~

~~(d) A licensed insurer which issues or has issued any insurance coverage to a reportable MEWA, employee leasing arrangement, or collectively bargained arrangement which~~

~~covers residents of this state, including, but not limited to, specific or aggregate stop loss coverage, shall file the information required by subsection (7), below, within 30 days after the coverage is issued or within 30 days after the date the reportable MEWA, employee leasing arrangement, or collectively bargained arrangement first provides coverage to a resident of this state, whichever is later.~~

~~(7) Information Required to Be Filed and Kept Current.~~

~~(a) Any person, agent, third party administrator or insurer representing an unlicensed insurer shall file with the department all of the following information and documents, in the manner and format as set forth in subsection (8) of this rule:~~

~~1. A copy of the organizational documents of the reportable MEWA, employee leasing firm, collectively bargained arrangement, or other unlicensed insurer, including the articles of incorporation and bylaws, partnership agreement or trust instrument;~~

~~2. A copy of each insurance or reinsurance contract which concerns all or any portion of benefits or coverage offered by the reportable MEWA, employee leasing firm, collectively bargained arrangement, or other unlicensed insurer;~~

~~3. A clear and complete statement describing the extent to which the benefits provided or offered by the reportable MEWA, employee leasing firm, collectively bargained arrangement, or other unlicensed insurer are insured or reinsured;~~

~~4. The names and addresses of any person performing or expected to perform the functions of a third party administrator, general agent, or managing general agent for the reportable MEWA, employee leasing firm, collectively bargained arrangement or other unlicensed insurer;~~

~~5. A copy of the most recently audited financial statement or the most recent financial statement of the reportable MEWA, employee leasing firm, collectively bargained arrangement, or other unlicensed insurer, or a statement that there is no such statement available; and~~

~~6. The names, addresses, and phone numbers of the president, secretary, and controller, or equivalent positions by whatever title called, of the reportable MEWA, collectively bargained anticipated arrangement, employee leasing firm, or other unlicensed insurer.~~

~~7. An indication of the anticipated number of individuals to be enrolled by, or who will be receiving services from, the reporting person in connection with coverage provided by the unlicensed insurer, and the anticipated annualized premium to be paid by such individuals.~~

~~(b) Any person required to make a pre-marketing filing in accordance with these rules shall promptly amend the filing to reflect any changes in the information initially supplied, including the filing of most recent financial statements and insurance or reinsurance contracts. In addition, a filer must on a quarterly basis report the actual number of individuals enrolled by or receiving services from the reporting person and the annualized premium paid by such participants.~~

(8) Instructions for Making the Filing. The instructions for making filings of material pursuant to subsection (7) are as follows:

(a) The filing must be accompanied by a cover letter which refers to this rule by name and number and which is dated and signed by the agent making the filing in the case of agents, and by the president or a vice president or equivalent officer in the case of third party administrators and insurers making the filing. The cover letter must indicate the filer's full name, address, business phone number, license identification number or federal employer identification number, if any.

(b) Where to File. The filing shall be filed with the department at the following address: Attn: Unlicensed Entity Coordinator, Florida Department of Insurance, Fletcher Building, Room 649, Tallahassee, FL 32399-0300.

(c) Required Records. The filer making the filing shall keep a copy of the complete filing in their permanent business records for not less than three years from the date of the filing.

(d) Format of Filing. The filing shall consist of the items specified in subsection (7), above, attached to a cover page listing the following described items, for either persons and agents or third party administrators and insurers:

1. Persons and Agents. When the filer is a person or an agent the cover page shall be in the following format, with the captions specified, and the filer's pertinent answers adjacent to each caption:

TO: Unlicensed Entity Coordinator
Fletcher Building, Room 649

This filing is submitted in accordance with Rule 4-230.033 of the Florida Department of Insurance.

Filer's Full Name as shown on Florida agent's license:

Filer's license identification number:

Filer's mail address with zip:

Filer's office street address:

Filer's home address:

Filer's daytime business phone number with area code:

Filer's home phone with area code:

State all types of licenses held by Filer issued by the Florida Department of Insurance:

Full and exact legal name of the reportable MEWA, collectively bargained arrangement, employee leasing arrangement or other unlicensed insurer which filer desires to market for or otherwise associate with (hereafter referred to as "this entity"):

State all trade names or other "doing business as" names used by this entity:

Date filer was first contacted by this entity:

Name, address, and phone number of all persons filer has met or talked to, representing this entity:

Anticipated number of individuals or risks to be insured:

Anticipated annualized premium:

Signature of Filer:

Date signed: _____

2. TPAs and Insurers. When the filer is a third party administrator or an insurer, the cover page shall be in the following format, with the captions specified, and the filer's pertinent answers adjacent to each caption:

TO: Unlicensed Entity Coordinator
Fletcher Building, Room 649

This filing is submitted in accordance with Rule 4-230.033 of the Florida Department of Insurance.

Filer's exact legal name:

Name and title of contact person on Filer's staff to be contacted by the Department regarding this filing:

Contact person's area code, phone number, and extension:

Filer is a (check one): _____ TPA _____ Insurer
_____ Other

Filer's federal tax ID number:

Filer's mail address with zip:

Filer's office street address:

State all types of licenses held by Filer issued by the Florida Department of Insurance:

Full and exact legal name of the reportable MEWA, collectively bargained arrangement, employee leasing arrangement, or other unlicensed insurer which Filer desires to market for or otherwise associate with (hereafter referred to as "this entity"):

State all trade names or other "doing business as" names used by this entity:

Anticipated number of individuals or risks to be insured:

Anticipated annualized premium:

Signature and title of the individual authorized to make the filing on behalf of the Filer:

Date signed: _____

(9) Legal Effect of Filing; Incomplete Filings.

(a) Lack of knowledge or intent with respect to the status, organization, or filings of a reportable MEWA, employee leasing firm, collectively bargained arrangement, or other unlicensed insurer is not a defense to a violation of this rule.

(b) A filing under this rule is solely for the purpose of providing research information to the department. This rule and a filing under this rule do not authorize or license a reportable MEWA, employee leasing firm, collectively bargained arrangement or any other arrangement, or other unlicensed insurer to engage in business in this state if otherwise prohibited by law. No filer shall construe the failure of the department to object to or advise against the activity projected in the filing as approval of or acquiescence by the department concerning the activity. The department will not be estopped at any subsequent time from taking action against filers or others found to be in violation of law in connection with activities described in the filing.

(c) A filing under this rule is ineffective and is not in compliance with this rule if:

1. It is incomplete or inaccurate; or

2. A change occurs which makes the information filed inaccurate, unless an amended filing is made within 60 days after the date the change occurs and the amended filing accurately reflects the change.

(d) Filers not having all the required information may file what they have and accompany the filing with a written request to the department for a waiver of the remaining information; no such filing shall be considered accomplished unless the filer is notified in writing by the department that the waiver is granted.

(10) Liability of Person Violating This Rule. In the event that any unlicensed insurer fails to pay a claim or loss in this state within the provisions of its contract, then as to any person who violated this rule regarding that unlicensed insurer, it shall be evidence that said person knew or reasonably should have known of the unlicensed and improper status of the entity, and said person shall therefore be personally liable to the claimant for the said claim or loss as specified in section 626.901(2), Florida Statutes. A person making the filing required by this rule shall not be deemed to know or reasonably to have known of the unlicensed status, but such knowledge may be established notwithstanding the fact that this rule's provisions have been met.

(11) Effect of Federal Preemption. The reporting requirements of this rule shall be complied with notwithstanding that the entity as to which the reporting is required is, or asserts it is, exempt from state regulation, or regulation by the department, by reason of federal or state law or otherwise.

Specific Authority 624.308(1), 624.33(2), 624.4431 FS. Law Implemented 624.09, 624.307, 624.317, 624.437, 624.442, 624.446, 626.901, 626.910, 626.9571, 626.9581, 626.9591, 626.9601 FS. History—New 6-15-92, Amended 9-7-93, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Phil Fountain, Bureau Chief, Agent and Agency, Department of Insurance, 200 East Gaines Street, Tallahassee, FL 32399-0333, phone number (850)413-5600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Hale, Division Director, Agent and Agency Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 13, 2001

DEPARTMENT OF INSURANCE

Contract Bidding

RULE TITLES:	RULE NOS.:
Purpose	4F-1.001
Scope	4F-1.002
Notice of Intent to Award a Contract	4F-1.003
Procedure to Initiate a Protest	4F-1.004
Suspension of Bidding Process	4F-1.005
Resolution of Protests	4F-1.006

PURPOSE, EFFECT AND SUMMARY: The rules are being repealed because the Department no longer has rulemaking authority in this area. Department of Management Services rules apply.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 120.53(5) FS.

LAW IMPLEMENTED: 120.53(5), 120.53(5)(d), 287.042(2)(c) FS.

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

TIME AND DATE: 9:30 a.m., June 12, 2001

PLACE: Room 645C, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Tom Valentine, Senior Attorney, Division of Legal Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0333, phone (850)413-4140

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White, (850)413-4214.

THE FULL TEXT OF THE PROPOSED RULES IS:

4F-1.001 Purpose.

Specific Authority 120.53(5) FS. Law Implemented 120.53(5) FS. History—New 3-22-84, Formerly 4F-1.01, Repealed _____.

4F-1.002 Scope.

Specific Authority 120.53(5) FS. Law Implemented 120.53(5) FS. History—New 3-22-84, Formerly 4F-1.02, Repealed _____.

4F-1.003 Notice of Intent to Award a Contract.

Specific Authority 120.53(5) FS. Law Implemented 120.53(5) FS. History—New 3-22-84, Formerly 4F-1.03, Repealed _____.

4F-1.004 Procedure to Initiate a Protest.

Specific Authority 120.53(5) FS. Law Implemented 120.53, 287.042(2)(c) FS. History—New 3-22-84, Formerly 4F-1.04, Amended 4-3-86, 1-31-90, Repealed _____.

4F-1.005 Suspension of Bidding Process.

Specific Authority 120.53(5) FS. Law Implemented 120.53(5) FS. History—New 3-22-84, Formerly 4F-1.05, Repealed _____.

4F-1.006 Resolution of Protests.

Specific Authority 120.53(5) FS. Law Implemented 120.53(5)(d) FS. History—New 3-22-84, Formerly 4F-1.06, Amended 4-3-86, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tom Valentine, Senior Attorney, Division of Legal Services, Department of Insurance
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken Nipper, Director, Division of Administration, Department of Insurance
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 23, 2001

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Minimum Storage as Relates to Liquefied Petroleum Gas
RULE NO.: 5F-11.013

PURPOSE AND EFFECT: The purpose of this rule revision is to amend this section to be consist with statutory changes made during the 2000 Florida Legislative Session.

SUMMARY: The proposed rule raises the minimum storage amounts referenced in the rule from 12,000 gallons water capacity to 18,000 gallons water capacity.

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: 527.11 FS.

LAWS IMPLEMENTED: 527.11, 527.06 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: Vicki O'Neil, Bureau Chief, Bureau of Liquefied Petroleum Gas Inspection, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650, (850)921-8001

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-11.013 Minimum Storage as Relates to Liquefied Petroleum Gas.

The following is explanatory of each of the two methods which may be used to comply with Section 527.11, Florida Statutes (either of the two methods may be used):

(1) (See 527.11(1)): Erect a bulk storage filling plant of not less than ~~12,000~~ ~~18,000~~ gallons (water capacity) within the state. Plans, in triplicate, and in detail showing proposed location of the bulk storage container or containers, container charging area, loading and unloading facilities, vaporizers, pumps and compressors and other pertinent facilities shall be submitted to the Bureau of Liquefied Petroleum Gas Inspection

for approval prior to erection. The plans shall bear the following statement, and such shall be attested to by signature of a responsible official of the licensee or qualified consumer.

"To be constructed and maintained in accordance with the provisions of NFPA No. 58, and other appropriate regulations."

Signature

(2) (See 527.11(2)): All dealers licensed as of August 31, 2000, and who have entered into a written agreement with a wholesaler (supplier) that the wholesaler (supplier) will provide liquefied petroleum gas to said dealer for a period of twelve continuous months in order to comply with the Minimum Storage Law, specifically Section 527.11(2), Florida Statutes, shall certify such agreement in writing on forms provided by the Bureau of Liquefied Petroleum Gas Inspection providing detailed information to include, but not limited to, total bulk plant storage of wholesaler (supplier) and length of supply agreement. Such certification must be signed by responsible officials of the wholesaler (supplier). The wholesaler (supplier) shall give the Bureau of Liquefied Petroleum Gas Inspection thirty (30) days written notice of cancellation of such supply agreement.

Specific Authority 527.06 FS. Law Implemented 527.11 FS. History--New 8-7-80, Formerly 4A-1.13, Amended 7-18-85, Formerly 4B-1.10, Amended 10-8-86, 2-6-90, Formerly 4B-1.010, Amended 7-20-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Vicki O'Neil, Bureau Chief, Bureau of Liquified Petroleum Gas Inspection, 3125 Connor Blvd., Suite N, Tallahassee, Florida 32399-1650, (850)921-8001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ben Faulk, Division of Standards, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 7, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 3, 2000

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

Unemployment Appeals Commission

RULE TITLES: Form of Appeal
Filing an Appeal
RULE NOS.: 38E-2.002
38E-2.003

PURPOSE AND EFFECT: As a result of a government reorganization, the unemployment compensation claim functions of the Department of Labor and Employment Security have been reassigned to the Agency for Workforce Innovation (A.W.I.). Former claims offices (one-stop career centers) are not under the direct control of A.W.I. as a result, A.W.I. has centralized claim processing and adjudication because the one-stop career centers do not perform these functions or accept appeals. Additionally, since the centralized

A.W.I. adjudication offices will not be readily accessible to the public, they will not be available to accept hand delivered documents. In light of this restructuring, the proposed rule amendment recognizes the fact that one-stop career centers will no longer accept appeals and clarifies the appropriate locations and manner to file appeals of appeals referee decisions to the Unemployment Appeals Commission. The proposed rule amendment also expands the authorized locations to file appeals by facsimile transmission to the Commission, clarifies filing, corrects agency and office names to their current designations, updates the optional appeal form available to parties and deletes unnecessary language.

SUMMARY: The rule amendments recognize that one-stop career centers will no longer accept appeals; expands the acceptable locations to file appeals by facsimile transmission; and establishes the appropriate locations and manner to file appeals of referee decisions to the Commission.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 120.54(1), 443.012(3),(11), 443.151(4)(d) FS.

LAW IMPLEMENTED: 120.52(12), 443.151(4)(b),(c),(d) FS. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., June 12, 2001

PLACE: Law Library Conference Room, Unemployment Appeals Commission, Suite 300, Webster Building, 2671 Executive Center Circle, West, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John W. Kunberger, Clerk-Unemployment Appeals Commission, Suite 300, Webster Building, 2671 Executive Center Circle, West, Tallahassee, Florida

THE FULL TEXT OF THE PROPOSED RULES IS:

38E-2.002 Form of Appeal.

(1) An appeal of an appeals referee's decision ~~may shall~~ be filed ~~either in person or by mail~~ at any of the following locations:

- (a) The Unemployment Appeals Commission;
- (b) The central ~~or offices of the Department of Labor and Employment Security located at Tallahassee, Florida;~~

~~(c) Any of the district appeals referee offices maintained by the Office of Appeals appeals referees;~~

~~(d) Any of the unemployment claim adjudication local unemployment claims offices operated by the Agency for Workforce Innovation Florida Department of Labor and Employment Security; and~~

~~(e) Any unemployment compensation claims office located outside the State of Florida.~~

(2) No change.

(3) The following shall constitute acceptable methods of appeal:

(a) Any legible written notice filed in accordance with these rules which expresses disagreement with or otherwise indicates a desire to appeal;

(b) Any person entitled to file an appeal may obtain a printed appeal form (AWI – A100, Notice of Appeal), Rev. 4/01, incorporated herein by reference, ~~(LES Form UAC 4)~~ at any of the locations listed in Rule Sections 38E-5.004(1), (2), and (3), and at any location providing unemployment claim information. Use of the form is not mandatory; however, if a letter or other instrument is used, it should include the following information:

- 1. The name and social security account number of each claimant, if any, involved;
- 2. The name ~~and unemployment tax account number, if known,~~ of each employer, if any, involved;
- 3. The date, subject matter, and docket number of the decision; and
- 4. A brief statement of the reasons for disagreement with the ~~decision determination.~~

(c) Failure to include all of the information listed in paragraph (b) will not constitute cause for rejection of the appeal, but may result in a delay in processing the appeal.

(4) No change.

Specific Authority 120.54(1), 443.012(3),(11), 443.151(4)(d) FS. Law Implemented 443.151(4)(c),(d) FS. History–New 5-22-80, Formerly 38E-2.02, Amended 8-20-86,_____.

38E-2.003 Filing an Appeal.

(1) No change.

(2) The appeal ~~shall may~~ be filed by mail ~~or hand delivery~~ to any appeal location designated in Rule 38E-2.002(1); by facsimile transmission of the appeal document to any appeal location designated in Rule Sections 38E-2.002(1)(a), (b), and (c); or by hand delivery of the appeal document to any appeal location designated in Rule Sections 38E-2.002(1)(a), (b), and (d).

(3) Appeals filed by mail shall be considered to have been filed when postmarked by the United States Postal Service. Appeals filed by hand delivery or facsimile shall be considered to have been filed when date stamped received at the authorized location by the Commission.

(4) Upon receipt of an appeal delivered in person or by facsimile transmission, the Clerk of the Commission, Agency for Workforce Innovation, or Office of Appeals Division employee shall record the date of receipt on the appeal document.

Specific Authority 120.54(1), 443.012(3),(11), 443.151(4)(d) FS. Law Implemented 120.52(12), 443.151(4)(b)-(d) FS. History–New 5-22-80, Formerly 38E-2.03, Amended 8-20-86, 1-5-93,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John W. Kunberger, Clerk-Unemployment Appeals Commission
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Geri Atkinson-Hazelton, General Counsel-Unemployment Appeals Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 8, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2001

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

Unemployment Appeals Commission

RULE TITLE: Orders of the Commission
PURPOSE AND EFFECT: As a result of a government reorganization, the unemployment compensation claim functions of the Department of Labor and Employment Security have been reassigned to the Agency for Workforce Innovation (A.W.I.). Former claims offices (one-stop career centers) are not under the direct control of A.W.I. as a result, A.W.I. has centralized claim processing and adjudication because the one-stop career centers do not perform these functions or process decision results. In light of this restructuring, the proposed rule amendment recognizes that one-stop career centers are not responsible for inputting Commission orders on the A.W.I. computer system; therefore, it is not necessary to send them copies of the orders. The proposed rule amendment also corrects agency and office names to their current designations.

SUMMARY: Deletes requirement to send Commission orders to local claims offices.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 120.54(1), 443.012(3),(11), 443.151(4)(d) FS.

LAW IMPLEMENTED: 120.569(1), 443.151(4)(c),(d) FS.

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

TIME AND DATE: 10:00 a.m., June 12, 2001

PLACE: Law Library Conference Room, Unemployment Appeals Commission, Suite 300, Webster Building, 2671 Executive Center Circle, West, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John W. Kunberger, Clerk-Unemployment Appeals Commission, Suite 300, Webster Building, 2671 Executive Center Circle, West, Tallahassee, Florida

THE FULL TEXT OF THE PROPOSED RULE IS:

38E-3.007 Orders of the Commission.

(1) The Commission shall consider the record before it and enter a written order.

(2) A copy of the order shall be mailed to the last known address of each of the parties or their representatives. A copy ~~Copies~~ shall also be furnished to the workforce program support ~~unemployment compensation benefits payments~~ section of the Agency for Workforce Innovation ~~and to the local claims office~~. The copies mailed to the parties shall include a transmittal form advising them of their right to review of the order by the district courts of appeal.

(3) No change.

Specific Authority 120.54(1), 443.012(3),(11), 443.151(4)(d) FS. Law Implemented 120.569(1), 443.151(4)(c),(d) FS. History—New 5-22-80, Formerly 38E-3.07, Amended 8-20-86,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John W. Kunberger, Clerk-Unemployment Appeals Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Geri Atkinson-Hazelton, General Counsel-Unemployment Appeals Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2001

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

Unemployment Appeals Commission

RULE TITLES:	RULE NOS.:
Form of Appeal	38E-5.003
Place for Filing Appeal	38E-5.004
Time for Filing Appeal	38E-5.005

PURPOSE AND EFFECT: As a result of a government reorganization, the unemployment compensation claim functions of the Department of Labor and Employment Security have been reassigned to the Agency for Workforce Innovation (A.W.I.). Former claims offices (one-stop career centers) are not under the direct control of A.W.I. As a result, A.W.I. has centralized claim processing and adjudication because the one-stop career centers do not perform these functions or accept appeals. Additionally, since the centralized A.W.I. adjudication offices will not be readily accessible to the public, they will not be available to accept hand delivered documents. In light of this restructuring, the proposed rule

amendment recognizes the fact that one-stop career centers will no longer accept appeals and clarifies the appropriate locations and manner to file appeals of unemployment examiner determinations to appeals referees. The proposed rule amendment also clarifies that appeals can be filed directly with the Office of Appeals; clarifies filing; requires that the receipt date of appeals filed by hand delivery or facsimile transmission be recorded on the document; corrects agency and office names to their current designations; updates the optional appeal form available to the parties; and deletes unnecessary language.

SUMMARY: The rule amendments recognize that on-stop career centers will no longer accept appeals; establishes the appropriate locations and manner to file appeals of examiner determinations to appeals referees; and requires the receipt date be stamped on appeals filed by hand delivery or facsimile transmission.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 120.80(10)(a)1., 443.012(3),(11), 443.151(4)(d) FS.

LAW IMPLEMENTED: 443.151(3)(a),(4)(b),(d) FS.

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

TIME AND DATE: 10:00 a.m., June 12, 2001

PLACE: Law Library Conference Room, Unemployment Appeals Commission, Suite 300, Webster Building, 2671 Executive Center Circle, West, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John W. Kunberger, Clerk-Unemployment Appeals Commission, Suite 300, Webster Building, 2671 Executive Center Circle, West, Tallahassee, Florida

THE FULL TEXT OF THE PROPOSED RULES IS:

38E-5.003 Form of Appeal.

(1) No change.

(2) Any person entitled to file an appeal may obtain a printed appeal form (AWI-A100, Notice of Appeal), Rev. 4/01, incorporated herein by reference, (~~LES Form UCA-1~~) at any of the locations listed in Rule Sections 38E-5.004(1), (2), and (3), and at any location providing unemployment claim information. Use of the form is not mandatory; however, whatever instrument is used, it shall include the following information:

- (a) The name and social security account number of each claimant, if any, involved;
 - (b) The name ~~and unemployment tax account number, if known,~~ of each employer, if any, involved;
 - (c) The date and subject matter of the determination; and
 - (d) A brief statement of the reasons for disagreement with the determination.
- (3) No change.

Specific Authority 120.80(10)(a)1., 443.012(3),(11), 443.151(4)(d) FS. Law Implemented 443.151(4)(b),(d) FS. History--New 5-22-80, Formerly 38E-5.03, Amended 8-20-86,_____.

38E-5.004 Place for Filing Appeal.

Appeals ~~may shall~~ be filed ~~by mail or in person~~ at one of the following locations:

- (1) Any of the unemployment claim adjudication offices operated by the Agency for Workforce Innovation Florida Department of Labor and Employment Security ~~except field tax offices;~~
- (2) The central or district appeals referee offices maintained by the Office of Appeals;
- (3)~~(2)~~ The Unemployment Appeals Commission; and
- (4)~~(3)~~ Any unemployment compensation office located outside the State of Florida.

Specific Authority 120.80(10)(a)1., 443.012(3),(11), 443.151(4)(d) FS. Law Implemented 443.151(4)(b)1.,(d) FS. History--New 5-22-80, Formerly 38E-5.04, Amended 8-20-86,_____.

38E-5.005 Time for Filing Appeal.

- (1) No change.
- (2) The appeal ~~shall may~~ be filed by mailing or by hand delivery ~~of the appeal document instrument~~ to any of the locations designated set forth in Rule Section 38E-5.004; by facsimile transmission of the appeal document to any location designated in Rule Sections 38E-5.004(1), (2), and (3); or by hand delivery of the appeal document to any location designated in Rule Sections 38E-5.004(2), (3), and (4).
- (3) Appeals filed by mail shall be considered to have been filed when postmarked by the United States Postal Service. Appeals filed by hand delivery or facsimile shall be considered to have been filed when date stamped received at the authorized location ~~any of the locations set forth in Section 38E-5.004.~~
- (4) Upon receipt of an appeal delivered in person or by facsimile transmission, the Commission, Agency for Workforce Innovation, or Office of Appeals employee shall record the date of receipt on the appeal document.

Specific Authority 120.80(10)(a)1., 443.012(3),(11), 443.151(4)(d) FS. Law Implemented 443.151(3)(a),(4)(b)1.,(d) FS. History--New 5-22-80, Formerly 38E-5.05, Amended 8-20-86, 3-1-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: John W. Kunberger, Clerk-Unemployment Appeals Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Geri Atkinson-Hazelton, General Counsel-Unemployment Appeals Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 8, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLES:	RULE NOS.:
Continuing Education Requirement	61G15-22.001
Definitions	61G15-22.002
Qualifying Activities for Area of Practice Requirement	61G15-22.003
Conversion of Education Units to PDH	61G15-22.004
Non-Qualifying Activities	61G15-22.005
Demonstrating Compliance	61G15-22.006
Non-compliance	61G15-22.007
Recordkeeping	61G15-22.008
Exemptions	61G15-22.009
Continuing Education Courses in Laws and Rules	61G15-22.010
Board Approval of Continuing Education Providers	61G15-22.011
Obligations of Continuing Education Providers	61G15-22.012
Evaluation of Providers	61G15-22.013
Duration of Provider Status	61G15-22.014

PURPOSE AND EFFECT: The Board proposes to promulgate new rules regarding continuing education in compliance with new statutory requirements in Chapter 455 and 471, F.S.

SUMMARY: Pursuant to Chapters 455 and 471, F.S., Rule 61G15-22.001 is being substantially reworded and sets forth the continuing education requirements to maintain an active license and to reactivate an inactive license. The remainder of the rule chapter sets out relevant definitions; qualifying activities for area of practice requirements; conversion of other units of education to professional development hours (PDH); sets forth non-qualifying activities that are not PDH units; explains how licensees demonstrate compliance with the rules; explains how noncompliance with the continuing education requirements affects the licensee; requirements for record keeping; sets forth the requirements for exemption; the continuing education course requirements in laws and rules; requirements for approval as continuing education provider status, the obligations of the provider to maintain that status, evaluation procedures for continuing education courses or seminars offered to engineers, and the duration of the term of provider status.

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

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

SPECIFIC AUTHORITY: 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179(4), 471.008, 471.017(3), 471.019 FS.

IF REQUESTED IN WRITING A NOTICE OF HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Natalie Lowe, Administrator, Florida Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of Rule 61G15-22.001 follows. See Florida Administrative Code for present text.)

61G15-22.001 Continuing Education Requirements.

(1) Each licensee shall complete eight professional development hours during each license renewal biennium as a condition of license renewal. Four hours shall relate to the licensee's area(s) of practice and four hours shall relate to Chapter 471, F.S. and the rules of the Board, Chapter 61G15, F.A.C.

(2) There shall be no carryover of hours permitted from one licensure renewal biennium to the next.

(3) A license that has been inactive for more than one year may be reactivated upon application to FEMC and demonstration to the Board by the licensee of having completed twelve hours of engineering related education per inactive year, or portion thereof, in excess of one year. The education shall be related to the licensee's area of practice. In addition, the licensee shall have completed four hours of education that shall involve the law and rules governing the practice of engineering in a course approved by the Board. Licensees who can demonstrate that they have continued the active practice of engineering during the inactive period, either through an active license to practice in another state or through practice in an exempt setting during that period, shall only be required to comply with the laws and rules requirement.

Specific Authority 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 415.213(6), 455.2177, 455.2178, 455.2179(4), 471.008, 471.017(3), 471.019 FS. History—New 8-19-80, Formerly 22H-22.01, Amended 5-14-86, Formerly 21H-22.001, Amended 6-122-99, 6-13-00, 2-22-01,_____.

61G15-22.002 Definitions.

(1) Area of Practice: An engineering discipline for which a Principles and Practice of Engineering examination is offered pursuant to Rule 61G15-21, Florida Administrative Code.

(2) Professional Development Hour (PDH): A contact hour requires a minimum of 50 minutes instruction or presentation. The PDH is the common denominator for other units of credit.

(3) Continuing Education Unit (CEU): Unit of credit customarily used for continuing education courses. One continuing education unit equals 10 hours of class in an approved continuing education course.

(4) College/Unit Semester/Quarter Hour: Credit for course in ABET-approved programs or other related engineering college course.

(5) Course/Activity: Any qualifying course or activity with a clear purpose and objective which will maintain, improve, or expand the skills and knowledge relevant to the licensee's area of practice.

Specific Authority 455.213(6), 455.2177, 455.2178, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179(4), 471.008 FS. History--New _____.

61G15-22.003 Qualifying Activities for Area of Practice Requirement.

(1) Successful completion of college courses.

(2) Successful completion of continuing education courses, successful completion of correspondence, televised, Internet, videotaped, and other short courses/tutorials or attending seminars, workshops, or professional and technical presentations at meetings, conventions or conferences presented/sponsored by a provider approved under Rule 61G15-22.011, FAC.

(3) Teaching or instructing in (a) or (b) above. However, teaching credit is valid for teaching a course or seminar for the first time only. Teaching credit does not apply to full-time faculty.

(4) Authoring published papers, articles, books, or accepted licensee examination items for NCEES.

(5) Patents.

(6) Active participation in professional or technical societies. Civic or trade organizations do not qualify under this provision. Credit for this activity requires that the licensee serve as an officer of the organization. PDH credits are not earned until the end of each year of completed service.

(7) Courses taken to satisfy continuing education requirements for P.E. licensure in other states may be used to satisfy the PDH area of practice requirements, if the courses are otherwise in compliance with these rules.

Specific Authority 455.213(6), 455.2177, 455.2178, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179(4), 471.008, 471.017(3), 471.019 FS. History--New _____.

61G15-22.004 Conversion of Education Units to PDH.

(1) One (1) college or unit semester hour credit is equal to 15 PDH.

(2) One (1) college or unit quarter hour credit is equal to 10 PDH.

(3) One (1) continuing education unit is equal to 10 PDH.

(4) One (1) contact hour of professional development in course work, seminars, or professional or technical presentations made at meetings, conventions, or conferences is equal to 1 PDH or, if teaching, 2 PDH.

(5) Each published paper, article, or book is equal to 10 PDH.

(6) Authoring accepted licensee examination items for NCEES is equal to 2 PDH.

(7) Each patent is equal to 10 PDH.

(8) Active participation in professional and technical societies as described in Rule 61G15-22.003(6). The maximum credit to be allowed is 2 PDH for each organization.

Specific Authority 455.213(6), 455.2178, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179(4), 471.008, 471.017(3), 471.019 FS. History--New _____.

61G15-22.005 Non-Qualifying Activities.

Activities that do not qualify as Professional Development Hours include but are not limited to the following:

(1) Self-generated courses.

(2) Personal self-improvement courses.

(3) Equipment demonstrations or trade show displays.

(4) Enrollment without attendance.

(5) Repetitive attendance or teaching of the same course.

(6) Tours of buildings, structures, schools, museums and such unless there is a clear objective to maintain and strengthen competency in a technical field.

(7) Regular employment.

(8) Personal, estate or financial planning.

Specific Authority 455.213(6), 455.2178, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179(4), 471.008, 471.017(3), 471.019 FS. History--New _____.

61G15-22.006 Demonstrating Compliance.

In order to demonstrate compliance, licensees must execute a signed statement accompanying their renewal form and return it to the Board office with their renewal. For each qualifying activity listed, the following information must be included on the statement:

(1) Title of activity and a description.

(2) The date, location and provider of the activity.

(3) The area of practice to which the activity applies.

(4) The number of PDH credits claimed for each activity.

Specific Authority 455.213(6), 455.2178, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179(4), 471.008, 471.017(3), 471.019 FS. History--New _____.

61G15-22.007 Non-compliance.

In accordance with Section 471.017, Florida Statutes, completion of the required professional development hours is a condition of licensure renewal. No license will be renewed or issued until the requirement is satisfied. If, after renewal, it is found that the licensee did not comply with these requirements, disciplinary proceedings will be initiated.

Specific Authority 455.213(6), 455.2178, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179(4), 471.008, 471.017, 471.019 FS. History—New _____.

61G15-22.008 Recordkeeping.

It is the licensee's responsibility to maintain sufficient records to demonstrate completion of qualifying professional development hours for at least two licensure cycles (four years).

Specific Authority 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179(4), 471.008, 471.017(3), 471.019 FS. History—New _____.

61G15-22.009 Exemptions.

(1) New licensees by way of examination shall be exempt for their first renewal period.

(2) Any licensee whose license is placed in retired status shall be exempt thereafter.

(3) Any licensee whose license is placed in inactive status.

Specific Authority 455.213(6), 455.2178, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179(4), 471.008, 471.017(3), 471.019 FS. History—New _____.

61G15-22.010 Continuing Education Courses in Laws and Rules.

(1) In order to meet the criteria contained in Section 471.017(3), F.S., a course of continuing education for laws and rules of the Board must consist of a minimum of four (4) hours of instruction in Chapter 471, F.S. and Chapter 61G15, Florida Administrative Code.

(2) Four PDH's in laws and rules of the Board may be obtained by attending one full day, regardless of actual length, or eight (8) hours of a board meeting at which disciplinary hearings are conducted by the Board of Professional Engineers and complying with the following:

(a) The licensee must sign in with staff of the Board before the meeting day begins.

(b) The licensee must remain in continuous attendance.

(c) The licensee must sign out with staff of the Board at the end of the meeting day or at such other earlier time as affirmatively authorized by the Board. A licensee may receive PDH credit in laws and rules for attending the board meeting only if he or she is attending on that date solely for that purpose. He or she may not receive such credit if appearing at the Board meeting for another purpose.

Specific Authority 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179(4), 471.008, 471.017(3), 471.019 FS. History—New _____.

61G15-22.011 Board Approval of Continuing Education Providers.

(1) Applicants for continuing education provider status must meet the requirements of subsections (2) and (3) of this rule to demonstrate the education and/or the experience necessary to instruct professional engineers in the conduct of their practice.

(2) To demonstrate the education and/or the experience necessary to instruct professional engineers in the conduct of their practice for continuing education credit, an applicant for continuing education provider status must be a regionally accredited educational institution, a commercial educator, a governmental agency, a state or national professional association whose primary purpose is to promote the profession of engineering, or an engineer with a Florida license to practice engineering who is not under disciplinary restrictions pursuant to any order of the Board.

(3) To allow the Board to evaluate an application for continuing education provider status, the applicant must submit the following:

(a) The name, address and telephone number of the prospective provider;

(b) A description of the type of courses or seminars the provider expects to conduct for credit;

(c) A description of the staffing capability of the applicant;

(d) A sample of intended course materials;

(e) A list of anticipated locations to conduct the courses;

(f) A complete course curriculum for each course the applicant intends to offer;

(g) A description of the means the applicant will use to update the course in response to rule or law changes;

(h) A description of the means the applicant will use to evaluate the licensee's performance in the course;

(i) An application fee of \$250;

(j) A licensure fee of \$200, which, upon request, will be refundable if the applicant is denied provider status.

(4) No engineer may conduct continuing education courses or seminars for credit upon the engineer's receipt of any disciplinary order from any professional regulatory board in any jurisdiction. Rather, the engineer must notify the Board office within ten (10) days of the engineer's receipt of any such order.

(5) No provider may conduct a continuing education course or seminar for credit upon written notice that the Board, through its Executive Director or its Administrator, objects to the course or seminar. Rather, upon receipt of the objection, the provider may request to appear before the continuing education committee of the Board to resolve the objection.

(6) No provider may allow an engineer to conduct any course or seminar offered by the provider if that engineer has been disciplined and has not been released from the terms of the final order in the disciplinary case. Upon receipt of notice

that an instructor is under discipline, the provider shall, within seven (7) days, write to the Board office and confirm that the engineer is no longer conducting any course or seminar offered by the provider. For the purpose of this subsection, a letter of guidance or a reprimand shall not constitute "under discipline."

(7) The Board retains the right and authority to audit and/or monitor programs and review records and course materials given by any provider approved pursuant to this rule. The Board shall rescind the provider status or reject individual programs given by a provider if the provider disseminated any false or misleading information in connection with the continuing education programs, or if the provider fails to conform to and abide by the rules of the Board. Licensees will not lose credit for attending courses offered by approved providers that are later rejected or stopped by the Board.

(8) Members of the Board of Professional Engineers or the Florida Engineers Management Corporation Board of Directors are prohibited from being a continuing education provider.

(9) The following providers shall be exempt from any requirement for Board approval as providers and the Board shall accept their courses for continuing education credit:

(a) Educational Institutions teaching college level courses;

(b) State and National Engineering Professional Associations approved by the Board, and

(c) Core Curriculum Providers accepted by the Florida Building Commission under Section 553.841, F.S.

Specific Authority 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179(4), 471.008, 471.017(3), 471.019 FS. History—New _____.

61G15-22.012 Obligations of Continuing Education Providers.

To maintain status as a continuing education provider, the provider must:

(1) Provide courses or seminars designed to enhance the education of engineers in the practice of engineering;

(2) Require each licensee to complete the entire course or seminar in order to receive a certificate of completion;

(3) Furnish each participant with an individual certificate of attendance. An attendance record shall be maintained by the provider for four years and shall be available for inspection by the Board and the Florida Engineers Management Corporation. Providers must electronically provide to the Florida Engineers Management Corporation a list of attendees taking a course within five (5) business days of the completion of the course. The list shall include the provider's name, the name and license number of the attendee, the date the course was completed, the course number and the total number of professional development hours successfully completed. All information or documentation, including electronic course rosters, submitted to the Board or to FEMC shall be submitted in a format acceptable to the Board and to FEMC. Failure to comply with time and form requirements will result in

disciplinary action taken against the provider. If the instructor is receiving credit as set forth in Rule 61G15-22.003(3), F.A.C., the instructor shall be listed with the same information required above. Providers shall maintain security of attendance records and certificates. For correspondence study courses, the provider must electronically supply the list of those individuals successfully completing the course by the fifth of the month following the calendar month in which the provider received documentation and was able to determine the successful completion of the course by the individual.

(4) Ensure that all promotional material for courses or seminars offered to professional engineers for credit contain the provider number.

(5) Allow only one PDH for each hour of classroom, audio or video instruction, an "hour of classroom, audio or video instruction" being a minimum of 50 minutes instruction or presentation.

(6) Allow only one PDH for each "hour of correspondence study." The "hour of correspondence study" must be based on the average completion time of each course as established by the provider.

(7) Provide a written examination to each participating licensee in correspondence study courses. In order to complete the course, the licensee must sign and date the examination and receive a minimum grade of seventy percent (70%). If a licensee fails the examination, they will be permitted to take the examination again in order to achieve a passing grade.

(8) Notify the Board within fourteen (14) days of any change in the address or telephone number of the provider.

(9) Allow FEMC's and the Board's designee to have access to information concerning courses or seminars conducted by the provider for continuing education credit.

(10) Discontinue any course or seminar objected to under subsection 61G15-22.014(5), F.A.C.

(11) No provider may reapply for continuing education provider status until at least two (2) years have elapsed since the entry of any final order against the provider.

Specific Authority 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179(4), 471.008, 471.017(3), 471.019 FS. History—New _____.

61G15-22.013 Evaluations of Providers.

(1) The Board, or its designee, reserves the right to evaluate continuing education courses or seminars offered to engineers for credit by the following methods:

(a) Observing such courses or seminars; and

(b) Reviewing the files of the provider to gain information about any course or seminar offered to professional engineers for credit.

(2) The Board shall not revoke the continuing education credit given to any professional engineer for completion of any continuing education course or seminar about which the professional engineer registers a complaint with the Board.

Specific Authority 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179(4), 471.008, 471.017(3), 471.019 FS. History—New

61G15-22.014 Duration of Provider Status.

(1) Continuing education providers are approved only for the biennium during which they applied and must reapply for provider status at the beginning of each biennium. The biennium for continuing education providers ends on May 31st of each odd-numbered year.

(2) A provider must reapply for approval ninety (90) days prior to the date of expiration of provider status in order to prevent a lapse in provider status.

Specific Authority 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179(4), 471.008 471.017(3), 471.019 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 1, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE TITLE: Re-examination
RULE NO.: 61G17-4.007

PURPOSE AND EFFECT: The Board has determined to repeal this rule as it is not mandated by law.

SUMMARY: This rule is being repealed as it is unnecessary.

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: 455.217(2), 472.013 FS.

LAW IMPLEMENTED: 455.217(2), 472.013 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G17-4.007 Re-examination.

Specific Authority 455.217(2), 472.013 FS. Law Implemented 455.217(2), 472.013 FS. History—New 1-3-80, Formerly 21HH-4.07, 21HH-4.007, Amended 5-30-95, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Surveyors and Mappers
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 15, 2001

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

DOCKET NO.:	00-49R
RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Rules and Procedures for Application for Coastal Construction Permits	62B-41
RULE TITLES:	RULE NOS.:
Definitions	62B-41.002
General Prohibitions	62B-41.003
Exemptions from Permit Requirements	62B-41.004
Policy and Eligibility Criteria for Coastal Construction Permits	62B-41.005
Protection of Marine Turtles	62B-41.0055
Design, Siting and Other Requirements	62B-41.007
Experimental Coastal Construction	62B-41.0075
Permit Application Requirements and Procedures	62B-41.008
Permit Processing and Administration Fees	62B-41.0085
Revisions or Modifications of Approved Permits	62B-41.013
Coastal Construction Permit Conditions	62B-41.015

PURPOSE AND EFFECT: To update the rule accounting for the Departmental reorganization, amend definitions, clarify policy regarding sand specifications, along with other minor updates.

SUMMARY: Chapter 62B-41, F.A.C., provides the rules and procedures for application for coastal construction permits.

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

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

SPECIFIC AUTHORITY: 161.041, 161.051, 161.0535, 161.061, 161.121, 370.12, 370.021 FS.

LAW IMPLEMENTED: Section 27, Chapter 89-175, Laws of Florida, 161.011, 161.021, 161.031, 161.041, 161.042, 161.051, 161.0535, 161.054, 161.061, 161.071, 161.081, 161.088, 161.091, 161.101, 161.111, 161.141, 161.142, 161.161, 161.163, 161.181, 161.191, 161.201, 161.211, 161.212, 370.02(5)(b)2., 370.021(1), 370.12, 327.40 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE, A RULE MAKING HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOW BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m., June 12, 2001

PLACE: Conference Room A, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES AND A COPY OF THE AGENDA IS: Rosaline Beckham, Florida Department of Environmental Protection, Office of Beaches and Coastal Systems, Mail Station #300, Tallahassee, Florida 32399-3000, (850)487-1262, Extension 186

THE FULL TEXT OF THE PROPOSED RULES IS:

62B-41.002 Definitions.

(1) "Accretion" is the buildup of land or accumulation of unconsolidated material within the coastal system caused by wind and wave action, storm surge, or tidal or littoral currents. Accretion includes:

(a) Waterward horizontal movement of the mean high-water line or beach profile.

(b) ~~Vertical buildup or Volumetric gain of sediment to the coastal system beach and dune or the offshore profile.~~

(2) "Act" is ~~Parts I and II of Chapter 161, Florida Statutes, the "Beach and Shore Preservation Act."~~

(2)(3) "Agent" is any person with the written power or authority to act on behalf of the applicant for purposes of an application submitted under ~~chapter 161, F.S. the act.~~

(3)(4) "Applicant" is any person, firm, corporation, county, municipality, township, special district, ~~or any public agency, or their agent,~~ having authority pursuant to ~~s~~Section 161.041, F.S., to request a permit to conduct any coastal construction activities upon sovereignty lands of Florida, below the mean high-water line of any tidal water of the State.

(4)(5) "Armoring" is ~~a the placement of~~ manmade structures ~~designed to either prevent erosion of the upland property or protect eligible structures from the effects of coastal wave and current action or devices in or near the coastal system for the purpose of preventing erosion of the upland property or to protect upland structures from the effects of coastal wave and current activity.~~ Armoring ~~does not include certain rigid coastal structures such as geotextile bags~~

~~or tubes, seawalls, revetments, bulkheads, retaining walls, or similar structures but does not include jetties, groins or other construction whose purpose is to add sand to the coastal system, alter the natural coastal currents or stabilize the mouths of inlets structures such as jetties or groins or activities whose purpose is to add sand to the beach or dune, or structures whose purpose is to alter the natural coastal currents, or to stabilize the mouths of inlets, or minor upland structures whose purpose is to retain upland fill and which are designed to be frangible under high frequency coastal hydrodynamic forces.~~

(5)(6) "Beach" is the zone of unconsolidated material that extends landward from the mean low-water line to the place where there is marked change in material or physiographic form, or to the line of ~~permanent~~ vegetation.

(7) "Beach Nourishment" is ~~the maintenance of a restored beach which has been permitted by the Department.~~

(8) "Beach Restoration" is ~~the placement of sand on an eroded beach for the purposes of restoring it as a recreational beach, providing storm protection for upland properties and reestablishing habitat.~~

(9) "Board of Trustees" is ~~the Board of Trustees of the Internal Improvement Trust Fund.~~

(6)(10) "Breakwater" is a structure which has the effect of protecting shoreline areas, harbors, inlets or basins from the forces of currents and wave action.

(7)(11) No change.

(8)(12) "Office" ~~"Bureau"~~ is the Office Bureau of Beaches and Coastal Systems Coastal Engineering and Regulation of the Division of Beaches and Shores of the Department of Environmental Protection. The head of the Office is the Director.

(13) "Change of Existing Structure" is ~~the alteration of the physical characteristics of an existing structure and may be classified as either:~~

(a) A major change, which is one that has the potential for adverse impacts.

(b) A minor change, which is one that does not have the potential for adverse impact.

(9)(14) "Coastal Construction" ~~includes~~ is any work or activity on or encroaching upon sovereignty lands of Florida, below the mean high-water line of any tidal water of the state, which is likely to have a material physical effect on the coastal system existing coastal conditions or natural shore and inlet processes.

(10)(15) No change.

(11)(16) "Critical Habitat" is an area used by a threatened or endangered species, which has been designated by the U.S. Department of the Interior, as defined in Paragraph 5, ~~s~~Section 1532, title 16 ~~Code~~, of the ~~f~~Federal Endangered Species Act (The Act), as follows:

(a) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of ~~s~~Section 4 of the Act, (~~s~~Section 1533,

title 16, U.S. Code), on which are found those physical or biological features essential to the conservation of the species and which may require special management considerations or protection.

(b) Specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of ~~s~~Section 4 of the Act, (~~s~~Section 1533, title 16, U.S. Code), upon a determination by the Secretary of the Department of the Interior that such areas are essential for the conservation of the species.

~~(12)(17)~~ “Department” is the Florida Department of Environmental Protection. The head of the Department is the Secretary Governor and Cabinet.

~~(13)(18)~~ “Eligible Structures” are public infrastructure and private structures qualified for armoring as follows: is a nonconforming major habitable structure, public road or safety facility, bridge, water or wastewater treatment facility, hospital or structure of state or national significance. Any such structure built in violation of Chapter 161, Florida Statutes, shall not be considered an eligible structure.

(a) Public infrastructure includes those roads designated as public evacuation routes, public emergency facilities, bridges, power facilities, water or wastewater facilities, other utilities, hospitals, or structures of local governmental, state, or national significance.

(b) Private structures include:

1. Non-conforming habitable structures,

2. Major non-habitable structures, which are not expendable,

3. Expendable major structures which are amenities necessary for occupation of the major structure, and

4. Expendable major structures whose failure would cause an adjacent upland non-conforming habitable structure or major non-habitable structure, which is not expendable, to become vulnerable.

(c) Eligible structures do not include minor structures.

~~(14)(19)~~ “Environmentally Sensitive Area” is a part of the coastal system which the Department of Environmental Protection or the Florida Fish and Wildlife Conservation Commission Division of Marine Resources of the Department has determined to be of such significance that application of a proposed new technology poses an unacceptable risk to the ecology.

~~(15)(20)~~ No change.

~~(16)(21)~~ “Erosion Control Line” is the any line determined in accordance with the provisions of ~~s~~Sections 161.141-161.211, F.S. Florida Statutes, and recorded pursuant to ~~s~~Section 161.181, F.S. Florida Statutes, in connection with beach restoration projects. Where established, an erosion control line represents the landward extent of the claims of the state in its capacity as sovereign title holder of the submerged

bottoms and shores of the Atlantic Ocean, the Gulf of Mexico, the Straits of Florida, and the bays, lagoons, and other tidal reaches thereof.

~~(17)(22)~~ No change.

~~(23)~~ “Executive Director” is the Executive Director of the Department of Environmental Protection and includes anyone duly designated to act on his or her behalf.

~~(18)(24)~~ No change.

~~(19)(25)~~ “Groin” is a structure built (usually perpendicular to the shoreline) to trap or alter alongshore movement of sediment or to retard erosion of the coastal system beach.

~~(26)~~ “Hydrodynamic Loads” are those horizontal and vertical (including uplift) forces resulting from a mass of water in motion, such as the water flow accompanying a storm surge. Hydrodynamic loads include the effects of turbulence resulting from the interaction of the flowing water mass with a rigid structure.

~~(27)~~ “Hydrostatic Loads” are those horizontal and vertical (including uplift) forces resulting from a standing mass of water.

~~(28)(a)~~ renumbered (20)(a) No change.

(b) “Cumulative Impacts” are impacts resulting from past, present, and future individual coastal construction which, if permitted would result in a violation of standards as set forth in section 62B-41.007, or unacceptable significant adverse impacts to the coastal system as a general practice on other coastal properties in the same general area, or if added to the adverse impacts from existing coastal construction are expected to result in an adverse impact.

(c) “De Minimis Impacts” are impacts that have been determined by the Department to be insignificant and not of a substantial nature either individually or cumulatively.

~~(d)(e)~~ “Significant Adverse Impacts” are adverse impacts of such magnitude that they are expected to alter the coastal system that which result in either:

1. An increase in the rate of erosion; ~~or~~

2. Rendering the coastal system unstable or vulnerable to the effects of coastal storms or interfere with its ability to recover from the effects of a coastal storm; ~~or~~

3. A take, as defined in ~~s~~Subsection ~~62B-41.002(48)(57)~~, F.A.C., unless, as provided for by the provisions of ~~p~~Paragraph 370.12(1)(f), F.S. Florida Statutes; or

4. An inconsistency with the provisions of ~~p~~Paragraph 370.12(1)(c)1., F.S. Florida Statutes.

(d) through (e) re-lettered (e) through (f) No change.

~~(21)(29)~~ No change.

(a) “Altered Inlets” also referred to as modified or improved inlets, are those where stabilizing rigid coastal structures have been constructed; or, unstabilized inlets, where inlet related structures have been constructed and maintained and the channel depth or width is greater than the inlet system would support in a natural condition.

(b) through (d) No change.

~~(30) “Jetty” is a structure extending into a body of water which is designed to prevent shoaling of a channel by littoral materials and to direct and confine the stream or tidal flow. Jetties are built at the mouths of rivers and tidal inlets to help deepen and stabilize a navigation channel.~~

(31) through (37) renumbered (22) through (28) No change.

~~(29)(38) “N.A.V.D.” is the North American Vertical Datum of 1988, established by the National Ocean Survey.~~

(39) through (41) renumbered (30) through (32) No change.

~~(33)(42) “Nonconforming Structure” is any major habitable structure which was not constructed pursuant to a permit issued by the Department, in accordance with section 161.052 or 161.053, F.S., on or after March 17, 1985 or which cannot be demonstrated to meet current structural requirements for coastal construction.~~

~~(34)(43) “Notice to Proceed” is the formal notification from the Office Bureau authorizing permitted coastal construction to commence.~~

~~(35)(44) “Permit” is the authorization issued by the Department to conduct allow certain specified construction, excavation or alteration activities at a specified location on state sovereignty land seaward of the mean high-water line of any tidal water.~~

(45) through (46) renumbered (36) through (37) No change.

~~(38)(47) “Riparian or Littoral Owner” is an owner of land along, bordering upon, bounded by, fronting upon, abutting or adjacent and contiguous to and in contact with the waters of the State of Florida.~~

(48) through (51) renumbered (39) through (42) No change.

~~(43)(52) “Shoreline” is the intersection of a specified plane of water with the shore or beach. For example, the mean high water (MHW) shoreline is the intersection of the plane of mean high water with the beach.~~

~~(53) “Solid or Highly Impermeable Structures” are structures of such size, shape and construction material as to alter or impede the natural flow of water and sand transport.~~

~~(44)(54) “Staff” is the staff of the Office Bureau of Beaches and Coastal Systems Coastal Engineering and Regulation of the Division of Beaches and Shores.~~

~~(45)(55) No change.~~

~~(46) “Strategic Beach Management Plan” is the adopted plan for management of the sandy beach and the related coastal system pursuant to section 161.161, F.S.~~

(56)(a) through (b) renumbered (47)(a) through (b) No change.

(c) “Inlet-Related Structures” ~~which~~ are structures typically constructed within an inlet, such as inlet bypassing systems, dredged channels, and sand traps.

(d) “Minor Coastal Structures” ~~which~~ are structures designed to be expendable and to minimize resistance to water forces associated with high frequency coastal storms, and to break away when subjected to such forces and are of such size or design that they have a minor impact on the coastal system.

(e) “Major Coastal Structures” ~~which~~ are structures whose design, location or size have the potential to cause an adverse impact to the coastal system. Major structures include:

(e)1. through (f) No change.

~~(48)(57) “Take” is an act that actually kills or injures marine turtles, and includes significant habitat modification or degradation that kills or injures marine turtles by significantly impairing essential behavior patterns, such as breeding, feeding, or sheltering, as defined in pParagraph 370.12(1)(c), F.S Florida Statutes.~~

~~(49)(58) No change.~~

Specific Authority 161.041, 370.021 FS. Law Implemented 161.011, 161.021, 161.041, 161.042, 161.051, 161.0535, 161.054, 161.061, 161.071, 161.081, 161.088, 161.091, 161.101, 161.111, 161.141, 161.142, 161.161, 161.163, 161.181, 161.191, 161.201, 161.211, 161.212, 370.12 FS. History–New 8-23-92, Formerly 16B-41.002, Amended _____.

62B-41.003 General Prohibitions.

(1) No coastal construction shall be conducted without a permit issued by the Department under this ~~c~~Chapter unless it is determined that the coastal construction does not fall within the requirements of ~~s~~Section 161.041, ~~F.S. Florida Statutes~~, or unless the interior tidal water body is exempted by the Department pursuant to ~~sub~~Section 161.041(1), ~~F.S. Florida Statutes~~.

~~(2) No construction of a coastal construction inlet jetty or the excavation or maintenance of such inlet shall be allowed permitted if it will result in have a significant adverse impact unless accompanied by an approved mitigation program.~~

(3) No coastal construction shall interfere, except during construction, with the use by the public of any area of a beach seaward of the mean high-water line (or an established erosion control line) unless the Department determines such interference is unavoidable for purposes of protecting the beach or any endangered upland structure determined to be eligible pursuant to the criteria listed in ~~subsection Rule~~ 62B-41.005(6), ~~F.A.C.~~

~~(4) No coastal construction shall violate the provisions of Section 370.12(1), Florida Statutes.~~

Specific Authority 161.041, 370.021, 161.051, 161.061, 161.121 FS. Law Implemented 161.041, 161.042, 161.141, 161.142, 370.021(1), 370.12(1) FS. History–New 8-23-92, Formerly 16B-41.003, Amended _____.

62B-41.004 Exemptions from Permit Requirements.

(1) The deepwater ports identified in paragraph Section 403.021(9)(b), F.S. Florida Statutes, are exempt from the requirements contained in subSections 161.142(1) and (2), F.S. Florida Statutes.

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

(b) Structures which do not fall within the definition of coastal construction as defined in subSection 62B-41.002(14), F.A.C 161.021(6), Florida Statutes.

(c) Structures having de minimus impacts as defined in paragraph 62B-41.002(21)(c), F.A.C.

Specific Authority 161.041, 370.021 FS. Law Implemented 161.041, 161.042, 161.142 FS. History--New 8-23-92, Formerly 16B-41.004, Amended _____.

62B-41.005 Policy and Eligibility Criteria for Coastal Construction Permits.

(1) through (5) No change.

(6) The Department shall not issue permits, pursuant to sSection 161.041, F.S. Florida Statutes, for coastal armoring except as a last resort to provide protection to eligible structures. ~~Rigid coastal structures do not protect the beach. In most cases, they may be expected to have a long term adverse effect on the beach in the immediate vicinity.~~ Construction of coastal armoring will only be considered in accordance with the following:

(6)(a) through (7)(d) No change.

(e) Consistency with the a beach statewide strategic beach management plan or an inlet management plan adopted approved by the Department.

(8) No change.

~~(9) If a coastal construction permit cannot be approved for an eligible structure, based on the application criteria, then the Department shall recommend that funding for purchase of the affected property be sought under Section 1362 of the National Flood Insurance Act, if applicable.~~

~~(9)(10) An existing rigid structure whose alignment has been determined by the Department to interfere with onshore/offshore or longshore movement of sand, resulting in a significant adverse impact to the coastal system or adjacent properties, is subject to redesign or relocation landward if in need of reconstruction, or may be ordered removed if it is determined to be dangerous or to in any way endanger human life, health or welfare, or to be undesirable, serve no public purpose, or become unnecessary, in accordance with sSection 161.061, F.S. Florida Statutes.~~

~~(10)(11) No change.~~

(12)(a) through (c)4. renumbered (11)(a) through (c)4. No change.

5. Being consistent with an the adopted inlet management plan and the statewide strategic beach management plan, where applicable; or

(d) No change.

(13)(b) renumbered (12)(b) No change.

(c) Restore water quality in disturbed coastal ecosystems to acceptable Department of Environmental Protection Regulation Water Quality Standards;

(d) No change.

(e) Provide public benefits as described in paragraph Rule 62B-41.005(12)(c), F.A.C.

~~(13)(14) No change.~~

~~(14)(15) All sandy sediment to be excavated from the within or immediately adjacent to any coastal system shall inlet or its associated ebb and flood tide shoals or navigation channels located on sovereignty lands, in conjunction with an authorized construction or maintenance dredging or intracoastal waterway maintenance dredging project, which is determined by the Department to be suitable for beach fill shall, after receipt of written authorization from the Department of Environmental Regulation, be deposited on the an adjacent beach, in a location designated in the adopted approved inlet management plan, the and adopted statewide strategic beach management plan where applicable, or in a nearshore littoral zone location approved by the Department.~~

~~(15)(16) Any permit application for construction, excavation or maintenance of a coastal inlet and related shoals shall be consistent with the statewide strategic beach management current plan for long term management of the inlet pursuant to sSections 161.142 and 161.161, F.S. Where such a plan is not available the applicant shall provide the information required in paragraph Rule 62B-41.008(1)(m), F.A.C., and shall, as a condition of the permit, be required to provide a complete inlet management plan within a period of not less than two years from the date of issuance of the permit. The plan shall provide for continued bypassing of the sand in sufficient quantity to insure that net long term erosion or accretion rates on both sides of the inlet remain equal except in cases where unequal erosion and accretion rates can be shown to be a result of natural processes and not caused by human activities. In all cases, mitigation shall be provided for any erosion effects to the adjacent coastal system attributable to alteration of the inlet. The mitigation shall include the placement of supplemental beach compatible material as needed.~~

~~(16)(17) Monitoring programs shall be required for any coastal construction permitted under this cChapter which is determined to have an adverse impact. Such programs shall include preconstruction, construction phase and post construction topographic, hydrographic, biological and other data collection as deemed necessary and appropriate by the Department to monitor the performance of the coastal construction and determine its impacts to the coastal system and marine turtles. The Department shall require that Ssuch data shall be analyzed by a qualified professional engineer or coastal geologist registered in the State of Florida and a report provided to the Department on the performance of the project~~

and its impacts on the coastal system. ~~The Department shall require that biological data be analyzed by a qualified Department biologist to determine the effects on marine turtles. Monitoring programs shall include sufficient pre-project data to establish an adequate baseline for project construction and post construction comparison.~~

~~(17)(18) If When the Department determines that the proposed coastal construction has the potential for adverse impacts to the coastal system, then exists the Department shall is authorized to require the applicant to revise the project design to avoid or minimize those impacts. After all practicable revisions have been made to minimize impacts; any remaining adverse impacts or other impacts shall be offset by the applicant as a condition to the granting of a permit, under this Chapter, mitigation, financial, or other assurances acceptable to the Department as may be necessary to assure performance of conditions of the permit or enter into contractual agreements to best assure compliance with any permit conditions. The Department may also require notice of any such permit conditions or required and the contractual agreements entered into pursuant to the provisions of this rule to be filed in the public records of the county in which the permitted activity is located.~~

~~(18)(19) Projects which may have an impact on marine turtles, nests or their habitat shall also be subject to the provisions of section 370.12, F.S., and to section 6(c), of the federal Endangered Species Act Rule 62B-41.0055.~~

Specific Authority 161.041, 370.021 FS. Law Implemented 161.041, 161.042, 161.051, 161.061, 161.088, 161.142 FS. History--New 8-23-92, Formerly 16B-41.005, Amended _____.

62B-41.0055 Protection of Marine Turtles.

~~(1) In keeping with the Department's authority to protect marine turtles pursuant to Section 370.12, Florida Statutes, Any application for a permit under this Chapter for coastal construction that affects marine turtles shall be subject to conditions and requirements for marine turtle protection as part of the permitting process, pursuant to section 370.12, F.S.~~

~~(2) Coastal construction which is in compliance with other provisions of this rule may be permitted if it is determined that the proposed coastal construction would be consistent with the federal Endangered Species Act, its implementing regulations, and the cooperative agreement pursuant to Section 6(c) of the federal Endangered Species Act, would be consistent with the provisions of subparagraph 370.12(1)(c)1., F.S. Florida Statutes, and would not result in a take pursuant to Paragraph 370.12(1)(f), F.S. Florida Statutes. In its determination, The Department will evaluate the following when making a determination:~~

~~(a) through (7) No change.~~

Specific Authority 370.12 FS. Law Implemented 161.041, 370.12(1) FS. History--New 8-23-92, Formerly 16B-41.0055, Amended _____.

62B-41.007 Design, Siting and Other Requirements.

~~(1) No change.~~

~~(2) Coastal construction shall be designed in accordance with established engineering practice, Department Division of Beaches and Shores recognized design guidelines, and the following special guidelines:~~

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

~~(d) Armor stone used in revetments and as toe scour protection shall have a minimum dry unit weight of 140 pounds per cubic foot, except under circumstances where a potential adverse impact on marine turtles may exist. In such cases armor stone shall have a minimum dry unit weight of 150 pounds per cubic square foot. Armor stone units shall not be of greater size or weight than appropriate for the design wave conditions.~~

~~(e) through (i) No change.~~

~~(j) To protect the environmental functions of Florida's beaches, All fill material placed shall be sand which is similar to that which naturally already existing on the site in quartz to carbonate ratio both coloration, median gradation and grain size and sorting. Standard terminology and sieve sizes from the Unified Soil Classification System and U.S. standard sieves shall be used. All Such fill material shall: be free of construction debris, rocks, clay, or other foreign matter, shall be obtained from a source landward of the coastal construction control line or from a source authorized pursuant to Section 161.041, Florida Statutes and shall, in general, not contain greater than 5 percent fines (passing the #200 sieve) or gravel exclusive of shell material (retained by the #4 sieve) and be free of coarse gravel or cobbles:~~

~~1. Not contain greater than 10 percent, by weight, silt passing the #200 sieve;~~

~~2. Not contain greater than 5 percent, by weight, fine gravel retained on the #4 sieve, exclusive of shell material and coral fragments;~~

~~3. Not contain coarse gravel, cobbles or material retained on the 3/4 inch sieve in a percentage or size greater than found on the native beach;~~

~~4. Not result in cementation of the beach; and~~

~~5. Not contain construction debris, clay, toxic materials or other foreign matter;~~

~~These standards shall not be exceeded in any 1000 square foot section, extending through the depth of the filled beach. If the natural beach exceeds any of the limiting parameters listed above, then the fill material shall not exceed the naturally occurring level for that parameter.~~

~~(k) through (l) No change.~~

~~(m) For safety, all coastal structures shall be marked in accordance with Section 327.40, F.S. Florida Statutes.~~

~~(3) The Department reserves the right to approve deviations from the special guidelines outlined in Paragraph (2) above if those deviations would not increase the potential~~

~~for adverse impacts to the coastal system or marine turtles. When requesting such deviations, the applicant shall be fully justified and approved by the Department with evidence provided by the applicant fully documented evidence that would justify the deviations do not increase the potential for adverse impacts to the coastal system or marine turtles.~~

(4) No change.

Specific Authority 161.041, 370.021(1) FS. Law Implemented 161.041, 370.021(1), 370.12(1), 327.40 FS. History—New 8-23-92, Formerly 16B-41.007, Amended _____.

62B-41.0075 Experimental Coastal Construction.

(1) through (6) No change.

(7) If the experiment is determined to be ineffective in addressing a coastal erosion problem, or is expected to cause a significant adverse impact, all structures shall be removed. Removal or modification may also be ordered pursuant to paragraph Section 62B-41.015(1)(l), F.A.C.

(8) Any time the Department determines that the project must be removed under the provisions of this Chapter, the permittee shall also be responsible for restoring the area of installation and any adversely affected areas to pre-project conditions. ~~By~~ Acceptance of the permit, ~~the permittee~~ commits the permittee to ~~the removal of~~ any structure, object or installation relating to the project, in addition to the as well as restoration of all affected areas, should it be the Department determined that removal is necessary, as provided for in Subsection (7) above. All ~~Costs~~ of removal and restoration shall be borne by the permittee.

(9) All new technologies shall be designed to be stable and durable in the coastal environment. Should the experimental project become dislocated or in disrepair ~~at any time~~, during or after the initial three year period, it shall be the responsibility of the permittee to have the structures repaired or removed. If the permittee fails to repair or relocate the project within 90 days from receipt of notification of the need for such from the Department, the permittee shall be ordered to remove the project.

Specific Authority 161.041, 370.021, FS. Law Implemented sSection 27, cChapter 89-175, Laws of Florida, 161.031, 161.041, 161.042, 161.051, 161.061, 161.161, 370.02(5)(b)2. FS. History—New 8-23-92, Formerly 16B-41.0075, Amended _____.

62B-41.008 Permit Application Requirements and Procedures.

(1) A Joint Coastal Permit is required in order to conduct any coastal construction activities in Florida. A Any person required desiring to obtain a joint coastal construction permit from the Department shall submit an application to the Department of Environmental Protection, Division of Beaches and Shores, Office Bureau of Beaches and Coastal Systems Coastal Engineering and Regulation, 3900 Commonwealth Boulevard, Mail Station 3040, Tallahassee, Florida 32399. The permit application form, entitled "Joint Application for Joint Coastal Permit, Authorization to Use Sovereign Submerged

lands, Federal Dredge and Fill Permit" Application for a Permit for Coastal Construction (DEP Form 73-500208 effective 6-95 8-23-92), is hereby incorporated by reference. Copies of the form may be obtained on the Department internet site, by writing to the Department of Environmental Protection, at the above address Division of Beaches and Shores, Bureau of Coastal Engineering and Regulation, 3900 Commonwealth Boulevard, Mail Station 310, Tallahassee, Florida 32399; or by telephoning the Department at (850904)487-4475. All information in conjunction with an application shall only be submitted by the applicant or the duly authorized agent. The application shall contain the following specific information:

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

2. All elevations, referenced to $N_2G_2V_2D_2$ and, when available, $N_2A_2V_2D_2$.

3. through 11. No change.

12. The signature and seal of the professional surveyor, duly registered pursuant to cChapter 472, F.S. Florida Statutes, who performed the survey, accompanied by a certification that the submitted drawing accurately reflects a field survey which complies with the requirements of this sSection.

13. through 14. No change.

(i) For rigid coastal structures, flexible coastal structures and inlet-related structures, the information required under Paragraphs 62B-41.008(1)(h), (j) and (k), F.A.C., shall be provided on 8 1/2-inch by 14-inch paper.

(j) through (k) No change.

1. A plan view of the proposed coastal construction with the mean high-water line, and the erosion control line, if established pursuant to sSections 161.141–161.211, F.S. Florida Statutes, extending at least 100 feet on each side of the proposed coastal construction, and a plan view of any area of proposed excavation with inlet shorelines indicated.

2. through 3. No change.

4. Permit applications for inlet excavation, ~~inlet bypassing, or beach restoration,~~ or nourishment shall include: ~~both a sediment grain size analysis sufficient to determine the nature of all material to be dredged and its compatibility with the existing beach sand, and a designation of potential nourishment areas along adjacent shorelines.~~

a. Sediment analysis of the native sediment and the sediment at the proposed borrow site(s). The analysis shall demonstrate the nature of the material, quantities available, and its compatibility with the naturally occurring beach sediment pursuant to paragraph 62B-41.007(2)(j), F.A.C. The sediment analysis and volume calculations shall be performed using established industry standards and be certified by a Professional Engineer or a Professional Geologist registered in the State of Florida. Certification shall verify that a quantity of material sufficient to construct the project is available at the borrow site(s) which meets the standard in paragraph 62B-41.007(2)(j), F.A.C., and

b. Quality control/assurance plan that will ensure that the sediment from the borrow sites to be used in the project will meet the standard in paragraph 62B-41.007(2)(j), F.A.C.

(l) No change.

(m) Demonstration of consistency with the adopted statewide strategic beach management plan, an inlet management plan, or a proposed draft inlet management plan in accordance with subsection Rule 62B-41.005(16), F.A.C. If not included in the inlet management plan the applicant will provide the following:

(m)1. through (o) No change.

(p) A written statement providing the need necessity and justification for the potential impacts to the coastal system which may be caused by the proposed coastal construction.

(q) No change.

(2) ~~The Department will waive Any of the requirements contained in paragraphs 62B-41.008(1)(f),(h),(i),(j),(k),(l) or (m), F.A.C., will be waived if, in the opinion of the Department determines that the, such information is found to be unnecessary for a proper evaluation of the proposed work.~~

(3) Applications for permits, permit modifications or long-term maintenance renewals shall be accompanied by a fee, as set forth in section Rule 62B-41.0085, F.A.C.

~~(4) If the applicant fails to provide all information required to complete the application within six (6) months after a notice of incompleteness has been sent, the staff will close the permit application file after written notice to the applicant, except that a request for an extension of time for a period agreeable to the Department, but not to exceed one year, shall be granted upon demonstration by the applicant that the delay in completion of the application has been caused by matters beyond the control of the applicant. Application files closed under these procedures shall be closed without prejudice and a new application, accompanied by the appropriate fee, shall be required to renew the application.~~

~~(4)(5) If the processing of the application is prolonged, or if a storm event is known to have altered the shoreline such that the staff determines that the topographic and bathymetric survey data is no longer adequate to complete its analysis, then an updated survey shall be required as specified in Paragraph (1)(h) above. In the event that an updated survey is required, the application shall be treated as an amended application pursuant to sSubsection 62B-41.0085(3)012(9), F.A.C.~~

~~(5)(6) Prior to completing the application, the applicant must obtain any easements or other authorizations necessary to conduct the coastal construction from the Department of Environmental Protection, Division of State Lands; however, for permits which must be approved by the Board of Trustees of the Internal Improvement Trust Fund, the application will be considered complete when all required information has been provided and the Division of State Lands' proposed staff recommendation to the Trustees has been provided to the Office Bureau.~~

~~(7) The applicant may waive the ninety (90) day time limit for processing the permit specified under Subsection 120.60(2), Florida Statutes, at any time. Upon request, the Department will provide the applicant with its Application for Waiver of the Ninety (90) Day Time Limit under Subsection 120.60(2), Florida Statutes (DEP Form 73-123, effective 8-23-92), hereby incorporated by reference. Copies of the form may be obtained by writing to the Department of Environmental Protection, Division of Beaches and Shores, Bureau of Coastal Engineering and Regulation, 3900 Commonwealth Boulevard, Mail Station 310, Tallahassee, Florida 32399; or by telephoning (904)487-4475. However, the applicant may waive this time limit by other written means when time is not sufficient to obtain the form. Any application which remains in a waived status for a period of twelve (12) months or more after receipt of such waiver by the Department will be considered to have been withdrawn, and the Department shall administratively close the file without prejudice, unless the application is reactivated by the Department. The applicant shall submit a new application, with fee, prior to any further consideration of the proposed coastal construction by the Department.~~

~~(8) Requests for after the fact permits shall be processed under, and shall be subject to, the requirements of Rule 62B-41.0125.~~

Specific Authority 161.041, 370.021 FS. Law Implemented 161.041, 161.054(5) FS. History-New 8-23-92, Formerly 16B-41.008, Amended _____.

62B-41.0085 Permit Processing and Administration Fees.

(1) Each application for a permit to be considered by the Department pursuant to sSection 161.041, F.S. Florida Statutes, except those applications filed by agencies of government of the executive branch of the State of Florida, and those filed pursuant to Rule 62B-41.014, shall be accompanied by a fee. Monies from fees assessed pursuant to this chapter Rule shall be deposited into the Beach Management Trust Fund. Fees assessed pursuant to this chapter Rule are generally not refundable. However, if a fee for an activity which is exempt from the provisions of this chapter Rule has been received, then such fee shall be refunded to the applicant pursuant to the provisions of sSection 120.60, F.S. Florida Statutes. Any fee payment in excess of the amount required by this chapter Rule shall also be refunded to the applicant. All such refunds shall be requested by the applicant on the Department's Refund Claim Form (DEP Form 14-081, effective 8-23-92), hereby incorporated by reference. Copies of the form may be obtained by writing to the Department of Environmental Protection, Division of Beaches and Shores, Office Bureau of Beaches and Coastal Systems Coastal Engineering and Regulation, 3900 Commonwealth Boulevard, Mail Station 3010, Tallahassee, Florida 32399; or by telephoning (904)487-4475.

(2) through (3)(d) No change.

(e) Minor structures and activities, minor reconstruction of existing structures, amended applications, ~~major modifications to existing permits~~ and administrative approval of each subsequent nourishment or maintenance dredging operation shall be assessed a fee of \$500.

(f) through (6) No change.

(7) Experimental projects permitted under section Rule 62B-41.0075, F.A.C., shall be assessed ~~the larger of~~ a fee of \$5,000, or the permit fee specified in the appropriate fee schedule above, which ever is larger, except the maximum fee shall not to exceed \$20,000.

(8) No change.

Specific Authority 161.041, 161.0535, 161.161(8), 370.021 FS. Law Implemented 161.041, 161.101, 161.0535, 161.161 FS. History--New 8-23-92, Formerly 16B-41.0085, Amended.

62B-41.013 Revisions or Modifications of Approved Permits.

(1) Applications for revisions or modifications to existing permits shall be processed in the same manner as a new permit except that items required by section Rule 62B-41.008, F.A.C., which have already been furnished to the Department shall be waived unless the staff determines the data to be out-of-date or inadequate to complete the assessment.

(2) through (6) No change.

Specific Authority 161.041, 370.021, 370.12(1) FS. Law Implemented 161.041, 161.042, 161.051, 161.061, 370.021(1) FS. History--New 8-23-92, Formerly 16B-41.013, Amended.

62B-41.015 Coastal Construction Permit Conditions.

Specific Authority 161.041, 370.021 FS. Law Implemented 161.041, 161.042, 161.051, 161.054, 161.061, 370.021(1) FS. History--New 8-23-92, Formerly 16B-41.015, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Alfred B. Devereaux

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David B. Struhs, Secretary, Department of Environmental Protection

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

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Definitions RULE NO.: 64B8-2.001

PURPOSE AND EFFECT: The Board proposes a rule amendment to address the definition of "community service."

SUMMARY: The proposed rule amendment defines the term "community service."

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

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

SPECIFIC AUTHORITY: 458.309, 458.315(1), 458.317(1)(c), 458.319(1), 766.314(4) FS.

LAW IMPLEMENTED: 458.303, 458.311, 458.313, 458.315(1), 458.317(1)(c), 458.331(1)(u), 458.3485, 766.314(4) FS.

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

TIME AND DATE: 10:00 a.m., June 12, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-2.001 Definitions.

(1) through (11) No change.

(12) "Community service" shall be defined as the delivery of medical services directly to patients, or the delivery of other volunteer services to an entity which is exempt from federal taxation under 26 U.S.C. s. 501(c)(3), without fee or cost to the patient or the entity, for the good of the people of the State of Florida. Community service shall be performed outside the physician's regular practice setting.

Specific Authority 458.309, 458.315(1), 458.317(1)(c), 458.319(1), 766.314(4) FS. Law Implemented 458.303, 458.311, 458.313, 458.315(1), 458.317(1)(c), 458.331(1)(u), 458.3485, 766.314(4) FS. History--New 11-10-82, Amended 12-4-85, Formerly 21M-29.01, Amended 12-4-86, 11-15-88, 3-13-89, 1-1-92, 9-24-92, 2-21-93, Formerly 21M-29.001, Amended 4-14-94, Formerly 61F6-29.001, 59R-2.001, Amended 4-7-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2001

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES: Approved Residency or Fellowship; RULE NOS.:

Definitions 64B8-4.004
Applications 64B8-4.009
Diplomas 64B8-4.010

PURPOSE AND EFFECT: The proposed rule amendment to Rule 64B8-4.004 is intended to conform the rule with the current body that accredits graduate medical education programs. The amendment to Rule 64B8-4.009 is intended to delete the notarization requirement and add an alternative documentation of medical education when the transcript has been lost or destroyed and to require verification of education directly from the medical school as a confirmation of matriculation. The amendment to Rule 64B8-4.010 is intended to delete the notarization requirement and clarify the requirement for translation of diplomas.

SUMMARY: The proposed amendment to Rule 64B8-4.004 clarifies language with regard to accrediting bodies for medical education programs. The proposed amendment to Rule 64B8-4.009 deletes the notarization requirement and adds an alternative method of documentation of medical education when the transcript has been lost or destroyed and requires verification of education directly from the medical school as a confirmation of matriculation. The amendment to Rule 64B8-4.010 deletes the notarization requirement and clarifies the requirement for translation of diplomas.

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

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

SPECIFIC AUTHORITY: 120.53, 458.309, 458.311, 458.313 FS.

LAW IMPLEMENTED: 120.53, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 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., June 12, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-4.004 Approved Residency or Fellowship; Definitions.

(1) An approved residency of at least one year constitutes a course of study and training in a single program for a period of not less than twelve calendar months by a person holding a degree as a medical doctor. The hospital and the program in which the medical doctor is participating must be accredited

~~approved~~ for the training and teaching of physicians by the Accreditation Council for ~~on~~ Graduate Medical Education (ACGME) and the medical doctor must be assigned to one of the allocated positions or slots approved by the ACGME. Fellowship training or residency training in a non-slotted position shall be considered approved residency training only in the instance when the fellowship or residency training has been recognized and accepted for that applicant toward completion of requirements for specialty board certification by a specialty board listed by the American Board of Medical Specialties.

(2) An approved residency or approved fellowship of at least two years in one specialty area constitutes two progressive years in a course of study and training as long as each year is accepted by the American Board of Medical Specialties in that specialty for a period of not less than twenty-four months by a person holding a degree as a medical doctor. The hospital and the program in which the medical doctor is participating must be accredited ~~approved~~ for the training and teaching of physicians by the Accreditation Council for ~~on~~ Graduate Medical Education (ACGME) and the medical doctor must be assigned to one of the allocated positions or slots approved by the ACGME. Fellowship training or residence training in a non-slotted position shall be considered approved residency training only in the instance when the fellowship or residency training has been recognized and accepted for that applicant toward completion of requirements for specialty board certification by a specialty board listed by the American Board of Medical Specialties.

Specific Authority 458.309, 458.311(1)(f) FS. Law Implemented 458.311(1) FS. History--New 3-31-80, Amended 11-10-82, Formerly 21M-22.04, Amended 9-7-88, 11-30-92, Formerly 21M-22.004, 61F6-22.004, Amended 11-15-94, Formerly 59R-4.004, Amended 6-15-98, 10-1-98,_____.

64B8-4.009 Applications.

(1) through (3) No change.

(4) The applicant must submit ~~original notarized~~ copies of transcripts for all medical education and a certified translation for each transcript which is not in English. In the event that such transcript has been lost or destroyed, then, in lieu thereof, the applicant for licensure shall submit a statement under the signature and seal of the dean of the medical school or medical college from which he graduated, which statement shall demonstrate that the applicant has satisfactorily completed the prescribed course of study, the actual degree conferred and the date thereof. Additionally, in the latter instance, the applicant shall submit a written and signed statement fully and clearly stating the circumstances under which his transcript was lost or destroyed.

(5) An official verification of the applicant's medical education from the medical school which comes directly from the medical school to the Board office.

~~(6)(5)~~ The applicant must submit a copy ~~an original or a notarized copy~~ of all certificates of training or a letter directly from the training program which specifies the beginning and ending dates of training and the specialty area of training.

(6) through (8) renumbered (7) through (9) No change.

Specific Authority 120.53, 458.309, 458.311 FS. Law Implemented 120.53, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS. History--New 3-31-80, Amended 11-10-82, Formerly 21M-22.04, Amended 9-7-88, 11-30-92, Formerly 21M-22.004, 61F6-22.004, Amended 11-15-94, Formerly 59R-4.004, Amended 6-15-98, 10-1-98,_____.

64B8-4.010 Diplomas.

Each applicant for licensure must submit a copy of the his original medical school or medical college diploma in support of his application. If the diploma is from a school outside of the United States and is in a language other than English, a certified translation must accompany the diploma. In lieu of the original diploma, as a convenience to the applicant, the Board will accept from each applicant for licensure a photocopy of the applicant's original medical school or medical college diploma which is certified by a notary to be a true and correct copy of the original. In the event that such diploma has been lost or destroyed, then, in lieu thereof, the applicant for licensure shall submit a statement under the signature and seal of the dean of the medical school or medical college from which he graduated, which statement shall demonstrate that the applicant has satisfactorily completed the prescribed course of study, the actual degree conferred and the date thereof. Additionally, in the latter instance, the applicant shall submit a written and signed statement fully and clearly stating the circumstances under which his diploma was lost or destroyed.

Specific Authority 458.309, 458.313 FS. Law Implemented 458.311, 458.313 FS. History--New 3-31-80, Amended 12-4-85, Formerly 21M-22.10, Amended 2-16-86, Formerly 21M-22.010, 61F6-22.010, 59R-4.010 History--New 3-31-80, Amended 12-4-85, Formerly 21M-22.09, Amended 9-7-88, 3-13-89, 1-1-92, 2-21-93, Formerly 21M-22.009, Amended 11-4-93, Formerly 61F6-22.009, Amended 11-15-94, 2-15-96, Formerly 59R-4.009, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rules Committee, Board of Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2001

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES:	RULE NOS.:
Disciplinary Guidelines	64B8-8.001
Time for Payment of Civil Penalties or Administrative Fines; Time Frames for Completion of Requirements	64B8-8.002
Reinstatement of Licensure	64B8-8.003

PURPOSE AND EFFECT: The proposed amendment to Rule 64B8-8.001 is intended to address wrong-site surgery and the penalties related to wrong-site surgery. The amendment to Rule 64B8-8.002 is intended to address time frames for completion of requirements in the Board's Orders. The amendment to Rule 64B8-8.003 is intended to provide clarification with regard to the requirements for reinstatement of licensure.

SUMMARY: The amendment to Rule 64B8-8.001 addresses penalties for wrong site surgery. The amendment to Rule 64B8-8.002 addresses the time frames for completion of requirements of Board Orders; and the amendment to Rule 64B8-8.003 addresses the requirements for reinstatement of licensure.

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

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

SPECIFIC AUTHORITY: 458.331, 458.309, 456.072(2), 456.079 FS.

LAW IMPLEMENTED: 458.331, 456.072, 456.079 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., June 12, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-8.001 Disciplinary Guidelines.

(1) No change.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Section 120.57(1) and 120.57(2), Florida Statutes, the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

RECOMMENDED RANGE OF PENALTY

VIOLATION	FIRST OFFENSE	SECOND OFFENSE
(a) through (s) No change.		
(t) Gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances. (458.331(1)(t), F.S.)	(t) From two (2) years probation to revocation or denial, and an administrative fine from \$1,000.00 to \$10,000.00.	(t) From suspension to revocation or denial, and an administrative fine from \$5,000.00 to \$10,000.00.
1. through 3. No change.		
<u>4. Performing surgery or a medical procedure on the wrong patient; at the wrong site or location on the patient; or performing the wrong surgery or procedure on a patient.</u>	<u>4. From a \$10,000.00 fine, a letter of concern, a minimum of five (5) hours of risk management education, a minimum of 50 hours of community service, and a one hour lecture on wrong-site surgery presented to a medical community in the State of Florida to revocation.</u>	<u>4. From a \$10,000 fine, a reprimand and probation or denial to revocation.</u>

(u) through (oo) No change.

(3) through (7) No change.

Specific Authority 458.331(5), 458.309, 456.079 FS. Law Implemented 458.331(5), 456.072, 456.079 FS. History—New 12-5-79, Formerly 21M-20.01, Amended 1-11-87, 6-20-90, Formerly 21M-20.001, Amended 11-4-93, Formerly 61F6-20.001, Amended 6-24-96, 12-22-96, Formerly 59R-8.001, Amended 5-14-98, 12-28-99, 1-31-01,_____.

64B8-8.002 Time for Payment of Civil Penalties or Administrative Fines; Time Frames for Completion of Requirements.

(1) In cases where the Board of ~~Medicine~~ Medical Examiners imposes a civil penalty or an administrative fine for violation of Chapter 456 or 458, Florida Statutes, or the rules promulgated pursuant thereunder, the penalty shall be paid within thirty (30) days of its imposition by Order of the Board unless a different time frame is set forth in the Order.

(2) Unless otherwise specified in the Board’s Order, the time frames for completion of the requirements are as follows:

(a) FMA sponsored medical records course is to be completed within one year from the date the Order is filed;

(b) USF sponsored prescribing course is to be completed within one year from the date the Order is filed;

(c) Continuing medical education is to be completed within one year from the date the Order is filed;

(d) Community service is to be completed within one year from the date the Order is filed.

(e) Reports to the Board’s Probationer’s Committee shall be made quarterly.

Specific Authority 456.072(2), 458.309 FS. Law Implemented 456.072(2) FS. History—New 10-23-80, Formerly 21M-20.02, Amended 9-7-92, Formerly 21M-20.002, 61F6-20.002, 59R-8.002, Amended _____.

64B8-8.003 Reinstatement of License.

(1) No change.

(2) When disciplinary action is taken against a licensee which results in the licensee's being unable to use the license for a period of time for reasons including, but not limited to, suspension, inactivation, or other restriction, but not including revocation subsequent to June 5, 1983, the licensee may petition for reinstatement of the license as follows:

(a) When the suspension, inactivation, or restriction is for a definite period of time and is not based upon the physician's ability to safely engage in the practice of medicine pursuant to Section 458.331(3), F.S., the license shall be ~~automatically~~ reinstated upon expiration of the period of suspension if full compliance with the final order has been shown and the licensee has submitted documentation of completion of the continuing medical education requirements imposed on an active status licensee for all biennial licensure periods in which the licensee was suspended, inactive or under other restriction;

(b) When the suspension, inactivation, or other restriction is for a definite period of time, is based upon the physician's ability to safely engage in the practice of medicine, or both, the licensee shall demonstrate to the Board at the expiration of the period of suspension, or immediately prior thereto, compliance with the terms and conditions of the final order, completion of the continuing medical education requirements imposed on an active status licensee for all biennial licensure periods in which

the licensee was suspended, inactive or under other restriction, and, where applicable, the ability to safely engage in the practice of medicine in order to obtain reinstatement. The Board shall consider reinstatement at either the Board meeting immediately preceding expiration or at any Board meeting subsequent thereto. If the licensee is able to demonstrate compliance with the terms of the final order and, where applicable, the ability to safely engage in the practice of medicine, the Board shall reinstate the license.

(c) When the suspension, inactivation, or other restriction is for a definite period of time or for an indefinite period of time, the licensee may petition the Board to consider reinstatement of a license acted against for an indefinite period of time or early reinstatement of a license acted against for a definite period of time. When such a petition is filed, it must include all documentation of the petitioner's compliance with the final order, completion of the continuing medical education requirements imposed on an active status licensee for all biennial licensure periods in which the licensee was suspended, inactive or under other restriction, petitioner's ability to safely engage in practice, petitioner's plan for the return to practice, and any other information which the petitioner would want the Board to consider if it grants the petition for consideration. If the plan for return to practice includes a period of supervised practice, the documentation should include the name of the proposed supervising physician and a written statement from the proposed supervising physician of his or her willingness to serve in that capacity. No oral testimony or personal appearance will be permitted at the time the Board hears a petition to consider reinstatement or early reinstatement. Upon the granting by the Board of the petition to consider such reinstatement or early reinstatement, the licensee shall, at a subsequent meeting, have an opportunity to demonstrate his or her ability to safely engage in the practice of medicine and compliance with the terms of the final order. The Board shall reinstate the license upon a proper demonstration of competency and of compliance with the final order by the licensee.

(3) No change.

Specific Authority 458.309, 458.331 FS. Law Implemented 458.331 FS. History—New 1-3-85, Formerly 21M-20.03, Amended 7-4-88, Formerly 21M-20.003, Amended 11-4-93, Formerly 61F6-20.003, 59R-8.003, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rules Committee, Surgical Care Committee, Board of Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2001

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Examination Requirements
RULE NO.: 64B13-4.001

PURPOSE AND EFFECT: The proposed rule amendment is intended to increase the passing score for the clinical examination from 75 points to 80 percent.

SUMMARY: The proposed rule amendment clarifies the passing score for the clinical examination to be 80 percent.

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

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

SPECIFIC AUTHORITY: 456.017(2), 463.006(2), 463.05 FS.
LAW IMPLEMENTED: 456.017(2), 463.006(2) FS.

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

TIME AND DATE: 10:00 a.m., June 13, 2001

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-4.001 Examination Requirements.

The examination for licensure shall consist of the National Board of Examiners in Optometry examination (hereafter NBEO examination), the certification examination, and Parts I and II of the state examination for licensure.

(1) No change.

(2) State Examination

(a) through (c) No change.

(d) Part II of the state examination shall consist of a clinical portion and a pharmacology/ocular disease portion.

1. through 3. No change.

4. An applicant must attain a score of 80 percent ~~75 points~~ or better in order to secure a passing grade on the clinical portion of the practical examination.

5. through 6. No change.

(3) No change.

Specific Authority 456.017(2), 463.006(2), 463.05 FS. Law Implemented 456.017(2), 463.006(2) FS. History—New 11-13-79, Amended 5-28-80, 7-10-80, 8-20-81, 2-14-82, 6-6-82, 10-3-82, 4-10-84, 5-29-85, Formerly 21Q-4.01, Amended 7-21-86, 11-20-86, 7-27-87, 7-11-88, 7-18-91, 4-14-92, Formerly 21Q-4.001, Amended 2-14-94, Formerly 61F8-4.001, Amended 8-8-94, 11-21-94, 4-21-96, Formerly 59V-4.001, Amended 7-27-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Optometry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 27, 2001

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLES:	RULE NOS.:
Examination	64B19-11.001
Supervised Experience Requirements	64B19-11.005
Rule Governing Time Limits and Conditions for the Maintenance of an Active Application File	64B19-11.007

PURPOSE AND EFFECT: The Board proposes to update the above rules.

SUMMARY: The Board is updating language in the above rules.

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

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

SPECIFIC AUTHORITY: 456.017(1)(b),(c), 490.004(4), 120.60 FS.

LAW IMPLEMENTED: 456.017(1)(b),(c),(d), 490.005(1) FS. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kaye Howerton, Executive Director, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

- 64B19-11.001 Examination.
- (1) through (2) No change.

(3) The Board will certify as exempt from the EPPP first part of the examination those applicants who have taken the Association of State and Provincial Psychology Boards' examination in another state and obtained a score equal to or greater than the score required in subsection (1)(b) or (c).

(4)(a) No change.

(b) A passing score on the Florida laws and rules second part of the examination shall cease to be valid eighteen (18) months after the Board's letter to the applicant advising that the applicant has passed the Florida laws and rules second part of the examination.

(c) The Board shall close the application file of any applicant who fails to pass both parts the first part of the examination within twenty-four (24) months of the Board's letter advising that the applicant has been approved for the examination. The Board shall close the application file of any applicant ~~or~~ who fails to submit evidence of completion of the post-doctoral supervised experience within twenty-four (24) eighteen (18) months of the Board's letter advising that the applicant has been approved ~~passed the second part of~~ the examination.

Specific Authority 456.017(1)(b),(c), 490.004(4) FS. Law Implemented 456.017(1)(b), (c), (d), 490.005 FS. History—New 4-4-82, Amended 7-11-84, Formerly 21U-11.03, Amended 2-19-86, 12-30-86, 3-10-87, 11-21-88, 3-5-90, 1-16-92, Formerly 21U-11.003, Amended 6-14-94, Formerly 61F13-11.003, Amended 1-7-96, 6-26-97, Formerly 59AA-11.001, Amended 2-21-99, 5-1-2000, 1-10-01, _____.

~~64B19-11.005 Licensure by Examination:~~ Supervised Experience Requirements.

The law requires 4,000 hours of supervised experience for licensure. The Board recognizes that the applicant's internship satisfies 2,000 of those hours. This rule concerns the remaining 2,000 hours.

(1) Definitions. Within the context of this rule, the following definitions apply:

(a) No change.

(b) A "cohesive training experience": ~~one which meets the following criteria:~~

~~1. It averages at least twenty (20) hours a week over no more than one hundred four (104) weeks. Alternatively, it averages no more than forty (40) hours a week over no more than fifty two (52) weeks;~~

~~2. It requires at least 900 hours in service-related activities;~~

~~3. It includes an average of at least two (2) hours of clinical supervision each week, at least one (1) hour of which is individual face to face supervision.~~

(b)(e) "Psychological Resident or Applicant." A psychological resident is a person who has met Florida's educational requirements for licensure and intends from the outset of the supervised experience to meet that part of the supervised experience requirement for licensure which is not part of the person's internship.

~~(c)(d)~~ "Supervisor." A supervisor is either a licensed Florida psychologist in good standing with the Board, or a doctoral-level psychologist licensed in good standing in another state providing supervision for licensure in that state.

(2) Requirements and Prohibitions. All applicants for licensure must complete at least 2,000 hours of post doctoral experience under a supervisor whose supervision comports with subsection (3) of this rule.

(a) through (b) No change.

(c) The post-doctoral training must be a cohesive and integrated training experience which meets the following criteria:

1. It averages at least twenty (20) hours a week over no more than one hundred and four (104) weeks. Alternatively, it averages no more than forty (40) hours a week over no more than fifty-two (52) weeks;

2. It requires at least 900 hours in activities related to direct client contact;

3. It includes an average of at least two (2) hours of clinical supervision each week, at least one (1) hour of which is individual face-to-face supervision.

(3) No change.

(4) Until licensure, an individual who completes post doctoral training residency may continue to practice under supervision so long as the individual does so in the manner prescribed by this rule and so long as the individual has applied for licensure and no final order of denial has been entered in the application case before the Board.

Specific Authority 490.004(4) FS. Law Implemented 490.005(1) FS. History--New 11-18-92, Amended 7-14-93, Formerly 21U-11.007, Amended 6-14-94, Formerly 61F13-11.007, Amended 1-7-96, Formerly 59AA-11.005, Amended 12-4-97, _____.

64B19-11.007 Rule Governing Time Limits and Conditions for the Maintenance of an Active Application File.

~~(1) The Board will close the application file of any applicant who has not passed the examination within four (4) administrations immediately following the date on which the Board has approved the application.~~

~~(1)(2)~~ The Board will close the file of any applicant for licensure by examination who has not submitted evidence of the applicant's completion of the supervised experience within twenty-four (24) eighteen (18) months of the Board's letter advising that the applicant has been approved for notifying the applicant of the passing score on either part of the examination.

~~(2)(3)~~ The application of one who fails to take either the examination for which the applicant is initially scheduled or the next subsequent one, shall be closed.

Specific Authority 120.60 FS. Law Implemented 490.005 FS. History--New 1-16-92, Formerly 21U-11.009, Amended 6-14-94, Formerly 61F13-11.009, Amended 1-7-96, Formerly 59AA-11.007, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Psychology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 3, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 13, 2001

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLES: RULE NOS.:

Application and Examination Fee for Licensure by Examination; Review Fee	64B19-12.002
Reexamination Fee	64B19-12.003
Initial Fee for Licensure and Wall Certificate	64B19-12.0041
Biennial Active Renewal Fee	64B19-12.005
Biennial Inactive Renewal Fee	64B19-12.007
Delinquency Fee	64B19-12.0085
Continuing Education Provider Fees	64B19-12.009

PURPOSE AND EFFECT: The Board proposes to update the above rules.

SUMMARY: The Board is updating language in the above rules.

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

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

SPECIFIC AUTHORITY: 456.013(2), 490.004(4), 490.005(1)(a), 456.017(2), 456.015(1),(4), 456.025(1), 490.007(1), 456.036(3), 456.036(7), 456.025(3),(4), 490.0085(4) FS.

LAW IMPLEMENTED: 456.013(2), 490.005(1)(a), 456.017(2), 490.006, 456.015, 456.025(1), 490.007(1), 456.036(3), 456.036(7), 456.025(3),(4), 490.0085 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kaye Howerton, Executive Director, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

64B19-12.002 Application and Examination Fee for Licensure by Examination; Review Fee.

(1) No change.

(2) In addition to the application fee specified above, each applicant for certification for examination shall ~~simultaneously~~ submit the examination fees. The examination fee for both

parts of the examination is \$500.00. An applicant who is certified as exempt from the EPPP first part of the examination shall be required to pay an examination fee of \$120.00, and the remainder of the full fee submitted will be returned to the applicant.

(3) No change.

(4) An applicant who wishes to review ~~the second part of the applicant's own~~ Florida laws and rules examination shall remit a fee of \$30.00.

Specific Authority 456.013(2), 490.004(4), 490.005(1)(a) FS. Law Implemented 456.013(2), 490.005(1)(a) FS. History--New 2-22-82, Amended 7-2-84, Formerly 21U-12.02, Amended 11-21-88, 8-12-90, 1-16-92, Formerly 21U-12.002, Amended 10-12-93, 6-14-94, Formerly 61F13-12.002, Amended 1-7-96, 6-26-97, Formerly 59AA-12.002, Amended 12-3-98, 6-28-00, _____.

64B19-12.003 Reexamination Fee.

(1) The reexamination fee for taking both parts of the licensure examination ~~at one time~~ is \$500.00 ~~\$465.00~~.

(2) The reexamination fee for only the EPPP first part of the examination is \$500.00 ~~\$380.00~~.

(3) The reexamination fee for only the Florida laws and rules second part of the examination is \$120.00.

Specific Authority 456.017(2), 490.004(4) FS. Law Implemented 456.017(2) FS. History--New 2-22-82, Amended 7-11-84, Formerly 21U-12.03, Amended 7-18-88, 8-12-90, 1-16-92, Formerly 21U-12.003, Amended 10-12-93, Formerly 61F13-12.003, Amended 1-7-96, Formerly 59AA-12.003, Amended 12-3-98, 1-10-01, _____.

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

(1) The initial fee for licensure is \$400.00.

~~(2)(1)~~ Licensees licensed prior to July 1, 1998 may obtain wall certificates by submitting a written request to the Board along with a \$25.00 fee.

~~(3)(2)~~ Licensees may obtain a duplicate wall certificate by submitting a written request to the Board along with a \$25.00 fee.

~~(4)(3)~~ 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.

~~(4) The initial fee for licensure is \$250.00.~~

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, _____.

64B19-12.005 Biennial Active Renewal Fee.

The fee for renewal of an active license is \$400.00 ~~\$300.00~~. The fee for renewal of a limited license is \$25.00, unless the applicant submits a notarized statement from the applicant's employer stating that the applicant will not receive monetary compensation for any service involving the practice of psychology, in which case there will be no fee.

Specific Authority 456.015(1), (4), 456.025(1), 490.004(4), 490.007(1) FS. Law Implemented 456.015, 456.025(1), (4), 490.007(1) FS. History--New 2-22-82, Formerly 21U-12.05, Amended 6-1-89, Formerly 21U-12.005, Amended 6-14-94, Formerly 61F13-12.005, Amended 1-7-96, Formerly 59AA-12.005, Amended 12-3-98, _____.

64B19-12.007 Biennial Inactive Renewal Fee.

The fee for renewal of an inactive license is \$400.00 ~~\$50.00~~.

Specific Authority 456.036(3) FS. Law Implemented 456.036(3) FS. History--New 1-19-84, Formerly 21U-12.07, Amended 1-4-88, 6-1-89, 8-12-90, Formerly 21U-12.007, 61F13-12.007, Amended 1-7-96, Formerly 59AA-12.007, Amended _____.

64B19-12.0085 Delinquency Fee.

If licensure is not renewed on time, the licensee shall pay a delinquency fee of \$400.00 ~~\$300~~.

Specific Authority 456.036(7) FS. Law Implemented 456.036(7) FS. History--New 1-7-96, Formerly 59AA-12.0085, Amended _____.

64B19-12.009 Continuing Education Provider Fees.

(1) No change.

(2) The application or renewal fee shall be paid to the Department of Health by February 28 of every even numbered year.

Specific Authority 456.025(3),(4), 490.0085(4) FS. Law Implemented 456.025(3),(4), 490.0085 FS. History--New 10-14-87, Amended 6-23-91, 10-28-92, Formerly 21U-12.001, Amended 61F13-12.011, Amended 1-7-96, Formerly 59AA-12.009, Amended 9-20-98, _____.

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: March 3, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: April 13, 2001

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLES: RULE NOS.:

Renewal of Active Licenses 64B19-13.001

Renewal of Inactive Licenses 64B19-13.002

Continuing Psychological Education Credit 64B19-13.003

Obligations of continuing Psychological

Education Providers 64B19-13.005

PURPOSE AND EFFECT: The Board proposes to update the above rules.

SUMMARY: The Board is updating language in the above rules.

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

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

SPECIFIC AUTHORITY: 456.013(7), 490.004(4), 490.007(2), 456.036, 490.0085(4) FS.

LAW IMPLEMENTED: 490.007(2), 456.036, 490.0085(1),(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kaye Howerton, Executive Director, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

64B19-13.001 Renewal of Active Licenses.

To renew an active license, the licensee must remit to the Department the biennial renewal licensure fee for active licenses, and ~~sign~~ a statement certifying that the licensee has completed the forty (40) hours of approved continuing education which were required during the last biennium.

Specific Authority 456.013(7), 490.004(4), 490.007(2) FS. Law Implemented 490.007(2) FS. History–New 2-22-82, Amended 5-2-84, Formerly 21U-13.01, Amended 7-18-88, 1-28-93, Formerly 21U-13.001, 61F13-13.001, Amended 1-7-96, 6-26-97, Formerly 59AA-13.001, Amended _____.

64B19-13.002 Renewal of Inactive Licenses.

To maintain an inactive license on inactive status, the licensee must remit the biennial renewal fee for inactive status and ~~sign~~ a statement certifying that the licensee has neither practiced psychology nor violated any of the provisions of Section 490.012, Florida Statutes, since the date on which the license was first placed on inactive status.

Specific Authority 456.036 FS. Law Implemented 456.036 FS. History–New 1-19-84, Formerly 21U-13.016, Amended 1-4-88, 4-26-93, Formerly 21U-13.0016, 61F13-13.0016, Amended 1-7-96, Formerly 59AA-13.002, Amended _____.

64B19-13.003 Continuing Psychological Education Credit.

(1) Continuing psychological education credit will be granted for:

- (a) through (e) No change.
- (f) attainment of diplomate status in a specialty area from the American Board of Professional Psychology, ~~the American Board of Forensic Psychology, or the American Board of Psychological Hypnosis, except that only for which thirty-nine (39) twenty (20) continuing psychological education credits, not including the one-hour continuing education course on domestic violence required by Section 456.031, Fla. Stat., will be allowed only during the biennium during which the diplomate is first awarded;~~
- (g) through (h) No change.
- (2) through (4) No change.

Specific Authority 490.004(4), 490.0085(4) FS. Law Implemented 490.007(2), 490.0085(1),(3) FS. History–New 1-28-93, Amended 7-14-93, Formerly 21U-13.0042, Amended 6-14-94, Formerly 61F13-13.0042, Amended 2-8-96, 11-18-96, Formerly 59AA-13.003, Amended 1-10-01, _____.

64B19-13.005 Obligations of Continuing Psychological Education Providers.

(1) To maintain status as a continuing psychological education provider, the provider must:

- (a) No change.
- (b) provide each program attendee with an evaluation form which contains the following words: The Board of Psychology ~~Psychological Examiners~~ will not revoke the continuing psychological education credit given to any psychologist for the completion of any continuing psychological education program sponsored by a provider whose status is later revoked by the Board as a result of any complaint registered against the program by a psychologist;
- (c) through (h) No change.
- (i) maintain active status as a continuing psychological education provider by conducting at least one (1) program a year for psychologists, renewing provider status each biennium, and paying the biennial renewal fee of \$500 so that it is postmarked no later than received by the Board by 5:00 p.m. ~~of~~ the last date of the biennial renewal period;
- (j) through (k) No change.
- (2) No change.

Specific Authority 490.004(4), 490.0085(4) FS. Law Implemented 490.007(2), 490.0085(1),(3) FS. History–New 1-28-93, Formerly 21U-13.006, Amended 6-14-94, Formerly 61F13-13.006, Amended 1-7-96, Formerly 59AA-13.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 3, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 13, 2001

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLES:	RULE NOS.:
Request for Inactive Status	64B19-15.001
Reactivation of Inactive Licenses	64B19-15.003

PURPOSE AND EFFECT: The Board proposes to update the above rules.

SUMMARY: The Board is updating language in the above rules.

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

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

SPECIFIC AUTHORITY: 490.004(5), 456.036 FS.

LAW IMPLEMENTED: 456.036, 490.004(4),(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kaye Howerton, Executive Director, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

64B19-15.001 ~~Request Application~~ for Inactive Status.

A licensee with an active license may request apply to the Department for inactive licensure status by submitting a written request completed application form provided by the Agency and remitting an application fee and any other applicable and required fees, such as a delinquency fee or a fee to change status at any time other than the time allowed by the Agency for licensure renewal.

Specific Authority 490.004(5), 456.036 FS. Law Implemented 456.036, 490.004(4),(5) FS. History—New 2-10-87, Amended 1-4-88, Formerly 21U-19.001, 61F13-19.001, Amended 1-7-96, Formerly 59AA-15.001, Amended _____.

64B19-15.003 Reactivation of Inactive Licenses.

A licensee may reactivate his or her own inactive license and thereby place the license on active status by making application on a form DOH/MQA/PY-REACT APP/REV. 2-00, which is adopted and incorporated by reference herein available from the Department, paying the application fee set out in Rule 64B19-12.006, paying the fee for biennial renewal of an active license set out in Rule 64B19-12.005, paying any owed delinquency fees and paying any owed fees for changing status at any time other than the time established for the biennial renewal of licenses. In addition, the licensee must submit proof certify that the licensee has obtained forty (40) hours of continuing education for each biennium or part thereof of inactive licensure status. Finally, the licensee must either report any disciplinary action that has been taken against the licensee by any regulatory agency or must state that no such disciplinary action has been taken against the licensee. If the licensee has any outstanding administrative fines, the license may not be restored to active status until the administrative fines are paid.

Specific Authority 490.004(5), 456.036 FS. Law Implemented 456.036 FS. History—New 1-19-84, Formerly 21U-13.015, 21U-13.0015, 21U-19.003, 61F13-19.003, Amended 1-7-96, Formerly 59AA-15.003, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 13, 2001

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: RULE NO.:

Work Requirements Under Medical Incapacity, SSI/SSD, and Mental Health/Substance Abuse Treatment 65A-4.206

PURPOSE AND EFFECT: The 2000 Legislature amended ss. 414.065(4)(d),(e),(f) and 414.105(11), F.S., related to exceptions to participation in temporary cash assistance (TCA) work activities to include individuals with a pending application or appeal for Social Security Disability Income (SSDI) benefits and to allow up to five hours per week participation in substance abuse or mental health counseling or treatment. Additionally, the amendments clarify that time limit extensions granted to await final determination for Supplemental Security Income (SSI) or SSDI will be applied to the 48-month lifetime limit if benefits are ultimately denied.

SUMMARY: The rule amendment provides for the shift of responsibility from local WAGES coalitions (LWC) to regional workforce boards (RWB) to determine appropriate TCA work or alternative requirement plan activities for non-exempt applicants and recipients of TCA with a medical incapacity and for individuals with a pending SSDI application or appeal to be granted an exemption to TCA work requirements. It also provides for individuals to be exempt from TCA work requirements for up to five hours per week, not to exceed 100 hours per year, to participate in outpatient mental health or substance abuse counseling or treatment. Additionally, it clarifies that extensions granted for SSI or SSDI determinations that are ultimately denied would result in the time period for which the individual received TCA to be applied to the 48-month lifetime limit and it incorporates form revisions to reflect statutory changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.065(4)(d),(e),(f), 414.105(11) FS.

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

TIME AND DATE: 9:00 a.m., June 11, 2001

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-4.206 Work Requirements Under for Medical Incapacity, ~~and SSI/SSDI, and Mental Health/Substance Abuse Treatment Applicants.~~

(1) The provisions for receipt of temporary cash assistance (TCA) include the requirement of individuals who do not meet exemptions to participate in work activities or alternative requirement plans which allow an individual to meet program requirements based on the individual's medical ability to comply. Individuals who claim a medical incapacity or who have an application or an appeal pending for Supplemental Security Income (SSI) or Social Security Disability Income (SSDI) are required to meet TCA program requirements in accordance with ss. 414.065(4)(d) and (f). The department will refer all applicants who do not meet an exemption under s. 414.065(4)(d) and (f), F.S., to the regional workforce board (RWB) designee. The RWB designee local WAGES coalitions will determine the individual's work or alternative requirement plan activities participation status of individuals who claim a medical incapacity or who have applied for Supplemental Security Income (SSI) due to disability.

(2) Non-exempt individuals who are given an exception exempt from participation in certain work activities due to medical incapacity, ~~and those individuals who have applied for SSI due to disability,~~ shall be required to comply with the course of medical treatment necessary for the individual to resume participation in work activities.

(3) Individuals claiming a medical incapacity either preventing them from participating in work activities or limiting their participation in work activities shall provide a statement from a physician licensed under s. 458 or 459, F.S., specifying the nature of the disability or incapacity, the duration of disability or incapacity, the number of hours per week that the individual can participate in activities, the percentage of the individual's disability and any other limitations on participation in work activities. ~~The individual will provide this information on CF-ES 2288, Request for Medical Verification, Oct 99, incorporated by reference.~~

(4) The individual basing exemption from temporary cash assistance work activities on an application or an appeal for SSI or SSDI disability benefits must provide a copy of the disability receipt file, notices, letters, or other reasonable verification from the Social Security Administration to verify a pending SSI or SSDI disability decision.

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

~~(6)~~(5) The individual basing their exemption from temporary cash assistance work activities on an application or appeal for SSI or SSDI disability benefits shall be sign an Agreement of Understanding, CF-ES 2287, Oct 99, incorporated by reference, which informs the individual that if denied all extensions to time limits count toward their cash assistance life time limit of 48 months.

(7) Outpatient Mental Health or Substance Abuse Treatment. An individual may be excepted from TCA work requirements for up to five hours per week to participate in outpatient mental health or substance abuse counseling or treatment. The total number of hours cannot exceed 100 per year. The RWB designee will be responsible for verifying the need for treatment, attendance, and compliance with treatment requirements of the mental health or substance abuse professional using the CF-ES 2299, Substance Abuse and Mental Health (SAMH) Treatment Verification, Jan 01, incorporated by reference.

~~(8)~~(6) The RWB designee local WAGES coalition career manager will review the case at least monthly to determine the status of the SSI or SSDI application or appeal. ~~The Agreement of Understanding will be re-signed every six months.~~

(9)(7) Copies of forms CF-ES 2299 ~~CF-ES 2287, and CF-ES 2288~~ may be obtained from the Department of Children and Family Services, Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700.

Specific Authority 414.45 FS. Law Implemented 414.065(4)(d),(e),(f), 414.105(11) FS. History--New 4-16-00, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lonna Cichon, Operations and Management Consultant II

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Economic Self-Sufficiency Policy, Program Support Unit

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 29, 2000

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE NO.: 4A-49.004
RULE TITLE: Uniform Fire Safety Standards for
Self-Service Gasoline Stations

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., Florida Statutes, published in Vol. 27, No. 12,
March 23, 2001 of the Florida Administrative Weekly:

4A-49.004 add (1) to the first paragraph, then add a second
paragraph, it will read as follows:

(2) "Open to the public" or "offered for sale to the public"
in subsection (1) means and includes:

- (a) Offered for sale to the public at large, or
(b) Offered for sale a self-service dispensing area when
such area is used by or for any club, group, association, or
similar organization affiliated solely by membership in such
club, group, association or similar organization.

The remainder of the rule reads as previously published.

PUBLIC SERVICE COMMISSION

DOCKET NO.: 010105-GU

RULE NO.: 25-7.063
RULE TITLE: Meter Accuracy at Installation

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. 9, March 2,
2001, of the Florida Administrative Weekly:

25-7.063 Meter Accuracy at Installation.

(1) A new gas meter shall be within plus or minus 1
percent of accuracy to be installed for customer use.
Manufacturers' test data may be used if there is no indication
of damage to the meters resulting from the shipping process. If
damage is apparent, in order for the manufacturers' test data to
be used, a representative sample of not less than 10 percent of
the meters in the damaged shipping unit, such as a pallet or
container, shipment shall be tested and found to be within
accuracy limits. If any meter of the sample is found not to be
within accuracy limits, the entire shipping unit shipment must
be tested, and where necessary, the meters adjusted to within
the plus or minus 1 percent accuracy limits.

(2) Every meter removed from service when opened for
repairs shall be adjusted to be not more than 1 percent fast or 1
percent slow before being reset. If not opened for repairs, the

meter may be reset without adjustment if found to be not more
than 1 percent fast or not more than 1 percent slow provided
the meter is otherwise in good condition.

(3) No meter may be installed unless it has been tested
within the previous 12 months and found to be within the
accuracy limits established by this rule.

Specific Authority 366.05(1) FS. Law Implemented 366.05(1) FS. History-
Repromulgated 1-8-75, 5-4-75, Amended 2-13-84, Formerly 25-7.63,
Amended

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-12.019
RULE TITLE: Exemption from Renewal
Requirements for Spouses of
Members of the Armed Forces
of the United States

CORRECTED 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. 8, February 23,
2001, issue of the Florida Administrative Weekly. These
changes are in response to comments received from the Joint
Administrative Procedures Committee and from the Board
meeting held April 12, 2001 in Orlando, Florida.

The rule shall now read as follows:

61G4-12.019 Exemption from Renewal Requirements for
Spouses of Members of the Armed Forces of the United States.
Spouses of members of the Armed Forces of the United States
are exempt from licensure renewal provisions, but only in
cases of absence from the state because of their spouses' duties
with the Armed Forces. Copies of the military orders requiring
the change in duty station must be sent to the Board office in
order to qualify for the exemption. Upon receipt of the military
orders by the Board office confirming exemption eligibility, the
spouse's license will be placed on inactive status with no
fee required. Reactivation of the inactive license will not
require payment of the fee set forth in Rule 61G4-12.009(6),
FAC. The license will remain in inactive status for up to two
renewal cycles at which time the licensee must either renew
this exemption, before expiration, by submitting a current set
of orders establishing eligibility for the exemption or reactivate
the license. The licensee may reactivate the license by
submitting an application for change of status from inactive to
active and will not be required to pay the fee set forth in Rule
61G4-12.009(12)(a), FAC., nor be required to comply with any
rules setting conditions for reactivation of licensure, including
continuing education requirements imposed by s. 455.271(10),
F.S. If a license is not reactivated nor the exemption renewed
by the expiration date, the license shall become delinquent.
Reactivation of the delinquent license will not require payment
of the fee set forth in Rule 61G4-12.009(11)(b), FAC.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

DOCKET NO.: 00-58R

RULE NO.: 62B-33	RULE TITLE: Rules and Procedures for Coastal Construction and Excavation (Permits for Construction Seaward of the Coastal Construction Control Line and Fifty-Foot Setback)
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NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 11, March 16, 2001, of the Florida Administrative Weekly:

62B-33.002 Definitions.

(23) "Fifty (50)-foot Setback", or "Setback Line", is the ~~distance landward of the mean high water line of jurisdiction, established~~ pursuant to the provisions of Section 161.052, Florida Statutes, in which construction is prohibited within 50 feet of the line of mean high water at any riparian coastal location ~~fronting the Gulf of Mexico or the Atlantic coast shoreline and implemented by Chapter 62B-33, Florida Administrative Code.~~

62B-33.0051 Coastal Armoring and Related Structures.

(1)(a)d. Where an applicant demonstrates to the Department that another site specific circumstance exists other than a. through c. above such that the eligible structure is vulnerable, or;

~~(5)(d)3. Excavation, in areas of lake outfalls along the coast, for the purpose of relieving inland flooding, caused by excessive amounts of rainfall during a coastal storm, shall occur only after consultation with the Department.~~

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-5.003	RULE TITLE: Technologist
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SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S. published in the Vol. 26, No. 38, September 22, 2000, issue of the Florida Administrative Weekly and in a Notice of Change published in Vol. 27, No. 14, April 6, 2001, issue of the Florida Administrative Weekly. In addition to the prior changes, a new (7) shall be added as follows:

64B3-5.003 Technologist.

(7) Qualifications for Molecular Genetics Technologist. For the specialty of molecular genetics, applicants for technologist licensure shall have a minimum of a baccalaureate degree, which shall include 16 semester hours of academic science, four hours of Board approved HIV/AIDS continuing education as stated in Rule 64B3-11.005 or in subsequent rule of the Department, and one of the following:

- (a) Successfully completed a technologist level accredited or Board approved program in molecular genetics.
- (b) One year of pertinent clinical laboratory experience in molecular genetics; or
- (c) Successfully passed the molecular biology examination given by NCA (National Certification Agency for Medical Laboratory Personnel).

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

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: 64B7-30.002	RULE TITLE: Disciplinary Guidelines
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NOTICE OF WITHDRAWAL

Notice is hereby given that the above referenced rule, as noticed in Vol. 26, No. 19, May 12, 2000, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE CHAPTER NO.: 64E-21	RULE CHAPTER TITLE: Residential Swimming Pools
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NOTICE OF CHANGE

Notice is hereby given that the following change has been made to proposed rule 64E-21, FAC., in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Florida Administrative Weekly, Vol. 27, No. 14 on April 6, 2001. The change reflects comments received from the Joint Administrative Procedures Committee.

The change is as follows:

64E-21.001(1) replace Chapter 515, F.S., with Chapter 515.31, F.S.

P.O. F00396

**Section IV
Emergency Rules**

**FISH AND WILDLIFE CONSERVATION
COMMISSION**

Marine Fisheries

RULE TITLE:

RULE NO.:

Taylor County Shrimp Closure Line

Emergency Specification

68BER01-1

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY, AND WELFARE: Historically, intense and sometimes violent confrontations have occurred between persons deploying stone crab, blue crab, and shrimping gear on the same fishing grounds. Whenever shrimp trawls, including roller frame trawls, are towed where stone crab or blue crab traps are fished, severe gear losses and economic hardship are suffered by both groups of fishers, the most serious damage being sustained by crab trappers. Along the west coast of Florida, zones have been established to separate the two groups, on an areal and seasonal basis. One such zone was established in Taylor County waters in 1991, patterned after a similar demarcation in a special act of the Legislature passed in 1983. The line established in Rule 68B-38.003, F.A.C., separates food shrimp producers from stone and blue crab trappers and smaller scale live bait shrimp producers.

During the first week of May, 2001, the Fish and Wildlife Conservation Commission was made aware that two navigational flashing light markers, numbers 18 and 22, used as visible points along the line established to separate food shrimpers from crab trappers and bait shrimpers, had been removed by the United States Coast Guard. The Commission staff determined from discussions with Coast Guard District 7 personnel in Miami that these markers would not be replaced. It was further determined that significant food shrimp production activity is occurring and is expected to continue until the region-wide shrimping closure on July 1, 2001, pursuant to Rule 68B-31.017, F.A.C.

Therefore, the Executive Director of the Florida Fish and Wildlife Conservation Commission finds that there is an immediate danger to the public safety and welfare if immediate action is not taken to provide latitude and longitude coordinates to coincide with the locations of the two removed navigational flashing light markers, numbers 18 and 22, to assure that the line separating food shrimp producers from crab trappers and bait shrimp producers can be enforced while permanent rulemaking is undertaken to resolve the problem. The Executive Director also finds that this limited action is the best means to address the emergency and is in the best interests of the citizens of the State of Florida. It is the intent of the Commission to begin regular rulemaking to adopt permanent rules addressing this problem.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: Because this action involves maintaining enforcement of an existing line and does not contemplate a change in current policy in the Taylor County area with respect to food shrimp production, bait shrimp production, or crab trapping, the process of enacting an emergency rule is fair and does not prejudice anyone. Because permanent rulemaking is being concurrently undertaken, anyone desiring a change in current policy will have a means to request a hearing and urge a different course of action.

The entire text of this emergency rule is to be published in the Florida Administrative Weekly and distributed to the Joint Administrative Procedures Committee of the Florida Legislature as required by Section 120.54(4), Florida Statutes. The Executive Director of the Florida Fish and Wildlife Conservation Commission hereby finds that the procedures used to promulgate this emergency rule are fair under the circumstances.

SUMMARY OF THE RULE: Subsection (3) of Rule 68B-38.003, F.A.C., is amended and republished for the pendency of this rule to include latitude and longitude coordinates for navigational flashing light markers numbers 18 and 22.

A COPY OF THE EMERGENCY RULE MAY BE OBTAINED BY CONTACTING: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

THE FULL TEXT OF THE EMERGENCY RULE IS:

68BER01-1 (68B-38.003) Taylor County Shrimp Closure Line Emergency Specification.

For the pendency of this emergency rule, or until Rule 68B-38.003, F.A.C., is amended to permanently provide coordinates for the Taylor County Shrimp Closure line, Subsection (3) of Rule 68B-38.003, F.A.C., shall read as follows:

(1) through (2) No change.

(3) Except as provided in subsection (4), no person shall operate any trawl within the following described area of state waters off Taylor County:

Beginning at a point on the shoreline of the Gulf of Mexico on the north side of the channel at Steinhatchee; thence westerly along the line of navigational buoys marking the north side of said channel to flashing light number "1" marking the outer extent of said channel; thence westerly to navigational flashing light number "18" (29°40.045'N., 83°35.218'W.); thence northwesterly to navigational flashing light number "22" (29°53.253'N., 83°53.01'W.); thence north-northwesterly to a privately maintained flashing light at Gamble Point near the mouth of the Aucilla River; thence southeasterly along the shoreline along the Gulf of Mexico to the point of beginning.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-91, Formerly 46-38.003, Amended 5-9-01.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: May 9, 2001

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on April 10, 2001, the Suwannee River Water Management District received a petition for variance from Barbara G. Wray pursuant to Section 120.542, Florida Statutes. The petition seeks relief from Rule 40B-4.3030(4)(a), Florida Administrative Code, as it addresses the issuance of Environmental Resource Permits in a Works of the District. Comments on the petition should be filed with the Clerk of the Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, within 14 days after publication of this notice.

A copy of the petition can be obtained from the Suwannee River Water Management District.

For additional information, please contact Wynn McDonald, Department of Resource Management, at the above address or telephone (386)362-1001.

The St. Johns River Water Management District announces its intent to issue a variance from the provisions of Rule 40C-4.302(1)(c), F.A.C., and the associated portion of the Applicant's Handbook: Management and Storage of Surface Waters, including Section 12.2.5, (F.O.R. 2001-10) to Lighthouse Cove Development, c/o Thomas H. Warlick, Esq., 316 East Pine Street, Orlando, FL 32801, to relocate an already authorized fishing pier in a portion of the Indian River which is categorized as Class II waters which are classified by the Department as conditionally restricted for shellfish harvesting. This variance is sought in conjunction with St. Johns River Water Management District Permit application number 4-127-29771-7 to authorize construction of a surface water management system for a recreation building with related parking and the fishing pier. Notice of the petition for variance was published in the Florida Administrative Weekly on April 20, 2001.

A person whose substantial interests are or may be determined by the District's proposed decision has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District), or may choose to pursue mediation as an alternative remedy under Sections 120.569 and 120.573, Florida Statutes, before the

deadline for filing a petition. Choosing mediation will not adversely affect the rights to a hearing if mediation does not result in a settlement. The procedures for pursuing mediation are set forth in Sections 120.569 and 120.57, Florida Statutes, and Rules 28-106.111 and 28-106.401-.405, Florida Administrative Code. Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, P. O. Box 1429, Palatka, Florida 32178-1429 (4049 Reid St., Palatka, FL 32177) within twenty-six (26) days of the District depositing notice of District decision in the mail (for those persons to whom the District mails actual notice) or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail actual notice). A petition for an administrative hearing is deemed filed upon delivery of the petition to the District Clerk at the District Headquarters in Palatka, Florida. A petition must comply with Chapter 28-106, Florida Administrative Code. The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, and Chapter 28-106, Florida Administrative Code, and Section 40C-1.1007, Florida Administrative Code.

If the Governing Board takes action which substantially differs from the notice of District decision, a person whose substantial interests are or may be determined has the right to request an administrative hearing or may choose to pursue mediation as an alternative remedy as described above. Pursuant to District Rule 40C-1.1007, Florida Administrative Code, the petition must be filed at the office of the District Clerk at the address described above, within twenty-six (26) days of the District depositing notice of final District decision in the mail (for those persons to whom the District mails actual notice) or within twenty-one (21) days of newspaper publication of the notice of its final agency action (for those persons to whom the District does not mail actual notice). Such a petition must comply with Chapter 28-106, Florida Administrative Code.

Pursuant to Section 120.68, Florida Statutes, a person who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to the Florida Rules of Appellate Procedure within 30 days of the rendering of the final District action. For appeals to the District Courts of Appeal, a District action is considered rendered after it is signed on behalf of the District, and is filed by the District Clerk.

A party to the proceeding before the District who claims that a District order is inconsistent with the provisions and purposes of Chapter 373, Florida Statutes, may seek review of the order pursuant to Section 373.114, Florida Statutes, by the Florida Land and Water Adjudicatory Commission, by filing a request for review with the Commission and serving a copy on the

Department of Environmental Protection and any person named in the order within 20 days of the rendering of the District order.

Failure to observe the relevant time frames for filing a petition for judicial review or for Commission review as described above, will result in waiver of that right to review.

The Petition for Variance and permit application files are available for public inspection during normal business hours, 8:00 a.m. through 5:00 p.m., Monday through Friday, except legal holidays at St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177. Request for copies or inspection of these files should be made to Thomas I. Mayton, Jr., Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, or telephone (386)329-4108.

NOTICE IS HEREBY GIVEN that on April 17, 2001, the South Florida Water Management District (SFWMD) received a petition for waiver from the Town of Davie, for utilization of works or land of the SFWMD known as the C-11, Martin County. The petition seeks relief from the Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which governs the placement of above-ground permanent or semi-permanent encroachments within 40' of the top of the canal bank within works or lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail: 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 the 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 April 27, 2001, the South Florida Water Management District (SFWMD) received a petition for waiver from Lorraine L. Smith, for utilization of works or land of the SFWMD known as the C-13, Broward County. The petition seeks relief from the Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which governs the placement of above-ground permanent or semi-permanent encroachments within 40' of the top of the canal bank within works or lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail: 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 the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Board of Professional Surveyors and Mappers hereby gives notice that pursuant to section 120.542(2), Florida Statutes, it received a petition from John L. Stillwell on May 7, 2001, seeking a variance from Rule 61G17-4.007, F.A.C., which requires applicants to re-apply and pay the appropriate fee if the applicant fails to take the examination on two consecutive regularly scheduled examination dates. The Board will discuss this matter on May 31, 2001, at 9:00 a.m., or shortly thereafter, at the Omni Jacksonville Hotel, 245 Water Street, Jacksonville, Florida 32202, (904)355-6664.

Comments on this petition should be filed with the Board of Professional Surveyors and Mappers, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750, within 14 days of publication of this notice.

For a copy of the petition, contact: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection has taken action on a petition for variance received from LFR, Inc., on February 21, 2001. Notice of receipt of this petition was published in the Florida Administrative Weekly, on March 16, 2001. The petition requested a variance from the zone of discharge prohibition for discharges through wells under Rule 62-522.300(3) of the Florida Administrative Code for the use of a co-oxidation solution to remediate dense non-aqueous phase liquid chlorinated solvent contamination. Specifically, the variance requested a zone of discharge for color, total dissolved solids (TDS), manganese, chromium, arsenic, antimony, thallium, mercury, pH, chloride, and tertiary butyl alcohol (TBA) within a 100-foot radius from the point of discharge for a duration of 18 months. No public comment was received. On April 26, 2001, the Department granted a variance to LFR, Inc., in a final order, OGC File No.: 01-0309. The final order granted a variance from the zone of discharge prohibition, and contained conditions. The conditions require that the use of the product must be through a Department-approved remedial action plan or other Department-enforceable document, and that such approval

shall not be solely by a delegated program; that the discharge must be through a Class V, Group 4 underground injection control well which meets all applicable requirements of Chapter 62-528 of the Florida Administrative Code; that the extent of the zone of discharge for color, TDS, manganese, chromium, arsenic, antimony, thallium, mercury, pH, chloride, and TBA shall be a 100-foot radius from the point of injection; that the injection of the product shall be at such a rate and volume that no undesirable migration occurs of the product, its by-products, or the contaminants already present in the aquifers; and that the Department-approved remedial action plan shall address appropriate ground water monitoring requirements associated with the use of the remediation product based on site-specific hydrogeology and conditions.

For a copy of the final order write or call: Cathy McCarty, Department of Environmental Protection, Underground Injection Control Section, MS 3530, 2600 Blair Stone Road, Twin Towers Office Building, Tallahassee, Florida 32399-2400; telephone (850)921-9412.

The Department of Environmental Protection has taken action on a petition for variance received from LFR, Inc., on November 15, 2000. Notice of receipt of this petition was published in the Florida Administrative Weekly, on December 8, 2000. No public comment was received. The petition requested a variance from the zone of discharge prohibition for discharges through wells under Rule 62-522.300(2)(a) of the Florida Administrative Code for the use of the remediation product to clean up sites contaminated with chlorinated solvents, and specifically to allow a zone of discharge for pH, and ethanol within a 200-foot radius from the point of discharge for a duration of 18 months. On March 2, 2001, the Department granted a variance to LFR, Inc., in a final order, OGC File No.: 00-2144. The final order granted a variance from the zone of discharge prohibition, and contained conditions. The conditions require that the use of the product must be through a Department-approved remedial action plan or other Department-enforceable document, and that such approval shall not be solely by a delegated program; that the discharge must be through a Class V, Group 4 underground injection control well which meets all applicable requirements of Chapter 62-528 of the Florida Administrative Code; that the extent of the zone of discharge for pH, and ethanol shall be a 200-foot radius from the point of injection; that the injection of the product shall be at such a rate and volume that no undesirable migration occurs of the product, its by-products, or the contaminants already present in the aquifer; and that the Department-approved remedial action plan shall address appropriate ground water monitoring requirements associated with the use of the remediation product based on site-specific hydrogeology and conditions.

For a copy of the final order write or call Cynthia Christen, Department of Environmental Protection, MS 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; telephone (850)921-9610.

The Department of Environmental Protection has taken action on a petition for variance received from SABA Petroleum, Inc./Hussian Saba, M.D., on December 26, 2000. Notice of receipt of this petition was published in the Florida Administrative Weekly, on February 2, 2001. No public comment was received. The petition requested a variance from the prohibition of placement of underground storage tanks within a wellhead protection area under Rule 62-521.400(1)(1) of the Florida Administrative Code. Petitioners wanted to install an underground storage tank at a convenience store and Hess service station at US Highway 41 and Crenshaw Lake Road, Tampa, Florida. The location is 480 feet from a potable water well. On February 16, 2001, the Department granted a variance to SABA Petroleum, Inc./Hussian Saba, M.D., in a final order, OGC File No.: 00-2386 The final order granted a variance from the wellhead protection prohibition, and contained conditions. The conditions require that leak protection exceeding requirements of Chapter 62-671, F.A.C., be incorporated, to consist of piping with triple protection by encasing the double walled product piping tanks with an appropriately sized sleeve; a petroleum sensor be placed in the containment area that would both sound an audible alarm and produce a visual alarm in the event any petroleum product is released into the containment area; if a leak is detected only in the containment area, Petitioner will, at his own expense, within 60 days of such detection, arrange for volatile organic sampling of the raw water with the owners of the potable water well; and that a standard inventory reconciliation program be implemented.

For a copy of the final order write or call: Cynthia Christen, Department of Environmental Protection, MS 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, telephone (850)921-9610.

DEPARTMENT OF HEALTH

The Board of Psychology hereby gives notice that it has received a petition, filed on May 3, 2001, by Amy E. Boyers Ph.D., seeking a waiver and/or variance of Rule 64B19-11.007(1) and (3), which requires time limits and conditions for the maintenance of an active application file and Rule 64B19-12.00(3) which requires a fee for application and examination. Written comments on this petition should be filed with Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, FL 32399-3255, within 14 days of publication of this notice.

For a copy of the petition, contact: Kay Howerton, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

FLORIDA HOUSING FINANCE CORPORATION

Florida Housing Finance Corporation gives notice of the entry of an Order Granting Petition for Waiver from Rule 67-48.012(3), Florida Administrative Code.

NAME OF THE PETITIONER: Triple Oaks Phase II Apartments (CEDO)

DATE PETITION WAS FILED: January 29, 2001.

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: On January 29, 2001, Triple Oaks Phase II Apartments (CEDO), filed a Petition for Waiver from Rule 67-48.012(3), Florida Administrative Code, which requires a mandatory submission of final plans to the Credit Underwriter within 60 calendar days from the date of the preliminary SAIL commitment.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, February 16, 2001, Vol. 27, No. 7.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION ORDER APPROVED THE VARIANCE OR WAIVER: April 6, 2001.

THE GENERAL BASIS FOR THE DECISION: On November 15, 2000, FHFC issued Triple Oaks a preliminary commitment letter and invitation to credit underwriting for a second mortgage SAIL loan in an amount up to \$2,490,000 for construction of a 56 unit development in Quincy, Florida. SAIL Rule 67-48.012(3), Florida Administrative Code ("F.A.C."), provides in pertinent part:

The appraisal, survey and final plans shall be due to the Credit Underwriter within 60 Calendar Days from the date of the preliminary SAIL commitment.

The First Mortgage lender for Triple Oaks is the United States of America, acting through the Department of Agriculture, Rural Development ("USDA/RD"). The USDA/RD requires that construction work for all farm worker housing projects be competitively bid by any interested qualified contractors. Triple Oaks cannot submit its final plans until it selects a contractor through the competitive bid process. Triple Oaks cannot comply with the bidding requirement of the USDA/RD within the 60 days required by SAIL Rule 67-48.012(3), F.A.C. Triple Oaks has indicated it will need 6 to 8 weeks to complete the bidding process required by the USDA/RD. The purpose of the underlying statute is to provide affordable housing to very-low-income persons. Allowing additional time for Triple Oaks to meet the USDA/RD requirements will further this purpose. Petitioner will not be able to receive USDA/RD funds if it fails to perform a competitive bid for contractors. Because the competitive bid process cannot be completed within the timeline required by the FHFC's rule,

strict compliance with Rule 67-48.012(3), F.A.C., will create a substantial hardship on petitioner because it risks not receiving USDA/RD funds.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order Granting Variance is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Requests for copies or inspections should be made to Deanne Coughlin, Public Records Clerk, at the above address, telephone (850)488-4198, or e-mail to Deanne.Coughlin@floridahousing.org.

NOTICE IS HEREBY GIVEN that the Florida Housing Finance Corporation has received a petition pursuant to section 120.542, Florida Statutes, from Little Haiti Gateway, Inc., for a variance and/or waiver from Rule 67-48.012(4), Florida Administrative Code, rule implemented by section 420.5087, Florida Statutes, specific Authority section 420.507, Florida Statutes. This rule concerns the requirement that Credit Underwriters complete and make a written draft report and recommendation to Florida Housing. Comments on this petition should be filed with Beverly B. Brewster, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301, within 14 days of publication of this notice.

For a copy of the petition, contact Beverly B. Brewster at the above address or telephone (850)488-4197.

Florida Housing Finance Corporation gives notice of the entry of an Order Granting Petition for Variance from or Waiver of Rule 9I-47.150(9), Florida Administrative Code.

NAME OF THE PETITIONER: Lake Forest Glen, Inc. (Lake Forest Trails)

DATE PETITION WAS FILED: February 21, 2001.

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: On February 21, 2001, Lake Forest Glen, Inc. filed a Petition for Variance from or Waiver of Rule 9I-47.150(9), Florida Administrative Code, which requires an applicant to expend the loan proceeds of a HOME project within six (6) months of the HUD deadline pursuant to 25 CFR Section 93.500 (1996).

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, March 9, 2001, Vol. 27, No. 9.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION ORDER APPROVED THE VARIANCE OR WAIVER: April 6, 2001.

THE GENERAL BASIS FOR THE DECISION: On October 17, 1997, FHFC issued Lake Forest a firm commitment for a HOME Allocation for Second Mortgage Loans in the amount

of \$475,000.00 for the Lake Forest Trails project. The 1997 HOME Rule 91-47.150(9), Florida Administrative Code ("F.A.C."), provides in pertinent part as follows:

If 100 percent of the loan proceeds have not been expended within six (6) months of HUD deadline pursuant to 24 CFR Section 92.500 (1996) and established in the written agreement with the Applicant, the funds shall be recaptured and reallocated to any eligible project on any Agency waiting list or eligible HOME Project, as selected by the Board.

Lake Forest was required, pursuant to Florida Housing's commitment letter, to expend its HOME allocation by January 31, 2001. The HUD deadline is June 30, 2001. In its Petition, Lake Forest requested an extension of the January 31, 2001 deadline to allow for the closing of 6 homes that are either completed or near completion. The remaining \$60,900 of the HOME funds not expended will be recaptured. Granting the variance will allow Lake Forest to complete and close the homes in progress prior to the HUD deadline. Failure to grant the variance will create a substantial hardship on Lake Forest, as they will not be able to complete the transactions negotiated with the buyers of the homes. The purpose of the underlying statute is to make loans to eligible housing providers and homebuyers. The variance will further this purpose. The principles of fairness will be upheld because a strict enforcement of FHFC's deadline without a compelling reason will result in Lake Forest being unable to complete its negotiated deal resulting in eligible homebuyers being denied an opportunity to purchase low-income housing.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order Granting Variance is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Requests for copies or inspections should be made to Deanne Coughlin, Public Records Clerk, at the above address, telephone (850)488-4198, or e-mail to Deanne.Coughlin@floridahousing.org.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Department of State, Division of Library and Information Services** announces a meeting of the Library Services and Technology Act Advisory Council.

DATES AND TIMES: Wednesday, June 6, 2001, 9:00 a.m. – 5:00 p.m.; Thursday, June 7, 2001, 9:00 a.m. – 1:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review federal fiscal year 2001 grant applications for federal Library Services and Technology Act funds.

A copy of the agenda may be obtained by contacting: Barratt Wilkins, State Librarian, (850)487-2651 or Suncom 277-2651.

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

Any person requiring special accommodations due to a disability or physical impairment should contact the agency at least 48 hours prior to the meeting in order to request any special assistance by calling (850)487-2651 or TDD (850)922-4085.

DEPARTMENT OF LEGAL AFFAIRS

The **Florida Commission on the Status of Women** will hold a meeting to which all interested persons are invited.

DATES AND TIMES Sunday, June 3, 2001, 1:00 p.m. – 5:00 p.m.; Monday, June 4, 2001, 9:00 a.m. – 1:00 p.m.

PLACE: Wyndham Reach Resort, La Brisa Coral Isle Room, 1435 Simonton Street, Key West, FL 33040, (305)293-6217 (please call (850)414-3300 for instructions on participation)

PURPOSE: To discuss general issues.

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

DEPARTMENT OF INSURANCE

The Florida **Department of Insurance** announces a public evidentiary hearing on the application filed by Florida Health Plan Holdings II, L.L.C. to acquire Foundation Health Plan, A Florida Health Plan, Inc. to which all persons are invited.

DATE AND TIME: Thursday, June 7, 2001, 9:00 a.m.

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

PURPOSE: The Department will be gathering evidence to assist it in considering the appropriateness of the proposed filing made by Florida Health Plan Holding II, L.L.C. in accordance with Section 628.4615, Florida Statutes.

CONTACT: Anoush A. Arakalian, Managing Attorney, Life and Health Section, Division of Legal Services, Florida Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)413-4116.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting, please advise the Department at least 5 calendar days before the meeting by contacting Anoush A. Arakalian, (850)413-4116.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a Notice of Public Meeting of the Seed Investigation and Conciliation Council to which all persons are invited.

DATE AND TIME: May 23, 2001, 1:30 p.m.

PLACE: Gulf Coast Research and Education Center, IFAS, 5007 60th Street, East, Bradenton, Florida 34203-9324, (941)751-7636, Ext. 239

PURPOSE: Seed Complaint Hearing Meeting.

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

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

DEPARTMENT OF EDUCATION

The **Community Hospital Education Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 31, 2001, 10:00 a.m.

PLACE: Florida Education Center, Room 1505, 325 West Gaines Street, Tallahassee, Florida

PURPOSE: Regular Quarterly Meeting of the Council via Conference Call.

FOR AGENDA: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, West Gaines Street, Tallahassee, Florida 32399-1950, (850)201-7150.

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 State of Florida, **Education Standards Commission** announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, June 7, 2001, 8:30 a.m. – 5:00 p.m.; Friday, June 8, 2001, 8:30 a.m. – 12:00 Noon

PLACE: Hilton Tampa Airport Westshore, 2225 Lois Avenue, Tampa, Florida 32607, (813)874-5004 or 1(800)HILTONS

PURPOSE: Members of the Florida Education Standards Commission will meet and discuss issues related to the Commission's charge.

To obtain a copy of the agenda, please call or write: Florida Education Standards Commission, Turlington Building, Room 224, 325 West Gaines Street, Tallahassee, Florida 32399, (850)488-1523 or Suncom 278-1523.

SPECIAL ACCOMMODATIONS: Persons with disabilities who require assistance to participate in this meeting are requested to contact Dr. Adeniji Odotola at the above address or telephone numbers.

The **Florida State University** announces the following public meeting to which all persons are invited.

COMMITTEE: Art-in-State-Buildings, Art Selection Committee

DATE AND TIME: May 28, 2001, 10:00 a.m.

PLACE: Florida State University, Leach Center, Room 2120, Tallahassee, FL 32306

PURPOSE: To hold an Orientation meeting for Art-in-State-Buildings Project BR 211, FSU Leach Center Renovation and Additions, Florida State University, Tallahassee.

For more information or to obtain a copy of the agenda, please contact: Diane Greer, Director of Cultural Resources, Florida State University, Room 216, Westcott Building, Tallahassee, FL 32306-1350.

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 Florida State University.

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 Diane Greer, (850)644-1001.

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: Friday, June 1, 2001, 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 including a rule hearing on Rule 6D-16.002, F.A.C., Human Resource Management and Development.

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)827-2200.

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.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Communities Trust** announces pre-application technical assistance workshops to which all interested persons are invited. No fee is required to attend these workshops. The Jacksonville, Tallahassee and Pensacola workshops require a reservation due to limiting seating at these locations. Please contact Nadine Okonkwo, (850)922-2207 to register.

FIRST WORKSHOP

DATE AND TIME: May 22, 2001, 9:00 a.m. – 12:00 Noon (EDT)

PLACE: East Central Florida Regional Planning Council, Suite 100, Conference Room, 631 N. Wymore Road, Maitland, Florida, Directions: (407)623-1075

SECOND WORKSHOP

DATE AND TIME: May 23, 2001, 9:00 a.m. – 12:00 Noon (EDT)

PLACE: West Lake Park, Anne Kolb Nature Center, 751 Sheridan Street, Hollywood, Florida, Directions: (954)926-2480

THIRD WORKSHOP

DATE AND TIME: May 24, 2001 9:00 a.m. – 12:00 Noon (EDT)

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Boulevard, Suite 219, St. Petersburg, Florida, Directions: (727)570-5151

FOURTH WORKSHOP – VIDEO TELECONFERENCE

DATE AND TIME: May 30, 2001, 9:00 a.m. – 12:00 Noon (EDT)

PLACE: Duval Regional Service Building, Building C, Central Energy Plant, 921 North Davis Street, Jacksonville, Florida, Directions: (904)595-8081

FIFTH WORKSHOP

DATE AND TIME: May 30, 2001, 9:00 a.m. – 12:00 Noon (EDT)

PLACE: Department of Community Affairs, Sadowski Building, Kelley Training Center, Room 305, Tallahassee, Florida, Directions: (850)922-2207

SIXTH WORKSHOP

DATE AND TIME: May 30, 2001, 2:00 p.m. – 5:00 p.m. (EDT)

PLACE: Department of Community Affairs, Sadowski Building, Kelley Training Center, Room 305, Tallahassee, Florida, Directions: (850)922-2207

SEVENTH WORKSHOP – VIDEO TELECONFERENCE

DATE AND TIME: May 30, 2001, 1:00 p.m. – 4:00 p.m. (CDT)

PLACE: General James Building, 160 Government Center, Pensacola, Florida, Directions: (850)595-8081

PURPOSE: The purpose of these workshops is to provide information and technical assistance to eligible applicants to assist in the preparation of applications for awards for land acquisitions under the Florida Communities Trust Florida Forever Program.

ACTION TO BE TAKEN: Information will be presented to assist interested persons in completing the Florida Communities Trust Florida Forever application form and in understanding the review, evaluation and acquisition procedures.

The Agenda for the workshops will be as follows:

1. Call to order.
2. Explanation by representatives of the Trust as to the purpose of the Florida Communities Trust Florida Forever Program and the application procedure.
3. Public questions.
4. Adjournment.

WHERE TO OBTAIN COPIES: A copy of the Florida Communities Trust Florida Forever Program application form FF-1 and Rule Chapter 9K-7, F.A.C., the rule governing the Florida Forever Program of the Florida Communities Trust, will be available at the workshops or may be obtained by visiting website: www.dca.state.fl.us/ffct, calling (850)922-2207 (Suncom 292-2207) or by writing to Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Communities Trust, (850)922-2207 (Suncom 292-2207), at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Florida Communities Trust 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 LAW ENFORCEMENT

The Florida **Department of Law Enforcement** announces a public meeting to which all persons are invited.

DATES AND TIME: Monday and Tuesday, June 11-12, 2001, 8:30 a.m. – 4:00 p.m.

PLACE: Embassy Suites Hotel, Orlando Downtown, San Juan Rooms 2 and 3, 191 East Pine Street, Orlando, Florida 32801, (407)841-1000

PURPOSE: The Violent Crime Council and any other interested individuals will meet to hear presentations and discuss issues relating to violent crime. A Rules Workshop to address the Violent Crime and Drug Control Council will be held on Monday and the regular meeting will be held on Tuesday.

A copy of the agenda may be obtained by writing: Senior Management Analyst, Joyce Gainous-Harris, Florida Department of Law Enforcement, Division of Criminal Justice Professionalism Services, Post Office Box 1489, Tallahassee, Florida 32302 or by telephoning (850)410-8620.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-7900, (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation** announces one public meeting of the Transportation Outreach Program Advisory Council to which all interested persons are invited.

DATE AND TIME: June 7, 2001, 11:00 a.m.

PLACE: Orlando International Airport, Executive Offices, Greater Orlando Aviation Authority Boardroom, 2nd Level, One Airport Blvd., Orlando, FL 32827

PURPOSE: Meeting to plan for the 2002 Transportation Outreach Program. Discussion will include: Schedule of key target dates/deadlines for the 2002 program; Future TOPAC meeting dates; Proposed criteria for project selection; Sample application and program requirements; Proposed Scope of Service for the Trade Corridor Strategy Study and other general discussion topics.

A copy of the agenda may be obtained one week in advance by writing: Lorenzo Alexander, Manager, Seaport Office, Florida Department of Transportation, MS #68, 605 Suwannee Street, Tallahassee, Florida 32399-0450.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in the meetings should advise Lorenzo Alexander, (850)414-4500.

The Florida **Department of Transportation**, District 5 announces a public hearing to which all persons are invited.

DATE AND TIME: June 12, 2001, 7:00 p.m.

PLACE: Holiday Inn Select, 5750 T. G. Lee Boulevard, Orlando, Florida

PURPOSE: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social and environmental effects of State Project Number 75080-1501, Financial Item Number

239266, otherwise known as the SR 15 Widening Study from SR 528 (Beeline) to CR 506 (Conway Road) in Orange County, Florida.

A copy of the agenda may be obtained by writing: Mr. Frederick R. Birnie, P. E., District Environmental Management Engineer, Florida Department of Transportation, 719 South Woodland Boulevard, DeLand, Florida 32720.

Anyone needing project or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address below or call, (386)943-5387. Special accommodation requests under the Americans With Disabilities Act should be made at least seven days prior to the public hearing.

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the Florida **State Board of Administration** (SBA) of a meeting date of the Florida State Board of Administration regarding the Request for Information and Invitation to Negotiate for Multiple Investment Products Provider (Bundled Provider) for Public Pension Fund, RFI/ITN #2001-16, for the Public Employee Optional Retirement Program to which all persons are invited.

DATE AND TIME: Monday, June 4, 2001, 9:00 a.m. – conclusion of the meeting

PLACE: The Hermitage Centre, Hermitage Room, 1801 Hermitage Blvd., Tallahassee, Florida

PURPOSE: At this meeting, the co-chairs of the Investment Services Implementation Group (ISIG) will determine which of those respondents to RFI/ITN #2001-16 whose investment products merit further consideration will be eligible to respond to the questions in Section X of the RFI/ITN. The meeting will also include a discussion of the general business of PEORP. Although this meeting will be primarily in person, anyone wishing to participate by telephone is free to use the following conference call number: (850)410-0966 or Suncom 210-0966.

Anyone wishing further information should contact: Joan Lazar, Defined Contribution Program, P. O. Drawer 13300, Tallahassee, FL 32317-3300 or by e-mail at: lazar_joan@fsba.state.fl.us.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend these meetings is requested to call Joan Lazar, (850)413-1492, five days prior to the meeting so that appropriate arrangements can be made.

NOTICE IS HEREBY GIVEN by the Florida **State Board of Administration** (SBA) of a meeting of the Florida State Board of Administration regarding the Intent to Procure for institutional investment product providers for the Public Employee Optional Retirement Program to which all persons are invited.

DATE AND TIME: Monday, June 25, 2001, 9:00 a.m. – conclusion of the meeting

PLACE: The Hermitage Centre, Emerald Coast Room, 1801 Hermitage Blvd., Tallahassee, Florida

PURPOSE: At this meeting, the Investment Services Implementation Group (ISIG) will discuss the recommendations by the investment consultant, Callan Associates, regarding candidates for oral interviews, and will discuss the oral interview process. The meeting will also include a discussion of the general business of PEORP. Although this meeting will be primarily in person, anyone wishing to participate by telephone is free to use the following conference call number: (850)921-5470 or Suncom 291-5470.

Anyone wishing further information should contact: Joan Lazar, Defined Contribution Program, P. O. Drawer 13300, Tallahassee, FL 32317-3300 or by e-mail at: lazar_joan@fsba.state.fl.us.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend these meetings is requested to call Joan Lazar, (850)413-1492, five days prior to the meeting so that appropriate arrangements can be made.

FLORIDA PAROLE COMMISSION

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

DATE AND TIME: Wednesday, May 30, 2001, 9:00 a.m.

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

PURPOSE: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

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

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

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

REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Planning Council**, Personnel, Program Planning and Budget Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, June 7, 2001, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

PURPOSE: To discuss pending personnel, program planning and budget matters.

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

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

The **Northeast Florida Regional Planning Council**, Comprehensive and Project Planning Committee announces the following public meetings to which all persons are invited.

DATE AND TIME: Thursday, June 7, 2001, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

PURPOSE: To discuss pending comprehensive and project planning items.

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

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

The **Northeast Florida Regional Planning Council** announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, June 7, 2001, 10:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

PURPOSE: Monthly Meeting.

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

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, 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)363-6350, Extension 146, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, June 4, 2001, 10:30 a.m.

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

PURPOSE: 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 Amendment for Miami-Dade County; Any adopted Local Government Comprehensive Plan received prior to the meeting; Meeting on monthly Council business; Executive Committee meeting, 10:00 a.m., at the above location.

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).

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the board with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD) if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

The **South Florida Regional Planning Council** announces the following Clean Cities meeting to which all persons are invited.

MEETING: Clean Cities Coalition Meeting

DATE AND TIME: Monday, June 4, 2001, 1:00 p.m.

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

PURPOSE: The Gold Coast Clean Cities Coalition consists of Broward, Martin, Miami-Dade, Monroe and Palm Beach Counties. The Coalition was formed through Governor's Executive Order to accelerate the widespread use of cleaner, alternatively fueled fleet vehicles in the Florida Gold Coast area. The purpose of these meetings is to discuss relevant Coalition issues.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person will need a record of the proceedings, and for such purpose, he 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.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152 (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.

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

The Florida **Department of Labor and Employment Security**, Workers' Compensation Oversight Board announces telephone conference calls of its Premiums and Benefits Committee and Fraud and Noncompliance Committee.

DATE AND TIME: Tuesday, May 22, 2000, 10:00 a.m., the time and date can be revised if necessary

PLACE: Call (850)487-2613 for instruction on participation

PURPOSE: The purpose of the meeting is to discuss issues of interest to the committees.

In the event meeting time and/or place changes, notice of change will be posted on meeting notice bulletin board at 2574 Seagate Drive, Suite 100, Marathon Building, Tallahassee, Florida 32399-2152. You may call (850)487-2613.

For further information about this telephone conference, contact: Becky Thomas, Suite 100, Marathon Building, 2574 Seagate Drive, Tallahassee, Florida 32399-2152, (850)487-2613, two days prior to the date of the meeting.

Persons with a disability or handicap requiring reasonable accommodation should contact Becky Thomas in writing or by telephone at the above address or telephone number at least two business days in advance of the meeting to make appropriate arrangements. If you are hearing or speech impaired, please contact Becky Thomas using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

WATER MANAGEMENT DISTRICTS

NOTICE OF CHANGE – The **Southwest Florida Water Management District** (SWFMWD) announces the following public meetings to which all interested persons are invited.

GOVERNING BOARD MEETING, PUBLIC HEARING AND COMMITTEE MEETINGS

DATE AND TIME: Thursday, May 31, 2001, 9:00 a.m. (Note: This is a change of date from what was originally published.)

PLACE: SWFMWD, Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of Meeting, Public Hearing and Committee Meetings.

GOVERNING BOARD FINANCE AND ADMINISTRATION COMMITTEE WORKSHOP (Note: This is a change of date from what was originally published.)

DATE AND TIME: Friday, June 1, 2001, 9:00 a.m.

PLACE: SWFMWD, Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of draft FY 2002 Budget.

GOVERNING BOARD MEETING AND PUBLIC HEARING (Items not completed at Thursday’s meeting may be carried over to Friday’s meeting. If all business is concluded at Thursday’s meeting, there will be no meeting on Friday.)

DATE AND TIME: Friday, June 1, 2001, Immediately Following Workshop (Note: This is a change of date from what was originally published.)

PLACE: SWFMWD, Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of Meeting and Public Hearing.

TOUR OF THE WITHLACOOCHEE RIVER WATERSHED AND WYSONG STRUCTURE

DATE AND TIME: Tuesday, June 5, 2001, 8:30 a.m. (Rain date: June 8, 2001)

PLACE: Wysong Park, Carlson’s Landing, SR 470, Sumter County

GENERAL SUBJECT MATTER TO BE CONSIDERED: Educational tour of the Withlacoochee River Watershed, drought effects and Wysong Structure implications.

The following June Basin Board Meetings have been cancelled:

Withlacoochee River Basin Board

Scheduled for Tuesday, June 5, 2001

Hillsborough River Basin Board

Scheduled for Wednesday, June 6, 2001

Coastal Rivers Basin Board

Scheduled for Tuesday, June 12, 2001

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4604, TTD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: May 29, 2001, 6:30 p.m. – 9:00 p.m.

PLACE: South Florida Water Management District, Okeechobee Service Center Auditorium, Suite 201, 205 North Parrott Ave., Okeechobee, Florida 34972

PURPOSE: The purpose of the meeting is to obtain public input on the draft project management plan for implementation of the Lake Okeechobee Watershed components of the Comprehensive Everglades Restoration Program (CERP). The project management plan describes all planning activities, data collection, schedules, costs, engineering, design and construction activities required for implementation of the projects.

A copy of the draft Project Management Plan is posted on the CERP web page at http://www.evergladesplan.org/proj/pirs/lake_o_watershed/main.htm.

Persons with disabilities who need assistance may contact Missie Barlett, (863)462-5260, 1(800)250-4200, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information, or those wishing to submit written or physical evidence may contact Missie Barletto, (863)462-5260 or 1(800)250-4200, Okeechobee Service Center, Suite 201, 205 North Parrott Ave., P. O. Box 2033, Okeechobee, Florida 34972.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a telephone conference call to which all persons are invited to call in.

DATE AND TIME: Monday, May 23, 2001, 10:00 a.m.

PLACE: To access the “Meet-Me” number call (850)487-8587 or Suncom 277-8587 at the above date/time

PURPOSE: Certificate of Need (CON) Workgroup as authorized by Chapter 2000-318, Laws of Florida.

For additional information contact: Agency for Health Care Administration, 2727 Mahan Drive, MS #28A, Tallahassee, Florida 32308 or call (850)922-0791 or via e-mail at colvinl@fdhc.state.fl.us.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 1, 2001, 9:00 a.m. – 4:00 p.m.

PLACE: Orlando Airport Hyatt, Orlando, FL

PURPOSE: Certificate of Need (CON) Workgroup as authorized by Chapter 2000-318, Laws of Florida.

A copy of the agenda may be obtained by writing: Agency for Health Care Administration, 2727 Mahan Drive, MS #28A, Tallahassee, Florida 32308. Agendas can also be requested via e-mail at colvinl@fdhc.state.fl.us.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice, telephone (850)922-0791.

DEPARTMENT OF MANAGEMENT SERVICES

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Tuesday, May 29, 2001, 1:00 p.m.

PLACE: The access point where a person may go for purpose of attending the meeting is the Omni Jacksonville Hotel, "Pensacola Room," 245 Water Street, Jacksonville, Florida 32202. The meet-me telephone number is (850)921-2530 or Suncom 291-2530

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Ms. Azizi Coleman, Clerk of the Commission, Florida Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149, (850)488-7082, Ext. 1032.

VERBATIM RECORD OF MEETING: If any person decides to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA NOTICE: Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Ext. 1032, at least five working days prior to the meeting.

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Tuesday, May 29, 2001, 3:30 p.m.

PLACE: The access point where a person may go for purpose of attending the meeting is the Florida Commission on Human Relations, 325 John Knox Road, Suite 240, Building F, Tallahassee, Florida 32303-4149 (The meet-me telephone number is (850)921-2530 or Suncom 291-2530)

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Ms. Azizi Coleman, Clerk of the Commission, Florida Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149, (850)488-7082, Ext. 1032.

VERBATIM RECORD OF MEETING: If any person decides to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA NOTICE: Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Ext. 1032, at least five working days prior to the meeting.

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Tuesday, May 29, 2001, 3:30 p.m.

PLACE: The access point where a person may go for purpose of attending the meeting is the Florida Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303 (The meet-me telephone number is (850)921-2530 or Suncom 291-2530)

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regular meeting of the commission. Items to be discussed will include general administrative issues.

A copy of the agenda may be obtained by contacting: Ms. Azizi Coleman, Clerk of the Commission, Florida Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149, (850)488-7082, Ext. 1032.

VERBATIM RECORD OF MEETING: If any person decides to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA NOTICE: Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Ext. 1032, at least five working days prior to the meeting.

The Americans with Disabilities Act Working Group, which is administered by the **Department of Management Services** announces a meeting of the Americans with Disabilities Act Working Group Education, Advocacy and Awareness Committee to which all interested persons are invited.

DATE AND TIME: May 23, 2001, 10:00 a.m. – 12:00 Noon

PLACE: Department of Management Services, Americans with Disabilities Act Working Group, ADA Working Group Conference Room, 4040 Esplanade Way, Suite 180, Tallahassee, Florida 32399-7016

PURPOSE: To facilitate the mission of this Working Group.

For those people unable to attend in person, you may participate in the meeting via Teleconference call by dialing (850)921-5320 or Suncom 291-5320.

A copy of the agenda may be obtained by writing or calling: American with Disabilities Act Working Group, 4040 Esplanade Way, Ste. 180, Tallahassee, Florida 32399-7016, Voice (850)487-3423, TTY (850)410-0684. Should you require accommodations or materials in alternative formats, please contact Doris Farmer, Voice (850)487-3423, TTY (850)410-0684.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Florida State Boxing Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: June 15, 2001, 10:00 a.m.

PLACE: 200 East Broward Blvd., Suite 1210, Ft. Lauderdale, FL 33301, (954)761-7201

PURPOSE: To conduct a general business meeting of the Commission.

A copy of the agenda may be obtained by writing: Florida State Boxing Commission, Attn.: Kelly Harris, Administrative Assistant I, 1940 North Monroe Street, Tallahassee, FL 32399-1016.

Any person deciding to appeal a decision made by the Commission 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 the testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact Kelly Harris, Administrative Assistant I, (850)488-8500, at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the Commission office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The Florida **Board of Architecture and Interior Design** announces the following telephone conference call which all parties are invited to participate.

DATE AND TIME: June 13, 2001, 9:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, FL, Telephone Number (850)488-8295 or Suncom 278-8295

PURPOSE: General Business Meeting.

To obtain a copy of the agenda, further information or submit written or other physical evidence, contact in writing: Board of Architecture and Interior Design, 1940 N. Monroe St., Tallahassee, Florida 32399.

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

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)488-6685, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel, **Construction Industry Licensing Board** announces a meeting to which all interested persons are invited.

DATE AND TIME: May 30, 2001, 9:00 a.m and 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 725 South Bronough Street, Tallahassee, FL 32301, (850)413-0623

PURPOSE: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Robert A. Crabill, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe St., Ste. 60, Tallahassee, FL 32399-2202 or by phone, (850)413-0623.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, June 13, 2001, 4:00 p.m.; Thursday, June 14, 2001, 8:00 a.m.; Friday, June 15, 2001, 8:00 a.m.

PLACE: Adam's Mark Hotel, 100 N. Atlantic Avenue, Daytona Beach, Florida 32118

PURPOSE: Committee, Disciplinary Actions and General Session meetings of the Board.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Lee Young, (904)727-3680, at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Florida Engineers Management Corporation** announces a public meeting by conference call to conduct the business of the Corporation to which all persons are invited.

DATE AND TIME: Friday, June 8, 2001, 9:00 a.m.

PLACE: Conference Call Number: 1(800)659-6183

PURPOSE: General Business of the Corporation.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

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 Board at least forty-eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public meeting to conduct the business of the Board, including committee business which all persons are invited.

DATES AND TIMES: Tuesday, June 19, 2001, 8:30 a.m.; Wednesday, June 20, 2001, 8:30 a.m., if the business of the Board is not concluded

PLACE: Holiday Inn Select, Fort Myers Airport Area, 13051 Bell Tower Drive, Ft. Myers, FL 33907

PURPOSE: General Business of the Board.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such

purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

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 Board at least forty-eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

The **Florida Engineers Management Corporation** announces a public meeting to conduct the business of the Corporation to which all persons are invited.

DATE AND TIME: Wednesday, June 20, 2001, 12:00 Noon – conclusion of meeting

PLACE: Holiday Inn Select, Fort Myers Airport Area, 13051 Bell Tower Drive, Ft. Myers, FL 33907

PURPOSE: General Business of the Corporation.

A copy of the agenda may be obtained by writing: Florida Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301.

If any person decides to appeal a decision made by the Corporation with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

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 Board at least forty-eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

The Florida **Board of Professional Engineers** announces a Probable Cause Panel meeting. Although this meeting is open to the public, portions of the Probable Cause Panel meeting may be closed consistent with law.

DATE AND TIME: Tuesday, July 10, 2001, 10:00 a.m. – conclusion of meeting

PLACE: Florida Board of Professional Engineers, 1208 Hays Street, Tallahassee, FL 32301

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

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 Board at least forty-eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public meeting of the Educational Advisory and Application Review Committees which all persons are invited.

DATE AND TIME: Wednesday, July 11, 2001, 9:00 a.m.

PLACE: Florida Board of Professional Engineers, 1208 Hays Street, Tallahassee, FL 32304

PURPOSE: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

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 Board at least forty-eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public telephone conference call which all persons are invited.

DATE AND TIME: Tuesday, July 17, 2001, 2:00 p.m.

PLACE: Florida Board of Professional Engineers, 1208 Hays Street, Tallahassee, FL 32301, Conference Call Number 1(800)659-8290

PURPOSE: To act on recommendations from the Educational Advisory and Application Review Committees to approve or deny applications for licensure and any old or new business of the Florida Board of Professional Engineers.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

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 Board at least forty-eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

NOTICE OF CORRECTION – The date for the following meeting was incorrectly published in the May 4, 2001, Florida Administrative Weekly.

The Florida **Real Estate Appraisal Board** announces a meeting to which everyone is invited.

DATE AND TIME: Tuesday, June 5, 2001, 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, FL 32801, (407)245-0800

PURPOSE: Official business of the Appraisal Board – Including but not limited to: Rule/statute amendments and Disciplinary actions.

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Appraisal Board, Post Office Box 1900, Orlando, Florida 32802-1900.

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

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Real Estate Appraisal Board, (407)245-0800, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Appraisal Board using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel of the Florida **Real Estate Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: June 19, 2001, 1:30 p.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Suite 301, North Tower, 400 West Robinson Street, Orlando, Florida

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0800 (between the hours of 9:00 a.m. – 4:00 p.m.), at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Real Estate Commission** (FREC) announces a meeting to which all persons are invited.

DATE AND TIME: June 20, 2001, 8:30 a.m.

PLACE: Division of Real Estate, Commission Meeting Room 301, North Tower, 400 West Robinson Street, Orlando, Florida

PURPOSE: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget

discussions, escrow disbursement requests, Recovery Fund Claims, education issues, petitions for declaratory statement and disciplinary actions.

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Commission, Administration Office, P. O. Box 1900, Orlando, Florida 32802-1900.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required. Probable Cause Panel(s) may also meet during this session. Portions of the Probable Cause are not open to the public.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection** announces a public meeting of the Environmental Regulation Commission (ERC) to which all interested persons are invited.

DATE AND TIME: May 31, 2001, 10:00 a.m.

PLACE: Douglas Building, Conference Room A, 3900 Commonwealth Blvd., Tallahassee, FL

PURPOSE: The regularly scheduled meeting of the ERC will include briefings and approvals. Briefings include: Rules Under Development and Rules Under Appeal. The ERC will take testimony, public comment and final action on adoption of the fiscal year 2002 Disadvantaged Small Community Grant priority list in accordance with Chapter 62-505, Florida Administrative Code (F.A.C.). The ERC members will be participating in the meeting through a teleconference. Time will be allotted at the end of the meeting for public comment.

A copy of the agenda may be obtained by contacting: Jacqueline McGorty, Department of Environmental Protection, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000, (850)921-9660.

If an accommodation is needed for a disability in order to participate in this activity, please notify Linda Harvey, (850)488-2996, 1(800)955-8771 (TDD), at least seven days prior to the event.

The **Department of Environmental Protection**, Office of Greenways and Trails announces a public meeting to which all interested parties are invited.

DATE AND TIME: June 2, 2001, 12:00 Noon

PLACE: Department of Environmental Protection, Conference Room A, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000

PURPOSE: The meeting on June 2, 2001, is for members of the Recreational Trails Program Advisory Committee, a committee of the Florida Greenways and Trails Council.

Additional information can be obtained by writing: Department of Environmental Protection, Office of Greenways and Trails, 3900 Commonwealth Boulevard, Mail Station 795, Tallahassee, FL 32399-3000 or by calling (850)488-3701.

NOTE: If you need a special accommodation in order to attend these meetings because of a disability, please contact the Department of Environmental Protection at the above address or phone number at least three working days prior to the meeting.

DEPARTMENT OF HEALTH

NOTICE OF CHANGE – The Florida **Department of Health** announces a conference call meeting of the Women and Heart Disease Task Force workgroups to which all persons are invited to phone in.

DATE AND TIME: May 21, 2001, 10:00 a.m. – 12:00 Noon

PLACE: Conference Call, telephone: Public Education workgroup, (850)921-6623 or Suncom 291-6623; Research and Agency Collaboration workgroup, (850)410-0966 or Suncom 210-0966; Insurance workgroup (850)410-0960 or Suncom 210-0960

PURPOSE: The Florida Governor's Office appointed 28 persons to serve as representatives on a Women and Heart Disease Task Force. The task force will report to the Governor and Legislature by January 15, 2002, on specific tasks detailed in SB 352 relating to women and heart disease. These meetings will be held to continue work outlined in previously developed action plans to accomplish the objectives of the legislation.

For further information contact: Susan Allen, Bureau of Chronic Disease, HSFCDBIN #A18, Suite 130S, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1744, in writing or by telephone (850)245-4369.

If you require special accommodations, please contact Cherish McMillan, (850)245-4444, Ext. 2867, at least 48 hours prior to the meeting date.

The **Board of Chiropractic Medicine**, Probable Cause Panel will hold a duly noticed conference call meeting to which all persons are invited to attend.

DATE AND TIME: Thursday, May 31, 2001, 9:00 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee, FL, at Meet Me Number (850)488-8295

PURPOSE: For cases previously heard by the panel.

A copy of the agenda item may be obtained by writing: Sherra Causey, Board of Chiropractic Medicine, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Chiropractic Medicine** will hold a duly noticed meeting to which all persons are invited to attend.

DATE AND TIME: Friday, June 1, 2001, 8:30 a.m.

PLACE: Holiday Inn Select, 5750 T. G. Lee Boulevard, Orlando, FL 32822, (407)851-6400

PURPOSE: General board business.

A copy of the agenda item may be obtained by writing: Sherra W. Causey, Board of Chiropractic Medicine, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board using the Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Chiropractic Medicine** will hold a duly noticed Rules Workshop to which all persons are invited to attend.

DATE AND TIME: Saturday, June 2, 2001, 9:00 a.m.

PLACE: Holiday Inn Select, 5750 T. G. Lee Boulevard, Orlando, FL 32822, (407)851-6400

PURPOSE: Discussion of Rule Chapter 64B2, Florida Administrative Code.

A copy of the agenda item may be obtained by writing: Sherra W. Causey, Board of Chiropractic Medicine, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board, (850)245-4444, Ext. 3617, at least 48 hours prior to

the meeting. If you are hearing or speech impaired, please call the Board using the Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Dentistry** will hold a Probable Cause Panel meeting to which all persons are invited.

DATE AND TIME: May 24, 2001, 6:00 p.m.

PLACE: Crowne Plaza Hotel, 950 N. W. LeJeune Road, Miami, Florida 33126

PURPOSE: 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.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Barber, (850)245-4161, 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 Florida **Board of Medicine**, Probable Cause Panel (North) announces a meeting.

DATE AND TIME: May 25, 2001, 2:00 p.m.

PLACE: Hilton Jacksonville Towers, 1201 Riverplace Boulevard, Jacksonville, FL 32207, (904)396-8800

PURPOSE: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 32317-4229, (904)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The Florida **Board of Medicine**, Probable Cause Panel (South) announces a Telephone Conference call Meeting.

DATE AND TIME: May 29, 2001, 3:00 p.m.

PLACE: Meet Me Number (850)921-6433, SC 291-6433

PURPOSE: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The Florida **Board of Medicine**, Probable Cause Panel (South) announces a meeting.

DATE AND TIME: June 8, 2001, 2:00 p.m.

PLACE: Miami International Airport Hotel, N. W. 20th Street Lejune Road, Miami, FL 33299

PURPOSE: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The **Department of Health, Board of Nursing** announces a public meeting to which all interested persons are invited.

Practice Committee Meeting

DATE AND TIME: Wednesday, June 13, 2001, to follow the Board meeting

PLACE: Holiday Inn Select, Captiva Room, 13051 Bell Tower Dr., Ft. Myers, FL 33907, (941)482-2900

PURPOSE: To discuss matters relating to the practice of Nursing and to review declaratory statements.

A copy of the agenda may be obtained by writing: Dr. Ruth Stiehl, Executive Director, Florida Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, FL 32207.

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/she will need a record of the proceedings and for such purpose he/she may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact the Board of Nursing office, (904)858-6940, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

NOTICE OF CHANGE – The Probable Cause Panel of the Florida **Board of Osteopathic Medicine** announces a change in their meeting previously scheduled for May 18, 2001. The Probable Cause Panel of the Florida Board of Osteopathic Medicine announces a meeting to which all interested persons are invited.

DATE AND TIME: Friday, May 25, 2001, 9:00 a.m. or soon thereafter

PLACE: Embassy Suites, 1100 Southeast 17th Street, Ft. Lauderdale, FL 33316, (954)527-2700

PURPOSE: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Randolph Collett, Senior Attorney, Agency for Health Care Administration, General Counsel, Palmer Building, P. O. Box 14229, Tallahassee, FL 32317-4229.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Practitioner Regulation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Practitioner Regulation Section may be contacted at P. O. Box 14229, Tallahassee, FL 32317-4229, (850)414-8126, 1(800)955-8771 (TDD) or 1(800)955-8770 via Florida Relay Service.

The **Department of Health, Board of Speech-Language Pathology and Audiology** announces an official Board meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATE AND TIME: May 24, 2001, 9:00 a.m.

PLACE: Hyatt Regency, 9300 Airport Blvd., Orlando, FL 32827, (407)825-1234

PURPOSE: Board Business.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

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

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, (850)245-4474, by Wednesday, May 16, 2001.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Florida **Department of Children and Family Services** announces that the District 8, Lee County Community Alliance will meet on the following dates and times.

DATES AND TIMES: June 22, 2001, 3:30 p.m.; July 26, 2001, 3:00 p.m.; August 23, 2001, 3:00 p.m.

PLACE: Regional Service Center, 2295 Victoria Avenue, Fort Myers, Florida. The conference room number will be posted in the lobby the day of the meeting.

PURPOSE: Monthly Lee County Community Alliance Board Meetings.

A copy of the agenda may be obtained by contacting: Department of Children and Family Services, Community-Based Care Unit, 2nd Floor, 2295 Victoria Avenue, Fort Myers, Florida 33901, one week prior to the meeting. 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 Florida **Department of Children and Family Services** announces that the District 8, Hendry/Glades Counties Community Alliance will meet on the following dates and times.

DATES AND TIMES: June 29, 2001, 1:30 p.m.; July 26, 2001, 9:00 a.m.

PLACE: LaBelle Service Center, 485 Cowboy Way, LaBelle, Florida

PURPOSE: Monthly Hendry/Glades Counties Community Alliance Board Meetings.

A copy of the agenda may be obtained by contacting: Department of Children and Family Services, Community-Based Care Unit, 2nd Floor, 2295 Victoria Avenue, Fort Myers, Florida 33901, one week prior to the meeting. 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 **Department of Children and Family Services**, Alcohol, Drug Abuse and Mental Health Program Office announces a public meeting to which all persons are invited.

DATE AND TIME: May 25, 2001, 10:00 a.m. (EDT)

PLACE: Department of Children and Family Services, Building A, Second Floor, Conference Room, 2639 N. Monroe Street, Tallahassee, Florida 32303

PURPOSE: The department is seeking public input and information regarding the re-designation of Eastside Psychiatric Center as a Baker Act private receiving facility in Leon County (District 2B).

For further information contact: Jerry Brown, (850)488-2419.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Department of Children and Family Services not later than five working days prior to the meeting at Alcohol, Drug Abuse and Mental Health, 2639 N. Monroe Street, Tallahassee, FL 32303.

The **Department of Children and Family Services**, Alcohol, Drug Abuse and Mental Health Program Office announces a public meeting to which all persons are invited.

DATE AND TIME: May 25, 2001, 11:00 a.m. (EDT)

PLACE: Department of Children and Family Services, Building A, Second Floor, Conference Room, 2639 N. Monroe Street, Tallahassee, Florida 32303

PURPOSE: The department is seeking public input and information regarding the re-designation of Tallahassee Memorial Behavioral Health Center as a Baker Act private receiving facility in Leon County (District 2B).

For further information contact: Jerry Brown, (850)488-2419.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Department of Children and Family Services not later than five working days prior to the meeting at Alcohol, Drug Abuse and Mental Health, 2639 N. Monroe Street, Tallahassee, FL 32303.

NAVIGATION DISTRICTS

The **West Coast Inland Navigation District** announces the Following Board of Commissioners Meeting to which all interested parties are invited.

DATE AND TIME: Friday, May 25, 2001, 10:30 a.m.

PLACE: Robert L. Anderson Administration Center, 4000 South Tamiami Trail, Venice, FL

PURPOSE: To conduct the regular business of the Navigation District.

A copy of the agenda for this meeting may be obtained by writing: WCIND, Post Office Box 1845, Venice, FL 34284. No verbatim record will be made of this meeting. Any person wishing to appeal decisions made at this meeting may need to ensure that a verbatim record is made.

FLORIDA HOUSING FINANCE CORPORATION

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, June 5, 2001, 10:00 a.m. (EST)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

PURPOSE: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to refund bonds previously issued to finance the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Charleston Landings, a 300-unit multifamily residential rental development located at 902 Delaney Circle, Brandon, Hillsborough County, Florida 33511. The owner of the development is Brandon-Oxford Associates LP, c/o AIMCO Properties, L.P., 2000 South Colorado Boulevard, Tower Two, Suite 2-1000, Denver, Colorado 80222, or such successor in interest in which AIMCO Properties, L.P., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$14,685,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being re-financed. Written comments should be received by Florida Housing by 5:00 p.m. (EST), Monday, June 4, 2001, and should be addressed to the Attention of Esrone McDaniels, Multifamily Bond Program Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

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

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Esrone McDaniels, Multifamily Bond Administrator, Florida

Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, June 5, 2001, 10:00 a.m. (EST)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

PURPOSE: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to refund bonds previously issued to finance the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Island Club Apartments, a 204-unit multifamily residential rental development located at 101 Porpoise Bay Road, Daytona Beach, Volusia County, Florida 32119. The owner of the development is Palm Aire-Oxford LP, c/o AIMCO Properties, L.P., 2000 South Colorado Boulevard, Tower Two, Suite 2-1000, Denver, Colorado 80222, or such successor in interest in which AIMCO Properties, L.P., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$11,270,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being re-financed. Written comments should be received by Florida Housing by 5:00 p.m. (EST), Monday, June 4, 2001, and should be addressed to the attention of Esrone McDaniels, Multifamily Bond Program Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

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

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Esrone McDaniels, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired,

please contact the Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, June 5, 2001, 10:00 a.m. (EST)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

PURPOSE: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to refund bonds previously issued to finance the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Reflections Hillsborough, a 348-unit multifamily residential rental development located at 5307 Reflections Club Drive, Tampa, Hillsborough County, Florida 33634. The owner of the development is Hillsborough-Oxford LP, c/o AIMCO Properties, L.P., 2000 South Colorado Boulevard, Tower Two, Suite 2-1000, Denver, Colorado 80222, or such successor in interest in which AIMCO Properties, L.P., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$20,235,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being re-financed. Written comments should be received by Florida Housing by 5:00 p.m. (EST), Monday, June 4, 2001, and should be addressed to the attention of Esrone McDaniels, Multifamily Bond Program Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

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

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Esrone McDaniels, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired,

please contact the Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission**, Division of Law Enforcement announces the following Boating Advisory Council public meeting to which all persons are invited.

DATE AND TIME: June 21, 2001, 9:00 a.m. – 4:30 p.m.

PLACE: Holiday Inn, Palm Beach Airport, 1301 Belvedere Road, West Palm Beach, Florida

PURPOSE: Meeting of the Boating Advisory Council.

An agenda of the meeting may be obtained by contacting: Division of Law Enforcement, Boating Advisory Council, 620 South Meridian Street, Tallahassee, Florida 32399-1600 or by calling Paul Ouellette or Shelly Gurr, (850)488-5600.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting should notify Andrena Knicely, (850)487-1406, at least five calendar days before the meeting.

FLORIDA MARTIN LUTHER KING, JR. INSTITUTE FOR NONVIOLENCE

The **Florida Martin Luther King, Jr. Institute For Nonviolence** announces its Advisory Board Meeting where all interested parties are invited.

DATE AND TIME: Friday, May 11, 2001, 10:00 a.m.

PLACE: Miami-Dade Community College, North Campus, Room 1324, 11380 N. W. 27th Avenue, Miami, Florida

PURPOSE: Advisory Board Meeting/Business.

A copy of the agenda may be obtained by writing: Florida Martin Luther King, Jr. Institute For Nonviolence, Miami Dade Community College-North Campus, Scott Hall, Room 1328, 11380 N. W. 27th Avenue, Miami, Florida 33167.

If any person decides to appeal any decision made by the Advisory Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800) 955-8771.

Persons requiring special accommodations due to disability or physical impairment should contact John T. Jones, Jr., by Wednesday, May 9, 2001.

FLORIDA SPORTS FOUNDATION

The **Florida Sports Foundation** announces a public meeting of the Florida Sports Foundation Regional Grant Committee to which all persons are invited.

DATE AND TIME: Tuesday May 22, 2001, 10:00 a.m.
PLACE: Florida Sports Foundation, 2930 Kerry Forest Parkway, Tallahassee, FL 32308

The **Florida Sports Foundation** announces a public meeting of the Florida Sports Foundation Quarterly Board of Directors Meeting to which all persons are invited.

DATE AND TIME: Friday, June 15, 2001, 8:00 a.m. – 2:00 p.m.

PLACE: Hyatt Regency, Orlando International Airport, 9300 Airport Blvd., Orlando, FL 32827

VISIT FLORIDA

The **Florida Commission on Tourism** announces a public meeting of the Nature/Based and Heritage Advisory Committee to the Florida Commission on Tourism as follows:

DATE AND TIME: Wednesday, May 23, 2001, 10:00 a.m. – 3:00 p.m.

PLACE: Orlando Marriott Airport Hotel, 7499 Augusta National Drive, Orlando, FL 32821, (407)248-7475

PURPOSE: The committee will hold an organizational meeting.

For further information contact: Susan Gale, Visit Florida, P. O. Box 1100, Tallahassee, Florida 32302-1100 or (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).

FLORIDA HEALTH REINSURANCE PROGRAM

The **Florida Health Reinsurance Program** announces a meeting to which all persons are invited.

DATE AND TIME: May 30, 2001, 10:00 a.m.

PLACE: Hilton Oceanfront, Cocoa Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Florida Health Reinsurance Program Board.

A copy of the agenda may be obtained by contacting: Julianne Talley, Florida Health Reinsurance Program, (850)422-7766.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition for a Declaratory Statement from LEVEL 3 COMMUNICATIONS, LLC. The

petition seeks the agency’s opinion as to the applicability of Rule 25-4.0101, Florida Administrative Code, and Sections 350.113(3)(b) and 364.336, Florida Statutes, to petitioner’s calculation of revenues subject to regulatory assessment fees. DOCKET NO. 010650-TX.

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Edward P. Campbell. The Petitioner requested that the Department of Corrections amend Rule 33-401.401, Florida Administrative Code, to establish non-smoking housing areas in each Department facility.

The Department denied Inmate Campbell’s Petition to Initiate Rulemaking as unnecessary. The Florida Clean Indoor Air Act, and Department rules promulgated in conjunction therewith, prohibit smoking in indoor areas of all institutions. If, as the petitioner alleges, the Act and Departmental rules are being violated, the issue is one of adherence to the law, not of amending the rules. The need for compliance will be emphasized with staff at the institution at which the petitioner is housed.

A copy of the Order may be obtained from: Giselle Lysten Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

**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:

William Scotsman, Inc. vs. Department of Community Affairs, Division of Housing and Community Development; Case No.: 01-1660RP; Rule No.: 9B-1.003(16)(a)

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

**REQUESTING BIDS FOR FURNISHING
INSTRUCTIONAL MATERIALS TO THE STATE OF
FLORIDA**

Sealed bids, addressed to the Florida Department of Education and marked "Sealed Bid," will be received in the offices of the Commissioner of Education no later than 5:00 p.m. (EDT), June 4, 2001.

Bids shall include proposals for furnishing instructional materials effective April 1, 2002, for a period six years in the areas of Developmental Reading K-5, Developmental and Remedial Reading 6-8, and Remedial Reading 9-12. A detailed list of the selection criteria may be obtained from the Instructional Materials Office, Room 532 Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400 or by accessing the Department of Education website at <http://www.firn.edu/doe/bin00015/home0015.htm>. The bid shall state the lowest wholesale price at which the materials will be furnished, f.o.b. to the Florida depository of the bidder. Official minimum standards and specifications for paper, printing, binding, binderboard and cover fabric have been adopted by the Department of Education and are available for inspection in Room 532, Turlington Building.

Each bidder shall furnish specimen copies of all materials submitted at a time designated by the Department of Education, which specimen copies shall be identical with the copies approved and accepted by the state instructional materials committee and copies furnished to district superintendents as provided in Section 233.18, Florida Statutes.

Contracts must be executed and required bonds submitted within 30 calendar days after receipt of the contract.

The Department of Education reserves the right to reject any or all bids.

Florida Department of Education
Charlie Crist, Commissioner of Education

REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: 01L-150, W/O 500008, Automated Sprinkler Control System for Campus, estimated budget: \$200,000-\$230,000, to be opened June 5, 2001, 1:30 p.m. (Local Time), in Purchasing, Elmore Hall, Radio Road, Gainesville, FL. Scope of work: "Turn-Key" installation of Central Irrigation Control System (CICS) to provide monitoring and control of all irrigation systems shown on the drawings either independently at the irrigations sites or from central location in Grounds Building No. 702 at the University of Florida. Modifications including raceways, equipment devices and conductors to provide power to new satellite controllers at existing irrigation control locations. Coordination and final termination of two-wire communication pathways furnished by others. All expenses associated with Installation Certification by the Irrigation Equipment Manufacturer of Central Irrigation Control Software and Hardware for two (2) designated operators. In addition, forty (40) hours of individual on site instruction shall be conducted in ten (10) intervals scheduled by the user. Cutting and patching in support of work specified herein. Modifications including raceways, devices and conductors to provide zone valve irrigation controls to new satellite controllers at existing zone valve control wiring when two (2) existing irrigation time clocks are integrated into one (1) new CICS Satellite Controllers. Telecommunication pathways surge suppression at each irrigation site. Irrigation systems shall remain operational during construction. In addition, CICS shall be made operational as sprinkler sites are completed. Installation including raceways, devices, valved piping by-pass, access manholes with covers, piping and conductors in support of flow meter installation. Disposal of all equipment from UF Campus not salvaged by user. Specifications and Plans will be available in Purchasing, Elmore Hall, Radio Road, Gainesville, FL, (352)392-1331. A Mandatory Pre-bid Meeting will be held May 22, 2001, 1:00 p.m., in the Physical Plant Division Architecture/Engineering, Conference Room, Building 700, Radio Road, 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 or Bid opening, contact Emily J. Hamby, (352)392-1331, Ext. 303, within three (3) days of the event.

NOTICE TO DESIGN/BUILDERS:

The UF, Facilities Planning and Construction Division office of the University of Florida on behalf of the Department of Orthopaedics and Rehabilitation of the College of Medicine at the University of Florida announces that Design/Build services will be required for the project listed below:

Project No. BR-118, Orthopaedics Surgery and Sports Medicine Institute, University of Florida, Gainesville, Florida. The project consists of the design and construction services for 110,000 GSF or multidisciplinary facilities engaged in teaching, research and clinical care of all patients with musculoskeletal conditions. The estimated cost of design and construction is \$21,427,000.00.

The contract for design/build services will consist of two phases similar to the AIA 191-1996 edition of the Standard Form of Agreements between Owner and the Design/Builder (with appropriate amendments as required to reflect BOR and University interests). Phase one, the design services include design services, value engineering, constructability analyses, development of a cost model, estimating and the development of a Guaranteed Maximum Price (GMP) at 100% Design Development Phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the design/build becomes the single point of responsibility for the completion of the design and construction documents and construction of the project and shall publicly bid trade contracts, encouraging 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 design/builders' contract. Selection of finalists for interviews will be made on the basis of design/build (and/or design/builders' architect/engineer consultant) qualifications, including experience and ability, past experience, bonding capacity, record-keeping/administrative ability, critical path scheduling expertise, cost estimating, cost control ability, quality control capability and qualification of the firm's personnel, staff and consultants. Finalists will be provided with a copy of the building program and a description of the final interview requirements (the design/build shall become familiar with the standard State University System's construction management and A/E services agreements). The Selection Committee may reject all proposals and stop the selection process at any time. Firms desiring to provide design/build services for the project shall submit a letter of application and a completed Board of Regents "Design/Build Qualifications Supplement." Proposals must not exceed 80 pages, including the Design/Build Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned. All applicants must be licensed to practice as Architects and 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 design/build 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 design/build firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. The Board of Regents Design/Build Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting UF Facilities Planning and Construction Division office or available from the website: www.facilities.ufl.edu. Five (5) bound copies of the required proposal data shall be submitted to:

A. Miles Albertson, Project Manager
 UF Facilities Planning and Construction Division
 232 Stadium, P. O. Box 115050
 Gainesville, FL 32611-5050
 Telephone: (352)392-2206
 Fax: (352)392-6378

Submittals must be received in the UF Facilities Planning and Construction Division office by 3:00 p.m. (Local Time), Wednesday, June 27, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

REQUEST FOR PROPOSAL

Sealed proposals shall be received by the Florida State University Purchasing Department until the dates and times shown for the following project. Proposals may be brought to the opening or sent to:

Purchasing Department
 University Center, Suite A1400
 Florida State University
 Tallahassee, FL 32306-1055

prior to scheduled opening time. Proposer must reference proposal number, opening date and time on outside of proposal package to insure proper acceptance. Facsimile submittals are not acceptable. For information relating to this Request for Proposal, contact Purchasing Department, (850)644-6850.

RFP: K 4271-7: Term Contract for Elevator Contract
 PROPOSAL OPENING: 2:30 p.m., Thursday, May 31, 2001
 Purchasing Department
 A1400, University Center
 Tallahassee, Florida 32306-2370

PRE-PROPOSAL 10:00 a.m.
 CONFERENCE: Thursday, May 17, 2001
 101 Mendenhall Maintenance Bldg.

NOTICE TO CONSTRUCTION MANAGERS

The University of South Florida announces that construction management services will be required for the project listed below:

Project No.: BR-533

Project and Location: Alumni Center Building Expansion, University of South Florida, Tampa Campus, Tampa, Florida
The current Alumni Building was completed in May of 1998, and is an 18,514 square foot building that includes a clubroom, a boardroom, and a library, in addition to space for staff offices. Expansion was planned for extensions at both ends of the building.

The proposed Alumni Center Expansion is for an additional 18,000 gross square feet. The building systems (structural, architectural, mechanical, plumbing and electrical) shall be compatible to the existing building systems. The building design must respect the design of the existing Alumni Facility, as well as be compatible for future expansion. The quality of construction material shall be compatible with, and complement, the existing Alumni Center. The estimated construction cost is \$2,900,000.00.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, 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. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Board of Regents "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

The Board of Regents Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting: Vanessa Poole, Facilities Planning and Construction, University of South Florida, FPC 110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550, (813)974-0891, (813)974-2625 or Fax (813)974-3542.

Interest firms are invited to attend a Pre-submittal Meeting at the University of South Florida, Tampa Campus, to be held at 10:00 a.m. (Local Time), Friday, June 1, 2001, in the FPC Conference Room FPC109, 4202 East Fowler Avenue, Tampa, Florida, to review the scope and requirements of this project. All interested firms are encouraged to attend. 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: Ray Gonzalez, R. A., Project Manager, Facilities Planning and Construction, University of South Florida, FPC 110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550.

Submittals must be received at the above campus address (FPC 110) by 2:00 p.m. (Local Time), Monday, June 18, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

A/E ADVERTISEMENT – BR-649

Library Expansion/Renovation

NOTICE TO PROFESSIONAL CONSULTANTS

Florida Atlantic University, on behalf of the State of Florida, Board of Regents announces that Professional Services in the discipline of Architecture, will be required for the project listed below:

Project No. BR-649

Project and Location: The project consists of site development and construction of 9,000 square feet addition to the existing Library Building. The proposed addition consists of an All-night study area, meeting rooms and library stacks and carrels. The building will be located on Florida Atlantic University's Boca Raton Campus.

The total Construction Budget is approximately \$1,223,500.00. The selected firm will provide design, construction documents and construction administration for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$250,000, and will be provided as a part of Basic Services.

INSTRUCTIONS

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed Board of Regents "Professional Qualifications Supplement" dated 9/99. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit 5 (five) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information and selection criteria may be obtained by contacting: Carla C. Capeletti, Office of the Associate Vice President to the University Architect, Florida Atlantic University, 777 Glades Road, Building T-10, Room 16, Boca Raton, Florida 33431, (561)297-2663, (561)297-0224, Fax.

Submittals must be received, at the above address, by 5:00 p.m. (Local Time), June 18, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

METROPOLITAN PLANNING ORGANIZATIONS

NOTICE OF CONSULTANT SHORT-LIST SELECTIONS

Project: Pinellas County MPO General Planning Consultant Services

Please be advised that the following consultant firms have been short-listed:

Renaissance Planning Group

TBE Group, Inc.

TEI Engineers & Planners

Tindale-Oliver and Associates, Inc.

WATER MANAGEMENT DISTRICTS

INVITATION TO BID #01B-007

CONSTRUCTION OF WETLAND HYDROLOGIC RESTORATION PROJECTS

The Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333, will receive sealed bids until 2:00 p.m. (EDT), June 13, 2001, for the removal of existing culverts and in-place earth fill and for the construction of hardened low water crossings at four (4) sites, and removal by plowing, grading and mulching of approximately 1.5 miles of dirt road, to restore the natural flowing hydrology of wetlands that have been impacted by the construction of dirt logging roads. The project sites are located along the lower Choctawhatchee River near Bunker, in Walton County, Florida.

All bids must conform to the instructions in the Invitation to Bid. Interested parties may obtain a copy of the complete bid package at the above address or by calling (850)539-5999. A pre-bid meeting will be held at District Headquarters in Midway (10 miles west of Tallahassee on Highway 90), May 30, 2001, 2:00 p.m. (EDT).

The opening of the bids is public. Provisions will be made to accommodate the handicapped provided the District is given at least 72 hours advance notice.

All bids must comply with applicable Florida Statutes.

DEPARTMENT OF MANAGEMENT SERVICES**NOTICE TO CERTIFIED OR REGISTERED
CONTRACTORS AND PROFESSIONAL CONSULTANTS
PROCUREMENT FOR DESIGN-BUILD SERVICES**

The State of Florida, Department of Management Services, Division of Facilities Management and Building Construction requests qualifications from design-build firms for the following design-build project:

PROJECT NUMBER: HSMV-20056000

PROJECT NAME: HVAC Renovations and Retrofit, Neil Kirkman Building, Tallahassee, Florida

PROJECT DESCRIPTION: Evaluate existing building HVAC systems and design new replacement chiller plant or plants, air distribution systems, ventilation and controls. Work will be phased depending upon the availability of funding for a total estimated project cost of 2.9 million dollars. The first phase includes the replacement of two 238-ton chillers and associated cooling towers located in Wing "A" plus replacement of existing chillers located in Wing "C" mechanical room that serve both Wings "B" and "C" (with exception of a 140-ton York chiller that serves "D" Wing, replace two 140-ton Westinghouse chillers and one 80-ton Trane chiller), plus related chilled and condenser water piping modifications, associated controls and test and balance work of new systems and existing air sides. There are 5 air handlers in "A" Wing and 18 in "B" and "C" Wings that must be balanced to ensure maximum/optimum performance. Air distribution outside of existing fan/vane function on air handler units is not part of scope of contract. The budget for Phase I is approximately \$900,000. It is desirable to have a single plant serve the facility and it is the team's responsibility to determine if this can be achieved within budget. If not, two separate plants, one in "A" Wing and the second in "C" Wing should be provided.

Phase II would consist of replacement of the building air distribution systems and controls, and test and balance. This work is dependent upon appropriation of funds estimated to cost \$2,000,000.

A separate but supplemental contract for building system controls will be simultaneously awarded and must be coordinated by the team. The contract for building controls is anticipated to be awarded through the Department of Management Services statewide agreement with Siemens Building Technologies, Inc.

Coordination of this work to ensure continuous uninterrupted air conditioning during normal business hours is critical. The team must schedule and coordinate all after-hours shutdowns through and with the Owner/tenant and all scheduled startups must be adhered to and in sufficient time to accommodate the occupants.

ESTIMATED CONSTRUCTION BUDGET: \$2,900,000 (Excluding Controls), \$3,400,000 (Including Controls)

PROJECT MANAGER: William J. Swanson

RESPONSE DUE DATE: June 11, 2001, by 4:00 p.m. (Local Time)

Date and Location of Shortlist: June 19, 2001, at the Department of Management Services, 4050 Esplanade Way, Suite 115B, Tallahassee, Florida 32399-0950

DATE AND LOCATION FOR INTERVIEWS: June 27, 2001, at the Department of Management Services, 4050 Esplanade Way, Suite 115B, Tallahassee, Florida 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/oppportun/index.html>

The selected firms will be given official notice of selection results by Fax and/or mail.

This advertisement is issued to give advance notice of our design-building intentions: to allow interested parties to form design-build terms and to submit letters of interest for the advertised design-building project.

A Selection Committee shall select no less than three firms, as finalists, deemed to be most highly qualified to perform the required services under Rule 60D-13.009, F.A.C. Determination of ability shall be based on related building experience, financial capability, scheduling/cost control, office and on-site staff training and experience, information systems, location, past performance, experience and ability of consultants and current workload. Each of these finalists will be eligible for consideration in accordance with Rule 60D-13.009, F.A.C., "Competitive Negotiation for Design-Build Services." The committee will make its recommendation to the Secretary for the Department of Management Services for review and approval.

INSTRUCTIONS

Applicants shall submit six copies of the following documentation to Mr. William J. Swanson, Department of Management Services, Division of Facilities Management and Building Construction, 4050 Esplanade Way, Suite 125B, Tallahassee, FL 32399-0950.

1. A letter of interest detailing the firm's qualifications to meet the above referenced selection criteria.
2. A current Experience Questionnaire and Contractor's Financial Statement, Form DBC5085, dated 3/00.
3. Resumes of proposed staff and staff organizations.
4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.

5. A description of the applicant's plan for Minority Business Enterprise and Women-Owned Business Enterprise.
6. References from prior clients received within the last five years.
7. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations.
8. Completed Department of Management Services' edition of the Professional Qualifications Supplement (PQS), Form DBC5112, dated 2/99.
9. Current Florida Professional Registration License renewal.
10. For corporations only, current corporate certification showing validation date and the designation of professional or professionals qualifying the corporation to practice architecture and/or engineering.
11. Completed SF 254.
12. Completed SF 255.

Firms must be properly registered at the time of application to practice their profession in the State of Florida. Representative samples of related work may be submitted in a separate binder. Applications that do not comply with these instructions or those that do not include the requested data, may not be considered. All information received will be maintained with the project file and will not be returned. Selections will be made in accordance with Chapter 60D-2, Florida Administrative Code. Failure to file a notice of protest within 72 hours (not including Saturday, Sunday or a legal holiday) and within the time prescribed in subsection 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. The selection results will also be published in the Florida Administrative Weekly and on our website. The selected firm will be notified and announcement of selection results will be published in the Florida Administrative Weekly and on our website.

DEPARTMENT OF HEALTH

INVITATION TO BID

Sealed bids will be accepted by the Pinellas County Health Department (PCHD), located at 300 31st St., North, Suite 602, St. Petersburg, FL 33713, until 1:00 p.m., June 4, 2001. Bid No. 0001-07-RW to furnish REMEDY CORPORATION SOFTWARE may be secured from the Purchasing Department within the PCHD at the above address, telephone (727)893-2209. Bid packages include specifications, terms and general conditions. Any "Certified Minority Business Enterprise" (pursuant to subsection 288.703(2), F.S.) is encouraged to participate. Right is reserved for the PCHD to reject any or all bids. SPECIAL NOTE: If you require

accommodations because of a disability in order to participate in the bid process, please contact Rick Wallace, (727)893-2209, Ext.137, by June 1, 2001.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Bid #DCF/SCR 01/02-V01

The Department of Children and Family Services, SunCoast Region will be accepting sealed bids until May 31, 2001, 3:00 p.m. for "Unarmed Security Guards".

A bid can be obtained by writing or calling:

Robert McCraney
 DCF/SCR
 General Services, Room 706
 9393 N. Florida Ave.
 Tampa, Florida 33612
 (813)558-5967

REQUEST FOR PROPOSAL #03K01BS1

The State of Florida, Department of Children and Family Services is requesting proposals in order to negotiate one or more purchase of services contract(s) for Refugee/Entrant case management services. These services will be provided to eligible refugees/entrants in Broward County or Duval County or Hillsborough County or Miami-Dade County or Orange County or Pinellas County, Florida, to help recipients obtain the overall objective of self-sufficiency through acculturation services. Existing resettlement programs, offered by the various federal agencies, offer case management services, but are constrained by short periods of eligibility and are limited in scope. Services within this RFP do not wish to recreate or duplicate those services, but seeks to expand the existing programs to provide case management to vulnerable individuals for whom the existing limited services are inadequate. The most critical case management service needs for the target population are evaluation, referral and tracking. The contract amount is based on proposed available funding and may change (increase or decrease) once final funding is made available from the HHS, Office of Refugee Resettlement and allocations to services locations can be determined. Proposals of greater or lesser amounts will be considered based on available funding. DCF has the option to fund one or more proposals or to reject all proposals. The initial contract period is anticipated for October 1, 2001 thru September 30, 2003. Copies of the Request for Proposal can be obtained from Ms. Pennie Slaughter, Refugee Services Office, 1323 Winewood Blvd., Building 1, Room 302, Tallahassee, Florida 32399-0700, (850)488-3791. Notice of Intent to Submit a Proposal must be received by 3:30 p.m. (EDST), June 4, 2001, at the above address. Failure to submit the required "Notice of Intent to Submit a Proposal" will disqualify the proposal from consideration. One original and four (4) copies of the proposal

must be submitted to the above address by 3:30 p.m. (EDST), July 20, 2001. The bids will be opened at 3:30 p.m. (EDST), July 20, 2001. In compliance with Federal Register Vol. 59, No. 49, Certified Minority Business Enterprises are encouraged to participate in any proposers' conference, presolicitation or prebid meeting which is scheduled. The department reserves the right to reject any and all bids or accept minor irregularities in the best interest of the state. Offerors' Conferences will be held at 10:00 a.m. (EDST), June 21, 2001, at the DCF District 7 Headquarters, Conference Room C, South Tower, First Floor, 400 W. Robinson Street, Orlando, Florida 32801 and at 10:00 a.m. (EDST), June 22, 2001, at the DCF District 11 Headquarters, 10th Floor, Conference Room 1021-N, North Building, 401 N. W. 2nd Avenue, Miami, Florida 33128. The initial meeting of the Evaluation Team will be July 23, 2001, 3:30 p.m. (EDST), at the Refugee Service Office, Department of Children and Family Services, 1323 Winewood Blvd., Building 1, Room 302, Tallahassee, Florida 32399-0700.

Section XII Miscellaneous

DEPARTMENT OF LEGAL AFFAIRS

The Department of Legal Affairs, Bureau of Advocacy and Grants Management announces that the review team orientations, site visits, oral presentations and deliberation meetings for the 2001/2002 Victims of Crime Act (VOCA) Grant process will be held throughout each judicial circuit in the State of Florida, between May 22 and June 15, 2001. The site visits, presentations and deliberation meetings are public meetings, and as such, all persons are invited to attend. For information on specific dates, times and locations you may call (850)414-3337.

DEPARTMENT OF BANKING AND FINANCE

NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following application and/or other notices. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Chapter 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., June 8, 2001):

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: Florida Commerce Credit Union, Post Office Box 6416, Tallahassee, Florida 32314

Expansion Includes: Any person living or working in the geographic boundaries of Leon County.

Received: May 2, 2001

Name and Address of Applicant: Monsanto Employees Credit Union, 220 East 9 Mile Road, Pensacola, Florida 32534-3121

Expansion Includes: Employees of GE Generators (Pensacola) LLC.

Received: May 4, 2001

Name and Address of Applicant: Priority One Credit Union of Florida, Post Office Box 9264, Fort Lauderdale, Florida 33310

Expansion Includes: Residents and employees who work or live in the geographic designation for the City of Sunrise, Broward County, Florida.

Received: May 4, 2001

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

NOTICE OF ACCEPTANCE OF APPLICATIONS ENDANGERED AND THREATENED NATIVE FLORA GRANTS PROGRAM

The Florida Department of Agriculture and Consumer Services, Division of Plant Industry announces that it is once again soliciting applications for the Endangered and Threatened Native Flora Grants Program.

Grants may be awarded for activities which provide recognition of those native flora to the State that are endangered and threatened; and activities that encourage, within a controlled program, the protection, curation, propagation, reintroduction and monitoring of native flora that are identified as endangered or threatened.

Who is eligible to apply? By law, a qualified corporation is a not-for-profit corporation pursuant to section 501(c)(3) of the Internal Revenue Code of 1954, and which is described in, and allowed to receive contributions pursuant to the provisions of, section 170 of the Internal Revenue Code of 1954, and which is a corporation not for profit incorporated pursuant to Chapter 617, Florida Statutes, and which can demonstrate, based on program criteria, the ability to protect, conserve, propagate, reintroduce and monitor endangered and threatened native flora.

If the projects receive legislative approval, funds will become available after July 1, 2002. The deadline for filing applications is July 31, 2001, and applications must be delivered to the Division of Plant Industry's Plant Inspection office by 5:00 p.m. on that date or be clearly postmarked on or before that date.

Further information and an application may be obtained from: Mr. Dan Phelps, Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville,

Florida 32614-7100 or (352)372-3505, Extension 162 or Facsimile (352)955-2301 or Electronic Mail: phelpsd@doacs.state.fl.us.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for the Relocation of a Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Subaru of America, Inc., intends to allow the relocation of Bill Bryan Subaru, as a dealership for the sale of Subaru vehicles, from its present location at 4800 Highway 19A, Mt. Dora, FL 32757 to a proposed location at 3401 U. S. Highway 441/27, Fruitland Park (Lake), Florida 34731, on or after May 3, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Bill Bryan Subaru are: dealer operator(s) and principal investor(s): F. William and Susan Bryan, 1731 Pinetree Road, Winter Park, FL 32789.

The notice indicates an intent to relocate the franchise in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: John Thamert, Regional Business Management Manager, Subaru of America, Inc., Southeast Region, 220 The Bluffs, Austell, GA 30168.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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, Aprilia USA, Inc., intends to allow the establishment of Keenan & Keenan, Inc. d/b/a Palm Beach Aprilia, as a dealership for the

sale of Aprilia motorcycles, scooters, spare parts and accessories, at 12550 South Military Trail, Suite 8, Boynton Beach (Palm Beach County), Florida 33436, on or after May 7, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Keenan & Keenan, Inc. d/b/a Palm Beach Aprilia are: dealer operator(s) and principal investor(s): Robert M. Keenan, Jr., 11880 N. W. Seventh Street, Plantation, FL 33325.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Kathryn Hutton, Distribution Manager, Aprilia USA, Inc., 110 Londonderry Court, Suite 130, Woodstock, GA. 30188.

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 Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that American Suzuki Motor Corporation, intends to allow the establishment of Kendrick-Rowell Oldsmobile-Buick, Inc. d/b/a Kendrick Suzuki, as a dealership for the sale of Suzuki vehicles at 636 W. 15th Street, Panama City (Bay), Florida 32401, on or after May 30, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Kendrick-Rowell Oldsmobile-Buick, Inc. d/b/a Kendrick Suzuki are: dealer operator(s): Frank W. Kendrick, 636 W. 15th Street, Panama City, FL 32401; principal investor(s): Frank W. Kendrick, Roth Rowell and Rex R. Rowall, Jr., 636 W. 15th Street, Panama City, FL 32401.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Chris White, National Dealer Development Manager, American Suzuki Motor Corporation, 3251 E. Imperial Highway, P. O. Box 1100, Brea, CA 92822-1100.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

AGENCY FOR HEALTH CARE ADMINISTRATION

CERTIFICATE OF NEED

RECEIPT OF EXPEDITED APPLICATIONS

The Agency For Health Care Administration received the following Certificate of Need applications for expedited review:

County: Alachua Service District: 3
Facility/Project: Oak Hammock at the University of Florida
Applicant: Oak Hammock at the University of Florida, Inc.
Project Description: Construct a 42 sheltered bed skilled nursing facility
AHCA Purchase Order Number S5900I0310.

CERTIFICATE OF NEED

DECISIONS ON EXPEDITED APPLICATIONS

The Agency for Health Care Administration made the following decisions on Certificate of Need applications for expedited review:

County: Dade Service District: 11
CON #: 9414 Decision: A Date: 4/17/2001
Facility/Project: Palmetto General Hospital
Applicant: Lifemark Hospitals of Florida, Inc.
Project Description: Add 16 acute psychiatric beds to through the delicensure of 16 child/adolescent psychiatric beds.
Project Costs: \$121,725

County: Dade Service District: 11
 CON #: 9416 Decision: D Date: 5/02/2001
 Facility/Project: Aventura Hospital & Medical Center
 Applicant: Miami Beach Healthcare Group, Ltd.
 Project Description: Add 20 acute psychiatric beds through the delicensure of 24 adult substance abuse beds.
 Project Costs: \$163,340
 AHCA Purchase Order Number S5900I0310.

Facility/Project: George E. Weems Memorial Hospital
 Applicant: Centennial Healthcare Investment Corporation
 Project Description: Establish 10 Medicare swing beds
 Proposed Project Cost: \$1,000 Equipment Cost:
 AHCA Purchase Order Number S5900I00310.

**CERTIFICATE OF NEED
 EXEMPTIONS**

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Orange District: 7
 ID #: 0000264 Decision: A Issue Date: 4/9/2001
 Facility/Project: Health Central
 Applicant: West Orange Healthcare District
 Project Description: Establish an adult inpatient diagnostic cardiac catheterization service
 Proposed Project Cost: \$1,600,000 Equipment Cost:
 County: Orange District: 7
 ID #: 0000265 Decision: A Issue Date: 5/2/2001
 Facility/Project: University Behavioral Center
 Applicant: Orlando H.M.A., Inc.
 Project Description: Add 10 IRTF beds to the existing 60 IRTF bed facility
 Proposed Project Cost: \$50,000 Equipment Cost:
 County: Pinellas Decision: A District: 5
 ID #: 0000266 Issue Date: 5/3/2001
 Facility/Project: Sabal Palms Health Care Center
 Applicant: Medinvest Company Limited Partnership
 Project Description: Add 22 community nursing home beds to 222 existing beds
 Proposed Project Cost: \$10,000 Equipment Cost:
 County: Franklin Decision: A District: 2
 ID #: 0000268 Issue Date: 5/4/2001

CITY OF CLEWISTON

CITY MANAGER – City of Clewiston, FL. (Population 6,500). Salary range: \$50,000 to \$70,000 plus benefits. Chief administrative official for the city. Directs and coordinates administration of city government in accordance with the policies determined by the five-member city commission elected at large.

The City's current budget is \$18 million; 115 full-time employees; full-service city.

Must possess skills and abilities including but not limited to: public works, fiscal management and intergovernmental relation experience; superior organization management and consensus-building skills; ability to formulate, submit and administer budgets; proficient in the use of computers and able to function in a sophisticated computer environment. Must be able to keep the city commission fully advised as to its financial condition and forecast future needs of the city.

Minimum qualifications: A bachelor's degree from an accredited college or university in public administration, government, accounting, business administration or related field and three years of professional experience as a city manager or related field with high level of management and supervisory experience.

Submit resume, cover letter and five professional references to Interim City Manager Iva Pittman, City of Clewiston, 115 West Ventura Avenue, Clewiston, FL 33440. Position is open until filled. Under Florida Public Records Law, resumes are subject to disclosure. EOE/ADA/DFWP.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN April 30, 2001
 and May 4, 2001**

Rule No.	File Date Date	Effective Vol./No.	Proposed Vol./No.	Amended
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DEPARTMENT OF INSURANCE

4-155.001	4/30/01	5/20/01	27/9	
4-155.003	4/30/01	5/20/01	27/9	

DEPARTMENT OF EDUCATION

University of Florida

6C1-1.009	5/2/01	5/22/01	Newspaper	
6C1-1.011	5/2/01	5/22/01	Newspaper	
6C1-1.012	5/2/01	5/22/01	Newspaper	
6C1-2.020	5/2/01	5/22/01	Newspaper	
6C1-3.006	5/2/01	5/22/01	Newspaper	
6C1-3.007	5/2/01	5/22/01	Newspaper	
6C1-3.009	5/2/01	5/22/01	Newspaper	
6C1-3.014	5/2/01	5/22/01	Newspaper	
6C1-3.030	5/2/01	5/22/01	Newspaper	
6C1-3.0372	5/2/01	5/22/01	Newspaper	
6C1-3.0374	5/2/01	5/22/01	Newspaper	
6C1-3.040	5/2/01	5/22/01	Newspaper	
6C1-3.048	5/2/01	5/22/01	Newspaper	
6C1-3.050	5/2/01	5/22/01	Newspaper	
6C1-3.059	5/2/01	5/22/01	Newspaper	
6C1-4.016	5/2/01	5/22/01	Newspaper	
6C1-7.0441	5/2/01	5/22/01	Newspaper	
6C1-7.048	5/2/01	5/22/01	Newspaper	

Rule No.	File Date Date	Effective Vol./No.	Proposed Vol./No.	Amended
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Florida International University

6C8-5.006	5/4/01	5/24/01	Newspaper	
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DEPARTMENT OF CITRUS

20-111.001	5/3/01	5/23/01	27/10	
20-111.0021	5/3/01	5/23/01	27/10	
20-111.003	5/3/01	5/23/01	27/10	
20-111.004	5/3/01	5/23/01	27/10	
20-111.007	5/3/01	5/23/01	27/10	
20-111.008	5/3/01	5/23/01	27/10	

REGIONAL UTILITY AUTHORITIES

Tampa Bay Water – A Regional Supply Authority

49B-1.007	4/30/01	5/20/01	27/12	
49B-3.005	4/30/01	5/20/01	27/12	

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

Division of Hotels and Restaurants

61C-5.006	5/4/01	5/24/01	27/12	
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Board of Architecture and Interior Design

61G1-25.001	5/3/01	5/23/01	27/6	27/14
61G1-25.002	5/3/01	5/23/01	27/6	
61G1-25.003	5/3/01	5/23/01	27/6	27/14
61G1-25.004	5/3/01	5/23/01	27/6	

Board of Professional Engineers

61G15-19.004	5/2/01	5/22/01	27/12	
61G15-21.007	5/2/01	5/22/01	27/12	
61G15-24.003	5/2/01	5/22/01	27/12	

Rule No.	File Date Date	Effective Vol./No.	Proposed Vol./No.	Amended	Rule No.	File Date Date	Effective Vol./No.	Proposed Vol./No.	Amended
DEPARTMENT OF ENVIRONMENTAL PROTECTION					DEPARTMENT OF HEALTH				
62-304.200	5/4/01	5/24/01	27/10		Board of Chiropractic				
62-304.700	5/4/01	5/24/01	27/10		64B2-12.005	5/4/01	5/24/01	27/6	
62-342.100	5/1/01	5/21/01	24/36		Board of Dentistry				
62-342.200	5/1/01	5/21/01	24/36		64B5-1.025	4/30/01	5/20/01	27/11	
62-342.300	5/1/01	5/21/01	24/36		64B5-2.0144	4/30/01	5/20/01	27/11	
62-342.400	5/1/01	5/21/01	24/36		64B5-2.0146	4/30/01	5/20/01	27/11	
62-342.450	5/1/01	5/21/01	24/36	24/45	64B5-4.002	4/30/01	5/20/01	27/11	
62-342.470	5/1/01	5/21/01	24/36	24/45	64B5-9.011	4/30/01	5/20/01	27/11	
62-342.500	5/1/01	5/21/01	24/36		64B5-10.005	4/30/01	5/20/01	27/11	
62-342.550	5/1/01	5/21/01	24/36		64B5-10.007	4/30/01	5/20/01	27/11	
62-342.600	5/1/01	5/21/01	24/36		64B5-12.013	4/30/01	5/20/01	27/11	
62-342.650	5/1/01	5/21/01	24/36		64B5-12.016	4/30/01	5/20/01	27/11	
62-342.700	5/1/01	5/21/01	24/36	24/45	64B5-12.017	4/30/01	5/20/01	27/11	
62-342.750	5/1/01	5/21/01	24/36		64B5-14.010	4/30/01	5/20/01	27/11	
62-342.800	5/1/01	5/21/01	24/36		64B5-25.002	4/30/01	5/20/01	27/11	
62-342.850	5/1/01	5/21/01	24/36		Board of Pharmacy				
62-342.900	5/1/01	5/21/01	24/36		64B16-26.300	5/2/01	5/22/01	27/12	