

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF INSURANCE**

**RULE TITLE:** Annual and Quarterly Reporting Requirements  
**RULE NO.:** 4-137.001  
**PURPOSE AND EFFECT:** To adopt, by incorporation by reference, the National Association of Insurance Commissioners (NAIC) Accounting Practices and Procedures Manual, effective January 1, 2001.  
**SUBJECT AREA TO BE ADDRESSED:** Any additional rule changes.  
**SPECIFIC AUTHORITY:** 624.308(1) FS.  
**LAW IMPLEMENTED:** 624.307(1), 624.424(1) FS.  
**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:**  
**TIME AND DATE:** 9:00 a.m., January 3, 2001  
**PLACE:** Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Kerry Krantz, Insurer Services, L & H Insurer Solvency, Department of Insurance, 200 East Gaines Street, Tallahassee, FL 32399-0333, phone number (850)922-3153, Ext. 5038  
 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 at (850)922-3110, Ext. 4214.  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Florida Coastal Management Program**

<b>RULE CHAPTER TITLE:</b>	<b>RULE CHAPTER NO.:</b>
Administration and Procedure	9M-1
<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Policy	9M-1.002
Definitions	9M-1.003
Application Procedures	9M-1.004
Limitations on the Use of Subgrant Funds	9M-1.0045
Preliminary Approval	9M-1.005
Review Procedures and Criteria	9M-1.007
Table of Eligible Counties and Cities	9M-1.009

**PURPOSE AND EFFECT:** The purpose of these revisions is to clarify the Florida Coastal Management Program competitive subgrant application process and to improve the overall

operation of the competitive award program. Certain rule sections and definitions are repealed or deleted. Specific application information and format are identified; categories of assistance and categories of project proposal types are listed; and application submission deadlines are specified. The process of preliminary approval is clarified. All review procedures, review criteria, and point scoring are enumerated. Minor clerical changes are also made. The effect of these changes will be to clarify the competitive award process and provide greater certainty to applicants in terms of information requirements and scoring criteria.

**SUBJECT AREA TO BE ADDRESSED:** Florida Coastal Management Program competitive subgrant award program.  
**SPECIFIC AUTHORITY:** 380.22 FS.  
**LAW IMPLEMENTED:** 380.22 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:** 10:00 a.m., Eastern Standard Time, January 3, 2001  
**PLACE:** Room 320Q, The Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, FL

Any person requiring special accommodation at the workshop because of a disability or physical impairment should contact Christine McCay, Florida Coastal Management Program, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, (850)414-6562, Suncom 994-6562, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Christine McCay, Environmental Administrator, Florida Coastal Management Program, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, (850)414-6562, Suncom 994-6562.

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

**DEPARTMENT OF REVENUE**

**Division of Ad Valorem Tax**

<b>RULE TITLE:</b>	<b>RULE NO.:</b>
Establishment of Market Areas;	
Market Area Codes	12D-8.0082

**PURPOSE AND EFFECT:** The purpose of the creation of proposed Rule 12D-8.0082, F.A.C., is to review considerations appropriate for inclusion in market area guidelines, including best practices from other states and industry standards such as the International Association of Assessing Officers's (IAAO's)

standards. Begin to develop uniform market area guidelines that establish criteria for the identification of market areas by county property appraisers for preparation of the real property assessment roll under s. 193.114, F.S. These guidelines are being developed for adoption under the procedures set forth in section 120.54, F.S., and will be adopted as rules.

SUBJECT AREA TO BE ADDRESSED: Market area guidelines.

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 193.114, 193.1142, 213.05 FS.

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

TIME AND DATE: 1:30 p.m., January 4, 2001

PLACE: Orlando Public Library, Oak Room, 101 E. Central Blvd., Orlando, Florida

Copies of the agenda for the workshop may be obtained from Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108.

Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (Voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

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

**PUBLIC SERVICE COMMISSION**

UNDOCKETED

RULE TITLE: Location of Pay Telephones

RULE NO.: 25-24.517

PURPOSE AND EFFECT: The purpose is to adopt a rule that establishes criteria for the location of pay telephones for the general public's use. The effect is to reduce the incidences of pay telephones being installed in unlawful areas or without the appropriate permission.

SUBJECT AREA TO BE ADDRESSED: Location of pay telephones.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 364.19 FS.

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

TIME AND DATE: 9:30 a.m., Wednesday, January 10, 2001

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior

to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Rick Moses, Division of Competitive Services, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6582

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

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Public Information and Inspection of Records

RULE NO.: 33-102.101

PURPOSE AND EFFECT: The purpose of the proposed rule is to clarify procedures relating to the production of public information and inspection of records. The effect is to provide relevant forms relating to the copying of public records.

SUBJECT AREA TO BE ADDRESSED: Public Information and Inspection of Records.

SPECIFIC AUTHORITY: 120.53 FS.

LAW IMPLEMENTED: 119.07, 120.53 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 Lysten Rivera, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-102.101 Public Information and Inspection of Records.  
(1) through (4) No change.

(5) When copies requested pursuant to this rule are available to be picked up or for mailing, the requestor shall be notified of the costs of reproduction as specified in subsections (2) and (3) on an Invoice for Production of Records, Form DC1-201. Form DC1-201 shall also indicate if any information is redacted from the copies provided as required by state law. Form DC1-201 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of Form DC1-201 is \_\_\_\_\_.

Specific Authority 120.53 FS. Law Implemented 119.07, 120.53 FS. History—New 10-8-76, Formerly 33-1.04, Amended 2-24-81, 6-9-86, 2-9-88, Formerly 33-1.004, Amended \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Control of Contraband  
 RULE NO.: 33-602.203

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify procedures relating to obtaining forms and procedures relating to cash contained in mail.

SUBJECT AREA TO BE ADDRESSED: Control of Contraband.

SPECIFIC AUTHORITY: 944.09, 945.215 FS.

LAW IMPLEMENTED: 944.47, 945.215 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:

33-602.203 Control of Contraband.

(1) through (6) No change.

(7) Disposition of Contraband.

(a) Those contraband items retained for use in disciplinary hearings as evidence will be stored until such time as the warden or his designee approves of their being destroyed or disposed of. A secure area within the institution will be designated as the storage area for all contraband items. A Contraband Log, Form DC6-219, will be utilized to document the storage of contraband items. Form DC6-219 is hereby incorporated by reference. Copies of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. ~~Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope.~~ The effective date of this form is March 2, 2000.

(b) through (d) No change.

(e) If items of contraband are detected in the mail, that are not of any illegal nature (other than cash concealed within mail), the institution finding the contraband will provide the sender and addressee a receipt for the property in accordance with department rules relating to mail procedures (33-602.401, Routine Mail; 33-602.402, Legal Documents and Legal Mail; and 33-602.403, Privileged Mail).

(f) If cash found in any mail is not in plain view, it will be considered contraband and deposited in the inmate welfare trust fund.

(8)(a) All cells, lockers, dormitories and other areas of an institution may be searched in a reasonable manner at any time. A copy of Form DC6-220, Inmate Impounded Personal Property List, shall be given for any property taken in such a

search if the inmate acknowledges possession or if the property was taken from an area occupied by the inmate or under his control. The inmate's acceptance of his copy of Form DC6-220 shall not constitute admission of possession of contraband. Form DC6-220 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. ~~Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope.~~ The effective date of this form is March 2, 2000.

(b) No change.

Specific Authority 944.09, 945.215 FS. Law Implemented 944.47, 945.215 FS. History—New 10-8-76, Amended 2-24-81, 4-18-82, 8-13-84, 2-13-85, 6-2-85, Formerly 33-3.06, Amended 2-9-87, 11-3-87, 8-14-90, 11-22-91, 1-06-94, 5-28-96, 10-26-97, Formerly 33-3.006, Amended 3-2-00, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE TITLE: Permit Processing Fee  
 RULE NO.: 40D-1.607

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to delete an exemption from the District's permit application fee rule.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment will repeal an exemption for certain environmental resource permits from the District's permit application fee rule.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.109, 373.421(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.607 Permit Processing Fee.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. These fees are assessed in order to defray the cost of evaluating, processing, advertising, mailing, compliance monitoring and inspection, required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to be exempt or the fee submitted is determined by the District to be incorrect. Failure to pay the application fees established herein

is grounds for the denial of an application or revocation of a permit. The District's permit application processing fees are as follows:

(1) through (2) No change.

(3) The following types of applications are exempt from the fees identified in subsection (1):

(a) through (f) No change.

~~(g) "PORTIONS OF PROJECT: Chapter 40D-4 or 40 Individual or General Construction Permit for a portion of a project for which a Conceptual Permit application has been previously filed that does not require any additional treatment, attenuation, or wetland impacts on site.~~

(4) through (12) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.109, 373.421(2) FS. History--Readopted 10-5-74, Amended 12-31-74, 10-24-76, 7-21-77, Formerly 16J-0.111, Amended 10-1-88, 1-22-90, 12-27-90, 11-16-92, 1-11-93, 3-23-94, Formerly 40D-0.201, Amended 12-22-94, 10-19-95, 3-31-96, 7-23-96, 10-16-96, 10-26-00, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**State Center for Health Statistics**

RULE TITLES:	RULE NOS.:
Submission of Ambulatory Patient Data	59B-9.011
Definitions	59B-9.013
Reporting Instructions	59B-9.015
Notice of Reporting Deficiencies and Response	59B-9.016
Certification and Audit Procedures	59B-9.017
Ambulatory Patient Data Format –	
Data Elements and Codes	59B-9.018
Ambulatory Patient Data Format – Record Layout	59B-9.019
Data Standards	59B-9.020
Manual Submission of Data	59B-9.021

PURPOSE AND EFFECT: The proposed rule amendments eliminate report requirements for small ambulatory centers with fewer than 300 patient visits per quarter, and the manual report option is eliminated for ambulatory centers having fewer than 300 patient visits per quarter.

The proposed rule amendments require that unlicensed facilities report separately for each separate location. Multi-facility tapes will no longer be accepted.

The proposed rule amendments limit ambulatory surgical visits to be reported to those visits in which any of the surgical services are performed by a physician. The proposed rule amendments clarify that patient visits in which the patient is transferred to inpatient care shall not be reported as an ambulatory visit unless the patient is transferred to another facility.

The proposed rule amendments eliminate data tapes as a reporting media as of January 1, 2002. The proposed rule amendments add the option for the agency to use electronic mail to send error reports to ambulatory centers. The proposed rule amendments add the option for ambulatory centers to use electronic mail and an agency authorized digital signature to submit certification of data to the agency.

The proposed rule amendments require that the agency use consistent standards and procedures in the performance of ambulatory center audits. The proposed rule amendments limit desk and field audits of data to 36 months from the initial submission of data, and require that ambulatory centers correct any errors and certify the data, or verify the correctness of the data previously submitted and certified within 90 days of receipt of notice of audit findings.

The proposed rule amendments will add the categories, Children's Medical Services, Healthy Kids, and MediKids to the data field, principal payer, starting with ambulatory visits occurring on or after January 1, 2002. The proposed rule amendments will add an unknown category to the data field, patient sex. The proposed rule amendments change the data element, patient status, from an optional to a required data element and add two hospice categories starting with ambulatory visits occurring on or after January 1, 2002. The proposed rule amendments define other race and unknown race categories. The proposed rule amendments change the data element, referring or ordering physician ID # to attending physician ID #. The proposed rule amendments change the data elements, referring or ordering physician UPIN # and operating or performing physician UPIN # to a blank field. The proposed rule amendments change the zip code designation for homeless patients from 22222 to 00007.

The proposed rule amendments eliminate the edit standard for unknown social security number, unknown or invalid zip codes, and unknown referring physician. The proposed rule amendments add a code for reporting attending physicians in the U.S. military that do not have a Florida license number.

SUBJECT AREA TO BE ADDRESSED: The agency is developing amendments to rule 59B-9.011 that will require unlicensed facilities to submit a separate report for each separate location and will eliminate report requirements for small ambulatory centers with fewer than 300 patient visits per quarter. The agency is proposing amendments to rule 59B-9.017 that will limit a desk or field audit of a patient data report to 36 months from initial submission of the report. The agency is proposing amendments to rule 59B-9.015 that limit ambulatory surgical visits to be reported to those visits in which any of the surgical services are performed by a physician. The agency is developing amendments to rules 59B-9.013, 59B-9.015 and rules 59B-9.018 through rules 59B-9.020 that will modify definitions, change the data element, patient status, from an optional to a required data element, add data element categories, modify definitions of data elements and data elements categories, modify data standards, and modify the media to be used to report patient data. Rule 59B-9.021 is repealed.

SPECIFIC AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 408.061, 408.062, 408.063, 408.15(11) FS.

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

TIME AND DATE: 1:00 p.m., January 9, 2001

PLACE: Baptist Hospital of Miami, Third Floor Auditorium of South Building, 8900 North Kendall Drive, Miami, Florida 33176

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jerry Mayer, Director, Information Technology, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59B-9.011 Submission of Ambulatory Patient Data.

(1) through (2) No change.

(3) Each facility ~~and provider~~ in (1)(a) above shall submit a separate report for each location per 59A-3.203, F.A.C. Each facility in (1)(b) above shall submit a separate report for each location per 59A-5.003, F.A.C. Each facility or provider in (1)(c), (1)(d) or (1)(e) above shall submit a separate report for each separate location separately, as set forth in Rules 59B-9.018 and 59B-9.019, F.A.C., except that a group practice or entity may submit one report. Multi-facility tapes may be submitted provided all records are identifiable to an entity and there is a listing attached that identifies entities, their AHCA number and a contact person.

(4) No change.

(5) Any ambulatory center which has a total of 300 ~~200~~ or more patient visits per Rule 59B-9.014, F.A.C., for the reporting period is required to report data as set forth in Rules 59B-9.018 and 59B-9.019, F.A.C.

(6) through (7) No change.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063, 408.07, 408.08 FS. History—New 9-6-93, Formerly 59B-7.011, Amended 6-29-95, 12-28-98, \_\_\_\_\_.

59B-9.013 Definitions.

(1) through (3) No change.

(4) "Inpatient" means a patient who has an admission order given by a licensed physician or other individual who has been granted admitting privileges by the hospital. Inpatient shall include obstetric patients who give birth. Observation patients are excluded unless they are admitted. "Premises" means those buildings, beds and equipment located at the address of the licensed facility and all other buildings, beds, and equipment for the provision of hospital or ambulatory surgical care located in such reasonable proximity to the address of the licensed facility as to appear to the public to be under the dominion and control of the licensee.

(5) through (6) No change.

(7) "Attending Referring or Ordering Physician" means a licensed physician who would be expected to certify and re-certify the medical necessity of the services rendered or who has is the primary responsibility care giver for the patient's

medical care and treatment or who certifies as to the medical necessity of the services rendered. The attending physician may be the referring physician or the operating or performing physician.

(8) "Operating or Performing Physician" means a licensed physician who has primary responsibility for the surgery or procedure performed ~~physically performs the out patient procedure or who supervises the other medical professionals performing such procedures.~~

(9) No change.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063, 395.002 FS. History—New 9-6-93, Formerly 59B-7.013, Amended 6-29-95, 12-28-98, \_\_\_\_\_.

59B-9.015 Reporting Instructions.

(1) No change.

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

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

(b) No change.

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

(4) No change.

(5) Beginning with the report of patient visits occurring between January 1 and March 31, 2000, inclusive, and thereafter, ambulatory centers shall submit ambulatory patient data reports to the agency using one of the following methods described in (a) or in (b) below except that on or after January 1, 2002, data tapes must not be used:

(6) No change.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History—New 9-6-93, Formerly 59B-7.015, Amended 6-29-95, 12-28-98, 1-4-00, \_\_\_\_\_.

59B-9.016 Notice of Reporting Deficiencies and Response.

(1) No change.

(2) Written notification shall be provided by certified mail, electronic mail, or FAX to an ambulatory center in the event the staff determines the data is incomplete or nonconforming.

The notice shall clearly indicate the deficiencies found, and the time by which a corrected or modified report must be received in the agency's office.

(3) No change.

Specific Authority 408.15(8) FS. Law Implemented 408.006(5), 408.061 FS. History--New 9-6-93, Formerly 59B-7.016, Amended 6-29-95, \_\_\_\_\_.

59B-9.017 Certification and Audit Procedures.

(1) All ambulatory centers submitting data in compliance with Rules 59B-9.010 through 59B-9.022, F.A.C., shall certify that the data submitted for each reporting period is accurate. These certification pages are sent by the agency to the reporting entity with summary reports generated by the agency using submitted data. The certification shall be submitted to the agency's office at the address in (3) below using the Certification of Ambulatory Patient Data Form described in (3) below or the Certification of Ambulatory Patient Data Form shall be submitted by electronic mail to [SCHSdata@fdhc.state.fl.us](mailto:SCHSdata@fdhc.state.fl.us) using an agency authorized electronic signature.

(2) through (3) No change.

(4) The agency shall to the extent practical, apply the same audit standards and use the same audit procedures for all ambulatory centers or audit a random sample of ambulatory centers. The agency will notify each ambulatory center of any possible errors discovered by audit and request that the ambulatory center either correct the data or verify that the data is complete and correct. The notice shall indicate that the ambulatory center must return corrected data if there are errors and certify the data within ninety (90) days of receipt of the notice, or the ambulatory center Chief Executive Officer must verify by signature that the previously submitted and certified data is complete and correct within ninety (90) days of receipt of the notice. The notice shall clearly indicate that the ambulatory center may be subject to penalties pursuant to Rule 59B-9.022. The agency shall not conduct a desk audit or a field audit of an ambulatory data more than thirty-six (36) months following the initial submission of data.

Specific Authority 408.15(8) FS. Law Implemented 408.006(5), 408.061, 408.08(1), 408.08(5), 408.15(11) FS. History--New 9-6-93, Formerly 59B-7.017, Amended 6-29-95, \_\_\_\_\_.

59B-9.018 Ambulatory Patient Data ~~Tape/Diskette~~ Format – Data Elements and Codes.

(1) No change.

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

(d) Patient Racial Background A one + digit code as follows:

- 1 – American Indian/Eskimo/Aleut
- 2 – Asian or Pacific Islander
- 3 – Black
- 4 – White
- 5 – White Hispanic
- 6 – Black Hispanic

7 – Other (Use if patient is not described by above categories.)

8 – No Response (Use if patient refuses to disclose.)

(e) No change.

(f) Patient Sex A one + digit code as follows:

1 – Male

2 – Female

3 – Unknown (Use if unknown due to medical condition.)

(g) Patient Zip Code A five 5 digit zip code of the patient's permanent address: XXXXX

(h) No change.

(i) Principal Payer Code A one + character field as follows:

A – Medicare

B – Medicare HMO

C – Medicaid

D – Medicaid HMO

E – Commercial Insurance

F – Commercial HMO

G – Commercial PPO

H – Workers' Compensation

I – CHAMPUS ~~Champus~~

J – VA

K – Other State/Local Govt

L – Self Pay (No third party coverage)

M – Other

N – Charity

O – Children's Medical Services (Required for ambulatory visits occurring on or after January 1, 2002.)

P – Healthy Kids (Required for ambulatory visits occurring on or after January 1, 2002.)

Q – MediKids (Required for ambulatory visits occurring on or after January 1, 2002.)

(j) through (ggg) No change.

(hhh) ~~Attending Referring or Ordering~~ Physician ID # Enter the Florida license number of the attending referring/ordering physician, beginning with "FL". An eleven character alpha-numeric field (e.g. FLME1234567). If out-of-state physician, fill with the physician's state two letter abbreviation and 9's (e.g. NY999999999 for a physician from New York). For non-U.S. physicians (a physician licensed and practicing in another country and not licensed in the U.S.), fill with "XX" and 9's (e.g. XX999999999). For military physicians not licensed in Florida, fill with "US" and 9's (e.g. US999999999).

(iii) ~~Blank Field Referring or Ordering Physician UPIN # (Optional) Enter the UPIN number of the referring/ordering physician.~~ A six character alpha-numeric field to be left blank.

(jjj) No change.

(kkk) ~~Blank Field Operating or Performing Physician UPIN # (Optional) A six character alpha-numeric field to be left blank.~~

(lll) through (zzz) No change.

(aaaa) Patient Status (~~Optional~~) Required for ambulatory visits occurring on or after January 1, 2002. A two digit code indicating patient disposition as follows:

- 01 Home
- 02 To a short-term general hospital
- 03 To a skilled nursing facility
- 04 To an intermediate care facility
- 05 To another institution
- 06 Home under care of home health care organization
- 07 Left this facility against medical advice (AMA)
- 08 Home on IV medications
- 20 Expired
- 50 Hospice – home
- 51 Hospice – medical facility

(bbbb) through (cccc) No change.

(3) No change.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History—New 9-6-93, Formerly 59B-7.018, Amended 6-29-95, 12-28-98, \_\_\_\_\_.

59B-9.019 Ambulatory Patient Data ~~Tape/Diskette~~ Format – Record Layout.

"Type" means (A)lpha or (N)umeric or combination field. "Justification" is either (R)ight or (L)eft. The data elements for each ambulatory patient data record must have a logical record length of 400 characters with the following record layout:

(1) No change.

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

(hhh) ATTENDING PHYSICIAN REFERRING OR ORDERING PHYS. ID # A/N L 11 214-224

(iii) BLANK FIELD REFERRING OR ORDERING PHYS. UPIN # A/N L 6 225-230

(jjj) No change.

(kkk) BLANK FIELD PERFORMING PHYS. UPIN # A/N L 6 242-247

(lll) through (cccc) No change.

(3) No change.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History—New 9-6-93, Formerly 59B-7.019, Amended 6-29-95, 12-28-98, \_\_\_\_\_.

59B-9.020 Data Standards.

(1) through (2) No change.

(3) The Social Security Number (SSN) is a 9 digit required field required for all patients having who have had SSNs assigned. (~~E.g., those not having SSNs may include newborns up to 2 years of age or very old patients who may not have ever had one assigned.~~) Social Security Number 000000000 is acceptable for newborns and infants up to 2 years of age who do have not have had a social security number assigned. For patients not from the U.S., use 555555555. For those patients where all efforts ~~have been made~~ to obtain the social security

number have been unsuccessful or where one is unavailable, and but the patient is two (2) years of age or older over the age of 2 and a resident of the U.S. use 777777777. Unknown SSN (777777777) must not exceed 5 percent of the total records per report period.

(4) Race is a single digit entry showing: 1 – American Indian/Eskimo/Aleut, 2 – Asian/Pacific Islander, 3 – Black, 4 – White, 5 – White Hispanic, 6 – Black Hispanic, 7 – Other (Use if patient is not described by above categories), 8 – No Response (Use if patient refuses to disclose). It is a required field for all patients who self-report race as requested by the center.

(5) No change.

(6) Sex designation is required. Must be 1-Male, or 2-Female, or 3-Unknown (Use if unknown due to medical condition).

(7) A valid patient zip code is required and must be 5 digits. Use 00009 for foreign zip codes. Use 00007 22222 for at large (homeless) zip codes. Use 00000 for unknown zip code. If the zip code is missing or in the wrong format the record is an error. Unknown (00000) or invalid zip codes must equal 1.0% or less of records per report period. No blank fields are permitted.

(8) No change.

(9) Principal Payer is required and must be an alpha character A through Q N.

(10) through (15) No change.

(16) The Attending Referring or Ordering Physician ID is a required entry showing the identification number of the attending referring or ordering physician. An eleven character alpha-numeric field using the State of Florida physician license number, preceded by the prefix FL. Florida physicians shall have four alphas preceding seven digits (e.g. FLME1234567). For out-of-state physicians, fill with the physician's home state two letter abbreviation and 9's (e.g. NY999999999 for a physician from New York) and fill in the unique physician's identification number (UPIN) number in the next field. For non-U.S. physicians (a physician licensed and practicing in another country and not licensed in the U.S.), fill with "XX" and 9's (e.g. XX999999999). For military physicians not licensed in Florida, fill with "US" and 9's (e.g. US999999999). For those patients where ~~all efforts have been made~~ to obtain the ~~referring or ordering~~ physician's ID have been unsuccessful or where one is unavailable, but the physician is practicing in the U.S. use ZZ999999999. Unknown physician ID (ZZ999999999) must not exceed 5 percent of the total records per report period.

(17) The Blank Field Referring or Ordering Physician UPIN Number is a blank fill an optional entry showing the identification number of the referring or ordering physician.

(18) No change.

(19) ~~Blank Field A Performing or Operating Physician UPIN Number is a blank fill entry optional. The identification number represents the physician who is the principal surgeon or radiologist or other physician responsible for the procedure performed.~~

(20) through (34) No change.

(35) Patient Status is a required ~~an optional~~ entry from 01-08, 20, or 50-51 blank fill.

(36) No change.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History—New 9-6-93, Formerly 59B-7.020, Amended 6-29-95, 12-28-98, \_\_\_\_\_.

59B-9.021 Manual Submission of Data.

~~Facilities having more than 199 reportable visits and fewer than 300 reportable visits in a quarter shall submit ambulatory patient data using either form AHCA 2000 MIS 13, or according to the requirements in Rule 59B 9.015.~~

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

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

Specific Authority 408.15(8) FS. Law Implemented 408.061 FS. History—New 9-6-93, Formerly 59B-7.021, Amended 6-29-95, 1-4-00, Repealed.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Care Cost Containment Board**

RULE TITLES:	RULE NOS.:
Definitions	59E-7.011
Reporting and Audit Procedures	59E-7.012
Data Elements and Formatting Requirements	59E-7.014
General Provisions	59E-7.016

PURPOSE AND EFFECT: The proposed rule amendments eliminate data tapes as a reporting media as of January 1, 2002. The proposed rule amendments add the option for the agency to use electronic mail or FAX to send error reports to hospitals. The proposed rule amendments add the option for hospitals to use electronic mail and an agency authorized digital signature to submit certification of data to the agency.

The proposed rule amendments require that the agency use consistent standards and procedures in the performance of hospital audits. The proposed rule amendments limit desk and field audits of data to 36 months from the initial submission of data, and require that hospitals correct any errors and certify the data, or verify the correctness of the data previously submitted and certified within 90 days of receipt of notice of audit findings.

The proposed rule amendments change the age standards for the data fields, social security number and infant linkage identifier from age one to age two starting January 1, 2002. A

code to indicate foreign patients and a code to indicate adoptions or patients who are in the custody of state is added to the infant linkage identifier data standards.

The proposed rule amendments add the categories, Children's Medical Services, Healthy Kids, MediKids to the data field, principal payer, starting with discharges occurring on or after January 1, 2002. The proposed rule amendments add two hospice categories, hospice-home and hospice-medical facility, to the data field, inpatient discharge status starting with discharges occurring on or after January 1, 2002. The proposed rule amendments change the definitions of other race and unknown race categories. The proposed rule amendments change the data elements, attending physician UPIN # and operating physician UPIN # to a blank field. The proposed rule amendments change the zip code designation for homeless patients from 22222 to 00007.

The proposed rule amendments eliminate the edit standard for unknown social security number.

The proposed rule amendments eliminate the requirement that hospitals install and use data processing edits supplied by the agency.

SUBJECT AREA TO BE ADDRESSED: The agency is proposing amendments to rule 59E-7.012 that will limit a desk or field audit of a patient data report to 36 months from initial submission of the report. The agency is proposing amendments to rules 59E-7.011, 59E-7.012, and 59E-7.014 that will add data element categories, modify definitions of data elements and data elements categories, modify data standards, and modify the media to be used to report patient data. The agency is proposing an amendment to rule 59E-7.016 that eliminates the requirement that each hospital install and use data processing edits supplied by the agency.

SPECIFIC AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 408.061, 408.15(11) FS.

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

TIME AND DATE: 11:00 a.m., January 9, 2001

PLACE: Baptist Hospital of Miami, Third Floor Auditorium of South Building, 8900 North Kendall Drive, Miami, Florida 33176

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jerry Mayer, Director, Information Technology, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59E-7.011 Definitions.

As used in Rules 59E-7.011 through 59E-7.016, F.A.C.:

(1) through (3) No change.



(4) "Inpatient" means a patient who has an admission order given by a licensed physician or other individual who has been granted admitting privileges by the hospital. Inpatient This shall include obstetric patients who give birth and have experience a length of stay of twenty-four hours or less. Observation Short stay and observation patients are excluded unless they are admitted.

(5) "~~Groups 1 Through 7 — General, Short term Acute Care~~" means any establishment that offers services more intensive than those required for room, board, personal services, and general nursing care, and offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatments, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; diagnostic radiology services; clinical laboratory; and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent (s. 395.002(12)(a) & (b), F.S.).

(6) "~~Group 8 — Teaching Hospital~~" means any hospital formally affiliated with an accredited medical school that exhibits activity in the area of medical education as reflected by at least seven different resident physician specialties and the presence of 100 or more resident physicians.

(7) "~~Group 9 — Family Practice Teaching Hospital~~" means a freestanding, community-based hospital licensed under this chapter that offers a 3-year family practice residency program accredited through the Residency Review Committee of the Accreditation Council of Graduate Medical Education or the Postdoctoral training of the American Osteopathic Association.

(8) "~~Group 12 — Specialty Rehabilitation Hospital~~" means a hospital in grouping 12 of the Agency's hospital peer grouping and a hospital certified by Medicare as a long term care hospital.

(9) "~~Group 13 — Long term Psychiatric~~" means a facility which provides acute or subacute psychiatric care with an average length of stay (ALOS) exceeding 60 days.

(10) "~~Group 14 — Specialty Hospital~~" means any facility which meets the provisions of 59E-7.011(5), and which regularly makes available either the range of services offered by a general hospital, but restricted to a defined age or gender group of the population; or a restricted range of services appropriate to the diagnosis, care, and treatment of patients with specific categories of medical or psychiatric illnesses or disorders (s. 395.002(14)(a), (b), F.S.).

(11) "~~Groups 15 through 17 — Short term Psychiatric Hospital~~" means a facility which provides acute or subacute psychiatric care with an average length of stay (ALOS) not exceeding 60 days.

(5)(12) "Newborn" means a newborn baby born within the facility or the initial admission of an infant to any acute facility within 24 hours of birth.

(13) "~~Premises~~" means those buildings, beds and equipment located at the address of the licensed facility and all other buildings, beds, and equipment for the provision of hospital care located in such reasonable proximity to the address of the licensed facility as to appear to the public to be under the dominion and control of the licensee.

(14) "UPIN" means Unique Physician Identifier Number.

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

#### 59E-7.012 Reporting and Audit Procedures.

(1) All acute care hospitals and all short term psychiatric hospitals (hereinafter referred to as "hospital/hospitals"), in operation for all or any of the reporting periods described in Rule 59E-7.012(5)(2) below, shall submit hospital inpatient discharge data in a format consistent with requirements of Rules 59E-7.011 through 59E-7.016 to the Agency following the provisions of this Rule, ~~commencing with discharges for the 1st quarter 1997 (01/01/97 — 03/31/97).~~

(2) For purposes of submission of hospital inpatient discharge data, hospital shall be any hospital licensed under Chapter 395, Florida Statutes except state-operated hospitals, long-term psychiatric hospitals with an average length of stay exceeding 60 days and comprehensive rehabilitation hospitals as defined in 59A-3.201, F.A.C. in the following groups as set out in the Florida Hospital Uniform Reporting System Manual: Groups 1 through 9, 12 through 17, and any new hospital assigned to these groups as defined in 59E-7.012. Additionally, long-term psychiatric hospitals, ~~Group 13 in the Florida Hospital Uniform Reporting Manual,~~ are required to submit aggregated data following the format and context as presented in the Psychiatric Reporting Format AHCA PSY III dated 9/12/88 and herein incorporated by reference.

(3) Each hospital premises shall submit a separate report for each location per 59A-3.203, F.A.C. report separately, as set forth in Rules 59E-7.012 and 59E-7.014, F.A.C.

(4) through (6) No change.

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

(8) Beginning with the inpatient data report for the 1st Quarter of the year 2000 (January 1, 2000 through March 31, 2000), reporting facilities shall submit inpatient discharge reports in one of the following formats except that on or after January 1, 2002, data tapes must not be used:

(a) No change.

(b) 1. through 2. No change.

3. The data in the text file shall contain the same data elements and codes, the same record layout and meet the same data standards required for tapes or diskettes mailed to the agency as described ~~comply with the formatting requirements specified in Rules 59E-7.014 and 59E-7.016.~~

(c) through (d) No change.

(9) All hospitals submitting data in compliance with Rules 59E-7.011 through 59E-7.014 shall certify that the data submitted for each quarter is accurate, complete, and verifiable using Certification Form for Inpatient Discharge Data, AHCA Form 4200-002, dated 10/93 and incorporated by reference. AHCA Form 4200-002 can be obtained from the Agency's office at the Agency for Health Care Administration, State Center for Health Statistics, ~~Hospital Patient Data Section~~, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308. The completed Certification Form for Inpatient Discharge Data shall be submitted to the Agency's office at the above address or shall be submitted by electronic mail to [SCHSdata@fdhc.state.fl.us](mailto:SCHSdata@fdhc.state.fl.us) using an Agency authorized digital signature.

(10) through (11) No change.

(12) The agency shall to the extent practical, apply the same audit standards and use the same audit procedures for all hospitals or audit a random sample of hospitals. The agency will notify each hospital of any possible errors discovered by audit and request that the hospital either correct the data or verify that the data is complete and correct. The notice shall indicate that the hospital must return corrected data if there are errors and certify the data within ninety (90) days of receipt of the notice, or the hospital Chief Executive Officer must verify by signature that the previously submitted and certified data is complete and correct within ninety (90) days of receipt of the notice. The notice shall clearly indicate that the hospital may be subject to penalties pursuant to Rule 59E-7.013. The agency shall not conduct a desk audit or a field audit of a report more than thirty-six (36) months following the initial submission of data.

Specific Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.061, 408.08(1), 408.08(2), 408.15(11) FS. History--New 12-15-96, Amended 1-4-00, \_\_\_\_\_.

59E-7.014 Data Elements and Formatting Requirements.

(1)(a)1. through 6. No change.

7. AHCA Hospital Number: Valid for up to ten alphanumeric characters, ~~field; however, use the six digit or eight digit~~ Report the AHCA approved hospital identification number assigned for AHCA reporting purposes. ~~Multi-premises hospital systems are required to submit hospital inpatient data separately using a unique AHCA Hospital number to denote each individual premises. Right~~ Left justify, zero fill unused spaces. A required field; file is rejected if missing or wrong.

8. through 19. No change.

(b)1. through 4. No change.

5. AHCA Hospital Number: Valid for up to ten alphanumeric characters, ~~digits; however, use the six digit or eight digit~~ Report the AHCA approved hospital identification number assigned for AHCA reporting purposes. Right Left justified; zero fill unused spaces. A required field; must be submitted for the hospital submission to run.

6. No change.

7. Inpatient Social Security Number. The social security number (SSN) of the inpatient receiving treatment/services during this hospital stay. A nine digit numeric field to facilitate retrieval of individual case records, to be used to track inpatient readmissions, and for epidemiological or demographic research use. A SSN is required for each inpatient record if the patient is indicating an inpatient of the age of two years of age or 1-year and older ~~except in cases of very old persons never issued a SSN, foreign visitors (including illegal aliens), and migrant workers (non-citizens). One SSN; one inpatient. DO NOT share SSNs in this field. (See also provisions in 59E-7.014(3)(b)7.)~~

8. Inpatient Race. A one digit code as follows:

1 – American Indian/Eskimo/Aleut

2 – Asian or Pacific Islander

3 – Black

4 – White

5 – Hispanic – White

6 – Hispanic – Black

7 – Other (Use if patient is not described by above categories. If none of the above)

8 – No Response (Use if patient refuses to disclose. Valid only if data is not available)

9. No change.

10. Inpatient Sex. A one digit code as follows:

1 – Male

2 – Female

3 – Unknown (Use if unknown due to medical condition.)

11. through 15. No change.

16. Inpatient Discharge Status. A two digit code as follows:

01 – Discharged Home

02 – Discharged to a short-term general hospital

03 – Discharged to a skilled nursing facility

04 – Discharged to an intermediate care facility

05 – Discharged to another type of institution

06 – Discharged to home under care of home health care organization

07 – Left this hospital against medical advice (AMA)

08 – Discharged home on IV medications

20 – Expired

50 – Discharged to hospice – home (Required for discharges occurring on or after January 1, 2002.)

51 – Discharged to hospice – medical facility (Required for discharges occurring on or after January 1, 2002.)

17. Principal Payer Code. A one character alpha field as follows:

- A – Medicare
- B – Medicare HMO
- C – Medicaid
- D – Medicaid HMO
- E – Commercial Insurance
- F – Commercial HMO
- G – Commercial PPO
- H – Workers' Compensation
- I – CHAMPUS ~~Champus~~
- J – VA

K – Other State/Local Government

L – Self Pay/Under-insured (no third party coverage or less than 30% estimated insurance coverage)

M – Other

N – Charity

O – Children's Medical Services (Required for discharges occurring on or after January 1, 2002.)

P – Healthy Kids (Required for discharges occurring on or after January 1, 2002.)

Q – MediKids (Required for discharges occurring on or after January 1, 2002.)

18. through 39. No change.

40. Blank Field. Attending Physician UPIN (Optional). An optional Unique Physician Identifier Number (UPIN), which is required by Medicare authorities. A six character alpha-numeric field to be left blank. Submission is discretionary but does not replace the physician license number which is required in Element 39.

41. No change.

42. Blank Field. Operating Physician UPIN (Optional). An optional Unique Physician Identifier Number (UPIN), which is required by Medicare authorities. A six character alphanumeric field to be left blank. Submission is discretionary but does not replace the physician license number which is required in Element 41.

43. through 67. No change.

68. Infant First Year Linkage Identifier. A required field for patients less than two (2) years of age newborn birth and infant identification with the baby's mother up to the first year of life. A nine digit numeric field. Use the birth mother's (preferred) or father's (acceptable) SSN. CAUTION: If the patient not reporting a birth or infant is over two (2) years one (1) year of age or older, this field is zero filled. To be used only for research purposes to link infants with their respective mother. (Linkage identifiers are required for infants one year of age and older starting January 1, 2002.)

69. No change

(c) No change.

(2)(a) No change.

(b)1. through 39. No change.

40. BLANK FIELD ATTENDING PHYS UPIN A/N L 6 185-190

41. No change.

42. BLANK FIELD OPERATING PHYSICIAN UPIN A/N L 6 202-207

43. through 67. No change.

68. INFANT FIRST YEAR LINKAGE IDENTIFIER N R 9 410-418

69. No change.

(c) No change.

(3)(a) No change.

(b)1. through 6. No change.

7. The Social Security Number (SSN) is a nine (9) digit required field for all inpatients having social security numbers. Since all United States citizens one (1) year of age and older are required to have SSNs for tax exemption purposes, SSNs should be submitted for all inpatients two (2) years one (1) year of age or older. Patients inpatients not having SSNs should be in one of the following groups: newborns and infants (i.e., less than 2 years 1 year of age), very old inpatients never issued a SSN, foreign visitors (including aliens), and migrant workers (i.e., non-citizens). An entry of 000000000 SSN 000-00-0000 is acceptable for patients less than newborns up to two (2) years one (1) year of age who do not have an SSN. For patients not from the U.S., use 555555555 555-55-5555, if a SSN one is not assigned. For those patients where all efforts have been made to obtain the SSN have been unsuccessful or where one is unavailable, and but the patient is over the age of two (2) years or older one (1) year and a resident of the U.S., use 777777777 777-77-7777. Unknown SSN (777-77-7777) must not exceed five (5) percent of the total records per report period. DO NOT share SSNs in this field; one SSN — one inpatient. The use of "Other" for SSNs will trigger an edit of data, and will result in a partially rejected record if the total meets or exceeds 5% of discharges.

8. Inpatient Race is a single digit entry showing: 1 – American Indian/Eskimo/Aleut, 2 – Asian or Pacific Islander, 3 – Black, 4 – White, 5 – Hispanic-White, 6 – Hispanic-Black, 7 – Other (Use if patient is not described by above categories to be used only if none is known), 8 – No Response (Use if patient refuses to disclose if the inpatient refuses the information). For use by AHCA as demographic and epidemiological information, and health planning. Not an optional field.

9. through 10. No change.

11. A valid Inpatient Zip Code is required; must be five digits. Use Zip Code 00009 for patients inpatients of foreign origin. Use the Zip Code 00007 22222 for homeless patients, or those having no permanent Zip Code. Use Zip Code 00000 for unknown zip codes. The Zip Code field will be edited and

if the total of Zip Code 00000 to 22222 equals or exceeds 1% of total discharges for either of these entries, the hospital file will be error flagged for rejection if not corrected or validated. Spaces are not acceptable.

12. through 15. No change.

16. Inpatient Discharge Status is a required field; must be two digits using the codes 01-08, ~~or 20~~, or 50-51 (59E-7.014(1)(b)16.).

17. Principal Payer Code is a required field; must be a single alpha character (UPPERCASE), A – Q M. Describes the primary source of expected reimbursement to the hospital for services.

18. through 39. No change.

40. ~~Blank Field is a blank fill entry. The Attending Physician Unique Physician Identification Number (UPIN) is a six character alphanumeric field. The UPIN is an identifier issued by the Health Care Finance Administration (HCFA) for Medicare purposes. Submission of this entry is optional at the discretion of the hospital. Data will be used by AHCA only to develop a "crosswalk" identification number between Florida licensed numbers and the UPIN. Space filled if a UPIN is not submitted. Cannot be used in lieu of the Physician Florida License Number required in field 42.~~

41. No change.

42. ~~Blank Field is a blank fill entry. A new field, the Operating Physician Unique Physician Identification Number (UPIN) is a six character alphanumeric field. The UPIN is an identifier issued by the Health Care Finance Administration (HCFA) for Medicare purposes. Submission of this entry is optional at the discretion of the hospital. Data will be used by the AHCA only to develop a "crosswalk" identification number between Florida license numbers and the UPIN. Space fill if a UPIN is not submitted. Cannot be used in lieu of the Operating Physician Florida License Number required in field 44.~~

43. through 67. No change.

68. ~~Infant Newborn Linkage Identifier is a required field; of nine numeric digits for patients less than two (2) years of age. Enter the birth mother's Social Security Number or if the birth mother's Social Security Number is not available, enter the father's Social Security Number in the Infant Linkage Identifier field for any birth which occurs in the hospital. Use the mother's SSN only in this field, and if the patient is a newborn Type of Admission 4 (birth) or an infant up to one (1) year of life. For patients not from the U.S., use 55555555. If a SSN is not assigned. For patients in the custody of the State or adoptions, use 33333333. Use 99999999 999-99-9999 in the Infant Linkage Identifier field for unknown or unreportable mother's and father's SSN (i.e., adoptions). If the patient is not a newborn (Type of Admission 4) or age is greater than two (2) years of age or older one (1) year, the field is zero filled.~~

69. No change.

(c) No change.

Specific Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.061 FS. History–New 12-15-96, Amended \_\_\_\_\_.

59E-7.016 General Provisions.

(1) through (2) No change.

~~(3) Hospitals are required to enter the full set of the AHCA programming edits on their data processing systems to be used as an integral part of the processing cycle prior to submitting their quarterly data to the AHCA. Edits will be provided to hospitals or vendors/corporate offices in hard copy printouts for installation into data processing systems. If hospitals utilize an outside service for data processing or have their data prepared by a corporate office, they are responsible for notifying their service of the requirement to install the edits, and to provide the service office with a copy of the AHCA edits. Failure to install and utilize the edits will result in the initiation of legal action.~~

~~(3)(4) No change.~~

Specific Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.061 FS. History–New 12-15-96, Amended \_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Division of Beaches and Coastal Systems**

DOCKET NO.: 00-58R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Rules and Procedures for Coastal

Construction and Excavation

(Permits for Construction Seaward

of the Coastal Construction Control

Line and Fifty-Foot Setback)

62B-33

PURPOSE AND EFFECT: To amend definitions, armoring criteria, and to address statutory changes made during the 2000 legislative session.

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 SHOW BELOW:

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

PLACE: Room 153, Marjorie and Archie Carr Building, 3800 Commonwealth Boulevard, Tallahassee, Florida 32399-3000

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND 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

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

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.

## Section II Proposed Rules

### DEPARTMENT OF BANKING AND FINANCE

#### Division of Securities and Finance

RULE TITLES:	RULE NOS.:
Mortgage Broker License Renewal and Reactivation	3D-40.043
Mortgage Brokerage Business License and Branch Office License Renewal and Reactivation	3D-40.053
Mortgage Lender License, Mortgage Lender License Pursuant to Saving Clause, and Branch Office Renewal and Reactivation	3D-40.205
Correspondent Mortgage Lender License and Branch Office License Renewal and Reactivation	3D-40.225

**PURPOSE AND EFFECT:** The purpose of the proposed rule is to address registrations that expire on a Saturday, Sunday or legal holiday. The proposed amendments allow renewals received on the next business day to be considered timely received.

**SUMMARY:** The proposed amendments provide that if August 31 of the renewal year falls on a Saturday, Sunday, or legal holiday, the renewals received on the next business day will be considered timely received.

**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:** 494.0011(2), 494.0034(2), 494.0036(2), 494.0064(2) FS.

**LAW IMPLEMENTED:** 494.0011(2), 494.0032, 494.0034, 494.0036, 494.0064 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., January 8, 2001

**PLACE:** Room 550, Fletcher Building, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Rick Morgan, Financial Control Analyst, Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

THE FULL TEXT OF THE PROPOSED RULES IS:

3D-40.043 Mortgage Broker License Renewal and Reactivation.

(1) No change.

(2) A mortgage broker license that is not renewed as required in subsection (1) prior to September 1 of the renewal year shall revert from active to inactive status. An inactive license may be reactivated within two (2) years after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0034, F.S., and submission of a completed reactivation form. If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(3) No change.

Specific Authority 494.0011(2), 494.0034(2) FS. Law Implemented 494.0034 FS. History--New 11-2-86, Amended 6-23-91, 11-12-91, 9-3-95, 12-12-99,

3D-40.053 Mortgage Brokerage Business License and Branch Office License Renewal and Reactivation.

(1) No change.

(2) A mortgage brokerage business license that is not renewed as required in subsection (1) prior to September 1 of the renewal year shall revert from active to inactive status. An inactive license may be renewed within six (6) months after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0032, F.S., and submission of a completed reactivation form. If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(3) No change.

(4) A mortgage brokerage business branch office license that is not renewed as required in subsection (3) prior to September 1 of the renewal year shall revert from active to inactive status. An inactive branch office license may be renewed within six (6) months after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0032, F.S., and submission of a completed reactivation form. If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(5) through (6) No change.

Specific Authority 494.0011(2), 494.0032(2),(3), 494.0036(2) FS. Law Implemented 494.0011(2), 494.0032, 494.0036 FS. History--New 11-2-86, Amended 2-8-90, 10-1-91, 12-12-99, 11-1-00,\_\_\_\_\_.

3D-40.205 Mortgage Lender License, Mortgage Lender License Pursuant to Saving Clause, and Branch Office License Renewal and Reactivation.

(1) No change.

(2) A license that is not renewed as required in subsection (1) prior to September 1 of the renewal year shall revert to inactive status. An inactive license may be reactivated within six (6) months after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0064, F.S., and submission of a completed reactivation form. If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(3) No change.

(4) A mortgage lender branch office license that is not renewed as required in subsection (3) prior to September 1 of the renewal year shall revert to inactive status. An inactive license may be reactivated within six (6) months after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0064, F.S., and submission of a completed license reactivation form. If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(5) through (6) No change.

Specific Authority 494.0011(2), 494.0064(2) FS. Law Implemented 494.0011(2), 494.0064 FS. History—New 10-1-91, Amended 9-3-95, 8-5-96, 12-12-99, 11-1-00,\_\_\_\_\_.

3D-40.225 Correspondent Mortgage Lender License and Branch Office License Renewal and Reactivation.

(1) No change.

(2) A correspondent mortgage lender license that is not renewed as required in subsection (1) prior to September 1 of the renewal year shall revert to inactive status. An inactive license may be reactivated within six (6) months after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0064, F.S., and submission of a completed reactivation form. If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(3) No change.

(4) A correspondent mortgage lender branch office that is not renewed as required in subsection (3) prior to September 1 of the renewal year shall revert to inactive status. An inactive license may be renewed within six (6) months after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0064, F.S., and submission of a completed reactivation form. If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(5) through (6) No change.

Specific Authority 494.0011(2), 494.0064(2) FS. Law Implemented 494.0011(2), 494.0064 FS. History—New 10-1-91, Amended 9-5-95, 7-25-96, 12-12-99, 11-1-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rick Morgan, Financial Control Analyst, Division of Securities and Finance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don B. Saxon, Director, Division of Securities and Finance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 23, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 17, 2000

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Securities and Finance**

RULE TITLES:	RULE NOS.:
Consumer Collection Agency Registration Renewal Form and Procedures	3D-180.050
Commercial Collection Agency Registration Renewal Form and Procedures	3D-180.060

PURPOSE AND EFFECT: The purpose of the proposed amendments is to address registration expirations that occur on a Saturday, Sunday or legal holiday. The proposed rule allows renewals received on the following business day to be considered timely renewed.

SUMMARY: The proposed amendments provide that if December 31 of the renewal year falls on a Saturday, Sunday, or legal holiday, the renewals received on the next business day will be considered timely received.

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: 17.29 FS.

LAW IMPLEMENTED: 559.444, 559.545, 559.553, 559.555 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., January 8, 2001

PLACE: Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Rick Morgan, Financial Control Analyst, Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

THE FULL TEXT OF THE PROPOSED RULES IS:

3D-180.050 Consumer Collection Agency Registration Renewal Form and Procedures.

(1) Each active consumer collection agency registration shall be renewed for the annual period beginning January 1 of each year, upon submission of the renewal fee of \$200 and the renewal form. Form DBF-CCA-104, Consumer Collection Agency Registration Renewal Form, effective 1-1-95, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 E. Gaines Street, Tallahassee, Florida 32399-0350. If December 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(2) No change.

Specific Authority 17.29 FS. Law Implemented 559.553(2), 559.555(3) FS. History—New 1-1-95, Amended.

3D-180.060 Commercial Collection Agency Registration Renewal Form and Procedures.

(1) Each active commercial collection Agency registration shall be renewed for the annual period beginning January 1 of each year, upon submission of the renewal fee of \$500 and the renewal form. Form DBF-COM-105, Commercial Collection Agency Registration Renewal Form, effective 1-1-95, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 E. Gaines Street, Tallahassee, Florida 32399-0350. If December 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(2) No change.

Specific Authority 17.29 FS. Law Implemented 559.544(2), 559.545 FS. History—New 1-1-95, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rick Morgan, Financial Control Analyst, Division of Securities and Finance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don B. Saxon, Director, Division of Securities and Finance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 23, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 17, 2000

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Securities and Finance**

RULE TITLE:  
Registration Renewals

RULE NO.:  
3E-600.009

PURPOSE AND EFFECT: The purpose of the proposed rule change is to address registration expirations that occur on a Saturday, Sunday or legal holiday. The proposed rule allows renewals and reinstatements received on the following business day to be considered timely received.

SUMMARY: The registration of all dealers, investment advisers and associated persons expire on December 31. Registrations which are not timely renewed may be reinstated by submitting the requisite fees by January 31. If December 31 or January 31 falls on a Saturday, Sunday or legal holiday, the proposed amendments will allow renewals or reinstatements of registration received on the following business day to be considered timely received.

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: 517.03(1), 517.12(15) FS.

LAW IMPLEMENTED: 517.12(1),(11),(15) 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., January 8, 2001

PLACE: Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick White, Financial Administrator, Division of Securities and Finance, Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULE IS:

3E-600.009 Registration Renewals.

(1) Every dealer and investment adviser, including issuer/dealers registered pursuant to Section 517.12, F.S. Florida Statutes, desiring to renew their registration shall annually verify with the Department prior to the date of expiration of registration, registration with the Department of the dealer or investment adviser, all associated persons of the dealer or investment adviser and all branch offices of the dealer or investment adviser in Florida, which the Department shows as being currently registered with such dealer or investment adviser subject to renewal, and which the dealer or investment adviser seeks to renew.

(2) In addition to verifying registration with the Department as provided in subsection (1), to renew its registration and that of its branch offices and associated persons, each dealer and investment adviser shall pay all

renewal fees as required by Section 517.12(11), ~~F.S. Florida Statutes~~. Renewal fees for non-NASD member firms, associated persons of non-NASD member firms and all branch offices shall be sent directly to the Department. The Department shall deem a fee received as payment at such time as it has been date stamped by the cashier's office of the Department of Banking and Finance. All renewal fees for NASD member firms and for associated persons of NASD member firms shall be submitted through the CRD. All renewal fees must be received by the Department or the CRD by the last business day prior to January 1 of the year following the year the registration expires.

(3) Failure to submit the requisite amount of fees to the Department or to the NASD as appropriate and as provided for in ~~subsection Section~~ (2) of this Rule by December 31 of the year of expiration of the registration shall result in such registration not being renewed. If December 31 falls on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., the renewals received on the next business day will be considered timely received. However, an expired registration may be reinstated in accordance with the provisions of Section 517.12(11), ~~F.S. Florida Statutes~~, provided that all requisite information and fees are filed with the Department on or before January 31 of the year following the year of expiration. Failure to submit the requisite amount of fees necessary to reinstate registration by January 31 of the year following the year of expiration shall result in such registration not being reinstated. If January 31 falls on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., the reinstatement received on the next business day will be considered timely received. In the event that the renewal or reinstatement is withdrawn or not granted, any fees filed to renew or reinstate registration shall become the revenue of the state pursuant to Section 517.12(10), Florida Statutes, and shall not be returnable.

Specific Authority 517.03(1), 517.12(15) FS. Law Implemented 517.12(10),(11),(15) FS. History--New 12-5-79, Amended 9-20-82, 8-29-83, Formerly 3E-600.09, Amended 1-7-88, 6-16-92, 11-14-93, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rick White, Financial Administrator, Division of Securities and Finance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don B. Saxon, Director, Division of Securities and Finance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 17, 2000

**DEPARTMENT OF INSURANCE**

RULE TITLE: Annual Audited Financial Reports  
 RULE NO.: 4-137.002

PURPOSE AND EFFECT: Proposed amended rule 4-137.002(7)(c) specifies criteria for relief from the 7-year limit for an independent CPA to render audited financial reports of an insurer. Proposed amended rule 4-137.002(8) reduces the per-day fine for late applications for approval of combined financial reports. Proposed deleted rule 4-137.002(16) eliminates an unnecessary severability provision.

SUMMARY: The proposed amendments address qualifications of independent Certified Public Accountants, consolidated or combined audits, and a severability provision.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No SERC 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), 624.424(8)(e) FS.

LAW IMPLEMENTED: 624.324, 624.424(8) 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., January 9, 2001

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wayne Johnson, Bureau Chief, Property and Casualty Insurer Solvency, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0329, (850)413-5232

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 at (850)413-4214.

THE FULL TEXT OF THE PROPOSED RULE IS:

- 4-137.002 Annual Audited Financial Reports.
  - (1) through (6) No change.
  - (7) Qualifications of Independent Certified Public Accountant.
    - (a) through (b) No change.
    - (c) A partner or other person responsible for rendering a report may not act in that capacity for more than seven (7) consecutive years. Following any period of service that person shall be disqualified from acting in that or a similar capacity for the same company or its insurance subsidiaries or affiliates for a period of two (2) years. An insurer may make application to the Department for relief from the above rotation requirement based on an unusual hardship to the insurer and a determination by the Department that the accountant is



exercising independent judgement that is not unduly influenced by the insurer, considering the following factors: pursuant to Section 624.424, Florida Statutes:

- 1. Number of partners, expertise of the partners, or the number of insurance clients in the currently registered firm;
- 2. Premium volume of the insurer; and
- 3. Number of jurisdictions in which the insurer transacts business.

(d) through (e) No change.

(8) Consolidated or Combined Audits.

(a) No change.

(b) 1. The application for approval to consolidate is required each year, and must be filed with the Department prior to the end of the calendar year for which the approval is being granted, except that applications for approval will be accepted after the end of such calendar year subject to the imposition of an administrative fine on each insurer involved in such application as provided for in section 624.4211(2), Florida Statutes provided such application is received by the Department prior to March 1 immediately subsequent to the end of the calendar year for which such approval is being requested.

2. The amount of the fine shall be \$50 \$500 per day for each day beyond the end of the calendar year, not to exceed an aggregate amount of \$10,000 for the group of insurers requesting permission to file on a consolidated basis.

(c) 1. A partner or other person responsible for rendering a report may not act in that capacity for more than seven (7) consecutive years. Following any period of service that person shall be disqualified from acting in that or a similar capacity for the same company or its insurance subsidiaries or affiliates for a period of two (2) years.

2. An insurer may make application to the Department for relief from the above rotation requirement based on an unusual hardship to the insurer and on the basis of a determination by the Department that the accountant is exercising independent judgement that is not unduly influenced by the insurer, considering the following factors: pursuant to Section 624.424, Florida Statutes:

a. Number of partners, expertise of the partners, or the number of insurance clients in the currently registered firm;

b. Premium volume of the insurer; and

c. Number of jurisdictions in which the insurer transacts business.

(9) through (15) No change.

~~(16) Severability Provision. If a subsection or portion of a subsection of this rule or the applicability thereof to any person or circumstance is held invalid by a court, the remainder of the rule or the applicability of the provision to other persons or circumstances shall not be affected thereby.~~

Specific Authority 624.308(1), 624.424(8)(e) FS. Law Implemented 624.324, 624.424(8) FS. History--New 3-31-92, Amended 3-14-94, 8-17-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wayne Johnson, Bureau Chief, Property and Casualty Insurer Solvency, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Belinda Miller, Director, Division of Insurer Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 24, 2000

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

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE: Incorporation by Reference  
 RULE CHAPTER NO.: 14-15

RULE TITLE: Policy and Guidelines for Vehicular Connections  
 RULE NO.: 14-15.013

to Roads on the State Highway System (Driveway Regulation Manual)

PURPOSE AND EFFECT: The Policy and Guidelines for Vehicular Connections to Roads on the State Highway System (Driveway Regulation Manual) was incorporated by reference in 1985. Later, with the adoption of Rule Chapters 14-96 and 14-97, most of the old manual was covered in those rule chapters. In 1990, the incorporation by reference statement in the rule was made more restrictive to only include certain specified sections of the manual. The rule is being repealed because the obsolete manual no longer is used.

SUMMARY: The Policy and Guidelines for Vehicular Connections to Roads on the State Highway System (Driveway Regulation Manual), which was incorporated by reference under this rule is obsolete so the rule is being repealed.

SPECIFIC AUTHORITY: 120.53(2)(a), 334.044(2), 335.18 FS.

LAW IMPLEMENTED: 120.53(2)(a), 334.044(14), 335.18 FS.

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.

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: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-15.013 Policy and Guidelines for Vehicular Connections to Roads on the State Highway System (Driveway Regulation Manual).

Specific Authority 120.53(2)(a), 334.044(2), 335.18 FS. Law Implemented 120.53(2)(a), 334.044(14), 335.18 FS. History--New 8-15-85, Formerly 14-15.13, Amended 4-18-90, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gary Sokolow

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas F. Barry, Jr., P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2000

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Containers, Packs, Stamping and Labeling of Fresh Fruit

RULE CHAPTER NO.: 20-39

RULE TITLE: Approved Boxes

RULE NO.: 20-39.003

PURPOSE AND EFFECT: Would provide for two new containers to be added to the list of containers approved for use in shipping fresh Florida Citrus.

SUMMARY: Approved containers for use in shipping fresh Florida Citrus.

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

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

SPECIFIC AUTHORITY: 601.11 FS.

LAW IMPLEMENTED: 601.11 FS.

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

TIME AND DATE: 10:30 a.m., January 17, 2001

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

20-39.003 Approved Boxes.

(1) Unless otherwise noted, all approved boxes are 4/5 bushel capacity.

(2) The name of the manufacturer, and the official container number as designated in subsection (3) below, shall be printed on the bottom outside flap of each approved box body in plainly legible characters.

(3) The following containers are hereby designated as approved boxes and, unless otherwise noted, may be used for shipment of all varieties of citrus fruit:

Approved Container Number	Construction Styles	Inside Body Dimension in inches (LxWxD)	Minimum Weights (actual weight may be heavier)***	Board Minimum Board Weights (actual weight may be heavier)***
			Body	Cover
DOC-01-P	Singlewall	17 x 10-5/8 x 9-5/8**	42-33-69	42-33-42
DOC-02-V	Singlewall	17 x 11-1/2 x 9-3/4	42-33-69	42-33-42
DOC-03-V	Singlewall	Oversized 17 x 12 x 9-3/4	42-33-69	42-33-42
DOC-04-PT	Tray Style	17 x 10-5/8 x 9-5/8**	42-33-42	42-33-42
DOC-05-PB	Bliss Style	17 x 10-5/8 x 9-5/8**	42-33-42	33-33-33
DOC-06-VT	Tray Style	17 x 11-1/2 x 9-3/4	42-33-42	42-33-42
DOC-07-VT	Tray Style	Oversized 17 x 12 x 9-3/4	42-33-42	42-33-42
DOC-08-VB	Bliss Style	Oversized 17 x 11-1/2 x 9-3/4	42-33-42	33-33-33
DOC-09-VB	Bliss Style	Oversized 17 x 12 x 9-3/4	42-33-42	33-33-33
DOC-10-P	Doublewall	17 x 10-5/8 x 9-5/8 Partial telescope self-locking lid Tangerines & citrus hybrids only. **	42-33-42-33-42	42-26-42
DOC-11-XP	Singlewall	17 x 10-5/8 x 10-1/8**	90-33-90	42-33-42
DOC-12-XPT	Tray Style	17 x 10-5/8 x 10-1/8**	69-33-69	42-33-42
DOC-13-XPS	Super X Style	17 x 10-5/8 x 10-1/8**	42-40-69	42-33-42
DOC-14-P ††	Singlewall	15-7/8 x 10-5/8 x 6 Full Telescope **	42-33-42	42-33-42
DOC-15-PT ††	Tray Style	17-5/8 x 10-5/8 x 6 Full Telescope **	42-33-42	42-33-42
DOC-16-WP	Wood Slat	16-1/8 x 10-5/8 x 10-5/8 End panels may be of material other than wood.**	Wood Slat	Wirebound
DOC-17-WP	Wood Slat	19-7/8 x 7-1/2 x 11-1/2 End panels may be of material other than wood. Tangerines and citrus hybrids only.**	Wood Slat	Wirebound
DOC-18-P	Singlewall	17 x 10-5/8 x 9-5/8**	42-40-42	42-33-42
DOC-19-P	Singlewall	17 x 10-5/8 x 9-5/8**	45-33-45	42-33-42
DOC-20-XP††	Singlewall	17 x 10-5/8 x 10-1/8**	69-40-69	42-33-42

Approved Container Number	Construction Styles	Inside Body Dimension in inches (LxWxD)	Minimum Board Weights (actual weight may be heavier)***	
			Body	Cover
DOC-21-PT	Tray Style	17 x 10-9/16 x 9-5/8 4" partial telescope tray cover. Tangerines and citrus hybrids only.**	42-40-69	42-33-42
DOC-22-P ‡‡	Singlewall	13-1/4 x 10-5/8 x 7 Full telescope**	42-33-42	42-33-42
DOC-23-VT	Tray Style	17 x 12 x 9-5/8 End slotted with short end flaps. Oversized	69-33-42	42-33-42
DOC-24-P	Singlewall	17 x 10-5/8 x 9-5/8 4" partial telescoping tray cover. Tangerines and citrus hybrids only.**	69-40-90	42-33-42
DOC-25-PT ‡‡	Tray Style	16-1/8 x 10-5/8 x 6 Full Telescope**	42-33-42	42-33-42
DOC-26-P	Singlewall	18-1/4 x 12-1/2 x 11-3/4 Having three plastic trays per carton*	90-40-90	42-33-42
DOC-27-WV ‡‡	Collapsible wooden bin	46 x 38 x 21 Holds appx 20 4/5 bu. equiv. units	Wooden bin	None
DOC-28-P ‡‡	Singlewall	17 x 10-5/8 x 6** Full Telescope	42-33-42	42-33-42
DOC-29-P	Singlewall	16-3/4 x 11-1/2 x 11-3/8 Having fiberboard honeycomb cells**	42-40-69	42-33-42
DOC-30-P ‡‡	Singlewall	17 x 10 x 6-15/16 Corrugated, full telescope**	90-40-90	42-33-42
DOC-31-P	Singlewall	16-11/16 x 11-8/16 x 11-14/16 Corrugated with honeycomb dividers**	69-40-42	42-33-42
DOC-32-OV ‡‡	Triplewall-Bulk bin	46-1/2 x 38 x 36 Octagonal watermelon bin with self-locking lid. Holds appx. 28 4/5 bu. equiv.	69-33-69-33-69-3 3-90	69-26-69
DOC-33-P	Singlewall	20-45/16 x 11-13/16 x 7 Telescoping with two trays per carton **	42-33-69	42-33-42
DOC-34-OV ‡‡	Triplewall-Bulk bin	46 x 37-1/2 x 36 Octagonal with interlocking flaps. Holds appx. 28 4/5 bu. equiv.	42-40-90-42-40-9 0-40-90	42-26-69

Approved Container Number	Construction Styles	Inside Body Dimension in inches (LxWxD)	Minimum Board Weights (actual weight may be heavier)***	
			Body	Cover
DOC-35-OV ‡‡	Triplewall-Bulk bin	46 x 38 x 26-1/2 Tuff octagonal tube, holding appx. 24 4/5 bu. equiv.	90-33-42-33-42-3 3-90	69-26-69
DOC-36-P	Doublewall	23-5/8 x 15-5/8 x 7 Die cut platform tray, open top	42-36-33-26-42	
DOC-37-RV ‡‡	Triplewall-Bulk bin	46-1/2 x 38-1/2 x 26-1/2 Corrugated rectagon with diagonal corners and interlocking bottom (holds appx. 20 to 24 4/5 bu. equiv.)	64-33-35-64-33-9 6	35-26-35
DOC-38-P	Singlewall	16-3/4 x 11-1/2 x 10-3/8 Telescoping, half-slotted, optional molded fiber spring cushion trays**	99-33-90	42-33-69
DOC-39-P	Doublewall	17 x 10 _ x 9 _ Corrugated, half-slotted	42-33-33-33-42	42-33-42
DOC-40-P	Doublewall	18 15/16 x 14 3/16 x 11 13/16 One-piece, die cut	42-33-42-33-42	n/a
DOC-41-P	Plastic	22 1/2 x 14 9/16 x 7 _ One-piece, reusable/recyclable high-density polyethylene	n/a	n/a
DOC-42-P‡‡	Singlewall	17 1/2 x 11 _ x 8 3/4 Holding _ of a standard 4/5 bu. container, two-layer, full telescoping	90-40-90	42-33-42
DOC-43-OV‡‡	Triplewall 1/2 bulk bin	38 1/4 x 23 3/4 x 25 1/4 Space-saver, octagon 1/2 bin holding appx. 10 1/2 4/5 bu. equiv. loose or 7-8 4/5 bu. equiv. bagged	69-26-38-26-38-2 6-65	38-26-38
DOC-44-PT	Doublewall	22 _ x 14 11/16 x 6 _ B/c flute tray body, C flute cover	42-40-41-40-56	42-33-42
DOC-45-P	Singlewall	17 _ x 10 _ x 10 _ 4/5 c-flute, two piece, partial telescoping cover	42-33-57	42-26-35
DOC-46-PT	Doublewall	23 _ x 15 _ x 7 4/5 40 x 60 Euro Wave Tray	42-40-42-40-42	n/a

\*\* Container may be volume filled provided the sizes designated for each variety of fruit meet the requirements of Sections 20-39.007(1), 20-39.008(1) and 20-39.009(1).

†† Container does not conform to 4/5 bushel requirement of section 20-39.003(1)

\*\*\* Minimum board weight requirements shall be waived when a compression strength test by an independent testing laboratory shows that the container made with a new material is equal to, or better than, compression strength of the container with minimum approved board weight. It shall be the responsibility of the packinghouse to acquire and provide records of such compression strength testing upon request.

(4) Each container must be ventilated.

Specific Authority 601.11 FS. Law Implemented 601.11 FS. History—Formerly 105-1.03(1)(a), Revised 1-1-75, Amended 8-16-75, 8-11-77, 8-1-78, 8-21-79, 1-15-80, 10-20-80, 5-1-81, 9-1-82, 11-6-83, 10-21-84, 1-1-85, Formerly 20-39.03, Amended 9-11-86, 12-20-87, 10-14-90, 8-23-92, 10-18-92, 1-19-93, 5-23-93, 10-10-93, 1-9-94, 10-16-94, 8-29-95, 10-13-96, 10-26-97, 12-6-98,

NAME OF PERSON ORIGINATING PROPOSED RULE: Mia L. McKown, General Counsel  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mia L. McKown, General Counsel  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2000

**DEPARTMENT OF CITRUS**

RULE CHAPTER TITLE: Loading Manifest to be Furnished to the Inspector – Fresh Citrus Fruit  
RULE CHAPTER NO.: 20-40  
RULE TITLE: Mandatory Automated Reporting  
RULE NO.: 20-40.005  
PURPOSE AND EFFECT: Would provide for mandatory automated reporting of loading manifests by all fresh citrus fruit shippers by a date certain.  
SUMMARY: Automated reporting of loading manifests.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been prepared.  
Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.  
SPECIFIC AUTHORITY: 601.10(1),(8), 601.15(1),(2), (4),(10), 601.155(7), 601.28(4), 601.69, 601.701 FS.  
LAW IMPLEMENTED: 601.10(8), 601.15(1), 601.155(7), 601.69 FS.  
A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
TIME AND DATE: 10:30 a.m., January 17, 2001

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

20-40.005 Mandatory Automated Reporting.

As of February 1, 2001 and thereafter, each shipper shall provide to the Department of Agriculture and Consumer Services, Division of Fruit and Vegetables an automated loading manifest containing all of the information required by this chapter in a form and manner prescribed by the Division.

Specific Authority 601.10(1),(8), 601.15(1),(2),(4),(10), 601.155(7), 601.28(4), 601.69, 601.701 FS. Law Implemented 601.10(8), 601.15(1), 601.155(7), 601.69 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Mia L. McKown, General Counsel  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mia L. McKown, General Counsel  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2000

**DEPARTMENT OF CITRUS**

RULE CHAPTER TITLE: Ownership and Use of "Florida Sunshine Tree" Certification Mark  
RULE CHAPTER NO.: 20-94  
RULE TITLE: Withdrawal of License or Permission  
RULE NO.: 20-94.005  
PURPOSE AND EFFECT: Would provide for licensed "Florida Sunshine Tree" products to be considered eligible for Department of Citrus promotion programs until September 1, 2001.  
SUMMARY: "Florida Sunshine Tree" licensed products eligibility for Department promotion programs.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been prepared.  
Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.  
SPECIFIC AUTHORITY: 601.10(1), 601.11, 601.15(2)(b),(10)(a) FS.  
LAW IMPLEMENTED: 601.101 FS.  
A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
TIME AND DATE: 10:30 a.m., January 17, 2001

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

20-94.005 Withdrawal of License or Permission.

(1) through (3) No change.

(4) Effective September 1, 2000, all authorizations granted by the Department of Citrus to use the Florida Sunshine Tree mark shall be rescinded, provided however, all participating users of the mark as of that date may continue to use existing label stock until such stocks are exhausted. Until such time as existing label stocks are exhausted, products bearing the "Florida Sunshine Tree" mark shall be considered eligible products for use in Department promotions provided brand owner has shown intent, by filing appropriate documentation, to replace the "Florida Sunshine Tree" mark with the "Florida Citrus Growers' Symbol" mark on product labels. Effective September 1, 2001, products bearing the "Florida Sunshine Tree" mark shall no longer be considered eligible products for use in Department promotions.

Specific Authority 601.10(1), 601.11, 601.15(2)(b),(10)(a) FS. Law Implemented 601.101 FS. History-Formerly 105-1.46(3)(5), Revised 1-1-75, Amended 5-22-83, Formerly 20-94.05, Amended 11-9-89, 12-6-98, \_\_\_\_\_.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mia L. McKown, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2000

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Law Libraries RULE NO.: 33-501.301

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to change the required minimum hours of operation for all law libraries with major and minor collections to 25 hours per week.

SUMMARY: The proposed rule changes the required minimum hours of operation for all law libraries with major and minor collections to 25 hours per week.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09, 944.11 FS.

LAW IMPLEMENTED: 944.09, 944.11 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-501.301 Law Libraries.

(1) No change.

(2) Law Library Access – General.

(a) Hours of Operation. Major and minor collection law libraries ~~that do not provide services to inmates in general population shall be open for inmate use a minimum of 25 32 hours per week. Major and minor collection law libraries that are open to use by inmates in general population shall be open a minimum of 32 hours per week, with a minimum of 6 hours per week after 5:00 p.m. or on weekends. Only hours in which inmates have direct access to the law library collection and inmate law clerks shall count toward the 32-hour minimum. Institutions shall not reduce the law library's operating hours below the 32-hour minimum because of staff shortages. The law library's operating schedule shall be established by the warden and shall be designed to permit each inmate with the maximum~~ access to legal materials consistent with:

1. The inmate's security classification and housing assignment;
2. Staff and space limitations;
3. Scheduled work and other assignments; and
4. Any other limitation based on the interests of security and order of the institution.

(b) through (17) No change.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History-New 4-6-93, Amended 7-3-94, 11-2-94, 4-28-96, 9-30-96, 12-7-97, Formerly 33-3.0055, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Nimer

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 27, 2000

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Division of Managed Care and Health Quality**

RULE TITLE: Authorization Procedures  
 RULE NO.: 59A-23.003

PURPOSE AND EFFECT: The Agency for Health Care Administration is proposing to amend rule 59A-23.003, Florida Administrative Code, to implement subsection (25) of section 440.134, Florida Statutes. The effect of the proposed changes will establish and clarify the procedures for authorization and examination of workers' compensation managed care arrangements.

SUMMARY: Section 440.134(25), Florida Statutes, mandates that the Agency for Health Care Administration adopt a rule specifying procedures for authorization and examination of Workers' Compensation Managed Care Arrangements. The rule amendment specifies: authorization procedures and requirements; implementation of the policies and procedures; approval criteria for delegated entities, provider networks, and credentialing and recredentialing providers; time frames for conducting network reviews; insurers' and medical care coordinators' responsibilities; and utilization of advanced registered nurse practitioners and physician assistants.

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

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

SPECIFIC AUTHORITY 440.134(25) FS.

LAW IMPLEMENTED 440.134 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. (EST), January 11, 2001

PLACE: Agency for Health Care Administration, 2727 Mahan Drive Building 3, Room A, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert Pannell, Unit Administrator, Bureau of Managed Health Care, Agency for Health Care Administration, 2727 Mahan Drive, Building 1, Mail Stop 26, Tallahassee, Florida 32308, (850)922-6481

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-23.003 Authorization Procedures.

(1) General Provisions. All insurers offering a managed care arrangement for the provision of health services for the treatment of persons filing workers' compensation claims shall obtain an authorization from the agency in accordance with the following procedures:

(a) Applications for an initial authorization, amendment of the authorized plan of operation, or renewal shall be submitted with the following:

1. A completed copy of ~~an~~ AHCA Form 3160-0004, November 2000, ~~March 1997~~, incorporated by reference herein;

2. Required attachments as specified in AHCA Form 3160-0004, November 2000; and

3. Written agreements linking the entities within the managed care arrangement and specifying the duties of each entity.

Application forms are available from and shall be submitted to the Agency for Health Care Administration, Division of Managed Care and Health Quality Assurance, Bureau of Managed Health Care, 2727 Mahan Drive, Mail Stop 26 Suite 303, Tallahassee, Florida 32308. This form is available from the agency by contacting the Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Managed Health Care, 2727 Mahan Drive, Tallahassee, Florida 32308.

(b) An initial application for authorization shall be submitted to the agency at least 90 days prior to the intended date of implementation of services. An amendment application shall be submitted to the agency 60 days prior to the effective date of the proposed change in the plan of operation. Upon receipt of the application the agency shall review the content to determine compliance with the requirements of paragraphs 440.134(5) through (15), F.S.

(c) The agency applicant shall notify applicants for initial or renewal authorization in writing via certified mail of any deficiencies in the application be notified within 30 days of the receipt of the application as to the determination of the agency with regard to authorization of the applicant as a workers' compensation managed care arrangement. If it is determined that the application does not meet the requirements for authorization, the agency shall notify the applicant in writing via certified mail within 30 days of the receipt of the application of those specific items found to be deficient. The applicant shall ~~have~~ provide information necessary to complete the application within 30 days of ~~from~~ receipt of the written notice to provide additional information amending the application. Failure to timely submit the necessary information shall result in a denial of the application unless the agency determines, based on the application, that the applicant needs an extension of time due to circumstances beyond its control and requests the extension within 30 days of its receipt of the written notice of deficiencies to meet the quality of care requirements of 440.134(2)(a). No Such extensions shall not exceed 90 days or the expiration date of the workers' compensation managed care arrangement.

(d) The agency shall provide notice to the applicant of its right to administrative review under section 120.569 and 120.57, F.S., with its written notice of intent to deny an



application. Insurers who submit an application for authorization prior to January 1, 1997 and who are currently providing workers' compensation services through a managed care arrangement may continue to provide such services until such time as the agency makes a final determination regarding the application.

(e) Applications to amend an approved plan of operation by replacing the delegated managed care organization or provider network shall address the continuity of care and coordination of medical services for injured employees during the transition. The applicant shall submit information that identifies the activities to be conducted, persons involved, and dates for completion of the following tasks: Denial of an application for a managed care arrangement shall be appealed within 21 days of receipt of a written notice from the agency by the applicant or designated representative. If an administrative hearing is not requested within 21 days of the receipt of a written notice from the agency, the applicant's right to request such a hearing will be waived. A request for an administrative hearing shall be filed with the agency clerk in accordance with the requirements of Section 120.57, F.S., at the following address: Sam Power, Agency Clerk, Agency for Health Care Administration, Fort Knox Executive Center, 2727 Mahan Drive, Building 3, Room 3431, Tallahassee, Florida 32308.

1. The identification and authorization of out of network services for injured employees whose current primary treating physician is not in the new provider network and who prefer to continue with their current provider;

2. The transfer of injured employees' current medical care management information to the newly contracted entity; and

3. The notification of employers and employees of the requirements of the new network arrangements and the contact persons via the educational materials required under section 440.134(14)(a) through (d), F.S.

(f) Upon authorization of a managed care arrangement the agency shall forward copies of the application, the authorization letter, and the summary of operations to the Department of Insurance.

(f)(g) Examination. The agency shall conduct an on-site survey of the each managed care arrangement, within the first year of operation and no less than every two years thereafter, to determine compliance with the requirements of Section 440.134, F.S. The agency shall verify through subsequent survey that any deficiency identified during a previous survey is corrected. The agency may verify the correction without on-site resurvey if written documentation has been received from the insurer or delegated entity and is accepted by the agency. The agency shall also investigate on-site any alleged pattern of non-compliance with the requirements of section 440.134, F.S.

(2) Fees. All initial and renewal applications for authorization of a workers' compensation managed care arrangement shall be accompanied by a non-refundable fee of

\$1,000 made payable to the agency. Applications to amend an existing for expansion of an existing service area for a previously authorized workers' compensation managed care arrangement do not require submission of a fee.

(3) Authorization for as a workers' compensation managed care arrangement shall not be sold, assigned, or otherwise transferred either voluntarily or involuntarily and is valid only for the legal entity to which it was originally issued. transferred or assigned to any entity other than that which was originally issued the authorization. A new application for authorization is required when 50 percent or more of the ownership or controlling interest of a certified entity has been transferred or assigned.

(4) Validity. Each authorization shall be valid for a period of two years only for:

(a) The the entity to which it is issued as specified on the authorization approval letter; and

(b) The service area approved shall not be subject to sale, assignment, or other transfer, voluntary or involuntary, nor shall an authorization be valid for any service area other than that for which it has been authorized by the agency.

(5) Service areas. Each application shall indicate the geographic service area or areas in which the insurer or delegated entity will provide managed care services. The insurer shall offer a managed care arrangement only to those employers whose place of business or business operations are located in a service area approved authorized by the agency to provide services under a workers' compensation managed care arrangement. A service area shall be approved authorized if there is a sufficient number and type of providers adequate to meet the needs of the geographic area in addition to other requirements specified under Rules 59A-23.003, .004, .005, and .006.

(6) Expansions of service area. An insurer seeking to expand the service area of an existing, certified workers' compensation managed care arrangement shall submit an amendment to its original application on AHCA Form 3160-0004, March 1997, with information to justify the proposed expansion.

(6)(7) Travel Times. Each application shall provide information which indicates the its ability of the insurer or delegated entity to provide geographic access to health services for injured employees workers. Average travel time for injured employees from the employee's usual employment site from the managed care arrangement geographic services area boundary to the nearest primary care delivery site and to the nearest general acute care hospital in the provider network under arrangement with the insurer to provide health care services shall be no longer than 30 minutes under normal circumstances. Average travel time from the employee's usual employment site insurer's geographic service area boundary to the nearest provider of specialty physician services, ancillary

services, specialty inpatient hospital services and all other health services shall be no longer than 60 minutes under normal circumstances.

~~(7)~~(8) Provider Network.

(a) Medical services shall be available for injured employees in the geographic area in which they are employed through directly or indirectly contracted network(s) of health care providers. The hours of operation and availability of after-hour care must reflect usual practices in the community and the insurer must demonstrate that:

1. All medically necessary services are available and accessible;

2. Medically necessary referrals are provided within the network or, if unavailable, outside the network;

3. There are written agreements describing specific delegated duties for provision of medical services. Delegation of the provision of medical services by the insurer must be specifically described in the written agreement linking the insurer with the delegated entity;

4. Written agreements for arrangements in which the insurer is indirectly linked with a provider network shall contain language requiring the insurer's approval in advance of a change in the provider network; and

5. There are written agreements with providers prohibiting such providers from billing or otherwise seeking reimbursement from or recourse against any injured employee except as specified under section 440.13, F.S.

(b) The insurer or delegated entity shall establish and implement a policy and procedure regarding access to services which reflects usual and customary practices in the community and addresses access times for emergency, initial, and continuing care including referrals to specialty services.

(c) The agency shall examine provider networks at least annually. The insurer or delegated entity shall file with the agency an updated list of providers by county, by specialty, semiannually. The list shall be submitted within six months of the initial network approval date and every six months thereafter in a format approved or prescribed by the agency.

(d) The insurer or delegated entity shall develop and implement a policy and procedure for credentialing and recredentialing network providers as needed but, at a minimum every two years. The credentialing criteria shall be specified in the policy and shall include the core credentialing data specified under paragraph 455.557(2)(d), F.S., and verification of education of providers as required by 440.134(8), F.S.

(e) The recredentialing process shall monitor and incorporate quality assurance findings and information on individual providers including sanctions, complaints and grievances, medical record audits, provider profiling, and employee satisfaction.

(f) If the insurer delegates all or part of the credentialing process to other organizations, the insurer shall specify the activities of the delegated entity and the oversight and

reporting requirements in the written agreement. The insurer shall perform oversight of the delegated credentialing activities annually.

(g) The insurer or delegated entity shall designate one or more physicians as a medical care coordinator to manage medical care for injured workers. A medical care coordinator shall be assigned for each injured employee. The medical care coordinator shall be licensed under chapter 458 or 459, F.S., and be board certified by the American Board of Medical Specialties, or the American Osteopathic Association, or have two years experience as a participating provider in a workers' compensation managed care arrangement network. The medical care coordinator shall have experience or training in workers' compensation and be responsible for the following:

1. Management of the medical treatment plan;

2. Participation in the quality improvement process and evaluation of outcomes of care;

3. Review of grievances; and

4. Authorization of referrals to specialty providers for second opinions, evaluation of treatment, including changes to another specialty provider pursuant to paragraph 440.134, (10)(c), F.S.

(h) Nothing in this rule prohibits the use by a medical or osteopathic physician of advanced registered nurse practitioners licensed under chapter 464.012, F.S. or physician's assistants licensed under chapter 458 or 459, F.S., in accordance with and within the scope of their professional licenses in Florida Statute. An injured employee shall be evaluated or treated by the physician supervising the advanced registered nurse practitioner or physician assistant if specifically requested by the injured employee.

(i) The insurer or delegated entity may direct injured employees to a single primary care provider or a selected group of primary care providers within the provider network for assessment and initial treatment. However, the employee shall have the right to select a primary care provider and thereafter, to request one change of primary care provider and of each authorized treating specialty provider during the course of treatment for each injury. The injured employee shall select a primary care provider from a current list of all primary care providers in the approved service area within 30 minutes average travel time of the employee's employment site.

(j)(~~a~~) Initial and network change ~~Each~~ applications shall contain ~~provide~~ information on the numbers, types, and locations of health care providers which are included in the managed care network. The types of providers to be included shall comply with those listed on AHCA Form 3160-0005, November 2000, ~~March 1997~~, WCMCA Service Area Network Checklist, incorporated herein by reference. This form is available from the agency by contacting the Agency for Health Care Administration, Division of Managed Care and Health Quality, Assurance, Bureau of Managed Health Care, 2727 Mahan Drive, Mail Stop 26, Tallahassee, Florida 32308.

(8) Delegation. The insurer shall conduct oversight of the delegated functions of the workers' compensation managed care arrangement. The insurer is responsible for the performance of all functions associated with the delivery of medical services to injured employees under section 440.134(1)(g), F.S., regardless of whether the function has been delegated, by written agreement, to other entities. The insurer shall specify, in the written agreement, the oversight and reporting requirements for monitoring the performance of delegated functions. Reports of subcontractors shall be evaluated no less than quarterly, and the findings incorporated into the insurer's quality assurance program.

Specific Authority 440.134(25)(2)(a) FS. Law Implemented 120.57, 440.134(1)(g),(2)(a),(3),(4),(5),(6),(10),(12),(13),(14) FS. History--New 9-12-94, Amended 4-30-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Pannell  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Secretary Ruben J. King-Shaw, Jr.  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The Notice of Rule Development for 59A-23.003, Authorization Procedures was published in Vol. 25, No. 32, Florida Administrative Weekly, August 13, 1999, edition

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Auctioneers**

RULE TITLE: Selection and Training of Investigators  
RULE NO.: 61G2-1.0175  
PURPOSE AND EFFECT: The rule is being repealed.  
SUMMARY: The rule is being repealed, which is obsolete.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 468.384(2) FS.

LAW IMPLEMENTED: 468.384(3) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G2-1.0175 Selection and Training of Investigators. Investigators employed by the Department to assist the Board in disciplinary matters shall meet the following requirements:

Specific Authority 468.384(2) FS. Law Implemented 468.384(3) FS. History--New 3-30-89, Formerly 21BB-1.0175, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Auctioneers  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Auctioneers  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Auctioneers**

RULE TITLE: Definition of Absolute Auction  
RULE NO.: 61G2-8.020  
PURPOSE AND EFFECT: The rule is being repealed.  
SUMMARY: The rule is being repealed, which is obsolete.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 468.384(2) FS.

LAW IMPLEMENTED: 468.381 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G2-8.020 Definition of Absolute Auction.  
~~Absolute auction means an auction which requires no minimum opening bid which limits the sale other than to the highest bidder.~~

Specific Authority 468.384(2) FS. Law Implemented 468.381, 468.383 FS. History--New 11-29-92, Formerly 21BB-8.020, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Auctioneers  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Auctioneers  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2000

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE TITLE: Standards for Approval of Continuing Education Credit  
 RULE NO.: 64B1-6.005

PURPOSE AND EFFECT: The proposed rule will require that continuing education programs contribute to licensee's knowledge and skills related to the safe and beneficial use of laboratory test and imaging findings.

SUMMARY: The proposed changes to the current Rule will set forth standards for the course content of and objectives for continuing education courses related to laboratory test or imaging findings.

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: 457.104, 457.107(3), 456.033 FS.

LAW IMPLEMENTED: 457.107(3), 456.033 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-6.005 Standards for Approval of Continuing Education Credit.

(1) A continuing education program must contribute to the advancement, extension or enhancement of the licensee's skills and knowledge related to the practice of acupuncture and oriental medicine as a primary health care provider. Programs should concern the history and theory of acupuncture, acupuncture diagnosis and treatment techniques, techniques of adjunctive therapies, acupuncturist-patient communication and professional ethics. All continuing education courses are subject to evaluation and approval by the Board which has final determination as to the number of hours of acceptable credit that will be awarded for each program.

(2) through (5) No change.

(6) Continuing education programs related to laboratory test or imaging findings shall be designed to provide course content on the clinical relevance of laboratory and diagnostic tests and procedures as will as biomedical physical

examination findings and to advance, extend or enhance the licensee's skills and knowledge related to the safe and beneficial use of laboratory test and imaging findings.

Specific Authority 457.104, 457.107(3), ~~456.033~~ ~~455.604~~ FS. Law Implemented 457.107(3), ~~456.033~~ ~~455.604~~ FS. History—New 2-24-88, Amended 8-6-89, Formerly 21AA-6.005, 61F1-6.005, Amended 3-18-97, Formerly 59M-6.005, Amended 6-1-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Acupuncture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 29, 2000

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE TITLE: Continuing Education Requirements  
 RULE NO.: 64B1-7.0015

PURPOSE AND EFFECT: The proposed changes to the current rule will add a requirement that course work related to the safe and beneficial use of laboratory test and imaging findings must be included in the continuing education taken by acupuncturist for purposes of renewal of their license.

SUMMARY: The proposed amendments to the current Rule will increase effective March 1, 2002 the required number of continuing education hours from 20 hours to 30 hours each licensure biennium; will decrease the required number of continuing education hours in HIV/AIDS from 3 hours to 2 hours each licensure biennium; will require licensees to complete at least 5 hours each licensure biennium of continuing education concerning the use of laboratory test findings; and will require licensees to complete at least 3 hours each licensure biennium of continuing education concerning the use of imaging findings. The proposed changes will also permit licensees to complete a course in end-of-life care and palliative health care in lieu of completing a course in HIV/AIDS so long as the licensee completed an approved HIV/AIDS course in the immediately preceding biennium.

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: 457.104, 457.107, 457.108, 457.1085, 456.033 FS.

LAW IMPLEMENTED: 457.107, 457.108, 457.109, 457.1085, 456.033, 455.271 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-7.0015 Continuing Education Requirement.

(1) As a condition of the biennial renewal of a license, each licensee shall complete a minimum of ~~attend~~ 20 credit hours per biennium of continuing education that meets the requirements of Section 457. Effective March 1, 2002, as a condition of the biennial renewal of a license, each licensee shall complete a minimum of 30 credit hours per biennium of continuing education that meets the requirements of Section 457. Each biennium, the licensee shall complete a Board-approved program awarding at least 2 3 hours of continuing education credit concerning HIV/AIDS, which shall comply with the requirements of Section 456.033(2) 455.604(1), Florida Statutes. Pursuant to Section 455.604(2), Florida Statutes, each licensee shall submit confirmation of having completed said course when submitting fees for each biennial renewal. In lieu of completing a course in HIV/AIDS as required above, the licensee may complete a course in end-of-life care and palliative health care, so long as the licensee completed an approved HIV/AIDS course in the immediately preceding biennium. Each biennium, the licensee shall complete a program awarding at least 5 hours of continuing education credit concerning the use of laboratory test findings. Each biennium, the licensee shall complete a program awarding at least 3 hours of continuing education credit concerning the use of imaging findings.

(2) No change.

(3) The Board and/or the Department will audit a number of licensees who are selected at random as is necessary to assure that the continuing education requirements are met. Each licensee shall retain such receipts, vouchers or certificates as may be necessary to document completion of the continuing education requirements for a period of 2 years following the biennium for which they are applied. Failure to document compliance with the continuing education requirements, or furnishing false or misleading information regarding compliance shall be grounds for disciplinary action under Rule 64B1-9.001.

Specific Authority 457.104, 457.107, 457.108, 457.1085, 456.033 455.2226 FS. Law Implemented 457.107, 457.108, 457.109, 457.1085, 456.033 455.2226, 455.271 FS. History—New 3-18-97, Formerly 59M-7.0015, Amended 4-25-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Acupuncture

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Acupuncture  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2000

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: \_\_\_\_\_ RULE NO.: 64B8-55.002  
Citations \_\_\_\_\_

PURPOSE AND EFFECT: The Electrolysis Council proposed to the Board of Medicine that an amendment be promulgated to provide a fine for a first offense of unprofessional conduct where no patient harm occurred.

SUMMARY: This amendment serves to address specific requirements for a first offense of unprofessional conduct.

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: 456.077(1),(2) FS.

LAW IMPLEMENTED: 456.072(3)(b), 456.077(1),(2), 478.51, 478.52 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: Kaye Howerton, Executive Director, Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-55.002 Citations.

(1) through (3) No change.

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

(a) through (p) No change.

(q) Unprofessional conduct. (q) First time violation failure to conform to acceptable where no actual patient standards. harm occurred – \$250 fine.

(5) through (6) No change.

Specific Authority 456.077(1),(2) 455.617(1),(2) FS. Law Implemented 456.072(3)(b), 456.077(1),(2) 455.617(1),(2), 455.624(3)(b), 478.51, 478.52 FS. History—New 11-16-93, Formerly 61F6-80.002, Amended 1-2-95, Formerly 59R-55.002, Amended 11-13-97, 10-12-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrolysis Council	9G-6.006	County Comprehensive Emergency Management Plans – Review by Division
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine	9G-6.0095	Municipal Comprehensive Emergency Management Plans
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2000	9G-6.010	Municipal Comprehensive Emergency Management Plans – Review by County Emergency Management
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 27, 2000		

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

**DEPARTMENT OF INSURANCE**

RULE NO.: 4-154.530  
 RULE TITLE: Renewal of Group Health Insurance  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 36, September 8, 2000, of the Florida Administrative Weekly. These changes are being made to address concerns expressed.

The rule has been changed to read as follows:

4-154.530 Renewal of Group Health Insurance.

An insurer or health maintenance organization that issues a group health insurance policy must renew or continue in force such coverage at the option of the policyholder. Employers are eligible to renew that exact coverage, subject to the participation requirement provisions of sections 627.6571(2) and 641.31074(2)(c), Florida Statutes.

Specific Authority 624.308(1), 627.6699(16) FS. Law implemented 624.307, 627.6571, 641.31074 FS. History–New \_\_\_\_\_.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Emergency Management**

RULE CHAPTER NO.: 9G-6	RULE CHAPTER TITLE: Review of Local Emergency Management Plans and Programs
RULE NOS.: 9G-6.002	RULE TITLES: Definitions
9G-6.0023	County Comprehensive Emergency Management Plans
9G-6.0025	The County Radiological Emergency Plan for Nuclear Power Plants
9G-6.005	Schedule for Development and Review of County and Municipal Comprehensive Emergency Management Plus

NOTICE OF CHANGE

Notice is hereby given that changes have been made to the proposed rule which was published September 15, 2000, in Vol. 26, No. 37 and it now reads as follows:

9G-6.002 Definitions.

(1) through (6) No change.

(7) “County Radiological Emergency Plan for Nuclear Power Plants” means the plan to be prepared by the Division and county governments within 50 miles of a commercial nuclear power plant.

(8) “County Emergency Management Program” means the emergency management program authorized and mandated by Section 252., F.S. to be created by each legally constituted county in the state.

Specific Authority 252.35(2)(u) FS. Law Implemented 252.35(1),(2)(a),(b),(c),(d),(k),(v) FS. History–New 1-18-81, Amended 2-24-85, Formerly 9G-6.02, Amended 2-5-91, 5-11-95, \_\_\_\_\_.

9G-6.0023 County Comprehensive Emergency Management Plans.

(1) Each county emergency management agency established pursuant to the authority contained in Section 252.38(2), F.S., shall develop and submit to the Board of County Commissioners for adoption a County Comprehensive Emergency Management Plan in compliance with the requirements, format and standards contained in this rule chapter.

(2) County Comprehensive Emergency Management Plans will be coordinated and consistent with the provisions of the State Plan. The county emergency management plan will include an evacuation component, a shelter component (risk and host events), and a post-disaster and recovery component and will consist of provisions addressing aspects of preparedness, response, recovery and mitigation. The county plan will assign lead and support responsibilities for county agencies and personnel that coordinate with the emergency support functions outlined in the State Plan.

(3) The County Comprehensive Emergency Management Plan shall be specific and shall address responses and actions in the event of an emergency. It shall clearly identify those positions or agencies responsible for specific functions under given circumstances. Responsibilities must be assigned by position title or agency name, and specific duties for each position or agency must be listed. Checklists and other readily accessible and easy-to-use guidelines are encouraged. Where

appropriate, the county plan shall contain maps, diagrams and other visual aids. Copies of the forms the local government will use shall be available for review.

(4) The County Comprehensive Emergency Management Plan shall be divided into a minimum of two components: the Basic Plan and the Capability ~~Assessment Demonstration~~. The Basic Plan shall be narrative in form and generally describe responsibilities within the emergency management framework. It shall include but not be limited to two annexes addressing the recovery and mitigation functions of the county emergency management program. The Basic Plan and the Recovery and Mitigation Annexes shall include organizational charts, maps and checklists. The Capability ~~Assessment Demonstration~~ shall demonstrate competencies and present information outlined in the County Comprehensive Emergency Management Plan, standard operating procedures and other supporting documents that are involved in the emergency management program, i.e., emergency response, recovery and mitigation activities.

(5) The County Comprehensive Emergency Management Plan shall cover county agencies and resources and should cover applicable municipal agencies and resources. County plans shall interface with plans of contiguous jurisdictions, regional, municipalities and the state comprehensive emergency management plans.

(6) The County Comprehensive Emergency Management Plan or supporting operating procedures referred to in the plan shall provide a detailed description of the process to be followed at the local level whenever an emergency or disaster occurs as a result of the many consequences generated by natural, technological or manmade causes. Such emergencies include, but are not limited to: tornadoes, hurricanes, flooding, freezes, extreme temperatures, disease outbreaks, wildfires, terrorism, drought, hazardous materials releases or spills and civil disturbances. The plan shall identify and describe pre-emergency warning systems, evacuation and sheltering plans, hazard mitigation and other anticipatory actions as well as post-event response and recovery actions.

(7) The Division hereby adopts and incorporates by reference "Local Comprehensive Emergency Management Plan Compliance Criteria" and the "~~Emergency Management Capabilities Assessment Checklist~~" "~~Capabilities Assessment~~" (Form Numbers CEMP-001 and CEMP-002, 2000 Edition) as part of this chapter. County Comprehensive Emergency Management Plans and County Emergency Management Programs shall comply with these criteria. These criteria are available from the Division and may be obtained by writing the Division at 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399 or online at [www.floridadisaster.org](http://www.floridadisaster.org). These criteria shall be used in the development and review of County Comprehensive Emergency Management Plans and Programs. Counties shall complete the compliance criteria prior to the Division's review of their Comprehensive Emergency

Management Plan and have them available to the Division thirty days after receiving notification of the Division's intent to review. Counties shall demonstrate satisfaction of the required plan criteria by noting the page and section in their plan, or supporting documents, where each criterion is satisfied. Counties shall provide the documentation needed to satisfy the requirements of the Capabilities ~~Assessment Demonstration~~.

(8) Counties are encouraged to follow the format of the State Plan in development of the County Comprehensive Emergency Management Plan. County emergency management agencies are not required to duplicate the suggested format, but should be able to demonstrate the ability to communicate with those emergency support functions and state agencies that support the State Plan.

Specific Authority 252.35(2)(u) FS. Law Implemented 252.35(1),(2)(a),(b),(c),(d),(k),(v), 252.38(1) FS. History--New \_\_\_\_\_.

9G-6.0025 The County Radiological Emergency Plan for Nuclear Power Plants.

This county plan shall provide a detailed description of the process to be used to protect the public from the potential health effects associated with a radiological emergency at a commercial nuclear power plant. Only those counties within a 50 mile radius of a commercial nuclear power plant are required to develop this plan. This plan shall be developed with direct assistance from the Division and shall be incorporated into the appropriate site plan contained in Annex A of the State Plan. This plan shall comply with the Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants (NUREG-06541 FEMA REP-1 Rev.1). These criteria are available from the Division and may be obtained by writing the Division at 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399. This plan or annex shall be submitted to the Federal Emergency Management Agency for review and approval.

Specific Authority 252.35(2)(u) FS. Law Implemented 252.35(1),(2)(a),(b),(c),(d),(k),(v), 252.60 FS. History--New \_\_\_\_\_.

9G-6.005 Schedule for Development and Review of County and Municipal Comprehensive Emergency Management Plans.

Specific Authority 252.35(2)(u) FS. Law Implemented 252.35(2)(a),(b),(c),(d),(k),(v) FS. History--New 1-18-81, Amended 2-24-85, Formerly 9G-6.05, Amended 2-5-91, 5-11-95, Repealed \_\_\_\_\_.

9G-6.006 County Comprehensive Emergency Management Plans – Review by Division.

(1) No change.

(2) The Division shall review each county comprehensive emergency management plan at a minimum of every four years and shall offer the affected Regional Planning Council an opportunity to participate in the review. The Division shall review the county plan in accordance with the criteria

CEMP-001 and CEMP-002. The Division shall provide notice of its intent to review a County Comprehensive Emergency Management Plan at least 60 days prior to initiation of the review. Within 30 days of receipt of this notification the county shall provide to the Division three copies of the plan to be reviewed with three copies of the completed compliance criteria. The county may waive the 60 day review notification. Upon receiving notification of the intent to review, the county and the Division shall coordinate to finalize the Capabilities Assessment prior to the date of the plan review. The Division will provide the county with the results of its review and its finding as to the compliance of the plan within 60 days of its initial review. If the Division finds the county plan meets the requirements of this chapter it shall issue a notice of compliance.

(3) If the Division finds that a county plan does not meet all of the criteria established in this chapter the Division shall withhold a notice of compliance and issue an official notification by certified mail specifically stating the reasons the plan does not meet the criteria. Upon receipt of the official notification the county shall either:

(a) Within 60 days, revise its plan, notify the Division of the changes and make the changes available to the Division for review;

(b) Within 60 days develop a workplan to be approved by the Division which addresses all changes necessary for compliance and a timetable for completion or;

~~(c)~~(b) In accordance with Section 120.57, F.S., request an administrative proceeding regarding the Division's non-compliance determination within 21 days of receipt of the determination.

(4) If the county does not submit a revised plan or a workplan 60 days after the receipt of the official notification or request an administrative hearing ~~60 days after the receipt of the official notification~~ the Division shall issue a notice of non-compliance specifically stating the reasons for non-compliance. Upon receipt of the notice of non-compliance the county shall either:

(a) Within 30 days revise the plan, notify the Division of the changes and make the changes available to the Division for review; or

(b) In accordance with Section 120.57, F.S., request an administrative proceeding regarding the Division's non-compliance determination within 21 days of receipt of the determination.

~~(5) If the county does not revise the plan within 30 days or request an administrative hearing, the Division shall notify the county by certified mail that it may withhold funding until the county resolves all issues of non-compliance to the satisfaction of the Division.~~

~~(5)~~(4) If upon the submittal of the revised plan, either after the 60 days allotted or upon completion of the workplan, the Division finds that the revised plan is not in compliance the

Division shall issue a notice of non-compliance specifically stating the reasons for non-compliance. Upon receipt of the notice of non-compliance the county shall either:

(a) Within 30 days revise the plan, notify the Division of the changes and make the changes available to the Division for review; or

(b) In accordance with Section 120.57, F.S., request an administrative proceeding regarding the Division's non-compliance determination within 21 days of receipt of the determination.

~~(7) If the county does not revise the plan within 30 days or request an administrative hearing, the Division shall notify the county by certified mail that it may withhold funding until the county resolves all issues of non-compliance to the satisfaction of the Division.~~

(6) If the workplan is not completed in the time frame established, the Division shall issue a notice of non-compliance specifically stating the reasons for non-compliance. Upon receipt of the notice of non-compliance, the county shall either:

(a) Within 30 days revise the plan, notify the Division of the changes and make the changes available to the Division for review; or

(b) In accordance with Section 120.57, F.S., request an administrative proceeding regarding the Division's non-compliance determination within 21 days of receipt of the determination.

~~(9) If the county does not revise the plan within 30 days or request an administrative hearing, the Division shall notify the county by certified mail that it may withhold funding until the county resolves all issues of non-compliance to the satisfaction of the Division.~~

~~(7)~~(5) No change.

~~(8)~~(6) If the Division is unable, for any reason, to provide notice to the county regarding the results of its initial review within 60 days, it will forward a notice to the county stating its intent to extend the review period for the specifically identified time period necessary to provide notice.

~~(9)~~(8) In order to ensure that County Comprehensive Emergency Management Plans can be implemented in the event of a disaster or emergency, each agency assigned responsibility in the plan must coordinate the development of implementation procedures. The jurisdiction promulgating the plan shall document this coordination.

~~(10)~~(9) After a determination that a County Comprehensive Emergency Management Plan is in compliance with the terms of this chapter the approved plan must be adopted by resolution of the governing body of the jurisdiction within 60 days of receiving notification of compliance from the Division before it becomes the Comprehensive Emergency Management Plan for such local government. If the county is unable to adopt the plan within 60 days the county may request in writing to the Division, stating



just cause, an extension of no more than an additional 90 days to adopt the plan. Adoption must occur, at a minimum, every four years. Notification of the date of adoption shall be sent to the Division. Failure to adopt, to notify the Division of an adoption date or make available for review a revised plan will constitute non-compliance. Upon adoption of the plan, the county shall submit a copy of the adopted plan to the Division.

Specific Authority 252.35(2)(u), 120.53, 120.57 FS. Law Implemented 252.35(1),(2)(a),(b),(c),(d),(k),(v), 120.57 FS. History--New 1-18-81, Amended 2-24-85, Formerly 9G-6.06, Amended 2-5-91, 5-11-95, \_\_\_\_\_.

~~9G-6.0125~~ 9G-6.0095 Municipal Comprehensive Emergency Management Plans.

Municipal Comprehensive Emergency Management Plans must comply with all the standards and requirements applicable to County Comprehensive Emergency Management Plans.

Municipal Comprehensive Emergency Management Plans shall comply with the Local Comprehensive Emergency Plan Compliance Criteria adopted by reference in Rule 9G-6.0023(7). These criteria are available from the Division and shall be used in the development and review of Municipal Comprehensive Emergency Management Plans.

Municipal Comprehensive Emergency Management Plans are encouraged to follow the suggested format for County Comprehensive Emergency Management Plans. Municipal emergency management programs are not required to duplicate the suggested format, but should conform to it as closely as possible.

Specific Authority 252.35(2)(u) FS. Law Implemented 252.35(1),(2)(a),(b),(c),(d),(k),(u), 252.38(2) FS. History--New \_\_\_\_\_.

9G-6.010 Municipal Comprehensive Emergency Management Plans – Review by County Emergency Management.

(1) The provisions of this section shall apply to either initial review by the County Emergency Management Agency, or to review of revised information as a result of a determination by the County Emergency Management Agency that a Municipal Comprehensive Emergency Management Plan is not in compliance with the terms of this chapter.

(2) If a municipality elects to prepare a Comprehensive Emergency Management Plan, the plan shall be periodically reviewed by its County Emergency Management Agency to determine compliance with the established criteria.

(3) The County Emergency Management Agency shall provide initial notice to the chief elected official of each municipality in the county of the county's intent to establish a schedule to review municipal comprehensive emergency management plans. A county shall provide notice to the municipalities of its intent to review a Municipal Comprehensive Emergency Management Pan at least 60 days

prior to the initiation of the review. This notice shall also advise the municipalities, in general terms, of the applicable plan requirements.

Each municipality must respond to this notice and advise the county of the existence of a municipal comprehensive emergency plan or program. Each municipality shall also provide a copy of this response to the Division. If any municipality creates a comprehensive emergency management plan or program subsequent to this initial notice, it must advise the county emergency management director and the Division in writing, and request that the municipality be included in the county's plan review schedule.

(4) The County Emergency Management Agency shall provide the municipal emergency program with the results of its review and its finding as to the compliance of the municipal comprehensive emergency management plan within 60 days of completion of its initial review. If the County Emergency Management Agency determines that the Municipal Comprehensive Emergency Management Plan complies with the requirements of this rule chapter it shall issue a notice of compliance to the Municipal Emergency Management Program and to the Division.

(5) When the County Emergency Management Agency determines that a Municipal Comprehensive Emergency Management Plan is not in compliance with the requirements of this rule chapter it shall issue a notice of non-compliance specifically stating the reasons for non-compliance. Upon receipt of a notice of non-compliance, the municipal emergency program shall, within 60 days, revise its plan, notify the county emergency management agency and make the revised information for review by the county emergency management agency.

(6) No change.

(7) In order to ensure that Municipal Comprehensive Emergency Management Plans can be implemented in the event of a disaster or emergency, each agency assigned responsibility in the plan must coordinate the development of implementation procedures. The jurisdiction promulgating the plan shall document this coordination.

(8) After a determination that a Municipal Comprehensive Emergency Management Plan is in compliance with the terms of this chapter, the approved plan must be adopted by resolution of the governing body of the jurisdiction before it becomes the Comprehensive Emergency Management Plan for such local government.

Specific Authority 252.35(2)(u) FS. Law Implemented 252.35(1),(2)(a),(b),(c),(d),(k),(v), 252.38(1),(2) FS. History--New 5-11-95, Amended \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Denise Imbler, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9916

**DEPARTMENT OF CORRECTIONS**

RULE NOS.:                    RULE TITLES:  
 33-506.106                  Youthful Offender Program  
    Participation  
 33-506.206                  Basic Training Program Operation  
    NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 47, November 22, 2000, issue of the Florida Administrative Weekly:

- 33-506.106 Youthful Offender Program Participation.
  - (1) through (3)(b) No change.
  - (c) Upon the approval of the ICT and SCO, the recommendation for sentence modification shall be forwarded to the Chief of the Bureau of Classification and Central Records for review by the central office screening committee who shall review the recommendation. If approved by the central office screening committee, the recommendation will be forwarded to the Deputy Director of the Office of Institutions (classification) for review. If the Deputy Director concurs with the recommendation for sentence modification, the Office Chief of the Bureau of Classification shall transmit a recommendation to the sentencing court for consideration. If the Deputy Director does not concur with the recommendation for sentence modification, the Chief of Classification will notify the ICT at the facility where the inmate is housed. The ICT will notify the inmate of the decision.

Specific Authority 958.11(1) FS. Law Implemented 958.11, 958.12 FS. History—New 10-11-95, Amended 9-11-97, Formerly 33-33.013, Amended

- 33-506.206 Basic Training Program Operation.
  - (1) No change.
  - (2) Inmates who have satisfactorily completed the requirements of the basic training program shall be released to a term of probation as specified and modified by the sentencing court. ~~Upon the approval of the ICT and SCO, the recommendation for sentence modification shall be forwarded to the Chief of the Bureau of Classification and Central Records for review by the central office screening team. If approved by the central office screening team, the recommendation will be forwarded to the Deputy Director of the Office of Institutions (classification) for review. If the Deputy Director concurs with the recommendation for sentence modification, the Chief of the Bureau of Classification shall transmit a recommendation to the sentencing court for consideration. If the Deputy Director does not concur with the recommendation for sentence modification, the Chief of Classification will notify the ICT at the facility where the inmate is housed. The ICT will notify the inmate of the decision.~~
  - (3) through (4) No change.

Specific Authority 20.315, 944.09, 958.045 FS. Law Implemented 20.315, 944.09, 958.045 FS. History—New 2-26-89, Amended 1-25-96, Formerly 33-27.006, Amended

**DEPARTMENT OF CORRECTIONS**

RULE NO.:                    RULE TITLE:  
 33-601.602                  Community Release Programs  
    NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 36, September 8, 2000, issue of the Florida Administrative Weekly:

- 33-601.602 Community Release Programs.
  - (1) through (7)(e) No change.
  - (f) The prospective employer shall sign an Employer Work Release Agreement, Form ~~DC6-124 DC4-826~~ DC6-124 is incorporated by reference in (16) of this rule. Inmates engaged in paid employment are not considered an employee of the state or the department while engaging in or traveling to and from such employment.
  - (g) through (16)(c) No change.
  - (d) DC6-124 ~~DC4-826~~, Employer’s Community Work Agreement, effective \_\_\_\_\_.
  - (e) through (l) No change.

Specific Authority 945.091 FS. Law Implemented 945.091 FS. History—New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023, Amended

**DEPARTMENT OF CORRECTIONS**

RULE NO.:                    RULE TITLE:  
 33-602.220                  Administrative Confinement  
    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 Vol. 26, No. 35, September 1, 2000, issue of the Florida Administrative Weekly, as amended in the first notice of change, published in Vol. 26, No. 45, November 9, 2000.

- 33-602.220 Administrative Confinement.
  - (1)(a) through (d) No change.
  - (e) ~~Confinement~~ Review – where used herein, refers to the evaluation of pertinent information or documentation concerning an inmate’s confinement status to determine if changes or modifications are required or recommended.
  - (f) ~~Confinement~~ Visit – where used herein, refers to the official inspection and tour of a confinement unit by a staff member.
  - (g) Clinical health care personnel – where used herein, refers to a physician, clinical associate, nurse, Correctional Medical Technician Certified (CMTC), psychologist, psychology intern, psychology resident, or psychological specialist.
  - (h) through (3)(c) No change.

(d) Inmates who present a signed written statement alleging that they are in fear of staff, ~~feel that there is no other reasonable alternative,~~ and provide specific information to support this claim shall also be placed in administrative confinement. These cases shall be reported via e-mail to the Office of the Inspector General for review and possible investigation. After completion of the review and investigation, the inspector general shall submit the case to the ICT or SCO with recommendations for disposition. If the case is submitted to the ICT, the ICT shall docket the case for consideration no later than the next ICT meeting. If the case is submitted to the SCO, the SCO shall coordinate with the ICT regarding recommendations.

(e) An investigation, evaluation for change of status or transfer is pending and the presence of the inmate in the general population might interfere with that investigation or present a danger to the inmate, other inmates, or to the security and order of the institution. An investigating officer shall have the authority to request that the senior correctional officer place the inmate in administrative confinement for this reason and the length of time spent in this status shall not exceed 15 working days unless one 10 day extension is granted by the ICT. This extension shall be documented on the Daily Record of Segregation, DC6-229. If it is necessary to continue the inmate's confinement beyond this first extension, written authorization must be obtained from the SCO for a 30 day extension. This authorization shall be attached to the DC6-229. The SCO shall have the authority to authorize an additional 30 day extension as necessary. Examples of circumstances for placing an inmate in administrative confinement for this reason include:

1. through 2. No change.

3. Pending an investigation into allegations that the inmate is in fear of a staff member. The protection process outlined in subsection (d) above ~~shall not~~ be utilized for this purpose. Paragraph (c) above shall not apply.

4. No change.

(f) Health reasons. Clinical health care personnel shall have the authority to place an inmate in administrative confinement for mental health ~~this reasons,~~ and ~~the~~ length of time spent in this status shall not exceed five working calendar ~~calendar~~ days. If it is necessary to continue the inmate's confinement beyond this time, written authorization shall be provided by the institutional health services administrator for an additional five working day extension.

(g) No change.

(4) Administrative Confinement Facilities.

(a) The number of inmates housed in an administrative confinement cell shall not exceed the number of bunks in the cell. The only exception to this policy is during an emergency situation as declared by the warden or duty warden. The regional director and the emergency action center in central office shall be advised of the emergency. If the emergency

situation exists in excess of 24 hours, the warden or duty warden must get specific written authorization from the regional director to continue to house inmates beyond the 24 hour period. Prior to placing inmates in the same cell, a determination shall be made that none of the inmates constitute a threat to any of the others.

(b) through (5)(g) No change.

(h) Counseling and Interviews. Counseling shall be provided to inmates in disciplinary confinement in-cell or out of cell when deemed necessary by mental health staff. The ICT shall determine whether an inmate in disciplinary confinement may be removed to attend individual or group counseling sessions or interviews when they determine that it is safe to do so, or whether counseling must take place in-cell.

(i) through (j) No change.

(k) Legal Access – Legal materials shall be as accessible to inmates in administrative confinement as to inmates in general population as long as security concerns permit. An inmate in confinement may be required to conduct legal business by correspondence rather than a personal visit to the law library if security requirements prevent a personal visit. However, all steps shall be taken to ensure the inmate is not denied needed access while in confinement. Although the inmate may not be represented by an attorney at any administrative hearing, access shall be granted for legal visits at any reasonable time during normal business hours to the inmate's attorney or aide to that attorney. Indigent inmates shall be provided paper and writing utensils in order to prepare legal papers. Inmates who are not indigent shall be allowed to purchase paper and envelopes for this purpose through a canteen order. Typewriters or typing services are not considered required items and shall not be permitted in confinement cells. However, an inmate with disabilities that hinder the preparation of legal correspondence will be allowed the use of auxiliary aids (writer/reader) ~~or an inmate assistant in order to prepare legal correspondence.~~ An inmate who ~~is~~ has been provided an auxiliary aid shall also a "writer/reader" will be allowed access to ~~such a certified law clerk person~~ for the purpose of preparing legal documents, legal mail, or filing a grievance.

(l) No change.

(m) Writing utensils – Inmates in administrative confinement shall possess only a security pen. Other types of pens and pencils shall be confiscated and stored until the inmate is released from administrative confinement status. If a security pen is unavailable, the inmate shall be allowed to sign out a regular pen from the confinement housing officer. All care shall be taken to ensure that an inmate who requests access to a pen in order to prepare legal documents or legal mail or to file a grievance with the department has access to a pen for a time period sufficient to prepare the legal mail, documents, or grievances. An inmate who has been provided a

“writer/reader” shall be allowed access to such for the purpose of reading or preparing legal documents, legal mail, filing a grievance or preparing general correspondence.

(n) Reading materials – Reading materials, including scriptural and devotional materials and books that are in compliance with admissibility requirements in rule 33-501.401 shall be permitted for those inmates in administrative confinement units unless there is an indication of a threat to the safety, security or sanitation of the institution. If it is determined that there is a safety, security or sanitation risk, the items will be removed. Such removal of reading materials shall be documented on Form DC6-229 in accordance with (8)(c) of this rule. An inmate who receives services from the Bureau of Braille and Talking Book Library shall be allowed to have his or her ~~their~~ tape players and devotional and scriptural materials and any other books on tape that are in compliance with admissibility requirements in rule 33-501.401, F.A.C. ~~If it is determined that there is a safety security or sanitation risk, the items will be removed. Such removal of reading materials shall be documented on Form DC6-229 in accordance with (8)(c) of this rule.~~

(o) Library – only one ~~Two~~ books at a time may be checked out. Books shall be checked out once weekly and inmates may possess no more than one soft-back book at any given time. Inmates who receive services from the Bureau of Braille and Talking Book Library will be allowed to check out one book on tape per week and possess no more than one at any given time. The actual number of tapes may be more than one per book ~~have their tape players and devotional and scriptural materials and any other books on tape that are in compliance with admissibility requirements.~~

(p) through (7)(a) No change.

(b) Any inmate assigned to administrative confinement for more than 30 days shall be given a psychological screening assessment by a mental health professional to determine his or her mental condition. The assessment shall include a personal interview if determined necessary by mental health staff. All such assessments shall be documented in the mental health record. The psychologist or psychological specialist shall prepare a report to the ICT regarding the results of the assessment with recommendations. The ICT shall then make a decision regarding continuation of confinement. Any recommendations by the psychologist or psychologist specialist that the inmate be released from administrative confinement shall be forwarded by the ICT to the SCO. ~~All such assessments shall be documented in the mental health record.~~ If the decision is to continue confinement, a psychological screening assessment shall be completed ~~required~~ at least every 90-day period.

(c) through (8)(a) No change.

(b) A Daily Record of Segregation, Form DC6-229, shall be maintained for each inmate as long as he is in administrative confinement. The DC6-229 shall be utilized to document any

activity such as cell searches, items removed, showers, recreation, haircuts and shaves and also unusual occurrences such as refusal to come out of a cell or refusal to eat. If items that inmates in administrative confinement are not prohibited from possessing are denied or removed from the inmate, the shift officer-in-charge or the confinement lieutenant must approve the action initially. The central office ADA coordinator shall be contacted within 24 hours if any item is ~~to~~ be removed that would be considered an auxiliary aid or device that ensures a disabled inmate an equal opportunity as a non-disabled inmate. The items denied or removed shall be documented on Form DC6-229 and the Chief of Security shall make the final decision in regard to the appropriateness of that action no later than the next working day following the action. The supervising officer shall make a notation of any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action shall also be noted. The DC6-229 shall be maintained in the housing area for one week, at which time the form shall be forwarded to the ICT for review. Once reviewed, these forms shall be forwarded to classification to be filed in the institutional inmate record.

(c) through (10) No change.

## DEPARTMENT OF CORRECTIONS

RULE NO.:

RULE TITLE:

33-602.221

Protective Management

### THIRD NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 25, June 21, 2000, issue of the Florida Administrative Weekly, revised by the first notice of change published in Vol. 26, No. 35, September 1, 2000, and the Second Notice of Change published in Vol. 26, No. 45, November 9, 2000.

33-601.221 Protective Management.

(1)(a) through (g) No change.

(h) Clinical Health Care Personnel – where used herein, refers to a Physician, Clinical Associate, Nurse, Correctional Medical Technician Certified (CMTC), Psychologist, psychology intern, psychology resident, or Psychologist Specialist.

(i) through (j) No change.

(k) Senior Correctional Officer refers to a staff member with the rank of Correctional Officer Lieutenant or above.

(l) through (m) No change.

(n) State Classification Office (SCO) refers to a staff member at the Central Office level who is responsible for the review of inmate classification decisions. Duties include the approving approval or rejecting rejection of Institutional Classification Team recommendations.

(o) No change.

(p) Visit, where used herein, refers to the official inspection and tour of a protective management unit personal contact by a staff members with inmates in protective management status to ensure that their welfare is properly addressed.

(2) through (3) No change.

(4) Conditions and Privileges.

(a) Clothing – Inmates may wear shower slides or personal canvas shoes while in their housing units, but regulation shoes shall be required for work assignments. Otherwise the clothing for inmates in protective management shall be the same as that issued and exchanged to the general inmate population except when there is an indication of a security or health problem or when additional clothing is required for a work assignment. In such cases the exceptions shall be documented on Form DC6-235 and approved by the chief of security. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself or herself or others or to prevent the destruction of property or equipment. If an inmate's clothing is removed, a modesty garment shall be immediately obtained and given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be noted on Form DC6-235, Record of Protective Management, stating the reasons for such denial. Under no circumstances will an inmate be left without a means to cover himself or herself. Form DC6-235 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_.

(b) through (g) No change.

(h) Counseling Interviews – Counseling shall be provided to protective management inmates in-cell or out of cell when deemed necessary by mental health staff. The ICT will determine whether an inmate in protective management may be removed from his or her cell to attend interviews and counseling sessions when they determine that it is safe to do so, or whether counseling must take place in-cell.

(i) through (j) No change.

(k) Legal Access – inmates in protective management shall have access to the law library during evening or other hours when general population inmates are not present. If security reasons prevent a visit, access shall be provided through correspondence or visits from the inmate law clerk. All steps shall be taken to ensure the inmate is not denied needed legal access while in protective management. Inmates shall be provided paper and writing utensils in order to prepare legal papers. Typewriters or typing services are not considered required items and will not be permitted in protective management housing units. However, an inmates with disabilities that hinder the preparation of legal correspondence will be allowed the use of auxiliary aids (writer reader) or an inmate assistant in order to prepare legal correspondence. An

~~inmates who is have been~~ provided an auxiliary aid a "writer/reader" will be allowed access to a certified law clerk for the purpose of preparing legal documents, legal mail, or filing a grievance, ~~or general correspondence.~~

(l) No change.

(m) Writing utensils – Inmates in protective management shall be allowed to possess pens and pencils of the same type and number as those in general population. If it is determined that there is a safety, security or sanitation risk these items shall be confiscated and stored until the inmate is released from protective management status. The inmate shall be issued a security pen; if a security pen is unavailable the inmate shall be allowed to sign out a regular pen from the housing officer. All care shall be taken to ensure that an inmate who requests access to a pen in order to prepare legal documents or legal mail or to file a grievance with the department has access to a pen for a time period sufficient to prepare the legal mail documents or grievances. An inmate who has been provided a "writer/reader" shall be allowed access to such for the purpose of preparing ~~legal documents, legal mail, grievances or general~~ correspondence.

(n) Reading materials – Reading materials, including scriptural and devotional materials and books that are in compliance with admissibility requirements in rule 33-501.401 for inmates in general population are allowed for those inmates in protective management units. If it is determined that there is a safety, security or sanitation risk, the items will be removed. Such removal of reading materials will be documented on Form DC6-235 in accordance with (4)(c) of this rule. An inmate who receives services from the Bureau of Braille and Talking Book Library shall be allowed to have their tape players and devotional and scriptural materials and any other books on tape that are in compliance with admissibility requirements in rule 33-501.401, F.A.C. ~~If it is determined that there is a safety, security or sanitation risk, items will be removed. Such removal of reading materials will be documented on Form DC6-235.~~

(o) No change.

(p) Exercise – an exercise schedule shall be implemented to ensure a minimum opportunity of three hours per week of exercise out of doors. The ICT is authorized to restrict exercise for an individual inmate when the inmate is found guilty of a major rule violation. In this instance, a major rule violation is defined as: any assault, battery or attempted assault or battery; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; escape or escape attempt. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length ~~the shortest length of time to accomplish the goal of safety;~~

security and order within the institution and shall be documented on Form DC6-235, Record of Protective Management. If the inmate requests a physical fitness program handout, the wellness specialist or the housing officer shall provide the inmate with an in-cell exercise guide and document such on the Daily Record of Segregation, Form DC6-229. Form DC6-229 is incorporated by reference in rule 33-602.220(10). Medical restrictions may also place limitations on exercise periods. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him or her that will accomplish the need for exercise and take into account the particular inmate's limitations. Similar recreational equipment shall be available as is available for general population inmates for the exercise period provided that such equipment does not compromise the safety or security of the institution. The reasons for any exercise restrictions shall be documented on the Report of Protective Management, Form DC6-235.

(q) through (6) No change.

(7) Contact by Staff.

(a) ~~The following Designated staff members shall will be required to officially inspect and tour the visit protective management units. All and document the visits by staff shall be documented on Form DC6-228, Inspection of Special Housing Record. The staff member shall also document his or her visit on the Daily Record of Segregation, Form DC6-229, if, during the visit by staff, any discussion of significance, requiring action or involving the behavior of the inmate occurs or any information is obtained which may have an effect on the status of protective management confinement is revealed, this information will also be documented by the staff member on the Daily Record of Segregation, Form DC6-229.~~ These visits shall be conducted at a minimum of:

1. through 9. No change.

(b) through (8)(a) No change.

(b) Any inmate assigned to protective management for more than 30 days shall be given a psychological screening assessment by a mental health professional to determine his or her mental condition. The assessment shall include a personal interview if deemed necessary by the mental health professional. All such assessments shall be documented in the mental health record. The psychologist or psychological specialist shall prepare a report to the ICT regarding the results of the assessment with recommendations. The ICT shall then make a decision regarding continuation of the protection needs. Any recommendations by the psychologist or psychologist specialist that the inmate be released from protective management shall be forwarded by the ICT to the SCO. ~~All such assessments shall be documented in the mental health record.~~ If the decision is to continue protective management, a psychological screening assessment shall be conducted required at least every 90-day period.

(c) through (9)(b) No change.

(c) A Record of Protective Management, Form DC6-235 shall be maintained for each inmate as long as the inmate is in protective management. Once the inmate is released from protective management, Form DC6-235 will be forwarded to classification to be filed in the institutional inmate record. This form shall be used to record any action, remarks or disposition made on a specific inmate. Notations shall be made on Form DC6-235 by medical staff, the ICT, the SCO or other staff dealing directly with the inmate. If items are denied or removed from the inmate, the senior correctional officer on duty must approve the action. The central office ADA coordinator will be contacted within 24 hours if any item is ~~to be removed~~ that would be considered an auxiliary aid or device that ensures a disabled inmate of equal opportunity as a non-disabled inmate. The items denied or removed will be documented on the Form DC6-235 and the chief of security will make the final decision in regard to the appropriateness of that action no later than the next working day following this action. The supervising officer will document any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action will also be documented.

**DEPARTMENT OF CORRECTIONS**

RULE NO.:  
33-602.222

RULE TITLE:  
Disciplinary Confinement

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 32, August 11, 2000, issue of the Florida Administrative Weekly as amended in the first notice of change, published in Vol. 26, No. 45, November 9, 2000.

33-602.222 Disciplinary Confinement.

(1) Definitions.

~~(a) Clinical Health Care Personnel, where used herein, refers to a physician, clinical associate, nurse, Correctional Medical Technician Certified (CMTC), psychologist or psychological specialist who is employed with the department and works in an institution or correctional facility.~~

(b) through (c) renumbered (a) through (b) No change.

(c) Clinical Health Care Personnel – where used herein, refers to a physician, clinical associate, nurse correctional medical technician certified (CMTC), psychologist, psychology intern, psychology resident, or psychological specialist ~~who is employed with the department and works in an institution or correctional facility.~~

(d) through (h) No change.

(i) Institutional Classification Team (ICT) refers to the team consisting of the warden or assistant warden, classification supervisor and chief of security that is responsible for making work, program, housing and inmate status local classification decisions at a facility and for making

other recommendations to the state classification office as defined in rule and procedure. The ICT shall be comprised of the warden or assistant warden who shall serve as chairperson, the classification supervisor, the chief of security, and other members, as necessary, when appointed by the warden or designated by rule.

(j) through (4)(g) No change.

(h) Counseling and Interviews. Counseling shall be provided to inmates in disciplinary confinement in-cell or out of cell when deemed necessary by mental health staff. The ICT shall determine whether an inmate in disciplinary confinement may be removed to attend individual or group counseling sessions or interviews when they determine that it is safe to do so, or whether counseling must take place in-cell.

(i) through (j) No change.

(k) Legal Access.

1. No change.

2. Indigent inmates shall be provided paper, envelopes, and writing utensils in order to prepare legal papers or notify visitors of confinement status. Typewriters or typing services are not required items and shall not be permitted in disciplinary confinement. However, an inmate with disabilities that hinder the preparation of legal correspondence will be allowed the use of auxiliary aids (writer/reader) or an inmate assistant in order to prepare legal correspondence. An inmate who is has been provided an auxiliary aid shall also a "writer/reader" will be allowed access to such a certified law clerk person for the purpose of preparing legal documents, legal mail or filing a grievance.

(l) Telephone. Inmates in disciplinary confinement shall not be allowed Ttelephone privileges are allowed for except in cases of emergency situations, or when necessary to ensure the inmate's access to attorneys of the courts, or in any other circumstances when a call is authorized by the warden or duty warden. Telephone privileges shall only be allowed when alternate means of access is not feasible. Calls to attorneys shall not be monitored.

(m) No change.

(n) Writing utensils. Inmates in disciplinary confinement shall possess only one security pen. If no security pens are available, the inmate shall be allowed to sign out a regular pen from the confinement housing unit officer. All care shall be taken to ensure that an inmate has access to a pen for a time period sufficient to prepare legal documents or legal mail, to file a grievance, or to notify family of confinement status. An inmate who has been provided a "writer/reader" shall be allowed access to such for the purpose of reading or preparing correspondence documents referenced above.

(o) Reading Material. Reading materials, including scriptural and devotional materials and books that are in compliance with admissibility requirements in rule 33-501.401, F.A.C., shall be permitted for those inmates in disciplinary confinement units unless there is an indication of a

threat to the safety, security or sanitation of the institution. If it is determined that there is a safety, security or sanitation risk, the items will be removed. Such removal of reading materials shall be documented on Form DC6-229 in accordance with (8)(c) of this rule. Inmates in disciplinary confinement shall be allowed, at a minimum, a copy of a testament or bible and religious tracts. All books must be in softback cover. Safety, sanitation, and security concerns may limit the amount of reading material authorized. An inmate who receives services from the Bureau of Braille and Talking Book Library shall be allowed to have their tape players and devotional and scriptural materials that are in compliance with this rule.

(p)1. through 2. No change.

3. The ICT warden or assistant warden is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation. In this instance, a major rule violation is defined as: any assault, battery, attempted assault or battery; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; escape or escape attempt. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be no more than 15 days per incident and for no longer than 30 days cumulative length and shall be documented on Form DC6-229, Daily Record of Segregation. Exceptions to this restriction may be made only when documented facts show that such exercise periods should not be granted. Restrictions may also be placed on the exercise periods by professional medical staff. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him or her that will accomplish the need for exercise and take into account the particular inmate's limitations. The reasons for any exercise restrictions shall be documented on the Daily Record of Segregation, Form DC6-229.

(q) through (5)(b) No change.

(c) Prior to escorting an inmate from a cell, the inmate shall be thoroughly searched. If the inmate is being taken outside the immediate housing unit, leg irons and other appropriate restraint devices shall be applied placed on the inmate.

(d) through (e) No change.

(6) Visits to Disciplinary Confinement.

(a) The following staff members shall be required to officially inspect and tour the disciplinary confinement unit. Disciplinary confinement areas housing inmates shall require visits by various institutional staff. All visits by staff shall be documented on the Inspection of Special Housing Record DC6-228. Form DC6-228 is incorporated in rule 33-602.220(10). The sStaff member shall also document his or her their visit on the Daily Record of Segregation DC6-229, if including any discussion of significance, action or behavior of

the inmate, or any other important ~~evidential~~ information is obtained which may have an influence or effect on the status of confinement. ~~These visits shall will be conducted a minimum of at least:~~

1. through 10. No change.

(b) Any inmate who has demonstrated behavior that is or could be harmful to himself or herself shall be designated as a special risk inmate. If the inmate exhibits bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted by correctional staff to determine if special watch or suicide watch procedures should be initiated. Suicidal inmates shall be removed to a designated area an isolation management room or to alternate housing designated by the authorized Health Care Staff where a correctional officer or medical staff can provide observation. Visual checks shall be made in accordance with medical protocols or the Inmate Suicide Precautions procedure at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist, until the inmate is no longer considered a special risk inmate. Form DC4-650 is incorporated by reference in rule 33-602.220(10). All actions taken by staff with regard to concerning special risk inmates shall be documented ~~noted~~ on Form DC6-229 and shall be followed with an incident report, Form DC6-210. Form DC6-210 is incorporated by reference in Rule 33-602.210.

(7) Review and Release from Disciplinary Confinement.

(a) A member of the ICT shall review the cases of inmates in disciplinary confinement every week. ~~If, in the opinion of the reviewing member, an inmate should be considered for early release from confinement, the reviewer shall place a recommendation on the docket for the ICT's evaluation and consideration.~~ The goal shall be toward returning an inmate to the open general population as soon as the facts of the case indicate that this can be done safely when the ICT determines the inmate can reasonably be expected to satisfactorily conform to institutional rules and regulations.

(b) Any inmate assigned to disciplinary confinement for more than 30 days shall be given a psychological screening assessment by a mental health professional staff to determine the inmate's mental condition. The assessment shall include a personal interview if deemed necessary by the mental health professional. ~~The psychological specialist may complete the record review and gather other needed information. However, the psychologist or psychiatrist must render his or her professional opinion about the offender's mental capacity to tolerate continued confinement. Should the inmate be deemed significantly maladjusted, the doctor shall advise the ICT and Warden.~~ The psychologist or psychological specialist shall prepare a report to the ICT regarding the results of the assessment with recommendations the facts of the case. The ICT shall then make a decision regarding continuation of confinement. Any recommendations by the psychologist or psychologist specialist that the inmate be released from

disciplinary confinement shall be forwarded by the ICT to the SCO. ~~All such assessments shall be documented in the mental health record.~~ If the decision is to continue confinement, a psychological screening assessment shall be completed required at least every 90-day period.

(c) through (d) No change.

(e) The confinement housing supervisor is authorized to have an inmate released from disciplinary confinement upon completion of his disciplinary confinement time, unless the ICT has determined that a need exists to modify the inmate's status to disciplinary administrative confinement.

(8) Daily Record of Segregation.

(a) A Daily Record of Segregation, Form DC6-229, shall be maintained for on each inmate as long as he is in confinement.

(b) The DC6-229 shall be utilized to document any activity such as cell searches, items removed, showers, recreation, haircuts and shaves and also unusual occurrences such as refusal to come out of a cell or refusal to eat. If items that inmates in disciplinary confinement are not prohibited from possessing are denied or removed from the inmate, the shift officer-in-charge or the confinement lieutenant must approve the action initially. The central office ADA coordinator shall be contacted within 24 hours if any item is removed that would be considered an auxiliary aid or device that ensures a disabled inmate an equal opportunity as a non-disabled inmate. The items denied or removed shall be documented on Form DC6-229 and the chief of security shall make the final decision in regard to the appropriateness of that action no later than the next working day following the action. The supervising officer shall make a notation of any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action shall also be noted. The shift supervisor of all three shifts, health care staff, classification staff and the ICT or SCO shall sign the DC6-229 form whenever they make a visit to a specific inmate.

(c) The DC6-229, Daily Record of Segregation, shall be maintained in the housing area for one week, at which time the form shall be forwarded to the ICT warden for review. Once reviewed, the form shall be forwarded to classification to be filed in the institutional inmate record. ~~Full and complete remarks shall be made in the DC6-229, Daily Record of Segregation, in the following situations by:~~

(a) Security Department — Shift Supervisor.

1. ~~Whenever a staff member has requested that a specific inmate be interviewed or upon the shift supervisor's observation of a particular inmate's behavior, or significant discussion with a particular inmate,~~

2. ~~When there is a noticeable deviation in the inmate's behavior,~~



3. When it becomes necessary to notify the medical department of an inmate's bizarre or self-destructive behavior, or the inmate appears to be ill;

4. When it becomes necessary to restrict any privilege or remove any clothing, bedding or comfort item for the inmate's own protection, to prevent destruction, or if it poses a threat to institutional security or staff. The central office ADA coordinator shall be contacted if any item is to be removed that would be considered an auxiliary aid or device that ensures a disabled inmate an equal opportunity as a non-disabled inmate.

5. When the inmate refuses food;

6. When the inmate's cell assignment is changed;

7. When the inmate is released to general population;

8. To further explain a notation made under the "Physical Appearance" or "Attitude" sections of the Daily Record of Segregation, Form DC6-229, or

9. Whenever an inmate's prescribed medication is confiscated by correctional staff, maintained in a secure location, and dispensed to the inmate in accordance with the prescription label.

(b) Medical Department.

1. When the inmate is ordered removed from confinement for medical reasons and where the inmate is relocated;

2. When the inmate's diet is ordered changed;

3. When changes of clothing, bedding or other restrictions are ordered;

4. When medical complaints are received and treatment is given;

5. When deviations in behavior are observed, or

6. When medication is dispensed.

(c) ICT.

1. Upon each review of the case, or

2. Upon release from confinement.

(d) SCO.

1. Upon each review of the case, or

2. Upon release from confinement.

(9)(a) No change.

(b) Each staff person shall sign the form when entering and leaving the disciplinary confinement area. Prior to leaving the disciplinary confinement area, each staff member shall indicate any specific problems, including identification of any inmate who requires special attention.

(c) Correctional staff assigned to this area shall use this form to document all routine security checks. The shift supervisor shall sign the DC6-228 when conducting his or her daily routine visit to the confinement area. Entries on this form by security staff, as referenced above, shall specifically state that each cell in the disciplinary confinement area has been visited and shall indicate any specific problem, including identification of any inmate who requires special attention.

(c)(d) No change.

(10)(a) No change.

(b) The Inspector General shall notify the warden and regional director of any officer involved in eight or more use of force incidents in an 18 month period. The Regional Director of Institutions shall review the circumstances for possible reassignment Inspector General's report and determine whether correctional officers involved in eight or more use of force incidents need to be reassigned. The warden shall ensure that the regional director's directive is followed.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 3-12-84, Formerly 33-3.084, Amended 7-10-90, 4-28-96, 12-7-97, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NO.: 59A-4.165  
 RULE TITLE: Nursing Home Guide  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule, in accordance with 120.54(3)(d)1., F.S., published in Vol. 26, No. 42, October 20, 2000, issue of the Florida Administrative Weekly.

59A-4.165 Nursing Home Guide.

(1) through (5)(i) No change.

(j) The documents incorporated by reference may be obtained from the Agency for Health Care Administration, Managed Care and Health Quality division, 2727 Mahan Dr., Tallahassee, FL 32308. The agency shall further score and rank facilities in accordance with the "Nursing Home Guide Performance Measures Algorithm" document, dated July 2000, incorporated by reference herein.

(6) The internet version of the guide will be available at [www.fdhc.state.fl.us](http://www.fdhc.state.fl.us) and [www.floridahealthstat.com](http://www.floridahealthstat.com).

Specific Authority 400.191(6) FS. Law Implemented 400.191 FS. History--New \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NO.: 59A-4.166  
 RULE TITLE: Nursing Home Consumer  
 Satisfaction Survey

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule, in accordance with 120.54(3)(d)1., F.S., published in Vol. 26, No. 42, October 20, 2000, issue of the Florida Administrative Weekly.

59A-4.166 Nursing Home Consumer Satisfaction Survey.

(1) through (3) No change.

(4) The Agency or its contractor shall conduct these surveys and interviews at each nursing facility at least annually approximately once per twelve months.

(5) No change.

(6) ~~Only data summarized to the level of the facility may be released. The data collected from these surveys and interviews shall be summarized and presented in the Nursing Home Consumer Guide required by s. 400.191, F.S. The summarized data will also be available to the Governor's Panel on Excellence in Long-Term Care as described in s. 400.235, F.S.~~

(7) ~~The documents incorporated by reference may be obtained from the Agency for Health Care Administration, Managed Care and Health Quality Division, 2727 Mahan Dr., Tallahassee, FL 32308. The data collected from these surveys and interviews shall not be released to any member of the public, including any nursing facility, except as provided for in (6).~~

Specific Authority 400.0225 FS. Law Implemented 400.0225 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

RULE NO.: 61C-4.023  
 RULE TITLE: Manager Certification and Food Service Employee Training

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 43, October 27, 2000, issue of the Florida Administrative Weekly. The changes are in response to written comments received by the Joint Administrative Procedures Committee on December 5, 2000. Paragraph (3) of the proposed rule has been changed so that when it is adopted it will read:

~~(3)(4) The Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Programs, as adopted by the Conference for Food Protection on April 12, 2000 and herein adopted by reference, shall be the division standard for the recognition of certifying organizations who provide food manager certification examinations. The Division of Hotels and Restaurants shall accept all certification examinations approved by the Conference for Food Protection. Certifying organizations that are accredited by a Conference for Food Protection sanctioned accreditor shall be recognized by the division as approved providers of a Food Protection Manager Certification Program division, as the certifying state agency for food managers, shall demonstrate testing program compliance with one or more generally recognized measurement standards such as the Standards for Educational and Psychological Testing. Documentation of conformance shall include organization review and program evaluation by qualified psychometricians and shall demonstrate adherence in the areas of administrative independence; fairness; technical standards for test construction and evaluation including validity, reliability and errors in measurement, test development and revision, sealing,~~

~~norming, score comparability and equating, and test publication; professional standards for test use including employment testing and professional and occupational certification; and related standards for testing linguistic minorities, testing people who have handicap conditions, test administration, scoring and reporting, protecting the rights of test takers and public information. The division, or its contracted testing agent, must routinely update the tests used to provide consistency and compliance with revised laws and rules.~~

The remainder of the rule will read as published.

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE NO.: 64B1-4.010  
 RULE TITLE: Traditional Chinese Medical Concepts, Modern Oriental Medical Techniques

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 39, September 29, 2000, issue of the Florida Administrative Weekly.

The rule shall now read as follows:

64B1-4.010 Traditional Chinese Medical Concepts, Modern Oriental Medical Techniques. Traditional Chinese medical concepts and modern oriental medical techniques shall include diagnosis and treatment to prevent or correct malady, illness, injury, pain, addictions, other conditions, disorders, and dysfunction of the human body; to harmonize the flow of Qi or vital force; to balance the energy and functions of a patient; and to promote, maintain, and restore health; for pain management and palliative care; for acupuncture anesthesia; and to prevent disease by the use or administration of: stimulation to acupuncture points, ah-shi points, auricular points, channels, collaterals, meridians, and microsystems which shall include the use of: akabane; allergy elimination techniques; breathing; cold; color; correspondence; cupping; dietary guidelines; electricity; electroacupuncture; electrodermal screening (EDS); exercise; eight principles; five element; four levels; hara; heat; herbal therapy consisting of plant, animal, and/or mineral substances; infrared and other forms of light; inquiring of history; jing-luo; listening; moxibustion; needles; NAET; observation; oriental massage – manual and mechanical methods; palpation; physiognomy; point micro-bleeding therapy; pulses; qi; xue and jin-ye; ryodoraku; san-jiao; six stages; smelling; tongue; tai qi; qi gong; wulun-baguo; yin-yang; zang-fu; Ayurvedic, Chinese, Japanese, Korean, Manchurian, Mongolian, Tibetan, Uighurian, Vietnamese, and other east Asian acupuncture and oriental medical concepts and treatment techniques; French

acupuncture; German acupuncture including electroacupuncture and diagnosis; and, the use of laboratory test and imaging findings.

Specific Authority 457.102, 457.104 FS. Law Implemented 457.102 FS. History—New \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE NO.: 64B1-4.011  
RULE TITLE: Diagnostic Techniques  
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 39, September 29, 2000, issue of the Florida Administrative Weekly.

The proposed rule shall now read as follows:

64B1-4.011 Diagnostic Techniques.

Diagnostic techniques which assist in diagnosis, corroboration and monitoring of an acupuncture treatment plan or in making a determination to refer a patient to other health care providers shall include: traditional Chinese medical concepts and modern oriental medical techniques, recommendation of home diagnostic screening; physical examination; use of laboratory test findings; use of imaging films, reports, or test findings; office screening of hair, saliva and urine; muscle response testing; palpation; reflex; range of motion; sensory testing; thermography; trigger points; vital signs; first-aid; hygiene; and sanitation.

Specific Authority 457.102(1), 457.104 FS. Law Implemented 457.102(1) FS. History—New \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE NO.: 64B1-4.012  
RULE TITLE: Acupoint Injection Therapies  
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 39, September 29, 2000, issue of the Florida Administrative Weekly.

The rule shall now read as follows:

64B1-4.012 Acupoint Injection Therapies.

Effective March 1, 2002, adjunctive therapies shall include acupoint injection therapy which shall mean the injection of herbs, homeopathics, and other nutritional supplements in the form of sterile substances into acupuncture points by means of hypodermic needles but not intravenous therapy to promote, maintain, and restore health; for pain management and palliative care; for acupuncture anesthesia; and to prevent disease.

Specific Authority 457.102, 457.104 FS. Law Implemented 457.102 FS. History—New \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self Sufficiency Program**

RULE NOS.:	RULE TITLES:
65A-1.701	Definitions
65A-1.703	Family-Related Medicaid Coverage Groups
65A-1.705	Family-Related Medicaid General Eligibility Criteria
65A-1.707	Family-Related Medicaid Income Criteria
65A-1.708	Family-Related Medicaid Budgeting Criteria
65A-1.716	Income and Resource Criteria

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rules identified above as published in the Vol. 26, No. 32, August 11, 2000, issue of the Florida Administrative Weekly in accordance with subparagraph 120.54(3)(d)1., F.S. These changes are the result of written comments provided by Florida Legal Services, Inc. in a letter dated August 29, 2000. Additionally, they are the result of written comments provided on November 29, 2000, in conjunction with a noticed public hearing held on November 17, 2000.

In rule 65A-1.701, Definitions, insert paragraph (22) as follows:

“(22) Payment Standard Eligibility/Payment Standard Coverage Group: Low income families who have their Medicaid eligibility determined according to AFDC eligibility rules that existed on July 16, 1996 as modified by certain less restrictive income and resource methodologies adopted in the Medicaid State Plan in accordance with section 1931 of the Social Security Act.”

As a result the re-numbered paragraphs (22) through (34) in rule 65A-1.701 will be numbered (23) through (35).

In rule 65A-1.703, Family-Related Medicaid Coverage Groups, paragraph (1), the first sentence following “section 409.903, F.S.,” insert the words, “section 1931 of the Social Security Act and other”.

In rule 65A-1.705, Family-Related Medicaid General Eligibility Criteria, paragraph (1) at the end of the sentence between the stricken phrases, the sentence is amended to read, “apply to all coverage groups as follows”.

Rule 65A-1.705, Family-Related Medicaid General Eligibility Criteria, paragraph (1)(a) is re-numbered paragraph (2).

Rule 65A-1.705, paragraph (1)(b) is re-numbered paragraph (3). The same rule paragraph [re-numbered paragraph 65A-1.705(3)] is amended by striking the words, “~~To be living in the home of a specified relative,~~” in the single sentence and, changing the following word to “The”.

Rule 65A-1.705 paragraphs (1)(c) and (1)(d) are re-numbered paragraphs (4) and (5).

Rule 65A-1.705 paragraphs (2) through (5) are re-numbered paragraphs (6) through (9).

In rule 65A-1.707, amend the title as follows: “Family-Related Medicaid Income and Resource Criteria”. In rule 65A-1.707, Family-Related Medicaid Income Criteria, paragraph (1), the first sentence, after the word “income” insert “resources (assets)”. In the same sentence, after the word “requirements”, insert “as follows” and, delete the words, “~~set forth in Rule paragraph 65A-4.209(1) and (3) through (5), F.A.C.~~”. Additionally delete the following sentence, “~~Appropriate deductions are set forth in Rule 65A-4.210, F.A.C., except that work related cost of care disregards of up to \$200 per month are allowed per child under age two and up to \$175 per month per child age two or over or per incapacitated adult, and a child support disregard is allowed of up to \$50 per month.~~”

In rule 65A-1.707 following paragraph (1), insert:

“(a) Income. Income is earned or non-earned cash received at periodic intervals from any source such as wages, self-employment, benefits, contributions, rental property, etc. Cash is money or its equivalent, such as a check, money order or other negotiable instrument. Total gross income includes earned and non-earned income from all sources. To be financially eligible for family-related Medicaid, except for Medically Needy coverage, the coverage group’s gross income minus the \$90 earned income disregard cannot exceed the consolidated need standard (CNS) (100% of the federal poverty level). For Medically Needy coverage groups, the amount by which the gross income exceeds the applicable payment standard income level is a share of cost as defined in rule 65A-1.701. For the CNS criteria, refer to rule paragraph 65A-1.716(1). For the payment standard income levels, refer to rule paragraph 65A-1.716(2).

“(b) Resources. Resources are items of value that are owned singly or jointly by an individual who has access to the cash value upon disposition. To be financially eligible for family-related Medicaid, the coverage group’s resources

cannot exceed the limits specified in Rule 65A-1.716(4). If countable resources are below the resource limit at any time during the month, the coverage group is eligible on the factor of resources for that month. The following resources are excluded in determining the coverage group’s eligibility:

1. a home, if the principal place of residence;
2. One licensed vehicle valued at not more than \$8,500 or, if vehicles are needed for training, employment, or education, one vehicle per employable adult in the coverage group, the combined value which does not exceed \$8,500, or any vehicle necessary for transportation of a physically disabled member of the family;
3. Funds paid to a homeless shelter which are being held for the family to enable them to pay deposits or other costs associated with moving to a new shelter arrangement;
4. Funeral agreements up to \$1500;
5. One burial plot for each member of the coverage group;
6. student grants, loans and scholarships; and,
7. assets excluded by express provision of federal law.

“(c) Whose Income and Resources Are Considered. The income and resources of the following individuals are considered.

1. All coverage group members. However, there is no resource test for the coverage groups specified in rule 65A-1.703(3) through (5).

2. The income of a parent living in the home with a child under age 18 or, if a full-time student, under age 19, or of the individual sponsor and the sponsor’s spouse of certain non-citizens is considered in determining the gross non-earned income of the coverage group.

3. When a non-citizen sponsor is involved, the non-citizen, whether or not the sponsor remains involved with the non-citizen, is required to have the sponsor provide information about their income and assets. If the sponsor does not give complete information and will not provide complete information upon request by the department, the non-citizen and other members of the assistance group sponsored by that individual will be found ineligible for Medicaid assistance because available income and assets cannot be determined. Eligibility of the non-citizen and other sponsored members of the assistance group cannot be established when required documentation is not obtained. Un-sponsored members of the coverage group are not affected by this policy.

“(d) Income Disregards. Only the income remaining after the following disregards are applied is counted towards eligibility:

1. A standard disregard of \$90 is allowed from the gross earned income of each employed person in the coverage group in determining eligibility.

2. A gross income disregard of \$200 that includes the \$90 standard disregard and one half of the balance is allowed in determining eligibility for coverage groups who: have been eligible for and received benefits under a payment standard

Medicaid coverage group in one of the past four months; or have gross income less the \$90 standard disregard, which is less than or equal to the Consolidated Need Standard.

3. Work related cost of care disregards of up to \$200 per month are allowed in the budget per child under age two and up to \$175 per month per child age two or over or per incapacitated adult.

4. A child support disregard of up to \$50 per month is allowed in the budget.

5. A full-time student or a part-time student who is not a full-time employee, who is under age 19 or is under age 21 if in a coverage group for children under age 21, and who is in a secondary school or the equivalent level of vocational or technical training will have his gross earned income disregarded in the budget. A full-time student includes a participant in the Job Corps. The income of such a student also does not count toward determination of eligibility against the CNS. Earnings for classroom attendance negates student status except when in relation to income under the Workforce Investment Act of 1998 (WIA, formerly JTPA). Student refers to the minor child whose needs are included in the coverage group as a minor child, not as a parent or relative. A part-time student who is not a full-time employee is defined as one whose school or training schedule is at least one-half of a full-time curriculum and who is regularly employed less than 30 hours per week. Definition of secondary school is found in Rule 6A-5.0752(2)(g), F.A.C. Definition of full-time attendance is found in Rule 65A-4.207(1)(b), F.A.C.

6. For children under 18 years of age, all non-earned income received under the WIA is disregarded in budgeting. All earned income from the WIA is disregarded for six months in a calendar year.

7. Small nonrecurring gifts which do not exceed \$30 per recipient in a calendar quarter are not considered as income: for example, gifts for Christmas, birthdays and graduations.

(e) Verification and Documentation.

1. Except for Transitional Medicaid, and when reporting changes in income at times other than the twelve month complete Medicaid review, income must be verified or documented by the employer as a condition of eligibility for family-related Medicaid. Note that separate verification and documentation requirements for KidCare are stated in rule paragraph 65A-1.705(5). Income will be verified through a telephone call or face-to-face contact with the employer or source of income or by documents such as wage stubs or correspondence signed by the employer or employer's authorized representative. Income from self employment must be verified. The applicant or recipient must make all business records available to the eligibility specialist upon request.

2. A loss or reduction of income which occurred within the 60 days preceding an application date and the cause of the reduction or loss must be verified. Availability of replacement income will be discussed with the applicant or recipient. The applicant or recipient must provide the date of expected return to work when on leave, vacation, or furlough.

3. Changes in income and assets reported at times other than a twelve month complete Medicaid review process will be acted upon based on the client's self-declaration. These changes will be verified subsequent to their implementation using the FLORIDA Data Exchange System. Questionable information or information that will result in loss of Medicaid coverage must be verified using standard application verification requirements.

(f) Money Management. Money management is the comparison of the income received and major expenses paid by the applicant or recipient. When currently paid expenses exceed acknowledged income, possible sources of other income must be determined and verification or documentation of that income must be obtained.

1. An applicant or recipient shall be required to explain money management during the month of application or redetermination. Eligibility shall not be determined if an individual fails to do so. However, a case shall not be denied or canceled solely because of a person's failure to explain how bills are paid. In the instance of failure to explain how bills are paid, the eligibility specialist shall request the applicant or recipient to furnish additional information. Failure by the applicant or recipient to provide the additional information during the time requested will result in the denial of the case because eligibility cannot be determined, except when the family is eligible for transitional Medicaid.

2. An applicant or recipient shall also be required to explain money management for the month prior to or after the month of application or redetermination when the paid expenses for that month exceed the income for that month. However, a case shall not be denied or canceled solely because of a person's failure to explain how bills are paid in the month prior to or after the month of application. In the instance of failure to explain how bills are paid for months prior to or after the month of application, the eligibility specialist shall request the applicant or recipient to furnish additional information. Failure by the applicant or recipient to provide the additional information during the time requested will result in the denial of the case because eligibility cannot be determined, except when the family is eligible for transitional Medicaid."

In rule 65A-1.708, Family-Related Medicaid Budgeting Criteria, prior to the existing sentence, insert:

"(1) The department uses a prospective budgeting system. In a prospective budgeting system, eligibility is based on the department's best estimate of the coverage group's income and

circumstances. This estimate shall be based on the department's reasonable expectation and knowledge of current or future circumstances. When eligibility is being determined for a month which has passed, the actual income and circumstances for that month shall be used. In converting weekly income to monthly income, the conversion factor of 4.3 shall be used; in converting biweekly income to monthly income, the conversion factor of 2.15 shall be used. Converting semi-monthly income to monthly income will be made using a conversion factor of 2. When averaging income, all income from the most recent eight weeks shall be used if it is representative of the individual's future earnings. In budgeting income received by an individual on a contractual basis, at the option of the individual, the income is prorated over the period of the contract or counted when received, in the amount received.

(2) Payment standard eligibility is determined by subtracting the net available income, rounded to the nearest dollar, from the applicable payment standard found in rule paragraph 65A-1.716(2).

(3) Self Employment Income.

(a) Operating costs of producing self-employment income, except depreciation and capital expenditures, are deducted from gross income. These costs include: labor, raw materials (stock, livestock/workstock feed, seed, fertilizer), rent/building maintenance, business telephone, solely business-related motor vehicle costs, interest paid to purchase income producing property, insurance and taxes on income producing property, meals and equipment necessary to provide daycare in the home, and travel and lodging (but not meals) away from home.

(b) A standard deduction of \$58 per month for each boarder is allowed for individuals providing room and board in their home.

(c) One dollar per day per child is deducted from the self-employment income of individuals providing child care in their home. This deduction is not allowed if the child for whom care is being provided is a resident of the same dwelling in which the person providing care resides.

(d) Twenty-five percent of the gross rental receipts from improved property owned by the parent or relative is deducted, if they are responsible for the costs of repairs and upkeep.

(e) Fifteen percent of gross rental receipts from unimproved rental property owned by the parent or relative is deducted if they are responsible for the costs of upkeep of such things as fences and wells.

(f) A deduction from rental income is also recognized for taxes and mortgage payments on property other than homestead property. Homestead property is determined by the local property appraiser's office.

(4) Child Support Payments. Child support payments, received or expected to be received, are counted as income subject to the \$50 child support disregard. Fees charged by the court or another agency for collecting the payments are deducted."

In the chart in rule paragraph 65A-1.716(1), add the last column:

<u>200% of</u>
<u>Poverty</u>
<u>Guideline</u>
<u>\$1,392</u>
<u>1,875</u>
<u>2,359</u>
<u>2,842</u>
<u>3,325</u>
<u>3,809</u>
<u>4,292</u>
<u>4,775</u>
<u>5,259</u>
<u>5,742</u>
<u>\$ 484</u>

In rule paragraph 65A-1.716(4), at the end of the last sentence, before "and" insert "through", then delete the "~~and (4)~~" and retain the stricken (5) (remove the strikethrough).

## Section IV Emergency Rules

### DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 328, COOL 7'S RULE NO.: 53ER00-52

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 328, "COOL 7'S," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners and the number and size of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER00-52 Instant Game Number 328, COOL 7'S.

(1) Name of Game. Instant Game Number 328, "COOL 7'S."

(2) Price. COOL 7'S tickets sell for \$1.00 per ticket.

(3) COOL 7'S lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a VIRN under the latex area on the ticket. To be a valid winning COOL 7'S lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the validity of any COOL 7'S lottery ticket, the VIRN number under the latex shall prevail over the bar code.

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

INSERT SYMBOLS

(5) Determination of Prize Winners.

The holder of a ticket having three "7's" exposed in the play area in any one row, column or diagonal shall be entitled to the corresponding prize shown. The prizes are: FREE TICKET, \$2.00, \$3.00, \$7.00, \$27.00, \$77.00, and \$700. The holder of a ticket which entitles the player to a prize of a "FREE TICKET" shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a COOL 7'S lottery ticket which entitles the holder to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(6) The value, number of prizes, and odds of winning in Instant Game Number 328 are as follows:

		NUMBER OF WINNERS IN 84 POOLS OF 180,000 TICKETS	PER POOL	ODDS
GET THREE SEVENS IN:				
RIGHT COLUMN	\$1 TICKET	1,814,400		1 in 8.33
MIDDLE COLUMN	\$2	1,159,200		1 in 13.04
LEFT COLUMN	\$3	453,600		1 in 33.33
TOP ROW	\$7	352,800		1 in 42.86
CENTER ROW	\$27	38,640		1 in 391.30
BOTTOM ROW	\$77	924		1 in 16,363.64
RIGHT/LEFT DIAGONAL	\$700	84		1 in 180,000.00

(7) The over-all odds of winning any prize in Instant Game Number 328 are 1 in 3.96.

(8) For reorders of Instant Game Number 328, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(9) By purchasing a COOL 7'S lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1) FS. Law Implemented 24.105(10)(a),(b),(c) FS. History--New 12-4-00.

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

EFFECTIVE DATE: December 4, 2000

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 330, ACES HIGH  
 RULE NO.: 53ER00-53  
 SUMMARY OF THE RULE: This emergency rule describes Instant Game 330, "ACES HIGH," for which the Department of the Lottery will start selling tickets on a date to be

determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners and the number and size of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER00-53 Instant Game Number 330, ACES HIGH.

(1) Name of Game. Instant Game Number 330, "ACES HIGH."

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

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

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

INSERT SYMBOLS

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

INSERT SYMBOLS

(6) The "BONUS HAND" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(7) The "PRIZE" symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(8) The legends are as follows:

INSERT SYMBOLS

(9) Determination of Prize Winners. There are four hands and one bonus hand on a ticket.

(a) The holder of a ticket having a card in a hand in the "YOUR CARD" play area that is higher than the card in the "DEALER'S CARD" play area shall be entitled to the corresponding prize shown for that hand. Prizes which may appear in the "PRIZE" area are: TICKET, \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$25.00, \$500, \$1,000, \$4,000.

The holder of a ticket which entitles the player to a prize of a "TICKET" shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail an ACES HIGH lottery ticket which entitles the holder to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(b) The holder of a ticket having a card in the "YOUR CARD" play area that is higher than the card in the "DEALER'S CARD" play area in the "BONUS HAND" shall be entitled to the total of all four prize amounts shown.

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

(11) The value, number of prizes, and odds of winning in Instant Game Number 330 are as follows:

<u>IF YOUR CARD BEATS THE DEALER'S CARD, WIN PRIZE SHOWN. IF YOUR CARD BEATS DEALER IN BONUS HAND, WIN WIN ALL 4 PRIZES:</u>	<u>NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL</u>	<u>ODDS</u>
<u>TICKET</u>	<u>1,209,600</u>	<u>1 in 8.33</u>
<u>\$1 + \$1</u>	<u>504,000</u>	<u>1 in 20.00</u>
<u>\$2</u>	<u>504,000</u>	<u>1 in 20.00</u>
<u>\$1 + \$1 + \$1 + \$1 (BONUS)</u>	<u>67,200</u>	<u>1 in 150.00</u>
<u>\$2 + \$2</u>	<u>100,800</u>	<u>1 in 100.00</u>
<u>\$4</u>	<u>67,200</u>	<u>1 in 150.00</u>
<u>\$1 + \$4 + \$5</u>	<u>33,600</u>	<u>1 in 300.00</u>
<u>\$10 + \$10</u>	<u>16,800</u>	<u>1 in 600.00</u>
<u>\$5 + \$5 + \$5 + \$5 (BONUS)</u>	<u>16,800</u>	<u>1 in 600.00</u>
<u>\$10 + \$10 + \$10 + \$10 (BONUS)</u>	<u>18,368</u>	<u>1 in 548.78</u>
<u>\$25 + \$25 + \$25 + \$25 (BONUS)</u>	<u>560</u>	<u>1 in 18,000.00</u>
<u>\$500</u>	<u>168</u>	<u>1 in 60,000.00</u>
<u>\$1,000 + \$1,000 + \$1,000 + \$1,000</u>	<u>5</u>	<u>1 in 2,016,000.00</u>
<u>\$4,000</u>	<u>5</u>	<u>1 in 2,016,000.00</u>

(12) The over-all odds of winning any prize in Instant Game Number 330 are 1 in 3.97.

(13) For reorders of Instant Game Number 330, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(14) By purchasing an ACES HIGH lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1) FS. Law Implemented 24.105(10)(a),(b),(c) FS. History--New 12-4-00.

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

EFFECTIVE DATE: December 4, 2000

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

### DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Department of Community Affairs received a Petition for Waiver on December 1, 2000, from the City of Tampa. The petitioner seeks a waiver of application of a portion of Rules 9K-4.002(26) and 9K-4.0031(9), Fla. Admin. Code, for the Florida Communities Trust Project No. 00-045-P10, Fort Brooke Park Addition.

A copy of the Petition, which has been assigned the number DCA00-WAI-388, may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Department of Community Affairs received a Petition for Waiver on December 1, 2000, from the City of Jacksonville. The petitioner seeks a waiver of application of a portion of Rule 9K-4.002, Fla. Admin. Code, for the Florida Communities Trust Project No. 00-009-P10, Castaway Island Preserve.

A copy of the Petition, which has been assigned the number DCA00-WAI-389, may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

### PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Goran Dragoslavic d/b/a First American Telecommunications Corporation's petition for waiver exemption from Rule 25-24.515(13), Florida Administrative Code, filed August 14, 2000, in Docket No. 001136-TC, was approved by the Commission at its October 17, 2000, Agenda Conference. Order No. PSC-00-2091-PAA-TC, issued November 3, 2000, memorialized the decision. The rule



addresses that each pay telephone station shall allow incoming calls to be received. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the FAW on September 1, 2000.

A copy of the Order can be obtained from the Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770 or the Commission's Homepage at <http://www.floridapsc.com>.

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#### WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2000-145 DAO-ROW), dated November 9, 2000 to Palm Beach County. The petition for waiver was received by the SFWMD on September 15, 2000. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 26, No. 41 on October 13, 2000. No public comment was received. This Order provides a waiver of the District's criteria to allow Palm Beach County to assume responsibility for, and the use of, the southwesterly right of way of L-15 as an extension of the public roadway known as Brown's Farm Road (SR827) from its present terminus southeasterly to Pump Station S-6, a distance of approximately 2 miles. Specifically, the Order grants a waiver from 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 utilization of the District's rights of way for public road purposes within Works of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent Palm Beach County from suffering a substantial hardship and a violation of the principles of fairness.

A copy of the Order can be obtained from Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6299 or by e-mail [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov).

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NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2000-146 DAO-ROW), dated November 9, 2000 to Ronald L. Stirpak. The petition for waiver was received by the SFWMD on September 12, 2000. Notice of receipt of the petition requesting the waiver was published in the Florida

Administrative Weekly, Vol. 26, No. 39 on September 29, 2000. No public comment was received. This Order provides a waiver of the District's criteria for the existing boat dock to remain within the west right of way of C-51 at the rear of 812 Patrick Drive. Specifically, the Order grants a waiver from 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 required minimum low member elevation of docking facilities within Works of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent Ronald Stirpak from suffering a violation of the principles of fairness.

A copy of the Order can be obtained from Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6299 or by e-mail [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov).

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NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2000-147 DAO-ROW), dated November 9, 2000 to Kenneth Richard and Christine Ellen Wilson. The petition for waiver was received by the SFWMD on August 23, 2000. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 26, No. 37 on September 15, 2000. No public comment was received. This Order provides a waiver of the District's criteria for the existing boat dock with walkway to remain within the south right of way of C-17 at the rear of 2601 Hinda Lane. Specifically, the Order grants a waiver from 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 required minimum low member elevation of docking facilities within Works of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent Kenneth & Christine Wilson from suffering a violation of the principles of fairness.

A copy of the Order can be obtained from Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6299 or by e-mail [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov).

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NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2000-148 DAO-ROW), dated November 9, 2000 to Robert L. Houck. The petition for waiver was received by the SFWMD on August 11, 2000. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 26, No. 35 on September 1, 2000. No public comment was received. This Order provides a waiver of the District's criteria for the existing boat dock to remain as well as existing fencing, trees, landscaping, temporary gazebo and aluminum shed encroaching 40' to remain with the south right of way of the Hillsboro Canal at the rear of 5331 N.W. 77th Court (Lot 17A of Hillsboro Pines Subdivision). Specifically, the Order grants a waiver from 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 maximum size of temporary storage sheds and the required minimum low member elevation of docking facilities within Works of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent Robert Houck from suffering a violation of the principles of fairness.

A copy of the Order can be obtained from Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6299 or by e-mail [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov).

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NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2000-149 DAO-ROW), dated November 9, 2000 to Jeremy & Britt Kovak. The petition for waiver was received by the SFWMD on September 1, 2000. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 26, No. 39 on September 29, 2000. No public comment was received. This Order provides a waiver of the District's criteria for the existing boat dock to remain within the west right of way of C-51 at the rear of 1114 Carambola Circle. Specifically, the Order grants a waiver from 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 required minimum low member elevation of docking facilities within Works of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent Jeremy & Britt Kovak from suffering a violation of the principles of fairness.

A copy of the Order can be obtained from Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6299 or by e-mail [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov).

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NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2000-150 DAO-ROW), dated November 9, 2000 to Ronald & Tracy Lowen. The petition for waiver was received by the SFWMD on August 31, 2000. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 26, No. 37 on September 15, 2000. No public comment was received. This Order provides a waiver of the District's criteria for the existing bat dock to remain within the west right of way of C-51 at the rear of 1148 Carambola Circle. Specifically, the Order grants a waiver from 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 required minimum low member elevation of docking facilities within Works of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent Ronald & Tracy Lowen from suffering a violation of the principles of fairness.

A copy of the Order can be obtained from Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6299 or by e-mail [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov).

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NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2000-151 DAO-ROW), dated November 9, 2000 to Robert Savanello. The petition for waiver was received by the SFWMD on August 31, 2000. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 26, No. 39 on September 29, 2000. No public comment was received. This Order provides a

waiver of the District's criteria for the existing boat dock to remain within the west right of way of C-51 at the rear of 1114 Carambola Circle. Specifically, the Order grants a waiver from 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 required minimum low member elevation of docking facilities within Works of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent Robert Savanello from suffering a violation of the principles of fairness.

A copy of the Order can be obtained from Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6299 or by e-mail [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov).

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2000-152 DAO-ROW), dated November 9, 2000 to George & Madeline Fratella. The petition for waiver was received by the SFWMD on August 24, 2000. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 26, No. 37 on September 15, 2000. No public comment was received. This Order provides a waiver of the District's criteria for the existing boat dock to remain within the west right of way of C-51 at the rear of 1114 Carambola Circle. Specifically, the Order grants a waiver from 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 required minimum low member elevation of docking facilities within Works of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent George & Madeline Fratella from suffering a violation of the principles of fairness.

A copy of the Order can be obtained from Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6299 or by e-mail [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov).

NOTICE IS HEREBY GIVEN that on November 20, 2000, the South Florida Water Management District (SFWMD) received a petition for waiver from Jose A. Vargas, for utilization of works or land of the SFWMD known as the C-100A, Miami-Dade 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 minimum low member elevation requirement of docking facilities within Works of the District.

A copy of the petition may be obtained from Jan Sluth, (561)682-6299 or e-mail at [jsluth@sfwmd.gov](mailto: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, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection has taken action on a petition for variance received from Madrid Engineering Group, Inc., on September 13, 2000. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 26, No. 40, dated October 6, 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) (renumbered as 62-522.300(3) in August 2000), of the Florida Administrative Code for the use of a remediation process to clean up sites contaminated with petroleum hydrocarbons. Specifically, the variance requested a zone of discharge for aluminum, iron, manganese, total dissolved solids, and thallium within a fifty-foot radius from the point of discharge for a duration of 365 days. On November 6, 2000, the Department granted a variance to Madrid Engineering Group, Inc., in a final order, OGC File No.: 00-1785. The final order granted a variance from the zone of discharge prohibition, and contained conditions. The conditions require that the use of the process 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 aluminum, iron, manganese, total dissolved solids, and thallium shall be a fifty-foot radius from the point of injection; that the use of the injection process shall be at such a rate and volume that no undesirable migration occurs of the process, 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 process based on site-specific hydrogeology and conditions, as well as require monitoring for antimony and lead.

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.

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NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on November 15, 2000, a petition from LFR, Inc., seeking a variance under section 120.542 of the Florida Statutes from the prohibition from a zone of discharge under rule 62-522.300(2)(a), (renumbered as 62-522.300(3) in August 2000), Florida Administrative Code, for the use of a remediation process using 10% ethyl lactate to clean up a site in Jacksonville, Florida, with contaminated ground water. The petition has been assigned OGC case number 00-2035.

Copies may be received from, and written comments submitted to Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, Attn: Cynthia Christen. Comments must be received no later than 14 days from the date of publication of this notice.

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NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on November 30, 2000, a petition from Beehive International, seeking a waiver of certain payment documentation and record-keeping requirements of 376.3071, Florida Statutes, and 62-773, Florida Administrative Code. The petition has been assigned OGC case number 00-1687 and is for Coastal Mart # 703 located at 7445 New King Road, Jacksonville, Florida, FDEP Facility #168507446.

Copies may be received from, and written comments submitted to: Inguna Varslavane-Callahan, Department of Environmental Protection, Office of General Counsel, MS 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Comments must be received no later than 14 days from the date of publication of this notice.

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NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on November 28, 2000, a petition from Mobil Oil Corporation, Inc., seeking a permanent waiver for the Mobil Port Everglades Terminal of the requirement to cleanup petroleum contact water discharges pursuant to rule 62-770.160(1)(c), Florida Administrative Code, due, in part, to the existence of a Risk Assessment Approval Order for that facility. The petition has been assigned OGC case number 00-2208.

Copies may be received from, and written comments submitted to, Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, Attn: Rebecca Grace. Comments must be received no later than 14 days from the date of publication of this notice.

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

### DEPARTMENT OF LEGAL AFFAIRS

The **Office of the Attorney General**, Florida Motor Vehicle Theft Prevention Authority announces a public meeting of the Board of Directors of the Florida Motor Vehicle Theft Prevention Authority to which all interested persons are invited.

DATE AND TIME: Wednesday, January 24, 2001, 10:00 a.m.

PLACE: Florida Department of Highway Safety and Motor Vehicles (DHSMV), Neil Kirkman Building, Room A-427, 2900 Apalachee Parkway, Tallahassee, Florida

PURPOSE: Quarterly meeting of the Board of Directors as required by Florida Statutes. Consideration of matters as presented in the agenda for the meeting.

A copy of the agenda may be obtained by contacting: Karen O'Bryan, Florida Motor Vehicle Theft Prevention Authority, Office of the Attorney General, The Capitol, Room PL-01, Tallahassee, Florida 32399-1050, (850)414-3362. A request for the agenda may be faxed to the Authority office, (850)413-0633. TDD users, please call through the Florida Relay Service, 1(800)955-8771.

If special accommodations are needed to attend this meeting because of a disability, please contact Karen O'Bryan, no later than seven days prior to the proceedings, (850)414-3362. If hearing impaired, contact Karen O'Bryan via Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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### DEPARTMENT OF INSURANCE

The **Department of Insurance** announces a telephone conference of the Governor's Continuing Care Advisory Council to which all persons are invited to participate.

DATE AND TIME: Thursday, January 11, 2001, 2:30 p.m.

PLACE: Instructions on how to participate in the telephone conference can be obtained by writing or calling Department of Insurance, Division of Insurer Services, Bureau of Specialty Insurers, 200 East Gaines Street, Larson Building, Tallahassee, Florida 32399-0300, (850)922-3144, Extension 2492.

PURPOSE: To appoint a new chairperson for the Advisory Council.

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: Mr. Gary Mills, (850)413-2476.

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#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Department of Agriculture and Consumer Services** announces a public meeting of the Florida Amusement Device and Attraction Advisory Committee to which all persons are invited.

DATE AND TIME: February 6, 2001, 10:00 a.m.

PLACE: Florida State Fairgrounds, The Equestrian Center Pavilion, 4800 U.S. Highway 301, Tampa, Florida

PURPOSE: Regularly called meeting of the Florida Amusement Device and Attraction Advisory Committee.

A copy of the agenda may be obtained by writing: Isadore Rommes, Chief, Bureau of Fair Rides Inspection, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650 or by calling Isadore Rommes, (850)488-9790.

Pursuant to 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 Isadore Rommes, (850)488-9790. If you are hearing or speech impaired please contact the agency by calling the State of Florida TDD line, 1(800)955-8771.

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#### DEPARTMENT OF EDUCATION

The **Department of Education** announces a meeting of the Occupational Access and Opportunity Commission RFP Review Workgroup to which all persons are invited and to which all interested individuals are encouraged to attend.

DATE AND TIME: December 22, 2000, 9:00 a.m. – 12:00 Noon

PLACE: VR Headquarters, 2002 Old St. Augustine Road, "A", Room 360, Tallahassee, Florida 32399-0696

PURPOSE: Review of OAO staff rating of Respondent Questionnaires and cost proposals relative to the proposed Invitation To Negotiate applications.

In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in the meeting should contact: V. Virginia Rhoden, (850)487-3431, Ext. 207, three days before the meeting.

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The **State Board of Independent Colleges and Universities** announces public meetings to which all persons are invited.

DATE AND TIME: Thursday, January 11, 2001, 10:00 a.m.

PURPOSE: Special Committee on Evaluator Training.

DATE AND TIME: Thursday, January 11, 2001, 1:00 p.m.

PURPOSE: Special Committee on Licensure Standards.

DATE AND TIME: Thursday, January 11, 2001, 3:00 p.m.

PURPOSE: Special Committee Religious Colleges.

DATE AND TIME: Thursday, January 11, 2001, 6:00 p.m.

PURPOSE: SBICU Board Forum.

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

PURPOSE: SBICU Quarterly Board Meeting.

PLACE: Omni Jacksonville Hotel, 245 Water Street, Jacksonville, FL

The Board welcomes participation from any interested members of the public.

Any person who desires a copy of the proceedings should arrange to tape the meetings.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is requested to advise the Board at least five calendar days before the meeting by contacting Mary Cook, (850)488-8695.

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#### DEPARTMENT OF REVENUE

The **Department of Revenue** announces a public workshop to which all persons are invited.

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

PLACE: Orlando Public Library, Oak Room, 101 E. Central Blvd., Orlando, Florida

SUBJECT MATTER TO BE CONSIDERED: Develop the Standard Measures of Value: General Real Property Appraisal Guidelines.

PURPOSE: Develop the Standard Measures of Value: General Real Property Appraisal Guidelines for adoption by the agency. These guidelines are being developed and, following their development and adoption, will be part of the Manual of Instructions published under section 195.062, F.S. That statute provides that the standard measures of value shall be adopted in general conformity with the procedures set forth in section 120.54, F.S., consistent with section 195.032, F.S., but shall not have the force or effect of a rule and shall be used only to assist tax officers in the assessment of property as provided by section 195.002, F.S. This notice is part of the agency's effort to comply with the requirement to adopt the guidelines in general conformity with the procedures set forth in s. 120.54, F.S. This public workshop will be held to review the current guidelines and to receive input on best practices from other states and industry standards such as the Uniform Standards of Professional Appraisal Practice and standards of the International Association of Assessing Officers (IAAO).

Copies of the current guidelines titled General Real Property Standard Assessment Procedures and Standard Measures of Value, and the agenda for the workshop may be obtained from:

Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108.

Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (Voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

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## DEPARTMENT OF TRANSPORTATION

NOTICE OF CANCELLATION OF RULE DEVELOPMENT WORKSHOP – Notice of rule development for Rule 14-26 – Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles; Section 14-26.008 – Schedule of Fees and Section 14-26.01311 – Permits to Move Sealed Cargo Loads were published in Florida Administrative Weekly, Vol. 26, No. 33, dated August 18, 2000. A rule development workshop was requested. Notice of a rescheduled workshop was published in Florida Administrative Weekly, Vol. 26, No. 39, dated September 29, 2000.

The Department hereby cancels that rescheduled workshop, which was scheduled to be held December 4, 2000, 1:30 p.m., Haydon Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida.

SUBJECT AREA THAT WAS TO BE ADDRESSED: “Schedule of Fees” and “Permits to Move Sealed Cargo Loads” in Rules 14-26.008 and 14-26.01311, respectively.

NOTE: The Department does not intend to pursue rule development on this subject at this time. If the Department seeks to develop a rule on this subject in the future, a new notice of proposed rule development will be published at such time.

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## STATE BOARD OF ADMINISTRATION

NOTICE OF CORRECTION – The Florida **State Board of Administration** announces a meeting of the aides to the Trustees of the Florida, State Board of Administration and of a meeting of the Trustees of the Florida, State Board of Administration to which all persons are invited. This amended notice restates the business of the meetings and changes the time of the meeting scheduled for January 4, 2001.

DATE AND TIME: Tuesday, January 2, 2001, 1:00 p.m. – conclusion

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Monroe Street and Apalachee Parkway, Tallahassee, Florida

PURPOSE: This meeting for the aides to the Trustees of the Florida State Board of Administration (FSBA) will provide information regarding matters to come before the Trustees on January 4, 2001, including the FSBA’s staff’s recommendation regarding the Investment Policy Statement for the Public Employee Optional Retirement Program; the selection and evaluation criteria for potential education providers; the

selection and evaluation criteria for potential investment managers; the selection and evaluation criteria for an asset transition broker; a discussion of the Request for Information for the Third Party Administrator; and a general discussion of the implementation of the Public Employee Optional Retirement Program.

DATE AND TIME: Thursday, January 4, 2001, 1:30 p.m. – conclusion

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Monroe Street and Apalachee Parkway, Tallahassee, Florida

This meeting is for the Trustees of the Florida State Board of Administration (FSBA) will provide information regarding matters to come before the Trustees on January 4, 2001, including the FSBA’s staff’s recommendation regarding the Investment Policy Statement for the Public Employee Optional Retirement Program; the selection and evaluation criteria for potential education providers; the selection and evaluation criteria for potential investment managers; the selection and evaluation criteria for an asset transition broker; a discussion of the Request for Information for the Third Party Administrator; and a general discussion of the implementation of the Public Employee Optional Retirement Program.

Anyone wishing further information of a copy of the agenda 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](mailto: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.

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## PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces the investiture of Commissioner Lila A Jaber to be held:

DATE AND TIME: January 2, 2001, 9:00 a.m.

PLACE: The Betty Easley Conference Center, Hearing Room 148, Tallahassee, Florida 32399-0870.

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The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: January 2, 2001, 9:30 a.m.

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

PURPOSE: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Rule 25-22.002, F.A.C.), by contacting the Division of Records and Reporting, (850)413-6770 or writing: Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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

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The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: January 2, 2001, Immediately following the Commission Conference which commences at 9:30 a.m. in Commission Hearing Room 148.

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

PURPOSE: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the meeting. Any person who is hearing or speech impaired should contact the Commission through the Florida Relay Service, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

**\*\*THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.\*\***

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The Florida **Public Service Commission** announces the passing of the gavel to the Commission Chairman for the 2000-2001 term to be held at the beginning of the Commission's regular Conference.

DATE AND TIME: January 2, 2001, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Hearing Room 148, Tallahassee, Florida

The Florida **Public Service Commission** will consider, at its January 2, 2001, Agenda Conference, Docket No. 001734-GU, Application for Authority to Incur Long-Term Debt in the Maximum Principal Amount of \$400,000 by St. Joe Natural Gas Company, Inc. The Company seeks PSC approval pursuant to Section 366.04(1), Florida Statutes. The long-term debt will be in the form of an unsecured promissory note or notes payable in equal monthly installments of principal and interest over a ten year term.

DATE AND TIME: Tuesday, January 2, 2001, the Agenda Conference begins at 9:30 a.m., although the time at which this item will be heard cannot be determined at this time

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301

PURPOSE: To take final action in Docket No. 001734-GU.

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

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

DOCKET NO. 001703-EM – Petition for determination of need of Hines Unit 2 Power Plant by Florida Power Corporation.

DATE AND TIME: Monday, January 22, 2001, 9:30 a.m.

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To: (1) simplify the issues; (2) identify the positions of the parties on the issues; (3) consider the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) identify exhibits; (5) establish an order of witnesses; and (6) consider such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at the prehearing conference because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the prehearing conference. If you are hearing or speech impaired, please contact the Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

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Notice is hereby given that the Electronic Filings Task Force of the Florida **Public Service Commission** will conduct a workshop to which all persons are invited.

DATE AND TIME: January 22, 2001, 10:00 a.m.

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

**PURPOSE:** The Electronic Filings Task Force is developing a plan for the filing of documents at the Public Service Commission by electronic transmission. The Task Force will prepare a recommendation to the Commissioners early in 2001. We seek the input of people, practitioners and entities on issues being considered by the Task Force.

The agenda for this workshop will be available by January 8, 2001. A copy may be obtained by writing: Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0870. The agenda will also be posted on the PSC Website, <http://www.floridapsc.com>.

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

One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the workshop.

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

**DOCKET NO.** 001703-EM – Petition for determination of need for power plant in Duval County by JEA.

**DATES AND TIME:** Friday, February 9, 2001, 9:30 a.m.; Monday, February 12, 2001, has also been reserved for this proceeding. The starting time of the next day's session will be announced at the conclusion of the prior day. The hearing may be adjourned early if all testimony is concluded. Please be advised that the Commission may enter a bench decision at the conclusion of the hearing.

**PLACE:** Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

**PURPOSE:** The purpose of this hearing will be for the Commission to take final action to determine the need, pursuant to Sections 403.501-.519, Florida Statutes (1999), for the construction of an electric power plant and related facilities at the Brandy Branch Generating Station in Duval County, Florida. This proceeding shall allow JEA to present evidence and testimony in support of its petition for a determination of need for its proposed plant and related facilities in Duval County, Florida; to permit any intervenors to present testimony and exhibits concerning this matter; to permit members of the public who are not parties to the need determination proceeding the opportunity to present testimony concerning this matter; and for such other purposes as the Commission may deem appropriate. Any member of the public who wishes to offer testimony should be present at the beginning of the hearing. By providing public testimony, a person does not become a party to the proceeding. To become an official party of record, you must file a Petition for Intervention at least five

days before the final hearing, pursuant to the requirements contained in Rule 25-22.039, Florida Administrative Code. All witnesses shall be subject to cross-examination at the conclusion of their testimony. The hearing will be governed by the provisions of Chapter 120, Florida Statutes; Section 403.519, Florida Statutes; and Chapters 25-22 and 28-106, Florida Administrative Code.

Only issues relating to the need for the power plant and its associated facilities will be heard at the February 9, 2001 and February 12, 2001, hearing. Separate public hearings will be held before the Division of Administrative Hearings to consider environmental and other impacts of the proposed plant and associated facilities as required by the "Florida Electrical Power Plant Siting Act," Sections 403.501-518, Florida Statutes.

Any person requiring some accommodation at the hearing because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the hearing. If you are hearing or speech impaired, please contact the Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

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## REGIONAL PLANNING COUNCILS

**NOTICE OF CANCELLATION – The Withlacoochee Regional Water Supply Authority** announces that the Authority has cancelled its regular December meeting. The Authority will hold its regular January meeting as scheduled. This is a public meeting to which all persons are invited.

**DATE AND TIME:** Wednesday, January 17, 2001, 4:30 p.m.

**PLACE:** Citrus County Board Room, Old Masonic Bldg., 111 W. Main Street, Third Floor, Inverness, FL 34450

**GENERAL MATTER TO BE CONSIDERED:** To conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Water Supply Authority, P. O. Drawer 190, Tallahassee, FL 32302.

Although these board meetings are normally recorded, affected persons are advised that it may be necessary for them to make their own arrangements if a verbatim record of the meeting is needed, including testimony and evidence upon which any appeal is to be based.

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The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

**DATE AND TIME:** Monday, January 8, 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; Proposed Local Government Comprehensive Plan Amendment for Lauderhill; Any proposed Local Government



Comprehensive Plan Amendment received prior to the meeting; Adopted Local Government Comprehensive Plan Amendment for Coral Springs and Lauderhill; Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting; Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m. at the above location.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 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.

Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices, (954)985-4416 (Broward).

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

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#### WATER MANAGEMENT DISTRICTS

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

MEETING: Governing Board Meeting

DATE AND TIME: January 11, 2001, 8:50 a.m.

PLACE: South Florida Headquarters B-1 Auditorium, 3301 Gun Club Road, West, Palm Beach, Florida

PURPOSE: The acquisition of certain lands contained within the Save Our Rivers Land Acquisition and Management Plan which lands are further described as follows:

Part of the CREW Project comprised of one parcel referred to as SFWMD Tract No. 09-003-381 consisting of approximately 5.00 acres and lying in Section 28, Township 47 South, Range 26 East, Lee County, Florida. FAW Reference No. 1332

Part of the East Coast Buffer Project comprised of one parcel referred to as SFWMD Tract No. W9-200-007 consisting of approximately 10 acres and lying in Section 21, Township 51 South, Range 39 East in Broward County, Florida. FAW Reference No. 1329

Part of the East Coast Buffer Project comprised of three parcels referred to as SFWMD Tract No. W9-305-939, W9-305-943 and W9-301-911 consisting of approximately 6.14 acres and lying in Section 8 and 17, Township 53 South, Range 39 East in Miami-Dade County, Florida. FAW Reference No. 1328

Part of the East Coast Buffer Project being acquired under the terms of an Interlocal Agreement with Palm Beach County comprised of one parcel referred to as SFWMD Tract No. W9-100-095 consisting of approximately 626.94 acres and lying in Section 12, Township 41 South, Range 46 East, in Palm Beach County, Florida. FAW Reference No. 1330

Part of the Kissimmee River Project comprised of one parcel referred to as SFWMD Tract No. 19-103-454 consisting of approximately 0.1 acres and lying in Section 17, Township 36 South, Range 33 East, in Highlands County, Florida. FAW Reference No. 1325

Part of the Kissimmee River Project comprised of one parcel referred to as SFWMD Tract No. 19-103-455 consisting of approximately 0.1 acres and lying in Section 17, Township 36 South, Range 33 East, in Highlands County, Florida. FAW Reference No. 1326

Part of the Lake Okeechobee Water Retention and Phosphorous Removal Critical Restoration Project comprised of one parcel referred to as SFWMD Tract No. C1-100-001 consisting of approximately 2,200 acres and lying in Section 27, 28, 32, 33 and 34, Township 37 South, Range 36 East and Section 4, Township 38 South, Range 36 East, in Okeechobee County, Florida. FAW Reference No. 1327

Part of the Kissimmee Chain of Lakes Project comprised of two parcels referred to as SFWMD Tract Nos. 18-001-050 and 18-001-051 consisting of approximately 0.739 acres and 2.291 acres, respectively, and lying in Section 3, Township 31 South, Range 31 East, Polk County, Florida. FAW Reference No. 1331

Additional information concerning specific parcels or interests can be obtained from: Blair R. LittleJohn, III, South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680, (561)686-8800.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance of the meeting to make appropriate arrangements.

For more information, please contact: Blair R. LittleJohn, III, Interim Division Director, Real Estate, Engineering and Construction, (561)686-8800.

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The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: January 11, 2001, 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: A meeting of the Water Management Lands Trust Fund to adopt a resolution advising the Department of Environmental Protection of the Land Management adopted budget needs for Fiscal Year 2001, utilizing funds from the Water Management Lands Trust Fund.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance of the meeting to make appropriate arrangements.

For more information, contact Fred Davis, (561)682-6636.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: January 17, 2001, 10:00 a.m. – 12:00 Noon

PLACE: South Florida Water Management District Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: Budget and Finance Advisory Commission meeting to discuss SFWMD budget and finance-related matters.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance of the meeting to make appropriate arrangements.

For more information, contact: Patti Nicholas, Planning, Budgeting and Performance Evaluation Department, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680.

**DEPARTMENT OF ELDER AFFAIRS**

The **State Long-Term Care Ombudsman Council** announces the following calls to which all persons are invited.

MEETING: Ways and Means Committee

DATES AND TIME: December 8, 2000; January 5, 2001, 2:00 p.m. – 3:00 p.m.

MEETING: Policy and Procedures Committee

DATES AND TIME: December 14, 2000; January 11, 2001, 9:00 a.m. – 10:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues related to the Long-Term Care Ombudsman Program.

You may contact: the office of the Long-Term Care Ombudsman, (850)488-6190, for more information.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

The **Agency for Health Care Administration** announces a public meeting of the task force for the regular Disproportionate Share Program to which all persons are invited.

DATE AND TIME: January 5, 2001, 10:30 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308

PURPOSE: In accordance with House Bill 2145, General Appropriations Act for FY 2000-2001, Specific Appropriation 196, the task force for the regular Disproportionate Share Program will be conducting a public meeting. The purpose of the task force is to study and make recommendations regarding the formula for the regular Disproportionate Share Program and alternative financing options.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda has not been set. Contact Marilyn Reavis, (850)488-9354 or Suncom 278-9354, with any questions or to obtain an agenda when it is set.

**DEPARTMENT OF MANAGEMENT SERVICES**

The **Department of Management Services**, State Technology Office announces a public meeting of the Florida 700 MHz Committee to which all persons are invited.

DATE AND TIME: January 17, 2001, 9:00 a.m.

PLACE: FHP/FDLE Communication Center, 1333 South Semoran Blvd. (Room location will be listed in the lobby), Orlando (Orange County), Florida

PURPOSE: Meeting to form the 700 MHz Coordination Committee.

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

Any person requiring some accommodation at this hearing because of physical impairment should call: Mr. Mark Pallans, (954)761-5790. If you are hearing or speech-impaired, please contact Mr. Mark Pallans, by using the Florida Relay Service, 1(800) 955-8771 (TDD).

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#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Barbers' Board** announces a Board Meeting open to the public and all persons are invited to participate.

DATE AND TIME: Monday, January 8, 2001, 9:00 a.m.

PLACE: Holiday Inn City Centre, 111 West Fortune Street, Tampa, Florida 33602

PURPOSE: Regular Board Business and Committee Matters.

\*A copy of the agenda may be obtained by writing: Florida Barbers' Board, 1940 North Monroe Street, Suite 60, Tallahassee, Florida 32399-0790.

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

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8711 (TDD).

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The **Board of Cosmetology** announces a Board Meeting open to the public and all persons are invited to participate.

DATES AND TIME: Sunday, January 21, 2001; Monday, January 22, 2001, 9:00 a.m. (if necessary)

PLACE: Delta Orlando Resort, 5715 Major Boulevard, Orlando, Florida 32819-7988

PURPOSE: Regular Board Business and Committee Matters.

\*A copy of the agenda may be obtained by writing: Board of Cosmetology, 1940 North Monroe Street, Suite 60, Tallahassee, Florida 32399-0790

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

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are

hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Probable Cause Panel of the **Florida Real Estate Commission** will meet on:

DATE AND TIME: January 16, 2001, 1:30 p.m. or the soonest thereafter. Portions of the probable cause proceedings are not open to the public.

PLACE: Division of Real Estate, Commission Meeting Room 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 (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, 1(800)955-8770 by (Voice) and 1(800)955-8771 (TDD).

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The **Florida Real Estate Commission** (FREC) announces a meeting to which all persons are invited.

DATE AND TIME: January 17, 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.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required. Probable Cause Panel(s) may also meet during this session.

Portions of the Probable Cause are not open to the public.

A copy of the agenda may be obtained by writing: Deputy Clerk of the Florida Real Estate Commission, Administration Office, P. O. Box 1900, Orlando, Florida 32802-1900.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection** announces a public meeting of the State Revolving Fund (SRF) Technical Advisory Committee (TAC).

DATE AND TIME: January 5, 2001, 10:00 a.m.

PLACE: St. Johns River Water Management District, Wekiva and Econ Conference Rooms, 618 E. South Street, Orlando, Florida

PURPOSE: The TAC will consider revisions to the SRF Program in order to expand its uses and accommodate additional capitalization. Program requirements will be reevaluated. Expanded uses may include funding for wastewater and stormwater management facilities and nonpoint source pollution control activities. Additional capitalization may be realized as a result of cash management and the issue of bonds.

A copy of the agenda may be obtained by writing: Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or by calling Dick Smith, (850)488-8163.

All persons are invited to attend the meeting, but public comments will not be accepted. If an accommodation is needed for a disability in order to participate in this activity, please call 1(800)955-8771 or call Dick Smith, (850)488-8163, no later than December 29, 2000.

The Bureau of Mine Reclamation, **Department of Environmental Protection** announces the 6th Annual Florida Dam Safety Conference to which all persons are invited.

DATES AND TIME: January 10-11, 2001, 8:30 a.m. – 5:00 p.m.

PLACE: Radisson Hotel Tampa at Sabal Park, 10221 Princess Palm Avenue, Tampa, Florida 33610, (813)623-6363, No Registration Fee/Conference Room Rate: \$99.00

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this conference is to discuss Emergency Action Planning, Everglades Restoration and general topics related to dam safety in Florida. Exhibitor space is available.

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist, Bureau of Personnel, (850)488-2996 or 1(800)955-8771 (TDD), at least forty-eight (48) hours before the conference.

For further information or to obtain a copy of the agenda, contact: Steve Partney, Bureau of Mine Reclamation, 2051 East Dirac Drive, Tallahassee, Florida 32310-3760, (850)488-8217.

The **Department of Environmental Protection**, Division of Air Resource Management announces a public workshop (40 CFR 51.102 hearing) to which all persons are invited.

DATE AND TIME: Wednesday, January 17, 2001, 1:30 p.m.

PLACE: Tampa Port Authority, 1101 Channelside Drive, Board Room, 1st Floor, Tampa, Florida

PURPOSE: The department is providing an opportunity for public comment on its intent to submit to the U.S. Environmental Protection Agency (EPA), as a proposed

revision to the State Implementation Plan (SIP) under the Clean Air Act, legislation enacted and signed into law this year (2000) which specifies air regulatory requirements for the citrus juice processing industry. The new law, Section 403.08725 of the Florida Statutes, sets emission limits for the twenty-five existing citrus juice processing facilities subject to the legislation and requires a higher standard of reductions in air pollution emissions industry-wide than is achievable through Florida's existing regulatory program. The statute frees the facilities from the need to obtain air construction and operation permits because the permitting requirements are specified for all of the facilities directly in the statute. The program is designed to encourage less pollution through economic incentives and investment in pollution control techniques.

A copy of the agenda and the proposed SIP revision may be obtained by writing: Ms. Sandy Ladner, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400 or by calling Ms. Ladner, (850)921-9551.

Written comments on the proposed SIP revision must be provided to the department at the workshop or submitted to Ms. Ladner at the above address on or before the date of the workshop in order to be included in the hearing record and in the materials submitted to the EPA.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing/meeting is asked to advise the agency at least 48 hours before the hearing by contacting the Personnel Service Specialist, Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling, 1(800)955-8771 (TDD).

## DEPARTMENT OF HEALTH

The **Department of Health** announces a public meeting to which all persons are invited. The meeting will be held by telephone conference call at the following locations.

Marina Garcia Wood, Ft. Lauderdale, FL, (954)767-6500

Lucius Noyes, Palatka, FL, (904)325-7576

Arnold Barad, Boynton Beach, FL, (561)735-3300

Gene Motley, St. Augustine, FL, (904)829-5693

Leonard Inge, Tallahassee, FL, (850)599-3474

Juan Mora, Miami, FL, (401)765-1500

Helen Fong, Orlando, FL, (407)248-1826

Gail Smith, Apopka, FL, (407)886-8911

Michael Stamitoles, Pensacola, FL, (904)434-4990

Edwin Bayo, Att. Gen. Office, Tallahassee, FL, (850)414-3300

John Taylor, Dept. of Health, Tallahassee, FL, (850)245-4290

DATE AND TIME: January 8, 2001, 10:00 a.m. (EDT)

PURPOSE: To approve candidates for licensure and examination. Review any applicants with disciplinary action.

A copy of the agenda may be obtained by writing: Board of Pharmacy, 4052 Bald Cypress Way, BIN #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Garnet Keller, (850)245-4292, at least five calendar prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771(TDD).

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting, he will need to ensure a verbatim record is made, which record includes the testimony and evidence upon which the appeal is to be based.

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The **Board of Podiatric Medicine** will hold a conference call meeting to which all persons are invited to attend.

DATE AND TIME: Friday, December 22, 2000, 9:00 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee, FL, at Meet Me Number (850)488-5778

PURPOSE: General board business.

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, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Sherra W. Causey, Board of Podiatric Medicine, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

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The **Council on Physician Assistants** announces a meeting to which all persons are invited.

DATE AND TIME: Friday, January 12, 2001, 12:00 Noon or soon thereafter

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607

PURPOSE: To conduct general business of the Council.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Council on Physician Assistants, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Council on Physician Assistants the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Margaret Anglin, Regulation Administrator, Council on Physician Assistants, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record or the proceeding is made, which record includes the testimony and evidence upon which is to be based.

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The **Department of Health** announces the following meetings of the Variance Review and Advisory Committee for Onsite Sewage Treatment and Disposal Systems to examine variance applications received by the 15th of the previous month.

DATE AND TIME: Thursday, January 4, 2001, 10:00 a.m.

PLACE: Osceola County Administration Building, Suite 4700, 1 Courthouse Square, Kissimmee, Florida

DATE AND TIME: Thursday, February 1, 2001, 10:00 a.m.

PLACE: Lee County Extension Service, Meeting Room, 3406 Palm Beach Boulevard, Terry Park, Fort Myers, Florida

DATE AND TIME: Thursday, March 1, 2001, 10:00 a.m.

PLACE: Betty Easley Conference Center, Conference Room 180, 4075 Esplanade Way, Tallahassee, Florida

DATE AND TIME: Thursday, April 5, 2001, 10:00 a.m.

PLACE: St. Lucie County Health Department, Auditorium, 5150 N. W. Milner Drive, Port St. Lucie, Florida

DATE AND TIME: Thursday, May 3, 2001, 10:00 a.m.

PLACE: Lecanto Governmental Complex, Room 280, 3600 West Sovereign Path, Lecanto, Florida

DATE AND TIME: Thursday, June 7, 2001, 10:00 a.m.

PLACE: Osceola County Administration Building, Suite 4700, 1 Courthouse Square, Kissimmee, Florida

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

PLACE: Broward County Health Department, 2nd Floor Auditorium, 2421 S. W. 6th Avenue, Fort Lauderdale, Florida

DATE AND TIME: Thursday, August 2, 2001, 10:00 a.m.

PLACE: Betty Easley Conference Center, Conference Room 180, 4075 Esplanade Way, Tallahassee, Florida

DATE AND TIME: Thursday, September 6, 2001, 10:00 a.m.

PLACE: Osceola County Administration Building, Suite 4700, 1 Courthouse Square, Kissimmee, Florida

DATE AND TIME: Thursday, October 4, 2001, 10:00 a.m.

PLACE: Betty Easley Conference Center, Conference Room 180, 4075 Esplanade Way, Tallahassee, Florida

DATE AND TIME: Thursday, November 1, 2001, 10:00 a.m.

PLACE: Volusia County Agriculture Center, Auditorium, 3100 East State Road 44, DeLand, Florida

DATE AND TIME: Thursday, December 6, 2001, 10:00 a.m.

PLACE: Osceola County Administration Building, Suite 4700, 1 Courthouse Square, Kissimmee, Florida

**PURPOSE:** To examine applications for variance from the requirements of Chapter 64E-6, Florida Administrative Code, entitled "Standards for Onsite Sewage Treatment and Disposal Systems" pursuant to s. 381.0065(3)(d), Florida Statutes.

A copy of the agenda may be obtained ten days prior to each meeting date by writing: Gerald R. Briggs, Chief, Bureau of Onsite Sewage Programs, Department of Health, 4052 Bald Cypress Way, BIN #A08, Tallahassee, Florida 32399-1713.

Any person requiring a special accommodation at one of these meetings because of disability or physical impairment should contact Shirley Kugler, (850)245-4070, at least two weeks prior to the meeting.

The Florida **Emergency Medical Services Advisory Council** will hold their quarterly meeting.

**DATE AND TIME:** January 19, 2001, 8:00 a.m. (EST)

**PLACE:** Jacksonville Hilton, 1201 Riverplace Boulevard, Jacksonville, Florida 32207, (904)398-8800

**PURPOSE:** To conduct general business of the council.

An agenda may be obtained by contacting: Desi Lassiter, Bureau of Emergency Medical Services, (850)245-4055.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact the Bureau of Emergency Medical Services, (850)245-4055, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Bureau of Emergency Medical Services using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

For further information, write: Desi Lassiter, 4052 Bald Cypress Way, BIN #C18 (HEMS), Tallahassee, Florida 32399-1738 or call (850)245-4055.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The Osceola County Community Alliance and The **Department of Children and Family Services**, District 7 announces the following public meeting:

Community Based Care – Alliance Meeting

**DATE AND TIME:** December 20, 2000, 11:30 a.m. – 1:30 p.m.

**PLACE:** Osceola County Administration Building, 1 Courthouse Square, Suite 4700, Kissimmee, Florida

For more information, please contact: Keith Carpenter, CBC Liaison, 400 W. Robinson Street, Suite S-1129, Orlando, Florida 32801, (407)245-0400.

The **Department of Children and Family Services**, District Ten in conjunction with the community will conduct the following meetings during the months of January through December 2001.

The District Ten, Family Care Council announces public meetings to which you are invited to attend.

**DATES AND TIME:** Friday, January 5, 2001; Friday, February 9, 2001; Friday, March 6, 2001; Friday, April 6, 2001; Friday, May 4, 2001; Friday, June 8, 2001; Friday, July 13, 2001; Friday, August 10, 2001; Friday, September 14, 2001; Friday, October 12, 2001; Friday, November 2, 2001; Friday, December 7, 2001, 10:00 a.m.

**PLACE:** Department of Children and Family Services, 201 W. Broward Blvd., Suite 104-B, Ft. Lauderdale, Florida 33301

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Issues related to the developmentally disabled.

The District Ten, Child Care Sub-Committee announces public meetings to which you are invited to attend.

**DATES AND TIME:** Monday, January 8, 2001; Monday, February 12, 2001; Monday, March 12, 2001; Monday, April 9, 2001; Monday, May 14, 2001; Monday, June 11, 2001; Monday, July 9, 2001; Monday, August 13, 2001; Monday, September 10, 2001; Monday, October 8, 2001; Monday, November 12, 2001; Monday, December 10, 2001, 9:00 a.m.

**PLACE:** Family Central, 840 Southwest 81 Street, North Lauderdale, Florida 33068

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Issues related to Child Care.

The Level of Care Review Committee announces public meetings to which you are invited to attend.

**DATES AND TIME:** Wednesday, January 3, 10, 17, 24, 31, 2001; February 7, 14, 21, 28, 2001; March 7, 14, 21, 28, 2001; April 4, 11, 18, 25, 2001; May 2, 9, 16, 23, 30, 2001; June 6, 13, 20, 27, 2001; July 4, 11, 18, 25, 2001; August 1, 8, 15, 22, 29, 2001; September 5, 12, 19, 26, 2001; October 3, 10, 17, 24, 31, 2001; November 7, 14, 21, 28, 2001; December 5, 12, 19, 26, 2001, 2:30 p.m.

**PLACE:** Department of Children and Family Services, 201 W. Broward Blvd., Room 104-A, Ft. Lauderdale, FL 33301

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Case Review for ADMH clients.

The Economic Self Sufficiency Sub-Committee announces public meetings to which you are invited to attend.

**DATES AND TIME:** Wednesday, January 3, 2001; Wednesday, February 7, 2001; Wednesday, March 7, 2001; Wednesday, April 4, 2001; Wednesday, May 2, 2001; Wednesday, June 6, 2001; Wednesday, July 4, 2001; Wednesday, August 1, 2001; Wednesday, September 5, 2001; Wednesday, October 3, 2001; Wednesday, November 7, 2001; Wednesday, December 5, 2001, 3:00 p.m.

**PLACE:** Department of Children and Family Services, 201 W. Broward Blvd., Suite 510, Ft. Lauderdale, Florida 33301

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Issues related to the Economic Self Sufficiency clients and program.

A copy of the agenda may be obtained by writing: Scott Silverman, 201 W. Broward Blvd., Suite 406, Fort Lauderdale, FL 33301.

Anyone requiring a special accommodation to participate in this meeting is requested to advise District Administration, Scott Silverman, at least 5 working days before the meeting, (954)467-4298 or (954)467-4509 (TDD).

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: January 11, 2001, 9:00 a.m.

PLACE: Hurston Building, South Tower, Conference Room B, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department is seeking public input and information regarding the designation or re-designation of District 7, Public Baker Act receiving facilities.

AGENDA: Psychiatric Care Center of Winter Park Hospital, a Division of the Florida Hospital.

NOTE: Persons with disabilities requiring accommodations in order to participate in this event should contact the following person(s) by telephone or in writing: Vicki Shelton or Roxanne Marques, 400 West Robinson Street, Suite S430, Orlando, Florida 32801, (407)245-0420, or 1(800)955-8771 (TDD/TTY) or 1(800)955-8770 (Voice), by close of business, 5:00 p.m., on January 4, 2001.

FOR FURTHER INFORMATION CONTACT: Vicki Shelton, 400 West Robinson Street, Suite S430, Orlando, Florida 32801, (407)245-0420.

#### **FLORIDA SEAPORT TRANSPORTATION AND ECONOMIC DEVELOPMENT COUNCIL**

The Professional Services Selection Committee of the **Florida Seaport Transportation and Economic Development Council** announces a telephonic public meeting in which all interested persons are invited to participate.

DATE AND TIME: December 18, 2000, 11:30 a.m. (Eastern Standard Time)

PLACE: Dial-in Number 1(800)828-4058, Access Code 596998

PURPOSE: Discussion and recommendation to the Chairman regarding selection of Arbitrage Rebate Consultant.

A copy of the agenda may be obtained by contacting: James C. Massie, Commission Counsel, Florida Ports Financing Commission, (850)222-8021.

#### **HARBOURVEST, LLC**

PUBLIC HEARING RESCHEDULED – **Harbourvest, LLC** (formerly U.S. Home Corporation) announces a public hearing to which all persons are invited.

DATE AND TIME: January 9, 2001, 7:00 p.m.

PLACE: Carlos E. Haile Middle School, 9501 State Road 64, East, Bradenton, Florida

PURPOSE: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of State Project Number 13050-1517, Financial Project ID Number 196022-1-22-01 and Work Program Item Number 1115353, otherwise known as State Road 64, in Manatee County. The project limits of the State Road 64 corridor are from Interstate 75 to east of the entrance to Carlos E. Haile Middle School. The proposed improvements to State Road 64 include the provision of six lanes from Interstate 75 to Lena Road, with a taper down to two lanes between Lena Road and Haile Middle School.

Anyone needing project or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write to the address given below or contact Ms. Lara Carnow by telephone, (813)615-1319.

Special accommodation requests under the Americans with Disabilities Act should be made at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing: Ms. Lara Carnow, Wilson Miller, 8875 Hidden River Parkway, Suite 250, Tampa, Florida 33637.

#### **WORKFORCE FLORIDA**

The **Workforce Florida, Inc.**, Board of Directors announces Workforce Florida Council Meetings and a Board of Directors' Meeting in which all persons are invited to participate.

MEETING: Board of Directors will meet with a casual dinner buffet. This meeting will be a retreat/visioning meeting with a facilitator.

DATES AND TIMES: Wednesday, January 17, 2001, 6:00 p.m. – 9:00 p.m.; Thursday, January 18, 2001, 8:30 a.m. – 11:30 a.m.

MEETING: Meeting of Workforce Florida Councils: First Jobs/First Wages, Better Jobs/Better Wages High Skills/High Wages.

DATE AND TIME: Thursday, January 18, 2001, 11:30 a.m. – 2:15 p.m.

MEETING: Business Meeting of the Board of Directors.

DATE AND TIME: Thursday, January 18, 2001, 2:30 p.m. – 5:00 p.m.

PLACE: Embassy Suites Hotel, Downtown Orlando, 191 East Pine Street, Orlando, Florida 32801, (407)841-1000

PURPOSE: To conduct the business of the Board and Councils.

A copy of the agenda(s) may be obtained by contacting: Pat Chalmers, after January 8, 2001, (850)921-1119, e-mail at pchalmers@workforceflorida.com or our website at www.workforceflorida.com.

Those individuals wishing to participate in these meetings on January 17-18, 2001, are advised that this location is accessible to those individuals with a disability or physical impairment.

Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771(TDD).

A copy of the Order may be obtained from: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

## Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

### DEPARTMENT OF INSURANCE

NOTICE IS HEREBY GIVEN that the Department of Insurance has received a petition for a declaratory statement from Christopher Spencer, President of Local Union #2887, International Association of Fire Fighters, Marco Island Fire Department, Marco Island, Florida 34145. The petition seeks the agency's opinion as to the applicability of Section 633.35(1), Florida Statutes as it applies to the petitioner. Specifically, the petition presents the following questions in pertinent part:

Question Number 1: Is it legal for any municipality to have an employee who has been termed a Public Safety Officer (PSO) and who has been hired, trained and state certified as primarily a Law Enforcement Officer and also trained and certified as primarily a Fire Fighter, to be assigned both full-time positions and perform the duties and responsibilities of both simultaneously on a continuing momentary basis for the same employing agency based upon these statutory provisions: Florida Statutes Chapter 175, "Firefighter Pensions" and Florida State Statutes, Chapter 633, "Fire Prevention and Control"?

A copy of the petition may be obtained by contacting: A. Collin Cherry, Senior Attorney, Division of Legal Services, Department of Insurance, 200 East Gaines Street, Tallahassee, FL 32399-0333, (850)413-4230.

### DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Randall Prater. The Petitioner requested that the Department of Corrections amend Chapter 33 to adopt procedure 101.002 as a rule to require wardens to develop institutional operating procedures relating to law libraries and other day to day operations.

The Department denied Inmate Prater's Petition to Initiate Rulemaking. The Petition ignores the fact that as rules are being revised, requirements that wardens must develop institutional operating procedures are being deleted and are not being replaced. Existing institutional operating procedures are utilized only until such time that they are replaced by departmental rules and procedures.

NOTICE IS HEREBY GIVEN that the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Cliff Washburn. The Petitioner requested that the Department of Corrections amend Rule 33-401.401, Florida Administrative Code, to completely ban the possession, sale and use of tobacco products in Department facilities.

The Department denied Inmate Washburn's Petition to Initiate Rulemaking as unwarranted. The current Rule is in compliance with state law.

A copy of the Order may be obtained from: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on December 4, 2000 from Mark Osterback. Petitioner is seeking amendment of Rule 33-501.301(8)(f), Florida Administrative Code, to require the Department to include a current index of final agency orders as part of the materials maintained in institutional law libraries.

A copy of the Petition may be obtained by writing: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on December 4, 2000 from Mark Osterback. Petitioner is seeking amendment of Rules 33-601.302, 33-601.305 and 33-601.307, Florida Administrative Code, to require the Department to clarify the role of staff assistant to make it consistent with American Correction Association Standards.

A copy of the Petition may be obtained by writing: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement in Re: Petition for Declaratory Statement, Victoria Suites Investments, Inc., Petitioner.



The Petitioner requests an interpretation as to whether Section 718.301, Florida Statutes, requires a developer of a planned phased condominium to transfer control of the association to the unit owners at the completion of phase I before phase II is declared where the developer has sold the last unit in phase I and is no longer selling units in the ordinary course of business.

A copy of the Petition for Declaratory Statement, Docket Number CD2000-181, may be obtained by writing: Agency Clerk, Department of Business and Profession Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, FL 32399-2217.

Please refer all comments to Janis Sue Richardson, Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Suite 60, Tallahassee, Florida 32399-2202.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The Department announces receipt of a petition filed November 22, 2000, pursuant to Section 120.565, Florida Statutes, from Pinellas County for a declaratory statement regarding the Bridgeway Acres Landfill. Specifically, the petitioner has requested a declaratory statement concerning the applicability of Rule 62-701.320(12), Florida Administrative Code, which establishes a setback distance from airports for certain solid waste management facilities.

The Petition for Declaratory Statement is being processed and is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Requests for copies or inspection should be made to Chris McGuire, Assistant General Counsel, at the above address.

**Section VIII  
Notices of Petitions and Dispositions  
Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

Health Insurance Association of America and Florida Insurance Council vs. Department of Insurance and Treasurer; Case No.: 98-2572RP; Rule No.: 4-149; Dismissed

Great Northern Insured Annuity Corporation vs. Department of Insurance and Treasurer; Case No.: 92-4332RP; Rule Nos.: 4-223.001-.005, 4-223.005(1)(g), 4-223.006(2)(d), 4-223.007-.011(4)(a)3.; Invalid

First Union Mortgage Corporation vs. Department of Insurance and Treasurer; Case No.: 92-4333RP; Rule Nos.: 4-223.001-.005, 4-223.005(1)(g), 4-223.006(2)(d), 4-223.007-.011(4)(a)3.; Invalid

Florida Bankers Association vs. Department of Insurance and Treasurer; Case No.: 92-4334RP; Rule Nos.: 4-223.001-.005, 4-223.005(1)(g), 4-223.006(2)(d), 4-223.007-.011(4)(a)3.; Invalid

Florida Association of Life Underwriters vs. Department of Insurance and Treasurer; Case No.: 92-4336RP; Rule Nos.: 4-223.001-.005, 4-223.005(1)(g), 4-223.006(2)(d), 4-223.007-.011(4)(a)3.; Invalid

James Mitchell & Company and JMC Insurance Services Corporation vs. Department of Insurance and Treasurer; Case No.: 92-4347RP; Rule Nos.: 4-223.001-.005, 4-223.005(1)(g), 4-223.006(2)(d), 4-223.007-.011(4)(a)3.; Invalid

The Minnesota Mutual Life Insurance Company vs. Department of Insurance and Treasurer; Case No.: 92-4350RP; Rule Nos.: 4-223.001-.005, 4-223.005(1)(g), 4-223.006(2)(d), 4-223.007-.011(4)(a)3.; Dismissed

Florida Central Credit Union, Railroad and Industrial Federal Credit Union, GTE Federal Credit Union, and Credit Union Services, Inc. vs. Department of Insurance and Treasurer; Case No.: 92-4351RP; Rule Nos.: 4-223.001-.005, 4-223.005(1)(g), 4-223.006(2)(d), 4-223.007-.011(4)(a)3.; Invalid

Florida Association of Insurance Agents vs. Department of Insurance and Treasurer; Case No.: 92-4352RP; Rule Nos.: 4-223.001-.005, 4-223.005(1)(g), 4-223.006(2)(d), 4-223.007-.011(4)(a)3.; Invalid

Florida Windstorm Underwriting Association vs. Department of Insurance and Treasurer; Case No.: 94-3467RP; Rule No.: 4J-1.021; Voluntary Dismissal

National Association of Independent Insurers, The Florida Insurance Council, and the Florida Farm Bureau vs. Department of Insurance and Treasurer; Case No.: 94-3471RP; Rule No.: 4J-1.021; Voluntary Dismissal

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American Insurance Association vs. Department of Insurance and Treasurer; Case No.: 94-3472RP; Rule No.: 4J-1.021; Voluntary Dismissal

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Florida Surplus Lines Association, Inc. vs. Department of Insurance and Treasurer; Case No.: 94-3476RP; Rule No.: 4J-2.002; Invalid

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Zurich Re (U.K.) Limited vs. Department of Insurance and Treasurer; Case No.: 94-1473RP; Rule No.: 4J-5.006; Dismissed

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1st Propane of Bushnell vs. Department of Agriculture and Consumer Services; Case No.: 99-2621RX; Rule No.: 5F-11.047; Voluntary Dismissal

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Orlando Tomato, Inc. vs. Department of Agriculture and Consumer Services; Case No.: 96-0949RP; Rule No.: 5H-1.001; Dismissed

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T and M Produce Company, Inc. vs. Department of Agriculture and Consumer Services; Case No.: 96-0950RP; Rule No.: 5H-1.001; Dismissed

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Willis Produce Company, Inc. vs. Department of Agriculture and Consumer Services; Case No.: 96-0926RP; Rule No.: 5H-1.001; Dismissed

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G and B Produce Company, Inc. vs. Department of Agriculture and Consumer Services; Case No.: 96-1094; Rule No.: 5H-1.001; Dismissed

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Johnson Produce Company, Inc. vs. Department of Agriculture and Consumer Services; Case No.: 96-1118RP; Rule No.: 5H-1.001; Dismissed

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Lou Pizzo Produce, Inc. vs. Department of Agriculture and Consumer Services; Case No.: 96-1119RP; Rule No.: 5H-1.001; Voluntary Dismissal

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Florida Language, Speech and Hearing Association, Inc., D/B/A Florida Association of Speech-Language Pathologists vs. Department of Education; Case No.: 96-4837RP; Rule No.: 6A-4.01761; Voluntary Dismissal

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Florida Language, Speech and Hearing Association, Inc., D/B/A, Et Al. vs. Department of Education; Case No.: 98-2175RP; Rule Nos.: 6A-4.006(2)(b),(3)(c), 6A-4.01761; Dismissed upon Withdrawal

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Florida Language, Speech and Hearing Association, Inc., D/B/A, Et Al. vs. Department of Education; Case No.: 98-2567RP; Rule Nos.: 6A-4.006(2)(b),(3)(c), 6A-4.01761, 6A-4.03012(5),(6); Voluntary Dismissal

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Douglas A. Charity vs. Department of Education, Florida State University; Case No.: 94-5973RP; Rule No.: 6C2-5.0021; Valid

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J.A.C. vs. Department of Education, Florida Atlantic University; Case No.: 99-4709RU; Rule Nos.: 6C5-4.002, 6C5-4.005, 6C5-4.008, 6C5-7.007; Voluntary Dismissal

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Florida Outdoor Advertising Association, Eller Media Company, et al vs. Department of Transportation; Case No.: 98-1767RP; Rule No.: 14-40; Dismissed

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Malinda J. Nice vs. Department of Corrections; Case No.: 98-0321RP; Rule Nos.: 33-3.004(3), 33-3.004(3)(d), 33-3.004(15), 33-3.005(8)(b); Dismissed

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Monique Striano vs. Department of Corrections; Case No.: 98-0428RP; Rule No.: 33-3.004(3)(d); Dismissed

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Jannell Clymer Gerlach vs. Department of Corrections; Case No.: 98-0429RP; Rule No.: 33-3.004(3)(d); Dismissed

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Joel Morabek vs. Department of Corrections; Case No.: 98-0431RP; Rule No.: 33-3.004(3)(d); Dismissed

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Advocacy Center for Persons with Disabilities, Inc.; Gail Clarise Goring; Daniel Z. Raines; James Bean; Carole Fallenstein; Joan Fowler; Richard Huggins and Jay Dyer vs. Department of Labor and Employment Security, Division of Vocational Rehabilitation; Case No.: 98-0630RP; Rule Nos.: 38J-1.002(7),(8),(9), 38J-1.003(2), 38J-1.004(1), 38J-1.005(1)(b),(3)(a),(d),(5), 38J-1.006(2), 38J-1.007(1); Dismissed upon Withdrawal

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Florida Pulp and Paper Association Environmental Affairs, Inc. vs. St. Johns River Water Management District; Case No.: 98-4707RP; Rule No.: 40C-2.101; Dismissed

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Punta Gorda HMA, Inc. Licensee for Charlotte Regional Medical Center vs. Agency for Health Care Administration; Case No.: 98-3420RX; Rule No.: 59C-1.033(7)(c); Invalid

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South Broward Hospital District, d/b/a Memorial Regional Hospital, d/b/a Memorial Hospital West, and d/b/a Memorial Hospital Pembroke vs. Agency for Health Care Administration and North Brevard County Hospital District; Case No.: 97-0914RP; Rule No.: 59C-1.036; Voluntary Dismissed

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Integrated Health Services, Inc.; Integrated Health Services of Lester, Inc.; Integrated Health Services of Dana, Inc.; Integrated Health Services of Melissa, Inc.; and Central park Lodges, Inc. vs. Agency for Health Care Administration and North Brevard County Hospital District; Case No.: 97-0915RP; Rule No.: 59C-1.036(2)(i); Voluntary Dismissed

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Healthsouth Corporation and HealthSouth Miami Regional Rehabilitation Hospital vs. Agency for Health Care Administration and North Brevard County Hospital District; Case No.: 97-0916RP; Rule No.: 59C-1.036; Voluntary Dismissed

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Florida League of Health Systems, Inc. vs. Agency for Health Care Administration and North Brevard County Hospital District; Case No.: 97-0917RP; Rule No.: 59C-1.036; Voluntary Dismissed

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National Healthcare, L.P. vs. Agency for Health Care Administration and North Brevard County Hospital District; Case No.: 97-0918RP; Rule No.: 59C-1.036; Voluntary Dismissed

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Florida Health Care Association, Inc. vs. Agency for Health Care Administration and North Brevard County Hospital District; Case No.: 97-0920RP; Rule No.: 59C-1.036; Voluntary Dismissed

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Florida Hospital Association, Inc. vs. Agency for Health Care Administration and North Brevard County Hospital District; Case No.: 97-0921RP; Rule No.: 59C-1.036; Voluntary Dismissed

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Manor Care of Boynton Beach, Inc., and Manor Healthcare Corporation vs. Agency for Health Care Administration and North Brevard County Hospital District; Case No.: 97-0923RP; Rule No.: 59C-1.036; Voluntary Dismissed

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Florida League of Health Systems, Inc. vs. Agency for Health Care Administration; Case No.: 97-5851RP; Rule No.: 59C-1.036; Voluntary Dismissed

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Florida Hospital Association, Inc. vs. Agency for Health Care Administration; Case No.: 97-5852RP; Rule No.: 59C-1.036; Voluntary Dismissed

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Association of Community Hospitals and Health Systems of Florida, Inc. vs. Agency for Health Care Administration; Case No.: 97-5853RP; Rule No.: 59C-1.036; Voluntary Dismissed

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South Broward Hospital District, d/b/a Memorial Regional Hospital, d/b/a Memorial Hospital West, and d/b/a Memorial Hospital-Pembroke vs. Agency for Health Care Administration; Case No.: 97-5854RP; Rule No.: 59C-1.036; Voluntary Dismissed

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Calder Race Course, Inc.: Tropical Park, Inc.; and Gulfstream Racing Association, Inc. vs. Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering; Case No.: 96-0343; Rule Nos.: 61D-2.001-.005, 61D-2.008, 61D-2.013-.015, 61D-2.020, 61D-3.001-.004, 61D-5.001, 61D-5.003, 61D-5.007, 61D-6.004-.005, 61D-6.008-.009, 61D-7.002-.024, 61D-8.001-.002, 61D-9.001, 61D-9.003-.005; Dismissed

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Florida Pulp & Paper Association Environmental Affairs, Inc. vs. Department of Environmental Protection; Case No.: 98-1959RP; Rule No.: 62-761; Dismissed upon Withdrawal

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Southwest Florida Marine Trades Association, Inc. vs. Department of Environmental Protection; Case No.: 98-4161RP; Rule Nos.: 62N-22.005(1), 62N-22.005(2)(d)2., 62N-22.005(2)(d)4., 62N-22.005(2)(d)5.d., 62N-22.005(2)(d)6., 62N-22.005(3), 62N-22.005(5); Voluntary Dismissed

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Bonita Bay Properties, Inc.; Jim Hohnstein; and Edward Fischl vs. Department of Environmental Protection; Case No.: 98-4162RP; Rule No.: 62N-22.005; Dismissed

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Florida Society of Pathologists vs. Department of Health, Board of Clinical Laboratory Personnel; Case No.: 98-2047RP; Rule No.: 64B3-5.007(6)(d),(e); Voluntary Dismissed

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The City of Tallahassee vs. Department of Health; Case No.: 98-5248RP; Rule No.: 64E-1; Voluntary Dismissed

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Patricia Donivan vs. Department of Children and Family Services; Case No.: 98-1865RP; Rule No.: 65A-4.201(3); Dismissed

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**Section IX**  
**Notices of Petitions and Dispositions**  
**Regarding Non-rule Policy Challenges**

**NONE**

**Section X**  
**Announcements and Objection Reports of**  
**the Joint Administrative Procedures**  
**Committee**

**NONE**

**Section XI**  
**Notices Regarding Bids, Proposals and**  
**Purchasing**

**DEPARTMENT OF EDUCATION**

**REQUEST FOR BID**

The University of Florida, Purchasing Division will receive sealed bids for the following: 01L-84, Murphree Area Electrical Upgrade – Phase I, estimated budget: \$650,000-\$750,000, to be opened January 9, 2001, 1:30 p.m. (local time), in Purchasing, Elmore Hall, Radio Road, Gainesville, FL. Scope of work: Provide primary power upgrade to Murphree Hall Student Housing Area. Tie into existing 23 kV system and existing 5 kV system at locations specified. Extend new primary feeders with ductbank to new Murphree Hall switch. Provide primary, splices, terminations, etc. Provide switchgear and transformers as shown for new services to various buildings. Actual building hook-up will be by separate project. New 225 kVA transformer to existing meter is included in this project for Commons Building as specified. Include secondary manhole, conduit and wire. Specifications and Plans will be available in Purchasing, Elmore Hall, Radio Road, Gainesville, FL, Telephone (352)392-1331. A Mandatory Pre-bid Meeting will be held December 18, 2000, 10:00 a.m., in the Murphree Hall Commons, S. W. corner of Fletcher Drive and West University Avenue, 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.

**REQUEST FOR BID**

The University of Florida, Purchasing Division will receive sealed bids for the following: 01L-85, Work Order 88618, Water Distribution Improvements, estimated budget: \$350,000-\$400,000, to be opened January 9, 2001, 2:30 p.m. (local time), in Purchasing, Elmore Hall, Radio Road, Gainesville, FL. Scope of work: Water distribution improvements for the University of Florida water system. Total mains will be in approximately 5000 lineal feet of eight inch and 10 inch dip. Specifications and Plans will be available in Purchasing, Elmore Hall, Radio Road, Gainesville, FL, Telephone (352)392-1331. A Mandatory Pre-bid Meeting will be held December 21, 2000, 10:30 a.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. 303.

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.

**A/E ADVERTISEMENT – BR-688**

**School of Business Pavilion**

**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-688

Project and Location: The School of Business Pavilion will be located on the Florida Atlantic University Boca Raton Campus. The project consists of the site development and construction of a 12,000 GSF multi story structure to provide additional space for Florida Atlantic University's College of Business.

The total Construction Budget is approximately \$1,497,500.00. The selected firm will provide design development, 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 2/2/99. 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:

Lynn Perillo, Florida Atlantic University, 777 Glades Road, Facilities Planning Department, Building T-10, Boca Raton, FL 33431, (561)297-3141, Fax (561)297-2260.

Submittals must be received in the Facilities Planning Department, at the above address, by 5:00 p.m. (local time), on January 8, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

Florida School for the Deaf and the Blind  
Invitation to Bid

Installation and Certification of Intelligent  
Fire Alarm Panels in Several Buildings

Bids are requested from qualified electrical contractors for the installation of intelligent fire alarm panels in several campus buildings. **PREQUALIFICATIONS:** Each bidder must submit prequalification data of their eligibility to submit a bid five (5) calendar days prior to the bid opening date. Prequalification criteria is included in the bid package. Bids received from non-qualified bidders will not be opened.

**MANDATORY PRE-BID:** A mandatory pre-bid meeting will be held for all interested bidders on Thursday, January 4, 2001, 10:00 a.m., at the Florida School for the Deaf and the Blind, Hogel Maintenance Building, Conference Room, Building 27, 207 San Marco Avenue, St. Augustine, Florida 32084.

**PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND:** A performance bond and a labor and material bond, are required. Sealed bids will be received, publicly opened and read aloud on Thursday, January 11, 2001. Bids must be submitted in full accordance with the requirements of the drawings, specifications, bidding conditions and contractual conditions which may be obtained

from the Engineers. Van Wagenen and Beavers, Inc., 2970 Hartley Road, Suite 200, Jacksonville, Florida 32257, (904)268-0480.

**CONTRACT AWARD:** The owner reserves the right to reject any and all bids and to waive irregularities. The contract will be prepared by the Owner, the Florida School for the Deaf and the Blind.

Bid Packages will be available at:

Van Wagenen and Beavers, Inc.  
2970 Hartley Road, Suite 200  
Jacksonville, Florida 32257

Bids will be opened at the School, 10:00 a.m., Thursday, January 11, 2001, in the Hogel Maintenance Building, Conference Room, Building 27.

Please direct all questions to:

Van Wagenen & Beavers, Inc.

Any person with a qualified disability requiring special accommodations at the pre-bid conference and/or bid/proposal opening shall contact the Facilities Office, (904)827-2360, at least five (5) working days prior to the event. If you are hearing or speech impaired, please contact this office by using the Florida Relay Services, 1(800)955-8771 (TDD).

Certified Minority Business Enterprises are encouraged to participate in the bidding process.

A Pre Bid Conference has been scheduled. For specific information see the Advertisement Description.

## DEPARTMENT OF TRANSPORTATION

### INVITATION TO BID

Sealed bids will be received in the Contracts Administration Office (Room B-1) or Mail Room, Florida Department of Transportation, 605 Suwannee Street, Tallahassee, Florida 32399-0455, until 2:00 p.m. (Tallahassee Local Time) on Wednesday, January 17, 2001, for the work described below.

Bids will be publicly opened and read aloud on:

**DATE AND TIME:** January 17, 2001, 2:00 p.m. (Eastern Time)

**PLACE:** Florida Department of Transportation, Room B-1, 605 Suwannee Street, Tallahassee, Florida

**Financial Project Numbers:** 404641-1-52-01 and 190831-1-52-01. The project will upgrade Radio/Towers in the Florida Keys area (Big Pine Key, Marathon, Port Orange, Everglades Academy and Tea Table Fill). The works consists of: Provide and install one self supporting triangular tower, one self supporting light pole two equipment buildings, four emergency generators and several 4 MHz radio antennas. Requirements include lightning protection specialty work including TVSS, bonding and grounding.

**PREQUALIFICATION:** Each bidder shall submit a current General Contractors License issued by the State of Florida and, if a Florida Corporation, a copy of the Corporate Charter as prequalification of their eligibility with the bid document or

fax to the Department, (850)922-6017. The bid will be rejected if a copy of the Contractors License is not with the bid or faxed to the Department of Transportation prior to the Letting. After the bid opening, the lowest responsible bidder with qualify in accordance with Rule 60D-5.004, F.A.C.

A Mandatory Pre-bid Conference is scheduled for January 3, 2001, 9:00 a.m. (Eastern Time) at the Florida Department of Transportation, Rhyne Building, 2740 Centerview Drive, Suite 3B, Room 330 (3rd Floor Conference Room), Tallahassee, Florida 32301. Project Manager is Bob Gottschalk, (850)488-4284.

Plans and Specification/Bid Document are free. Orders for Plans, Specifications and/or Bid Documents should be directed to: Dennis Divens or Bessie White, Contracts Administration Office, 605 Suwannee Street, M.S. 55, Tallahassee, Florida 32399-0455, (850)414-4000. Proposal documents will not be issued after 2:00 p.m. (Eastern Time) on Tuesday, January 16, 2001. Bids must be submitted in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the Contracts Administration Office.

Requirements for all projects noted above:

**BID BOND:** If the bid on a project exceeds \$100,000, the bidder must provide with the bid, a good faith deposit in the amount of 5% of the bid. This may be accomplished by way of a bid bond from surety insurer authorized to do business in this State as surety, a certified check may be payable to Florida Department of Transportation, a cashier's check, treasurer's check or bank draft of any national or state bank. A bid bond, check, or draft in an amount less than five percent (5%) of the actual bid will in validate the bid. Bid bonds shall conform to DOT Form 375-020-09 furnished with the proposal forms.

**PERFORMANCE AND LABOR AND MATERIAL PAYMENT BOND:** If the contract award amount exceeds \$100,000, a Performance Bond and Labor and Material Payment Bond for the full amount will be required.

**BID POSTING:** Unless otherwise notified in writing, the Summaries of Bids and Notices of Intent will be posted at the Clerk of Agency Proceedings, Florida Department of Transportation, Room 550, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458, on January 19, 2001. In the event that the Summary of Bids and Notice of Intent cannot be posted on this date, then all bidders will be notified by certified United States mail or express delivery, return receipt requested. Information concerning the posted projects can be obtained by calling the Clerk of Agency Proceedings, Florida Department of Transportation, (850)414-5393, during the posting period.

**BID SOLICITATION/AWARD/NON-AWARD PROTEST RIGHTS:** Any person adversely affected by this Bid Solicitation shall file a notice of protest within 72 hours of receipt of the bid documents. Any person adversely affected by

the intended decision of the Department to award a contract or to reject all bids shall file a notice of protest within 72 hours after the posting of the Summary of Bids. If notice of intended decision is given by certified mail or express delivery, the adversely affected person must file the notice of protest within 72 hours after receipt of the notice of intent.

A formal written protest must be filed within ten days after filing the notice of protest. The formal written protest shall state with particularity the facts and law upon which the protest is based. All protest must be submitted in accordance with Section 120.569 and 120.57, Florida Statutes. The required notice of protest and formal protest must each be timely filed with the Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0458. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

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## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### NOTICE OF INVITATION TO BID

BID NO. BDRS 35-00/01

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the project listed below:

**PROJECT NAME:** Park Improvements  
**SCOPE OF WORK:** The contractor shall provide the necessary labor, supervision, equipment and materials to provide water service from off site to the park, improve U.S. 98 by closing an existing, median cut and open a new median cut with a left hand turn lane. The contractor shall provide a sub-surface stormwater management system, primary and secondary electrical improvements, communication improvements, demolish above ground electrical, provide a paved entrance road and a 65 space parking area. The contractor shall provide on site water systems improvements, four (4) septic drainfield systems and landscaping.  
**PARK LOCATION:** Camp Helen (Gulf Dunes GEOPark) 181 Eden Gardens Road Point Washington (Walton Co.), FL 32454  
**PROJECT MANAGER:** Kenyon Tilbury  
 Bureau of Design and Recreation

Services  
Telephone Number: (850)488-5372  
Fax Number: (850)488-1141

**MINORITY DIVERSITY:** The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

**PREQUALIFICATION:** When the total bid price including alternates exceeds \$200,000, bidders whose fields are governed by Chapters 399, 489 and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

**INSTRUCTIONS:** Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number listed below:  
Plans and specifications will be available on Friday, December 15, 2000 at:  
Camp Helen (Gulf Dunes GEOPark)  
P. O. Box 26  
Point Washington, Florida 32454  
Attention: Eric Kiefer, Park Manager  
Telephone Number: (850)231-4214

**ADA REQUIREMENTS:** Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Bureau of Design and Recreation Services, (850)488-5372,

at least five (5) workdays prior to opening.  
**BID SUBMITTAL DUE DATE:** No later than 3:30 p.m., Tuesday, January 16, 2001 to the below address:  
Florida Department of Environmental Protection  
Bureau of Design and Recreation Services  
3540 Thomasville Road  
Tallahassee, Florida 32308  
The Department reserves the right to reject any or all bids.  
Michael Renard, Contracts Manager, Bureau of Design and Recreation Services

**NOTICE OF INVITATION TO BID**

**BID NO. BDRS 36-00/01**

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the project listed below:

**PROJECT NAME:** Lodge Renovations  
**SCOPE OF WORK:** The contractor shall provide the necessary labor, supervision, equipment and materials to upgrade the facility to meet A.D.A. requirements, life safety code, electrical, HVAC and install a new fire sprinkler system.  
**PARK LOCATION:** Camp Helen (Gulf Dunes GEOPark)  
181 Eden Gardens Road  
Point Washington (Walton Co.), FL 32454  
**PROJECT MANAGER:** Kenyon Tilbury  
Bureau of Design and Recreation Services  
Telephone Number: (850)488-5372  
Fax Number: (850)488-1141

**MINORITY DIVERSITY:** The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered

sub-contracting opportunities.  
**PREQUALIFICATION:** When the total bid price including alternates exceeds \$200,000, bidders whose fields are governed by Chapters 399, 489 and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

**INSTRUCTIONS:** Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number listed below:  
 Plans and specifications will be available on Friday, December 15, 2000 at:  
 Camp Helen (Gulf Dunes GEOPark)  
 P. O. Box 26  
 Point Washington, Florida 32454  
 Attention: Eric Kiefer, Park Manager  
 Telephone Number: (850)231-4214

**ADA REQUIREMENTS:** Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Bureau of Design and Recreation Services, (850)488-5372, at least five (5) workdays prior to opening.

**BID SUBMITTAL DUE DATE:** No later than 3:30 p.m., Tuesday, January 9, 2001, to the below address:  
 Florida Department of Environmental Protection  
 Bureau of Design and Recreation Services  
 3540 Thomasville Road  
 Tallahassee, Florida 32308

The Department reserves the right to reject any or all bids.

Michael Renard, Contracts Manager, Bureau of Design and Recreation Services.

**DEPARTMENT OF JUVENILE JUSTICE**

The Florida Department of Juvenile Justice, Juvenile Justice and Delinquency Prevention Program (JJDP) anticipates releasing RFPs for Title II, Title V and Challenge Grants in early January 2001.

In order to prepare potential applicants, the department will be conducting local comprehensive planning and implementation training sessions.

These training sessions will provide technical assistance and will address the following components:

1. Risk and Protection (Approach)
2. Measuring Impact on Risk and Protective Factors (Focus)
3. Research Base (Foundation)
4. Reducing Risk-Increasing Protection (Strategy)
5. Developing a local three-year plan

Trainings sessions will be conducted at the following locations:

CITY	DATE AND TIME	LOCATION
Tallahassee	December 18, 2000 10:00 a.m. – 5:00 p.m.	Department of Environmental Protection Twin Towers 2600 Blairstone Road Conference Room 609 Tallahassee, FL 32399
Jacksonville	December 19, 2000 10:00 a.m. – 5:00 p.m.	Team Center 4037 Boulevard Drive Building A – Auditorium Jacksonville, FL 32207
Ft. Pierce	December 20, 2000 10:00 a.m. – 5:00 p.m.	Indian River Community College Science Center Auditorium 3209 Virginia Avenue Ft. Pierce, FL 34981-5596
Ft. Myers	December 21, 2000 10:00 a.m. – 5:00 p.m.	Lee County Government Building 3120 Main Street Ft. Myers, FL 33901
Miami	December 22, 2000 10:00 a.m. – 5:00 p.m.	The Rohde Building District Administration Conference Room Suite N. 1011 401 N. W. 2nd Avenue Miami, FL 33128

Contact person: Roslyn Norris, (850)414-2236.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**INVITATION TO NEGOTIATE**

The Florida Department of Children and Family Services is seeking proposals from qualified private not for profit agency(ies) to provide and ensure contracted emergency



shelter bed availability on a 24/7 basis in each county of District 8 (except Sarasota) for children needing placements, to recruit foster and adoptive parents, to conduct home-studies, pre-service (e.g. MAPP) certification, in-service training, to make recommendation to the department for licensure of foster homes and to manage the foster parents to meet the needs of the foster children in licensed foster homes and other child caring facilities (except specialized foster homes, mentoring foster homes and residential treatment facilities). The selected agency will also be responsible for the placement and replacement of children in the department's custody requiring emergency shelter and "out of home care" in licensed foster homes and child caring facilities.

All proposals must be received by the department no later than 5:00 p.m., (EST), January 31, 2001 for the delivery of Recruitment, Training, Home-studies for Adoptive and Foster Parents; and Placement/Replacement Services of Children in Out of Home Care.

ITN # 8-2000-1

Notice of intent to Submit a Proposal to be received by the department no later than December 22, 2000, 5:00 p.m., (EST) Copies of the Invitation To Negotiate may be obtained by contacting: Peter Escayg, District Eight Children's Contracted Services, Florida Department of Children and Family Children, 2295 Victoria Avenue, 2nd Floor, Suite 234A, P. O. Box 60085, Fort Myers, Florida 33906, Fax (941)338-1409 or phone (941)338-1674. Please reference the ITN number when ordering.

It is the Provider's responsibility to assure that their application is delivered on or before the date and time and at the place applications are due as stated above. Applications which for any reason are not so delivered will not be considered. The Department reserves the right to reject any or all applications.

**ADVERTISEMENT FOR BIDS**

LEGAL NOTICE IS HEREBY GIVEN THAT SEALED BIDS ARE REQUESTED FROM QUALIFIED BIDDERS, BY THE STATE OF FLORIDA, DEPARTMENT OF CHILDREN AND FAMILY SERVICES, NORTHEAST FLORIDA STATE HOSPITAL, HEREINAFTER REFERRED TO AS THE OWNER, TO PROVIDE REPAIRS TO ONE (1) 100,000 GALLON GROUND WATER STORAGE TANK.

BID OPENING DATE AND TIME: JANUARY 4, 2001, 2:00 P.M. (LOCAL TIME)

PLACE: ENGINEERING DEPARTMENT CONFERENCE ROOM, BUILDING 19, NORTHEAST FLORIDA STATE HOSPITAL, S.R. 121, SOUTH, MACCLENNY, FLORIDA

PROPOSAL: BIDS MUST BE SUBMITTED IN FULL, IN ACCORDANCE WITH THE REQUIREMENTS OF THE SPECIFICATIONS, BIDDING AND SPECIAL CONDITIONS, WHICH MAY BE EXAMINED AND OBTAINED FROM:

PURCHASING AGENT: ALVIN GRIFFIS, PURCHASING AGENT III, 7487 SOUTH STATE ROAD 121, MACCLENNY FLORIDA 32063-9777, TELEPHONE (904)259-6211, EXT. 1119, FAX (904)259-8497

NOTE: FAXED QUOTATIONS WILL NOT BE CONSIDERED – SEALED BIDS ONLY THE NORTHEAST FLORIDA STATE HOSPITAL RESERVES THE RIGHT TO REFUSE ANY AND ALL BIDS WHEN IN THE BEST INTEREST OF THE STATE OF FLORIDA.

CONTRACT AWARD: THE BID TABULATION AND NOTICE OF AWARD WILL BE POSTED JANUARY 12, 2001, 2:00 P.M. (LOCAL TIME), AT THE LOCATION WHERE THE BIDS WERE OPENED. IN THE EVENT THAT THE BID TABULATION AND NOTICE OF AWARD CANNOT BE POSTED IN THIS MANNER, THEN ALL BIDDERS WILL BE NOTIFIED BY CERTIFIED UNITED STATES MAIL, RETURN RECEIPT REQUESTED. IF NO PROTEST IS FILED, THE CONTRACT WILL BE AWARDED TO THE QUALIFIED, RESPONSIVE LOW BIDDER IN ACCORDANCE WITH RULE 60-D BY THE OWNER.

**NOTICE TO ROOFING CONTRACTORS  
INVITATION TO BID**

Proposals are requested from qualified roofing contractors by the Department of Children and Family Services, hereinafter referred to as Owner, for the construction of:

PROJECT NUMBER: DCF 98203090

PROJECT: Reroofing of Hodges Regional Service Center  
3631 Hodges Boulevard  
Jacksonville, Florida

PREQUALIFICATION: The Owner accepts bids from those contractors who demonstrate current licensed status with the Department of Business and Professional Regulations. The Instructions to Bidders "Bidder Qualification Requirements and Procedures" are included in the specifications under Article B-2.

PERFORMANCE BOND AND LABOR AND MATERIAL BOND: A Performance Bond and Labor and Material Payment Bond are required.

DATE AND TIME: Sealed bids will be received at the Center's Conference Room, Building B, on January 4, 2001, until 11:00 a.m. (local time), at which time they will be publicly opened and read aloud.

PROPOSAL: Bids must be submitted in full accordance with the requirements of the drawings, specifications, bidding conditions and contractual conditions and with a copy of the contractor's license. The contract documents may be examined and obtained from the Architect/Engineer:

Mr. Robert Fleet  
 Fleet And Associates, Architects/planners, Inc.  
 4041 Sunbeam Road  
 Jacksonville, Florida 32257  
 Telephone (904)730-8103

CONTRACT AWARD: The bid tabulation and Notice of Award Recommendation will be posted at 11:00 a.m. (local time), on January 7, 2001, at the architect's office. In the event that the bid tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by Certified United States mail, Return Receipt requested. Any protests of the bid must be made within 72 hours of posting of the results. "Failure to file a protest within the time prescribed in s. 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes." If no protest is filed per Section B-21 of the Instructions to Bidders, "Notice and Protest Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5, F.A.C. by the Owner.

ADOPTIONS AND RELATED SERVICES

Invitation To Negotiate (ITN)

District 15 is beginning the redesign of its system of care to increase and improve services to The Department of Children and Family Services through contracts with child welfare providers in the community. This is the beginning of a collaborative community based effort to include the Department, local providers, the dependency court, law enforcement, the state attorney and other key community stakeholders as partners in improving and expanding child protection to keep children safe and give them the opportunity to grow up in stable, nurturing homes.

In response to the increasing numbers of children requiring out of home placement due to abuse or neglect, District 15 seeks to increase the availability of prospective adoptive families and the number of successful adoptive placements for children with a permanency goal of adoption through intensive adoption recruitment and case management services.

The selected applicant will be responsible for the recruitment, training and placement services of children with adoptive families throughout Indian River, Martin, St. Lucie and Okeechobee counties. The selected applicant will also provide pre- and post- adoptive case management services to all referred children on a no-reject, no- eject basis.

Copies of the solicitation document will be available December 11, 2000 from:

Patricia Duffy

Operations and Management Consultant I  
 Department of Children and Family Services, District 15  
 337 North 4th Street, Suite A  
 Ft. Pierce, FL 34950

A Notice of Intent to Submit an Application must be received by the department at the office of the above contact person by December 27, 2000, 5:00 p.m. An original and six (6) copies of the application must be received by Patricia Duffy, by January 24, 2001, 12:00 Noon, and will be opened at that time.

The department reserves the right to reject any and all applications or to waive or correct minor irregularities when to do so would be in the best interest of the State of Florida. Certified Minority Business Enterprises are encouraged to participate in any offeror's conference or pre-solicitation or pre-bid meetings which are scheduled.

FOSTER CARE RECRUITMENT SERVICES

Invitation To Negotiate (ITN)

District 15 is beginning the redesign of its system of care to increase and improve services to the Department of Children and Family Services through contracts with child welfare providers in the community. This is the beginning of a collaborative community based effort to include the Department, local providers, the dependency court, law enforcement, the state attorney and other key community stakeholders as partners in improving and expanding child protection to keep children safe and give them the opportunity to grow up in stable, nurturing homes.

In response to the increasing numbers of children requiring out of home placement due to abuse or neglect, District 15 seeks to expand the availability of trained, licensed foster care families who are capable of providing stability and support to children during the permanency process. The selected applicant will be responsible for the recruitment, training and preparation for licensing of foster families throughout Indian River, Martin, St. Lucie and Okeechobee counties.

Copies of the solicitation document will be available December 12, 2000 from:

Patricia Duffy  
 Operations and Management Consultant I  
 Department of Children and Family Services, District 15  
 337 North 4th Street, Suite A  
 Ft. Pierce, FL 34950

A Notice of Intent to Submit an Application must be received by the department at the office of the above contact person by December 28, 2000, 5:00 p.m. An original and six (6) copies of the application must be received by Patricia Duffy, by January 23, 2001, 12:00 Noon, and will be opened at that time.

The department reserves the right to reject any and all applications or to waive or correct minor irregularities when to do so would be in the best interest of the State of Florida.

Certified Minority Business Enterprises are encouraged to participate in any offeror's conference or pre-solicitation or pre-bid meetings which are scheduled.

**FLORIDA HOUSING FINANCE CORPORATION**

NOTICE OF CHANGE – Request for Proposals  
2000/03

SHIP Compliance Monitoring Agent

Notice is hereby given that the deadline for submission of proposals in response to Request for Proposals 2000/03 SHIP Compliance Monitoring Agent originally published in the November 22, 2000, issue of the Florida Administrative Weekly, Vol. 26, No. 47 has been changed from 5:00 p.m., December 13, 2000 to 5:00 p.m., December 29, 2000.

**MANATEE COUNTY TAX COLLECTOR**

INVITATION TO BID

The Manatee County Tax Collector seeks interested companies to bid on the following remittance processor with software:

- NCR 7780 system with Imaging and CAR.
- NCR 7780 model 4311 (500 DPM) w/image camera
- NCR Transport controller
- NCR Image Archival Server
- Printer and Communications
- Software for NCR 7780:
  - Florida Property Tax payments
  - Florida DMV Renewals
  - Florida Utility Bill processing
- Implementation Services
- NCR 7780 500DPM Startup Supplies
- Hardware Installation by NCR
- Shipping Cost

Request Bid Package by December 27, 2000. For complete specifications, call (941)741-4850 or write: Mike Murphy, MIS Director, Manatee County Tax Collector, P. O. Box 25300, Bradenton, Florida 34206-5300.

**JACKSON COUNTY BOARD OF COUNTY COMMISSIONERS**

REQUEST FOR PROPOSALS (RFP)

Request for proposals for a county wide visioning project. Jackson County, Florida is requesting consultant assistance in the planning and implementation of a county wide visioning project.

To apply: To request an RFP packet, contact: Rick Pettis, Director, Department of Community Development, 4487 Lafayette Street, Marianna, Florida 32448, (850)482-9637 or email: cddir@digitalexp.com. The submittal deadline is 4:30 p.m., January 30, 2001.

**Section XII  
Miscellaneous**

**DEPARTMENT OF STATE**

**GUIDELINES AND APPLICATIONS AVAILABLE FOR LIBRARY SERVICES AND TECHNOLOGY ACT, PUBLIC LIBRARY CONSTRUCTION AND LIBRARY COOPERATIVE GRANTS**

Grant applications and guidelines are available for the following programs administered by the Florida Department of State, Division of Library and Information Services:

Library Services and Technology Act (LSTA) Grants – Applications due March 15, 2001. Federal grants for all types of libraries that emphasize youth, literacy, older adults and information access through technology.

Public Library Construction Grants – Applications due April 1, 2001. State grants to eligible governments for remodeling, expansion or new construction of public library buildings.

Library Cooperative Grants – Applications due April 15, 2001. State grants for the six multitype library cooperatives to encourage cooperation among libraries of all types for the development of library service to Floridians.

Grant guidelines and application packets for LSTA and Public Library Construction grants must be requested. This may be done by mail from the State and Federal Grants Office, State Library of Florida, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, by phone, (850)487-2651 or Suncom 277-2651 or by telefacsimile, (850)488-2746. Guidelines and forms are also available on the Division's web page at <http://www.dos.state.fl.us/dlis/bld/grants/index.htm> Library Cooperative Grant guidelines and applications will be mailed to the six eligible entities.

Completed application must be mailed to the address indicated above and be on file with the Division or postmarked on or before the application due date.

**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., January 5, 2001):

**APPLICATION TO CONVERT A FEDERAL CREDIT UNION TO A STATE CREDIT UNION**

Applicant and Location: Tropical Federal Credit Union, 8000 N. W. 7th Street, Miami, Florida 33126

With Title: Tropical Financial Credit Union

Correspondent: Ralph Cheplak, Senior Vice President, Tropical Federal Credit Union, 8000 N. W. 7th Street, Miami, Florida 33126

Received: November 30, 2000

**EXPANDED FIELD OF MEMBERSHIP**

Name and Address of Applicant: Railroad and Industrial Credit Union, P. O. Box 5125, Tampa, Florida 33675

Expansion Includes: Employees of IPC/Magnum in Plant City, Florida; Mitchell Mayer Marketing Group in Zephyrhills, Florida; LeChase Construction Services, L.L.C. of Tampa, Florida; Touch of Health of Plant City, Florida; G.F.I./Sunstate Courier Systems of Tampa, Florida; Vanguard Medical Concepts, Inc., Greater Tampa Bay Auto Auction of Tampa, Florida; Brownlee & Associates, Inc., of Plant City, Florida; Ruan Transportation Management Systems of Tampa, Florida; Surface Center, Inc., of Plant City, Florida; Heady Financial Corporation of Sarasota, Florida; Exide Corporation of Tampa, Florida; SRI/Surgical Express of Plant City, Florida; Coastal Trucking Company of Plant City, Florida; and AmeriSteel Rebar Fabrication Division located in Plant City, Florida.

Received: December 1, 2000

Name and Address of Applicant: Government Employees Credit Union of Florida, P. O. Box 43310, Jacksonville, Florida 32203-3310

Expansion Includes: Anyone living or working in Orange County, Florida.

Received: December 4, 2000

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to subsection 380.06(4)(a), Florida Statutes.

FILE NO.: BLID-0901-005  
 DATE RECEIVED: December 4, 2000  
 DEVELOPMENT NAME: GRANADA SHOPPES  
 DEVELOPER/AGENT: Granada Shoppes Associates, Ltd.  
 DEVELOPMENT TYPE: 28-24.031, 28-24.020, 28-24.026, F.A.C.  
 COUNTY LOCATION: Collier  
 LOCAL GOVERNMENT: Collier County

**ECONOMIC DEVELOPMENT CATEGORY**

**NOTICE OF FUND AVAILABILITY**

The Department of Community Affairs announces continuation of funding availability under the Florida Small Cities Community Development Block Grant (CDBG) Program to small non-Entitlement cities and counties for Economic Development job creation/retention activities. DCA has previously allocated approximately \$9,604,428 of FFY 2000 CDBG funds and deobligated funds from prior years for job creating economic development activities and announced an initial application deadline of 5:00 p.m., Wednesday, March 31, 2000 through October 31, 2000, \$5,593,702 remains unreserved or obligated.

Pursuant to Rule 9B-43.006(10), Florida Administrative Code, funds for applications received after March 31, 2000 will be reserved on a first come, first eligible basis.

Fifty-one percent (51%) of the created or retained jobs must be held by, taken by, or made available to low and moderate income persons and at least seventy percent (70%) of the requested funds must benefit low and moderate income persons. Funding is only available to eligible cities and counties and is not available for grants for the sole purpose of planning, designing or administering economic development activities.

Application manuals may be obtained by calling the Department of Community Affairs, CDBG Section, (850)487-3644 or may be obtained on the Department's website at [http://www.dca.state.fl.us/fhcd/programs/cdbgp/info\\_grantee.htm](http://www.dca.state.fl.us/fhcd/programs/cdbgp/info_grantee.htm)

Applications must be submitted on forms required by and in the format specified in Rule Chapter 9B-43, Florida Administrative Code, and should be either hand delivered or sent by U.S. Mail or other licensed carrier. Applications must be received in the Community Development Section, Division of Housing and Community Development, Department of Community Affairs, The Sadowski Building, Room 260, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. Cities and counties interested in applying should contact: Mr. Rick Stauts, Planning Manager, (850)922-1892, for more information.

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#### NOTICE OF CONCEPTUAL APPROVAL

The Florida Communities Trust (Trust) has conceptually approved funding applications submitted under the Florida Communities Trust Preservation 2000 Program, Series P10

funding cycle. On October 5-6, 2000, applications were scored, ranked and selected for funding according to the criteria and procedures set forth in Rule Chapter 9K-4, F.A.C. At its meeting on December 4, 2000, the governing body of the Trust approved the grant contracts that impose all conditions on the project awards. In accordance with Rule 9K-4.010, F.A.C., the projects are considered to have received conceptual approval for funding. The funds awarded derive from the sale of Preservation 2000 bonds. Certain applications were selected for funding contingent upon funds becoming available either through other projects terminating, projects closing under budget, or interest accruals.

Those applications conceptually approved for funding and the amount of funding conceptually approved are listed below. The conceptual approval is subject to appeal and may change following the appeals process. For this reason, final conceptual approval of awards cannot be made until any appeals have been resolved.

The following projects were approved for funding with funds currently already available:

Selected/Funded

Project No.	Project Name	Applicant	Amount
00-008-P10	Oceanfront Restoration	Satellite Beach/Brevard County	\$2,541,000.00
00-029-P10	Harborview Park	Town of Jupiter	\$502,264.00
00-011-P10	Santa Lucea	Martin County	\$1,082,650.00
00-086-P10	Chattahoochee Nature & Recreation Park Expansion	City of Chattahoochee	\$1,050,000.00
00-042-P10	Clam Bayou Expansion Project	City of St. Petersburg	\$750,000.00
00-018-P10	Withlacoochee-Gulf Pathways	Town of Yankeetown	\$2,200,000.00
00-055-P10	Richardson Property	Wilton Manors/Broward County	\$822,000.00
00-065-P10	Little River Preserve	City of Miami	\$150,000.00
00-053-P10	Parrot Jungle and Gardens Acquisition	Village of Pinecrest	\$2,200,000.00
00-071-P10	Pembroke Pines Preserve Expansion	City of Pembroke Pines	\$2,164,635.00
00-025-P10	McNab Park Restoration Project	City of Tamarac	\$257,780.00
00-004-P10	Oak Tree Nature Park Phase II	City of Mary Esther	\$2,200,000.00
00-009-P10	Castaway Island Preserve	City of Jacksonville	\$1,430,000.00
00-019-P10	Manasota Scrub Preserve	Sarasota County	\$2,084,878.00
			\$19,435,207.00

Contingent Funded

Project No.	Project Name	Applicant	Amount
00-105-P10	Matanzas Estuary GeoPark	Town of Marineland	\$1,578,500.00
00-045-P10	Fort Brooke Park Addition	City of Tampa	\$2,195,806.00
00-054-P10	Greenwood Riverfront Preserve	Hillsborough County	\$674,300.00
00-035-P10	Jackson View	Leon County	\$2,200,000.00
00-026-P10	Mobbly Bayou Wilderness Preserve Addition	City of Oldsmar/Pinellas County	\$515,500.00
00-027-P10	Dotzler Project	Charlotte County	\$1,383,300.00
00-003-P10	Winding Waters	Highlands County	\$371,900.00
00-046-P10	Melbourne Beach Loggerhead Park Addition	Town of Melbourne Beach	\$285,800.00
00-082-P10	Russell Harber Landing Expansion	City of Milton	\$519,800.00
00-059-P10	Ward's Motel	Volusia Co./New Smyrna Beach	\$260,000.00
			\$9,984,906.00

The following projects were not approved for funding with funds currently available:

Non-Funded

Project No.	Project Name	Applicant	Amount
00-022-P10	Tree Island Park	Miami-Dade County	\$2,200,000.00
00-032-P10	Riverhills Park Addition Phase II (West River Drive)	City of Temple Terrace	\$694,350.00
00-067-P10	Miracle Strip Park on the Sound	City of Fort Walton Beach	\$1,797,945.00
00-101-P10	Goose Bayou Marsh	Bay County	\$2,175,000.00
00-078-P10	North Village Neighborhood Park	Village of Islamorada	\$623,000.00
00-087-P10	Timberlane Ravine (Phase II)	City of Tallahassee	\$996,250.00
00-060-P10	Graffiti Wall	Volusia Co./New Smyrna Beach	\$454,000.00
00-088-P10	Tram Road Karst Ponds	City of Tallahassee	\$218,750.00
00-020-P10	Bayshore Park	Charlotte County	\$816,700.00
00-028-P10	Town 'n Country Preserve	Hillsborough County	\$1,154,000.00

00-010-P10	Camp Milton Historic Preserve	City of Jacksonville	\$768,000.00
00-007-P10	Kapok Wetland and Floodplain Restoration	Pinellas Co./City of Clearwater	\$3,250,000.00
00-074-P10	Palm Shores Shoreside Park	Town of Palm Shores	\$131,800.00
00-030-P10	Oceanview Sunset Park Addition	City of Key Colony Beach	\$880,400.00
00-100-P10	Coral Bean Addition	City of Parker	\$1,213,275.00
00-001-P10	Martin County Matthews Parcel	Martin County	\$474,276.36
00-066-P10	The Bonair Beach (Gomez Tract)	Town of Jupiter Island	\$4,400,000.00
00-013-P10	Curry Creek Preserve	Sarasota Co./City of Venice	\$933,680.00
00-091-P10	Blues Creek Ravine	City of Gainesville	\$1,510,000.00
00-057-P10	Cocoa Conservation and Recreation Area	City of Cocoa	\$1,494,400.00
00-016-P10	Moultrie Creek/Intracoastal Tract	St. Johns County	\$2,195,000.00
00-049-P10	Egans Creek Greenway Phase III	City of Fernandina Beach	\$1,780,816.70
00-038-P10	North Jupiter Flatwoods	Palm Beach Co./Jupiter	\$1,072,346.15
00-012-P10	Section 16 West Addition WPB Preserve	City of West Palm Beach	\$500,000.00
00-048-P10	Dodson Creek Properties	City of Ormond Beach	\$563,797.00
00-093-P10	Little Hatchet Creek Flatwoods	City of Gainesville	\$1,643,000.00
00-047-P10	Beecher Point	Putnam County	\$512,275.00
00-056-P10	Lakela's Mint Refuge	St. Lucie County	\$1,419,000.00
00-050-P10	White City Flatwoods	St. Lucie County	\$340,000.00
00-063-P10	Crystal Lake Environmentally Sensitive Land Add.	Broward County	\$602,000.00
00-058-P10	Bluefield Ranch Addition	St. Lucie County	\$103,550.00
00-036-P10	Fleischmann Property	City of Naples	\$4,017,750.00
00-075-P10	Overlook Scrub Natural Area	Palm Beach Co./Hypoluxo	\$1,711,770.00
00-085-P10	Brothers Three Land Acquisition Project	Wakulla County	\$405,090.00
00-002-P10	Sylvan Acres	City of Pinellas Park	\$420,000.00
00-006-P10	Pueschel Preserve	Columbia County	\$2,200,000.00
00-037-P10	Cradle Creek Preserve	City of Jacksonville Beach	\$2,200,000.00
00-023-P10	Grove Street Park Property	City of Maitland	\$1,276,930.00
00-077-P10	Stump Hole Park	Gulf County	\$131,180.00
00-044-P10	Cyrpress Creek Preserve West	Hillsborough County	\$513,000.00
00-021-P10	Ocean Walk Park	City of Flagler Beach	\$575,225.00
00-064-P10	Pleasant's Oceanside Preserve	City Deerfield Beach	\$1,793,673.00
00-084-P10	Spruce Creek Initiative Ford & Long Parcels	City of Port Orange	\$1,295,550.00
00-031-P10	Trillium Property Waterfront Acquisition	City of Pensacola	\$1,233,587.57
00-034-P10	Antioch RoadEllis Road Acquisition	Okaloosa County	\$288,660.00
00-068-P10	6000 Collins Avenue Open Space Vista	City of Miami Beach	\$2,200,000.00
00-005-P10	Basin B Environmental Restoration Project	Village of Wellington	\$2,200,000.00
00-024-P10	Shingle Creek Recreational Preserve North	Osceola Co./City of Kissimmee	\$3,205,321.00
00-099-P10	Idlewilde Landing Project	Gadsden County	\$252,400.00
00-081-P10	Baldwin Street Conservation Park	City of Cedar Grove	\$1,134,100.00
00-090-P10	Beville Creek	City of Gainesville	\$455,000.00
00-017-P10	Natural Resources and Agricultural Learning Center	Orange County	\$998,910.50
00-052-P10	Brooker Creek Eagle Site Acquisition	Pinellas County	\$325,000.00

00-041-P10	Choctawatchee Bayside Park	Walton County	\$2,200,000.00
00-014-P10	Parcel 105	Orange County	\$2,038,162.80
00-107-P10	Cooksey's Camp Grounds	City of St. Augustine Beach	\$2,200,000.00
00-051-P10	Ancient Oaks Preserve	St. Lucie County	\$414,000.00
00-015-P10	Island Drive Park and Natural Habitat	City of Satellite Beach	\$279,000.00
00-070-P10	Keystone Beach Park Extension	City of Keystone Heights	\$85,000.00
00-098-P10	Baton Lake Project	City of Deltona	\$1,150,000.00
00-069-P10	Manatee Point	City of Oakland Park	\$56,835.00
00-079-P10	Eagles Landing	Town of Callahan	\$415,500.00
00-073-P10	Gobbler's Head Settlement	City of Palm Bay	\$561,950.00
00-089-P10	Lake Henderson Addition	City of Inverness	\$1,075,000.00
00-040-P10	Melrose Heritage Park	Putnam County	\$302,470.00
00-083-P10	Micanopy Native American Heritage Park	Town of Micanopy	\$507,000.00
00-062-P10	Venice Gulf View Park	City of Venice	\$300,000.00
00-076-P10	Palmetto Estuary	City of Palmetto	\$550,400.00
00-072-P10	Roosevelt Avenue Park and Natural Habitat	City of Satellite Beach	\$399,000.00
00-096-P10	Lake Louise Project	City of Deltona	\$38,400.00
00-080-P10	Oak Hill Mosquito Lagoon Park	City of Oak Hill	\$150,000.00
00-095-P10	Lake Gleason Project	City of Deltona	\$210,000.00
00-092-P10	Cedar Key Cemetery Point Park	City of Cedar Key	\$270,210.00
00-103-P10	Summer Beach, Ltd. Project	Nassau County	\$12,700.00
00-043-P10	Town Center Greenspace and Trails	City of Winter Springs	\$2,200,000.00
00-106-P10	Griffin Marine Park Expansion	City of Dania Beach	\$734,000.00
00-104-P10	American Beach Sand Dune Project	Nassau County	\$200,200.00
00-061-P10	3.5 Acres of Green Space Area Including Oceans	City of Daytona Beach Shores	\$765,260.00
00-102-P10	McArthur Property Project	Nassau County	\$1,987,100.00
			\$84,852,946.08
Withdrawn			
Project No.	Project Name	Applicant	Amount
00-033-P10	Lake Mary Preserve	City of Lake Mary	\$855,500.00
00-039-P10	North Colonial Greenway Trailhead Park	City of Fort Myers	\$419,750.00
00-094-P10	Sixma Lake Project	City of Deltona	\$600,000.00
00-097-P10	Lake Helen Osteen	City of Deltona	\$400,000.00
			\$2,275,250.00



NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer’s recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled “Petition for Administrative Proceedings” within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, F.A.C. A petition is filed when it is received by the Trust Clerk at 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

NOTICE OF APPROVAL FOR PRESERVATION 2000 FUNDS

The Florida Communities Trust (Trust) reviewed and approved the project plan for a land acquisition project submitted under the Trust Preservation 2000 Program P8A funding cycle. The project plan listed below was approved by the Executive Director under delegated authority from the governing body. The Executive Director is authorized to

execute the agreements for acquisition of the project sites and all other documents necessary to close the projects and release funds as follows:

- Project: 98-033-P8A/Fanning Springs Heritage Park  
(Luzader, Secreast, Sanford, Eady and Williams)
- Grantee: City of Fanning Springs
- Amount of Approved Funds: the lesser of 100% of the final total project costs or \$1,266,800.00.

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders and to file exceptions to any order or hearing officer’s recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled “Petition for Administrative Proceedings” within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, F.A.C. A petition is filed when it is received by the Trust Clerk, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Ameritech Industries, LLC, intends to allow the establishment of Solano Cycle, Inc., as a dealership for the sale of Sundiro product line, at 61 San Marco Avenue, St. Augustine (St. Johns County), Florida 32080, on or after June 6, 2000.

The name and address of the dealer operator(s) and principal investor(s) of Solano Cycle, Inc., are: dealer operator: Martin Solano, 9921 Moorings Drive, Jacksonville, Florida 32257; principal investor(s): Martin Solano, 9921 Moorings Drive, Jacksonville, Florida 32257 and P. Elayne Haines, 5348 A1A, South, St. Augustine, Florida 32080.

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: Ms. Shallon R. Bays, Director of Regulatory Compliance, Ameritech Industries, LLC, 3123 Washington Road, Augusta, GA 30907.

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: Broward Service District: 10  
Facility/Project: University Hospital, Ltd.

Applicant: University Hospital  
Project Description: Convert 28 HBSNU beds to 28 Acute Care Beds  
AHCA Purchase Order Number S5900I0310.

**NOTICE OF BATCHED APPLICATION RECEIPT**

**AND**

**NOTICE OF TENTATIVE PUBLIC HEARINGS**

The Agency For Health Care Administration has received and accepted the following Certificate of Need applications for review in the batched nursing home review cycle with an application due date of November 29, 2000.

County: Escambia Service District: 1  
CON#: 9401 Application Receipt Date: November 28, 2000  
Facility/Project: Haven of Our Lady of Peace  
Applicant: Haven of Our Lady of Peace, Inc.

Project Description: To add 21 community nursing home beds  
County: Clay Service District: 4  
CON#: 9403 Application Receipt Date: November 29, 2000  
Facility/Project: The Terrace Care Center of North Florida, Inc.

Applicant: The Terrace Care Center of North Florida, Inc.  
Project Description: To construct up to a 108-bed community nursing home  
County: Duval Service District: 4  
CON#: 9404 Application Receipt Date: November 29, 2000  
Facility/Project: The Terrace Care Center of North Florida, Inc.

Applicant: The Terrace Care Center of North Florida, Inc.  
Project Description: To construct up to a 108-bed community nursing home  
County: Duval Service District: 4  
CON#: 9402 Application Receipt Date: November 29, 2000  
Facility/Project: Shands Jacksonville Medical Center  
Applicant: Shands Jacksonville Medical Center

Project Description: Add 27 HBSNU beds through delicensure of 27 beds at 580 W. 8th St. (f/k/a Methodist MC)  
County: Volusia Service District: 4  
CON#: 9405 Application Receipt Date: November 29, 2000  
Facility/Project: Petersen Health Care, Inc.  
Applicant: Petersen Health Care, Inc.

Project Description: To construct up to a 120-bed community nursing home through delicensure if up to 65 beds at Beverly Healthcare South Daytona and add 55 new beds  
County: Volusia Service District: 4  
CON#: 9407 Application Receipt Date: November 29, 2000  
Facility/Project: The Huntington, LLP  
Applicant: The Huntington, LLP

Project Description: To construct up to a 60-bed community nursing home  
County: Volusia Service District: 4

CON#: 9406 Application Receipt Date: November 29, 2000  
 Facility/Project: The Health Center of Daytona Beach  
 Applicant: The Health Center of Daytona Beach, Inc.  
 Project Description: To add up to 60 community nursing home beds

County: Pinellas Service District: 5  
 CON#: 9408 Application Receipt Date: November 29, 2000  
 Facility/Project: Freedom Square Nursing Center  
 Applicant: Seminole Properties  
 Project Description: To convert 60 licensed sheltered nursing home beds to 60 community nursing home beds

County: Orange Service District: 7  
 CON#: 9409 Application Receipt Date: November 29, 2000  
 Facility/Project: Winter Park Memorial Hospital  
 Applicant: Adventist Health System/Sunbelt, Inc.  
 Project Description: To convert up to 20 acute care beds to up to a 20-bed hospital-based skilled nursing unit

County: Collier Service District: 8  
 CON#: 9410 Application Receipt Date: November 29, 2000  
 Facility/Project: Terracina, LLC  
 Applicant: Terracina, LLC  
 Project Description: To add 38 community nursing home beds  
 Also, IF REQUESTED, tentative public hearings have been scheduled as follows:

PROPOSALS: District 1  
 DATE AND TIME: Wednesday, January 17, 2001, 11:00 a.m. (Central Time)

PLACE: West Florida Planning Council  
 Conference Room, 3435 North 12th Avenue, Pensacola, Florida 32573

PROPOSALS: District 4  
 DATE AND TIME: Thursday, January 18, 2001, 10:00 a.m. (Eastern Time)

PLACE: Health Planning Council of N. E. Florida, Inc., 900 University Blvd., North, Second Floor, Conference Room, Jacksonville, Florida 32211

PROPOSALS: District 5 and 6  
 DATE AND TIME: Friday, January 12, 2001, 9:00 a.m. (Eastern Time)

PLACE: Baker Building Conference Room, 888 Executive Center Drive, North, St. Petersburg, Florida 33702

PROPOSALS: District 7  
 DATE AND TIME: Wednesday, January 10, 2001, 9:00 a.m. (Eastern Time)

PLACE: Local Health Council of East Central

Florida, Inc., 1155 South Semoran Blvd., Suite 1111, Winter Park, Florida 32792  
 PROPOSALS: District 8  
 DATE AND TIME: Friday, January 12, 2001, 10:00 a.m. (Eastern Time)  
 PLACE: Health Planning Council of S. W. Florida, Inc., 9250 College Parkway, Suite 3, Ft. Myers, Florida 33919

Public hearing requests must be in writing and be received at the Agency for Health Care Administration, 2727 Mahan Drive, Room 331, Tallahassee, Florida 32308, by 5:00 p.m., December 29, 2000. In lieu of requesting and attending a public hearing, written comments submitted to the department relative to the merits of these applications will become part of the official project application file. Pursuant to 59C-1.010(6), F.A.C., written comments must be received by 5:00 p.m., January 3, 2001.

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: Leon District: 2  
 ID #: 0000250 Decision: A Issue Date: 11/27/2000  
 Facility/Project: Tallahassee Community Hospital  
 Applicant: Tallahassee Medical Center, Inc.  
 Project Description: To construct a replacement hospital on the hospital's current site  
 Proposed Project Cost: Equipment Cost:  
 County: Collier District: 8  
 ID #: 0000251 Decision: A Issue Date: 12/1/2000  
 Facility/Project: Naples Community Hospital  
 Applicant: Naples Community Hospital, Inc.  
 Project Description: The temporary addition of 31 acute care beds to the existing 313 licensed acute care beds  
 Proposed Project Cost: \$0 Equipment Cost:  
 County: Columbia District: 3  
 ID #: 0000252 Decision: A Issue Date: 11/27/2000  
 Facility/Project: Shands at Lake Shore  
 Applicant: Shands at Lake Shore, Inc.  
 Project Description: To delicense 29 beds resulting in a final bed count of 99 acute care beds  
 Proposed Project Cost: \$0 Equipment Cost:  
 AHCA Purchase Order Number S5900I00310.

**DEPARTMENT OF HEALTH**

On November 16, 2000, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Karl Eric Swanson, M.D., license number ME 0060975. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 455.225(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On November 16, 2000, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of G. Scott Drumheller, M.D., license number ME 0047558. This Emergency Suspension Order was predicated upon the Secretary's findings

of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 455.225(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On November 16, 2000, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Winthrop "Chip" Davis, M.D., license number ME 0045725. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 455.225(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

**RULES FILED BETWEEN November 27, 2000  
 and December 1, 2000**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF STATE**  
**Division of Library and Information Services**

1B-2.011	11/28/00	12/18/00	26/33	26/42
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**DEPARTMENT OF INSURANCE**

4-170.007	11/27/00	12/17/00	26/41	
4-189.007	11/30/00	12/20/00	26/41	

**DEPARTMENT OF LAW ENFORCEMENT**  
**Division of Criminal Justice Information Systems**

11C-6.009	11/28/00	12/18/00	26/37	
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**DEPARTMENT OF CITRUS**

20-61.003	12/1/00	12/21/00	26/37	26/45
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**DEPARTMENT OF CORRECTIONS**

33-208.101	11/28/00	12/18/00	26/41	
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**COMMISSION ON ETHICS**

34-7.010	12/1/00	12/21/00	26/38	
34-12.130	12/1/00	12/21/00	26/38	
34-12.400	12/1/00	12/21/00	26/38	
34-12.405	12/1/00	12/21/00	26/38	
34-12.407	12/1/00	12/21/00	26/38	
34-12.420	12/1/00	12/21/00	26/38	
34-12.430	12/1/00	12/21/00	26/38	
34-12.450	12/1/00	12/21/00	26/38	

**DEPARTMENT OF LABOR AND EMPLOYMENT**  
**SECURITY**

**Public Employees Relations Commission**

38D-17.024	11/27/00	12/17/00	26/42	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**WATER MANAGEMENT DISTRICTS**  
**South Florida Water Management District**

40E-7.523	11/27/00	1/1/01	26/30	26/41
40E-7.527	11/27/00	1/1/01	26/30	26/41
40E-7.534	11/27/00	1/1/01	26/30	26/41
40E-7.538	11/27/00	1/1/01	26/30	26/41

**DEPARTMENT OF LOTTERY**

53-1.0175	11/30/00	12/20/00	26/41	
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**DEPARTMENT OF MANAGEMENT SERVICES**  
**Division of Retirement**

60S-9.001	11/29/00	12/19/00	26/35	
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**Division of Retirement – Optional Retirement Program**

60U-1.006	11/29/00	12/19/00	26/35	
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**Senior Management Service Optional Annuity Program**

60V-1.007	11/29/00	12/19/00	26/35	
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL**  
**REGULATION**

**Board of Accountancy**

61H1-33.003	11/27/00	12/17/00	26/29	26/41
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**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

64F-18.001	11/29/00	12/19/00	26/32	26/38
64F-18.002	11/29/00	12/19/00	26/32	26/38
64F-18.003	11/29/00	12/19/00	26/32	26/38

**FISH AND WILDLIFE CONSERVATION**  
**COMMISSION**

**Marine Fisheries**

68B-14.0035	12/1/00	1/1/01	26/40	
68B-14.0035	12/1/00	1/1/01	26/43	
68B-14.0045	12/1/00	1/1/01	26/43	
68B-23.004	12/1/00	1/1/01	26/40	
68B-30.003	12/1/00	12/21/00	26/43	
68B-31.0135	12/1/00	12/21/00	26/40	