

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: RULE NO.:

Remittances to the Preneed Funeral Contract Consumer Protection Trust Fund 3F-10.003

PURPOSE AND EFFECT: The purpose is to increase the deposits to the fund from those certificateholders that choose to safeguard their contracts with a surety bond or other alternative security as opposed to a trust deposit. As implicitly recognized by the legislature when it created a different range of required deposits to the fund by such alternatively secured certificateholders as opposed to trusting certificateholders, there is a possibly greater likelihood that a failure on the part of an alternatively secured certificate holder would subject the fund to a higher exposure in light of the fact that no monies at all are in trust when such alternatives are used. While the alternative security is intended to take the place of a trust account there are significant restrictions on the accessing of the security, especially when the provisions of Section 497.425, F.S. are utilized by the certificateholder, which may make full access to the security by claimants problematic in some circumstances. Therefore, in order to properly exercise its fiduciary duty to attempt to make sure that the fund is sufficiently solvent to respond to any legitimate claims, the Board has determined to adjust the required contributions to the fund to attempt to reflect the different risks to the fund that may result from the increased number of contracts protected by alternative securities.

SUBJECT AREA TO BE ADDRESSED: Remittances to the Preneed Funeral Contract Consumer Protection Trust Fund.

SPECIFIC AUTHORITY: 497.103(1), 497.417, 497.423, 497.425, 497.429 FS.

LAW IMPLEMENTED: 497.413(12), 497.417, 497.423, 497.425, 497.429 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: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3F-10.003 Remittances to the Preneed Funeral Contract Consumer Protection Trust Fund.

For the quarter beginning April 1, 2001 January 1, 1997, and each quarter thereafter, the following amounts should be remitted to the Preneed Funeral Contract Consumer Protection Trust Fund.

Each certificateholder offering the sale of insurance or by establishing a trust pursuant to s. 497.417 or 497.429, F.S. shall remit the sum of \$1.00 per preneed contract. Each certificateholder or by utilizing s. 497.423 and s. 497.425, F.S. shall remit the sum of \$5.00 \$1.00 for each preneed contract having a purchase price of \$1500 or less, and the sum of \$10.00 \$1.00 for each preneed contract having a purchase price in excess of \$1500.

Specific Authority 497.417, 497.423, 497.425, 497.429 FS. Law Implemented 497.413(12), 497.417, 497.423, 497.425, 497.429 FS. History--New 3-19-97, Amended

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: RULE NO.:

Form for School Safety and Discipline 6A-1.04041

PURPOSE AND EFFECT: The purpose of this rule development is to comply with Section 231.0851, Florida Statutes, by developing a standardized form to be used by school districts to report data on school safety and discipline to the Department. The effect will be to have one form for all public schools to use for reporting.

SUBJECT AREA TO BE ADDRESSED: Information to be collected and the format in which it will be reported will be the subject area to be addressed.

SPECIFIC AUTHORITY: 231.0851 FS.

LAW IMPLEMENTED: 231.0851 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Betty Coxe, Deputy Commissioner for Educational Programs, Department of Education, PL08, The Capitol, Tallahassee, Florida 32399-0400, (850)413-0555

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

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

<b>RULE CHAPTER TITLE:</b>	<b>RULE CHAPTER NO.:</b>
Manufactured Buildings	9B-1
<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Definitions	9B-1.002
Department Activities	9B-1.003
Adoption of Model Codes	9B-1.004
Local Enforcement Authority	9B-1.0055
Delegation of Inspection Authority:	
Qualifications, Acceptance	9B-1.006
Manufacturer Requirements	9B-1.007
Manufacturers Quality Assurance	9B-1.0075
Inspections by Approved Inspection Agencies	9B-1.0085
Design Plan and Systems Approval	9B-1.009
Component System	9B-1.0095
Quality Control Procedures	9B-1.010
Change in Status, Alterations	9B-1.011
Reciprocity	9B-1.014
Department Insignia and Insignia Control Form	9B-1.016
Insignia Application and Issuance	9B-1.017
Insignia Denial	9B-1.018
Removal of Insignia	9B-1.019
Schedule of Fees	9B-1.020
Change of Manufacturer's Status	9B-1.021
Manufacturer's Obligation on Sale	9B-1.022
Oversight; Response to Complaints	9B-1.023
Factory Built Schools, Adoption of Standards	9B-1.025
Factory Built Schools, Certifications	9B-1.026
Factory Built Schools, Plan Review	9B-1.027
Factory Built Schools, Inspections	9B-1.028
Factory Built Schools, Firesafety Criteria and Enforcement	9B-1.029
Factory Built Schools, Insignia and Data Plate	9B-1.030

**PURPOSE AND EFFECT:** The purpose of the amendment or creation of the above listed rules is to respond to legislative modifications and additions to the authority of the Manufactured Buildings program within the Department of Community Affairs and to respond to a review of the program by the Florida Building Commission in anticipation of the adoption of the Florida Building Code. Specifically, the amendments will modify and update the forms used by the Department, amend the procedures by which buildings are approved, amend the fee schedule and provide for longer term certifications, and provide for regulation of factory built schools.

**SUBJECT AREA TO BE ADDRESSED:** Multiple changes made to rules pertaining to Manufactured Buildings.

**SPECIFIC AUTHORITY:** 553.37, 553.38, 553.381, 553.41 FS.

**LAW IMPLEMENTED:** 553.37, 553.38, 553.381, 553.41 FS.

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

**TIME AND DATE:** 10:00 a.m., November 6, 2000

**PLACE:** Randall Kelley Training Center, Third Floor, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT:** Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Mo Madani, Planning Manager, Codes & Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824, 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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS CURRENTLY BEING DEVELOPED IN LEGISLATIVE FORMAT AND WILL BE AVAILABLE PRIOR TO THE WORKSHOP FROM THE CONTACT PERSON LISTED ABOVE.**

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

<b>RULE TITLE:</b>	<b>RULE NO.:</b>
Equipment Used to Deploy Broadband Technologies in a Florida Network Access Point; Refund Procedures	12A-1.0141

**PURPOSE AND EFFECT:** The purpose of the proposed creation of Rule 12A-1.0141, F.A.C., is to implement the provisions of s. 37, Ch. 2000-164, L.O.F. These provisions create s. 212.08(5)(p), F.S., which provides a refund of Florida tax that is paid on equipment used to deploy broadband technologies in a Florida network access point.

The purpose of the proposed creation of Rule 12A-1.0141, F.A.C., is to: 1) provide refund procedures for Florida tax paid on eligible equipment; 2) establish criteria to determine when an Application for Refund is complete pursuant to s. 213.255, F.S.; and 3) provide a suggested certificate to be provided with the required refund application.

**SUBJECT AREA TO BE ADDRESSED:** The subject of this rule development workshop is the proposed guidelines to implement the refund provision of s. 212.08(5)(p), F.S., created by s. 37, Ch. 2000-164, L.O.F., provided for equipment used to deploy broadband technologies in a Florida network access point.

**SPECIFIC AUTHORITY:** 212.08(5)(p), 212.17(6), 212.18(2), 213.06(1) FS.

**LAW IMPLEMENTED:** 212.08(5)(p), 213.255 FS.

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

**TIME AND DATE:** 10:00 a.m., November 9, 2000

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained from Jennifer Silvey, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4727.

Copies of the agenda for the rule development workshop may be obtained by contacting the person listed below.

Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips (850)488-0717. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jennifer Silvey, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4727

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.0141 Equipment Used to Deploy Broadband Technologies in a Florida Network Access Point; Refund Procedures.

(1) Equipment used to deploy broadband technologies in a Florida network access point purchased by a communications service provider on or after July 1, 2000, is exempt. The exemption is only available through a refund of tax imposed by Chapter 212, F.S., paid on the purchase of such equipment. Refunds are available only to the extent of the amount appropriated annually by the Legislature for this purpose.

(2) For purposes of this rule:

(a) The term "broadband technology," as defined in s. 212.08(5)(p), F.S., means packaged technology that has the capability of supporting transmission speeds of at least 1.544 megabits per second in both directions.

(b) The term "communications service provider," as defined in s. 212.08(5)(p), F.S., means a company that supports or provides individuals and other companies with access to the Internet and other related services.

(c) The term "equipment," as defined in s. 212.08(5)(p), F.S., includes asynchronous transfer mode switches, digital subscriber line access multiplexers, routers, servers, multiplexers, fiber optic connector equipment, database equipment, and other network equipment used to provide broadband technology and information services.

(d) The term "network access point" means a carrier-neutral, public-private Internet traffic exchange point established in this state.

(3) To obtain a refund of tax imposed and paid pursuant to Chapter 212, F.S., on eligible equipment, an Application for Refund (form DR-26, incorporated by reference in Rule 12-26.008, FAC.) must be filed with the Department within 6 months after the eligible property is purchased. An Application for Refund shall not be considered complete pursuant to s. 213.255(3), F.S., and a refund shall not be approved until the applicant provides the following information and documentation to the Department and certifies that the provided information and documentation are true and correct:

(a) The name, address, Federal Employer Identification (FEI) number, and Sales Tax Registration Number (if registered) of the applicant;

(b) A copy of the sales invoices, or other documentation, evidencing payment for the eligible equipment;

(c) A schedule of sales invoices, or other documentation, evidencing payment for eligible equipment containing the following information: the invoice date; the invoice number; the name of the selling dealer; a specific description of each item of equipment and its location, including the serial number or other permanent identification number of the equipment; the amount of tax to be refunded that was paid to the selling dealer; the amount of tax to be refunded that was self-accrued and paid directly to the Department; copies of ledgers and journals, as necessary, to evidence the self-accrual and payment of tax for each purchase of equipment; and the total amount of the refund claimed; and

(d) A statement that the equipment is necessary for use in the deployment of broadband technologies in Florida as part of the direct participation by the communications service provider in a project to create and develop a Florida network access point, as provided in s. 212.08(5)(p), F.S., and that the equipment is only for use in a Florida network access point.

(4) The following is a suggested format for a certificate to be provided to the Department when applying for a refund of tax paid on the purchase of eligible equipment:

CERTIFICATE  
BROADBAND TECHNOLOGY EQUIPMENT  
PURCHASED BY A  
COMMUNICATIONS SERVICE PROVIDER

(Name of Communications Service Provider), located at \_\_\_\_\_, incorporated in the State of \_\_\_\_\_, with the following federal/state (circle one) identification number \_\_\_\_\_, certifies that:

1. The purchaser is a communications service provider, as defined in s. 212.08(5)(p), F.S.;

2. The equipment is necessary for use in deployment of broadband technologies in Florida as part of the direct participation by the communications service provider in a project creating and developing a Florida network access point, as provided in s. 212.08(5)(p), F.S., and the equipment is only for use in a Florida network access point;

3. The attached schedule of sales invoices, or other documentation, evidencing payment for eligible equipment, containing the information necessary to substantiate this claim for refunds is incorporated and becomes a part of this certification; and

4. The attached copies of the sales invoices, or other documentation, evidencing payment for eligible equipment, are true and correct.

The undersigned understands that, if such equipment does not qualify for exemption, the undersigned will be subject to sales and use tax, interest, and penalties. The undersigned further understands that when any person fraudulently, for the purpose of evading tax, issues to the State of Florida a certificate or statement in writing in which an exemption from sales tax is claimed, such person, in addition to being liable for payment of the tax plus a mandatory penalty of 200% of the tax, shall be liable for fine and punishment provided by law for conviction of a felony of the third degree, as provided in s. 775.082, s. 775.083, or s. 775.084.

Under the penalties of perjury, I declare that I have read the foregoing Certificate and the attached schedules and the facts stated therein are true.

_____	_____
Purchaser's Name (Print or Type)	Address
_____	_____
Signature and Title	Date
_____	_____
Federal Employer Identification Number (F.E.I.) or Social Security Number	Telephone Number

[Certificate to be attached to the provider's application for refund (form DR-26).]

(5) Any communications service provider who applies for a refund of tax paid to the seller of eligible equipment or self-accrued and paid directly to the Department must maintain adequate records and documentation necessary to substantiate the provider's right to a refund of tax paid until the tax imposed pursuant to Chapter 212, F.S., may no longer be determined and assessed under s. 95.091(3), F.S.

Specific Authority 212.08(5)(p), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.08(5)(p), 213.255 FS. History--New \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**  
**St. Johns River Water Management District**

RULE TITLES:	RULE NOS.:
Competitive Selection	40C-1.704
Competitive Negotiations	40C-1.705
Proposal Selection	40C-1.716
Competitive Negotiations for Design-Build Services	40C-1.717
Rejection of Proposals	40C-1.718
Emergency Procurement	40C-1.719

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to amend the District's contracting rules with regard to the Consultants Competitive Negotiations Act to provide for the delegation of certain contractual procedures to the Executive Director or designated staff as authorized by Section 373.083, F.S.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed by the proposed rules is the delegation of the District Governing Board's authority to contract under Section 287.055, F.S.

SPECIFIC AUTHORITY: 287.055, 373.044, 373.113 FS.

LAW IMPLEMENTED: 287.055, 373.083(1),(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-1.704 Competitive Selection.

(1) through (2) No change.

(3) District staff will then recommend to the Board that competitive negotiations be instituted with the firms selected. However, when the fee for professional services is no more than \$100,000, District staff will recommend to the Executive Director or his designee that competitive negotiations be instituted with the firms selected, and the Executive Director or his designee is authorized to finalize the list of firms in order of preference. For the purpose of Section 40C-1.704 and 40C-1.705, F.A.C., the term "designee" means: (a) the Assistant Executive Director, or (b) in the absence of the Executive Director and the Assistant Executive Director, the District staff member designated by the Executive Director or the Assistant Executive Director to serve as acting Executive Director.

Specific Authority 373.044 287.055, 373.113 FS. Law Implemented 287.055, 373.083(1),(5) FS. History--New 8-1-89, Amended 10-19-89, 3-14-90, \_\_\_\_\_.

40C-1.705 Competitive Negotiations.

(1) ~~After the Board has authorized the beginning of competitive negotiations have been authorized, the District staff Executive Director, or his designee, shall begin contract negotiations for professional services with the designated firms in order of rank for fair, competitive and reasonable compensation.~~

(2) No change.

(3) If a satisfactory agreement is not reached with any of the initial firms, additional responding firms shall be ranked and listed in the order of their competence and qualifications. Negotiations shall then continue beginning with the first named firm on the second list until an agreement is reached. After successful negotiations, a recommendation shall be made that the contract be awarded. The Executive Director or designee is authorized to award the contract ~~Board award the contract.~~

(4) If, with the concurrence of the Board Chair, the Executive Director, or ~~his~~ designee, determines in writing that an immediate danger to the public health, safety, welfare or other substantial loss to the public requires emergency action, the District staff may proceed with the procurement of professional services necessitated by the emergency without competition, ~~upon approval of the Board.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 287.055, 373.083(1),(5) FS. History—New 8-1-89, Amended 10-19-89, 6-17-91, \_\_\_\_\_.

40C-1.716 Proposal Selection.

(1) through (5) No change.

(6) District staff will then recommend to the Board that the Board approve a ranking of designated firms and that competitive negotiations be instituted with the designated firms. However, when the fee for design-build services is no more than \$100,000, District staff will recommend to the Executive Director or designee that competitive negotiations be instituted with the firms selected. Therefore, the Executive Director or designee is authorized to approve a ranking of designated firms and to authorize the initiation of negotiations. For the purpose of Section 40C-1.716 through 40C-1.719, F.A.C., the term “designee” means: (a) the Assistant Executive Director, or (b) in the absence of the Executive Director and the Assistant Executive Director, the District staff member designated by the Executive Director or the Assistant Executive Director to serve as acting Executive.

~~(7) After reviewing all the proposals and District staff's recommendations, the Board will select one firm and authorize the Executive Director or designee to contract or negotiate with that firm.~~

Specific Authority 287.055, 373.044, 373.113 FS. Law Implemented 287.055, 373.083(1),(5) FS. History—New 9-25-90, Amended 6-17-91, \_\_\_\_\_.

40C-1.717 Competitive Negotiations for Design-Build Services.

(1) ~~When authorized by the Board, T~~he District staff Executive Director or designee shall begin contract negotiations for design-build services with the designated firms in order of rank for fair, competitive and reasonable compensation.

(2) Should negotiations with the most highly-ranked firm prove unsuccessful, as determined by the Executive Director or designee, negotiations with that firm shall cease and

negotiations shall begin with the next most highly-ranked firm. Negotiations shall continue in accordance with this section until an agreement is reached. The Executive Director or designee is authorized to award the contract.

(3) No change.

Specific Authority 287.055, 373.044, 373.113 FS. Law Implemented 287.055, 373.083(1),(5) FS. History—New 9-25-90, Amended 6-17-91, \_\_\_\_\_.

40C-1.718 Rejection of Proposals.

(1) The Executive Director or designee ~~Board~~ reserves the right to reject any and all proposals, provided such action is done in good faith, and is not arbitrary and capricious.

(2) If the Executive Director or designee ~~Board~~ finds it necessary to reject all the proposals, a written statement to this effect shall be placed in the proposal file and the proposers shall be notified. The District then may republish the request for qualifications, with any appropriate modifications at the direction of the Executive Director or designee ~~Board~~. Any interested firm will have the opportunity to submit or resubmit its qualifications to the District for consideration.

Specific Authority 287.055, 373.044, 373.113 FS. Law Implemented 287.055, 373.083(1),(5) FS. History—New 9-25-90, Amended 6-17-91, \_\_\_\_\_.

40C-1.719 Emergency Procurement.

~~If, with the concurrence of the Board,~~ the Executive Director or designee determines in writing that an immediate danger to the public health, safety, welfare or other substantial loss to the public requires emergency action, the District staff may proceed with the procurement of the design-build services without competition, ~~upon approval by the Board.~~ The Executive Director or designee shall promptly notify the Board Chair or Vice-Chair of the emergency action.

Specific Authority 287.055, 373.044, 373.113 FS. Law Implemented 287.055, 373.083(1),(5) FS. History—New 9-25-90, Amended 6-17-91, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE TITLE: RULE NO.:

Minimum Surface Water Levels and Flows 40C-8.031  
and Groundwater Levels

SUMMARY AND EFFECT: The purpose and effect of this proposed rule amendment is to establish minimum water levels for the following: Boggy Marsh (wetland) and Pine Island Lake in Lake County; Lake Brantley and Lake Howell in Seminole County; Lake Burkett, Lake Irma, Johns Lake, Lake Martha and Lake Pearl in Orange County; Davis Lake and Upper Lake Louise in Volusia County; and Swan Lake in Putnam County.

SUBJECT AREA TO BE ADDRESSED: This proposed rule amendment would establish minimum water levels for the above listed lakes and wetland pursuant to the mandate of section 373.042, Florida Statutes. Except for Swan Lake, each system would have a minimum frequent high level, a minimum average level, and a minimum frequent low level. Swan Lake is proposed to have a minimum frequent high level and a

minimum average level. Each of the proposed levels would have an associated hydroperiod category. The terms herein are already defined in Chapter 40C-8, F.A.C. As with all minimum levels established by the District, if adopted, this rule amendment would require an applicant for a permit pursuant to Chapters 40C-2, 40C-20, 40C-4, or 40C-40, F.A.C., to provide reasonable assurance that the activity for which the permit is sought would not violate these minimum levels.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421 FS.

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

TIME AND DATE: 2:00 p.m., November 6, 2000

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-8.031 Minimum Surface Water Levels and Flows and Groundwater Levels.

(1) No change.

(2) The following minimum surface water levels are established:

LAKE NAME	COUNTY	HYDROPERIOD CATEGORY	MINIMUM INFREQUENT HIGH	MINIMUM FREQUENT HIGH	MINIMUM AVERAGE	MINIMUM FREQUENT LOW	INFREQUENT LOW
Boggy Marsh	Lake	Seasonally Flooded		117.3			
		Typically Saturated			115.9		
		Semipermanently Flooded				114.5	
Brantley	Seminole	Seasonally Flooded		46.3			
		Typically Saturated			45.6		
		Semipermanently Flooded				44.1	
Burkett	Orange	Seasonally Flooded		53.5			
		Typically Saturated			52.6		
		Semipermanently Hooded				51.2	
Davis	Volusia	Seasonally Flooded		36.2			
		Typically Saturated			35.4		
		Semipermanently Flooded				34.0	
Howell	Seminole	Seasonally Flooded		53.7			
		Typically Saturated			52.9		
		Semipermanently Flooded				51.5	
Irma	Orange	Seasonally Flooded		55.1			
		Typically Saturated			54.8		
		Semipermanently Flooded				53.4	
Johns	Orange	Temporarily Flooded		95.9			
		Typically Saturated			92.0		
		Semipermanently Flooded				90.3	
Martha	Orange	Seasonally Flooded		53.5			
		Typically Saturated			52.6		
		Semipermanently Flooded				51.2	
Pearl	Orange	Seasonally Flooded		53.5			
		Typically Saturated			52.6		
		Semipermanently Flooded				51.2	
Pine Island	Lake	Seasonally Flooded		107.7			
		Typically Saturated			106.8		



SPECIFIC AUTHORITY: 373.042, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 p.m., November 3, 2000

PLACE: South Florida Water Management District, Ft. Myers Service Center, 2301 McGregor Blvd., Ft. Myers, FL 33901

TIME AND DATE: 10:00 a.m. – 12:00 p.m., November 6, 2000

PLACE: Broward County Library Auditorium, 100 S. Andrews Blvd., Ft. Lauderdale, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: For technical issues contact: Scott Burns (internet: sburns@sfwmd.gov), or Cecile Ross (internet: cross@sfwmd.gov), South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045; For procedural issues contact: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (internet: jjenniso@sfwmd.gov).

Although Governing Board meetings, hearings and workshops 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 any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: RULE NO.:

Disciplinary Guidelines 64B8-8.001

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address disciplinary guidelines with regard to second and subsequent offenses, and to make other changes with regard to violations and penalties.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

SPECIFIC AUTHORITY: 458.331(5), 458.309, 455.627 FS.

LAW IMPLEMENTED: 458.331(5), 455.624, 455.627 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-8.001 Disciplinary Guidelines.

(1) Purpose. Pursuant to Section ~~455.627, F.S., 2, Chapter 86-90, Laws of Florida,~~ the Board provides within this rule disciplinary guidelines which shall be imposed upon applicants or licensees whom it regulates under Chapter 458, F.S. The purpose of this rule is to notify applicants and licensees of the ranges of penalties which will routinely be imposed unless the Board finds it necessary to deviate from the guidelines for the stated reasons given within this rule. The ranges of penalties provided below are based upon a single count violation of each provision listed; multiple counts of the violated provisions or a combination of the violations may result in a higher penalty than that for a single, isolated violation. Each range includes the lowest and highest penalty and all penalties falling between. The purposes of the imposition of discipline are to punish the applicants or licensees for violations and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants or licensees from violations.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Section 120.57(1) and 120.57(2), Florida Statutes, the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.



VIOLATION	RECOMMENDED RANGE OF PENALTY	
	<u>FIRST OFFENSE</u>	<u>SECOND OFFENSE</u>
(a) Attempting to obtain a license or certificate by bribery, fraud or through an error of the Department or the Board. (458.331(1)(a), F.S.) (455.624(1)(h), F.S.)	(a) From denial or revocation of license with ability to reapply upon payment of \$5,000.00 fine to denial of license without ability to reapply, or permanent revocation.	(a) <u>From denial or revocation without the ability to reapply and payment of a \$10,000 fine, to denial or revocation without the ability to reapply and a \$10,000.00 fine.</u>
(b) Action taken against license by another jurisdiction. (458.331(1)(b), F.S.) (455.624(1)(f)(h), F.S.)	(b) From imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida to suspension or denial of the license until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken, and an administrative fine ranging from \$1,000.00 to \$5,000.00.	(b) <u>From imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida to revocation or denial of the license, and an administrative fine ranging from \$5,000.00 to \$10,000.00.</u>
1. Action taken against license by another jurisdiction <u>relating to healthcare involving Medicare or Medicaid</u> fraud in dollar amounts in excess of \$5,000.00.	1. Revocation or in the case of application for licensure, denial of licensure.	1. <u>Revocation or denial without the ability to reapply and payment of a \$10,000.00 fine.</u>
2. Action taken against license by another jurisdiction <u>relating to healthcare involving Medicare or Medicaid</u> fraud in dollar amounts of \$5,000.00 or less.	2. A \$10,000.00 administrative fine, and suspension of the license, followed by a period of probation.	2. <u>Revocation or denial.</u>
(c) Guilty of crime directly relating to practice or ability to practice. (458.331(1)(c), F.S.) (455.624(1)(c), F.S.)	(c) From probation to revocation or denial of the license and an administrative fine ranging from \$1,000.00 to \$10,000.00.	(c) <u>From suspension to revocation or denial of the license and an administrative fine ranging from \$5,000.00 to \$10,000.00.</u>
1. Involving a crime <del>directly</del> related to <u>healthcare Medicare or Medicaid</u> fraud in dollar amounts in excess of \$5,000.00.	1. Revocation or in the case of application for licensure, denial of licensure.	1. <u>Revocation without the ability to reapply or in the case of application for licensure, denial of licensure, and payment of a \$10,000.00 fine.</u>
2. Involving a crime <del>directly</del> related to <u>healthcare Medicare or Medicaid</u> fraud in dollar amounts of \$5,000.00 or less.	2. A \$10,000.00 administrative fine, compliance with any criminal probation, a reprimand and suspension of the license, followed by a period of probation.	2. <u>Revocation</u>
(d) False, deceptive, or misleading advertising. (458.331(1)(d), F.S.)	(d) From <u>a letter of concern reprimand</u> to one (1) year suspension or denial, and an administrative fine from \$1,000.00 to \$5,000.00.	(d) <u>From reprimand to up to one (1) year suspension or denial, and an administrative fine from \$5,000.00 to \$10,000.00.</u>

<p>(e) Failure to report another licensee in violation. (458.331(1)(e), F.S.) (455.624(1)(i), F.S.)</p>	<p>(e) From a <u>letter of concern reprimand</u> to probation or denial, and an administrative fine from \$1,000.00 to \$5,000.00.</p>	<p>(e) <u>From probation to suspension or denial, and an administrative fine from \$5,000.00 to \$10,000.00.</u></p>
<p>(f) Aiding unlicensed practice. (458.331(1)(f), F.S.) (455.624(1)(j), F.S.)</p>	<p>(f) From probation to revocation or denial, and an administrative fine from \$1,000.00 to \$10,000.00.</p>	<p>(f) <u>From suspension to revocation or denial, and an administrative fine from \$5,000.00 to \$10,000.00.</u></p>
<p>(g) Failure to perform legal obligation. (458.331(1)(g), F.S.) (455.624(1)(k), F.S.)</p>	<p>(g) For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm, from a <u>letter of concern reprimand</u> to revocation or denial and an administrative fine from \$1,000.00 to \$10,000.00.</p>	<p>(g) <u>For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm, from a reprimand to revocation or denial and an administrative fine from \$5,000.00 to \$10,000.00.</u></p>
<p>1. Failing to register a laser device. (455.624(1)(d), F.S.)</p>	<p>1. If the device is an approved device, from an administrative fine of \$1,000.00 to \$5,000.00; if the device is not approved, from an administrative fine from \$5,000.00 to a suspension or denial and an administrative fine of \$10,000.00.</p>	<p>1. <u>If the device is an approved device, from a reprimand to probation or restriction of practice and an administrative fine of \$5,000.00 to \$10,000.00; if the device is not approved, from suspension to revocation and an administrative fine of \$10,000.00.</u></p>
<p>2. Continuing medical education (CME) violations. (455.624(1)(e), F.S.) (455.624(1)(s), F.S.)</p>	<p>2. Within twelve months of the date of the filing of the final order, the licensee must submit certified documentation of completion of all CME requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, Respondent must document compliance with the CME requirements for the relevant period; AND:</p>	<p>2. <u>Within twelve months of the date of the filing of the final order, the licensee must submit certified documentation of completion of all CME requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, Respondent must document compliance with the CME requirements for the relevant period; AND:</u></p>
<p>a. Failure to document required HIV/AIDS and related infections of TB CME, <u>or substituted end-of-life care CME.</u></p>	<p>a. An administrative fine of \$500.00 to \$1,000.00.</p>	<p>a. <u>A reprimand and an administrative fine of \$1,000.00 to \$5,000.00.</u></p>
<p>b. Failure to document required domestic violence CME, <u>or substituted end-of-life care CME.</u></p>	<p>b. An administrative fine of \$500.00 to \$1,000.00.</p>	<p>b. <u>A reprimand and an administrative fine of \$1,000.00 to \$5,000.00.</u></p>
<p>c. Failure to document required HIV/AIDS and related infections of TB and failure to document domestic violence CME.</p>	<p>c. An administrative fine of \$1000.00 to \$2,000.00.</p>	<p>c. <u>A reprimand and an administrative fine of \$5,000.00 to \$10,000.00.</u></p>
<p><u>d. Failure to document some, but not all CME hours.</u></p>	<p><u>d. An administrative fine of \$100.00 per hour not documented.</u></p>	<p><u>d. A reprimand and an administrative fine of \$500.00 per hour not documented.</u></p>
<p><u>e. Failure to document any CME hours.</u></p>	<p><u>e. A reprimand and an administrative fine from \$5,000.00 to \$10,000.</u></p>	<p><u>e. Suspension until documentation of completion, a reprimand and an administrative fine of \$10,000.00.</u></p>

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| <p>3. Failure to comply with the requirements of ss. 381.026 and 381.0261, F.S., to provide patients with information about patient rights. (455.624(1)(t), F.S.)</p>  | <p><del>3. <u>Corrective action for nonwillful violations. Administrative fine of up to \$100.00 for the second and subsequent nonwillful violations; and an administrative fine from \$250.00 to \$500.00 for the second and subsequent willful violations with each intentional and willful violation a separate violation subject to said fine.</u></del></p> | <p><u>3. Administrative fine of up to \$100.00 for the second and subsequent nonwillful violations; and an administrative fine from \$250.00 to \$500.00 for the second and subsequent willful violations with each intentional and willful violation a separate violation subject to said fine.</u></p> |
| <p>4. Failing to comply with the requirements for profiling and credentialing. (455.624(1)(v), F.S.); (458.319, F.S.); (458.565, F.S.)</p>   |  |  |
| <p>a. Involving a violation of any provision of Chapter 455, Part II, F.S., for failing to comply with the requirements for profiling and credentialing, by failing to timely provide updated information, on a profile, credentialing, or initial or renewal licensure application.</p>                 | <p>a. If the licensee complies within six (6) months of the violation, then an administrative fine of up to \$2,000.00; if compliance after six (6) months, an administrative fine of up to \$5,000.00 and a reprimand.</p>  | <p><u>a. If the licensee complies within six (6) months of the violation, then a reprimand and an administrative fine from \$5,000.00 to \$10,000.00; if compliance after six (6) months, from suspension to revocation and an administrative fine of \$10,000.00.</u></p>                               |
| <p>b. Involving violations of any provision of Chapter 455, Part II, F.S., for making misleading, untrue, deceptive or fraudulent representations on a profile, credentialing, or initial or renewal licensure application.</p>  | <p>b. Referral to State Attorney for prosecution pursuant to Sections 455.631 and 455.634, F.S., and from suspension and a reprimand and a \$5,000.00 administrative fine to revocation or denial.</p>   | <p><u>b. Referral to State Attorney for prosecution and from suspension and a reprimand and a \$10,000.00 fine to revocation or denial.</u></p>  |
| <p>5. Failing to report to the board within 30 days after the licensee has been convicted of a crime in any jurisdiction. Convictions prior to the enactment of this section <del>not</del> <del>must</del> be reported in writing to the board, on or before October 1, 1999. (455.624(1)(w), F.S.)</p> | <p>5. From an administrative fine of \$2,000.00 to a fine of \$5,000.00 and a reprimand or denial without the ability to reapply.</p>  | <p><u>5. From suspension to revocation without the ability to reapply and an administrative fine from \$5,000.00 to \$10,000.00.</u></p>   |
| <p>6. Failing to comply with obligations regarding ownership and control of medical records, patient records; report or copies of records to be furnished. (455.667, F.S.) (458.331(1)(m), F.S.)</p>   | <p>6. From a <u>letter of concern to reprimand to denial</u> or two (2) years suspension followed by probation <u>or denial</u> and an administrative fine from \$1,000.00 to \$5,000.00.</p>  | <p><u>6. From a reprimand to two (2) years suspension followed by probation or denial and an administrative fine from \$5,000.00 to \$10,000.00.</u></p>   |
| <p>7. Failing to maintain confidentiality of communication between a patient and a psychiatrist. (455.671, F.S.)</p>   | <p>7. From a \$5,000.00 administrative fine and a reprimand to suspension and a \$10,000.00 administrative fine or denial.</p>   | <p><u>7. From suspension to revocation or denial.</u></p>  |

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| <p>8. Failing to report final disposition of professional liability claims and actions.<br/>(455.697, F.S.)</p>  | <p>8. If the licensee complies within six (6) months of the violation then an administrative fine of up to \$2,000.00; if compliance after six (6) months, an administrative fine of up to \$5,000.00 and a reprimand.</p>       | <p><u>8. If the licensee complies within six (6) months of the violation, then a reprimand and an administrative fine from \$5,000.00 to \$10,000.00; if compliance after six (6) months, from suspension to revocation and an administrative fine of \$10,000.00.</u></p> |
| <p>9. Failing to disclose financial interest to patient.<br/>(455.701, F.S.)</p>   | <p>9. <u>A refund of fees paid by or on behalf of the patient and from</u> <del>From</del> an administrative fine of \$1,000.00 to a reprimand and an administrative fine of \$5,000.00.</p>                                     | <p>9. A refund of fees paid by or on behalf of the patient and from restriction of practice and an administrative fine of \$5,000.00 to a reprimand and an administrative fine of \$10,000.00.</p>   |
| <p>(h) Filing a false report or failing to file a report as required.<br/>(458.331(1)(h), F.S.)<br/>(455.624(1)(l), F.S.)</p>  | <p>(h) From <u>a letter of concern or denial</u> <del>to</del> one (1) year probation <del>to</del> <del>revocation or denial</del>, and an administrative fine from \$1,000.00 to <u>\$5,000.00</u> <del>\$10,000.00</del>.</p> | <p><u>(h) From one (1) year probation to revocation or denial, and an administrative fine from \$5,000.00 to \$10,000.00.</u></p>  |
| <p>1. Involving <del>healthcare Medicare or Medicaid</del> fraud in dollar amounts in excess of \$5,000.00.</p>  | <p>1. Revocation or in the case of application for licensure, denial of licensure.</p>   | <p><u>1. Revocation or denial without the ability to reapply and payment of a \$10,000.00 fine.</u></p>  |
| <p>2. Involving <del>healthcare Medicare or Medicaid</del> fraud in dollar amounts of \$5,000.00 or less.</p>  | <p>2. A \$10,000.00 administrative fine, suspension of the license, followed by a period of probation.</p>   | <p><u>2. Revocation</u></p>  |
| <p>(i) Kickbacks or split fee arrangements.<br/>(458.331(1)(i), F.S.)<br/><u>(455.657, F.S.)</u></p>   | <p>(i) <u>A refund of fees paid by or on behalf of the patient and from</u> <del>From</del> six (6) months suspension to revocation or denial, and an administrative fine from \$1,000.00 to \$10,000.00.</p>                    | <p><u>(i) A refund of fees paid by or on behalf of the patient and from a two (2) year suspension to revocation or denial, and an administrative fine from \$5,000.00 to \$10,000.00.</u></p>  |
| <p>(j) <del>Sexual misconduct Exercising influence to engage patient in sex.</del><br/>(458.331(1)(j), F.S.)<br/>(458.329, F.S.)<br/>(455.624(1)(u), F.S.)</p>                           | <p>(j) From one (1) year suspension and a reprimand and an administrative fine of \$5,000.00 to revocation or denial, and an administrative fine of \$10,000.00.</p>   | <p><u>(j) Revocation.</u></p>  |
| <p>(k) Deceptive, untrue, or fraudulent representations in the practice of medicine.<br/>(458.331(1)(k), F.S.)<br/>(455.624(1)(a),(m), F.S.)</p>   | <p>(k) From probation to revocation and denial, and an administrative fine from \$1,000.00 to \$10,000.00.</p>   | <p><u>(k) From suspension to revocation and denial, and an administrative fine from \$5,000.00 to \$10,000.00.</u></p>   |
| <p>1. Deceptive, untrue, or fraudulent representations in the practice of medicine involving <u>healthcare Medicare or Medicaid</u> fraud in dollar amounts in excess of \$5,000.00.</p> | <p>1. Revocation or in the case of application for licensure, denial of licensure.</p>   | <p><u>1. Revocation or denial without the ability to reapply and payment of a \$10,000.00 fine.</u></p>  |
| <p>2. Deceptive, untrue, or fraudulent representations in the practice of medicine involving <u>healthcare Medicare or Medicaid</u> fraud in dollar amounts of \$5,000.00 or less.</p>   | <p>2. A \$10,000.00 administrative fine, suspension of the license, followed by a period of probation.</p>   | <p><u>2. Revocation</u></p>  |

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| (l) Improper solicitation of patients. (458.331(1)(l), F.S.)  | (l) From one (1) year suspension to revocation or denial, and an administrative fine from \$1,000.00 to \$10,000.00.  | <u>(l) From one (1) year suspension to revocation or denial, and an administrative fine from \$5,000.00 to \$10,000.00.</u>  |
| (m) Failure to keep <del>appropriate</del> <del>legible</del> written medical records. (458.331(1)(m), F.S.)  | (m) From a reprimand to denial or two (2) years suspension followed by probation, and an administrative fine from \$1,000.00 to \$10,000.00.  | <u>(m) From probation to suspension followed by probation or denial, and an administrative fine from \$5,000.00 to \$10,000.00.</u>  |
| 1. Failure to keep <del>appropriate</del> <del>legible</del> written medical records <del>involving healthcare that is related to Medicare or Medicaid</del> fraud in dollar amounts in excess of \$5,000.00. | 1. Revocation or in the case of application for licensure, denial of licensure.   | <u>1. Revocation or denial without the ability to reapply and payment of a \$10,000.00 fine.</u>   |
| 2. Failure to keep <del>appropriate</del> <del>legible</del> written medical records <del>involving healthcare that is related to Medicare or Medicaid</del> fraud in dollar amounts of \$5,000.00 or less.   | 2. A \$10,000.00 administrative fine, suspension of the license, followed by a period of probation.   | <u>2. Revocation or denial.</u>  |
| (n) Exercising influence on patient for financial gain. (458.331(1)(n), F.S.) (455.624(1)(n), F.S.)   | (n) <u>Payment of fees paid by or on behalf of the patient and from</u> <del>From</del> probation to denial or two (2) years suspension, and an administrative fine from \$5,000.00 to \$10,000.00.                               | <u>(n) Payment of fees paid by or on behalf of the patient and from suspension to revocation or denial and an administrative fine of \$10,000.00.</u>  |
| (o) Improper advertising of pharmacy. (458.331(1)(o), F.S.)   | (o) From a reprimand and \$250.00 fine <u>or denial</u> to one (1) year probation, and an administrative fine from \$250.00 to \$5,000.00.  | <u>(o) From probation to suspension or denial and an administrative fine of \$5,000.00 to \$10,000.00.</u>   |
| (p) Performing professional services not authorized by patient. (458.331(1)(p), F.S.)   | (p) From a reprimand <del>or to</del> <del>to</del> <del>or</del> <del>to</del> denial <del>to</del> <del>or</del> two (2) years suspension, and an administrative fine from \$1,000.00 to \$10,000.00.                           | <u>(p) From probation to revocation or denial and an administrative fine of \$5,000.00 to \$10,000.00.</u>   |
| (q) Inappropriate or excessive prescribing. (458.331(1)(q), F.S.)   | (q) From one (1) year probation to revocation or denial, and an administrative fine from \$1,000.00 to 10,000.00.   | <u>(q) From suspension to revocation or denial, and an administrative fine from \$5,000.00 to \$10,000.00.</u>   |
| (r) Prescribing or dispensing of a scheduled drug by the physician to himself. (458.331(1)(r), F.S.)  | (r) From one (1) year probation to revocation or denial, and an administrative fine from \$1,000.00 to \$5,000.00, <u>and a mental and physical examination.</u>  | <u>(r) From suspension to revocation or denial, and an administrative fine from \$5,000.00 to \$10,000.00, and a mental and physical examination.</u>  |
| (s) Inability to practice medicine with skill and safety. (458.331(1)(s), F.S.)   | (s) From probation to denial or indefinite suspension until licensee is able to demonstrate ability to practice with reasonable skill and safety followed by probation, and an administrative fine from \$1,000.00 to \$5,000.00. | <u>(s) From indefinite suspension, followed by probation to suspension for a minimum of five (5) years or until licensee is able to demonstrate ability to practice with reasonable skill and safety followed by probation, and an administrative fine from \$5,000.00 to \$10,000.00.</u> |

<p>(t) Gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances. (458.331(1)(t), F.S.)</p>	<p>(t) From two (2) years probation to revocation or denial, and an administrative fine from \$1,000.00 to \$10,000.00.</p>	<p><u>(t) From suspension to revocation or denial, and an administrative fine from \$5,000.00 to \$10,000.00.</u></p>
<p>1. Gross Malpractice</p>	<p>1. From one (1) year suspension followed by three (3) years probation to revocation or denial, and an administrative fine from \$1,000.00 to \$10,000.00 and licensee shall be subject to reexamination.</p>	<p><u>1. From suspension or denial to revocation or denial and an administrative fine of \$5,000.00 to \$10,000.00, and an evaluation or reexamination by a physician evaluation program approved by the Board.</u></p>
<p>2. Repeated Malpractice</p>	<p>2. From three (3) years probation to revocation or denial, and an administrative fine from \$1,000.00 to \$10,000.00 and licensee shall be subject to reexamination.</p>	<p><u>2. From suspension or denial to revocation or denial and an administrative fine of \$5,000.00 to \$10,000.00, and an evaluation or reexamination by a physician evaluation program approved by the Board.</u></p>
<p>3. Failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent physician as being acceptable under similar conditions and circumstances.</p>	<p>3. From two (2) years probation to revocation or denial, and an administrative fine from \$1,000.00 to \$10,000.00.</p>	<p><u>3. From a reprimand and probation or denial to revocation and an administrative fine of \$5,000.00 to \$10,000.00.</u></p>
<p>(u) Performing of experimental treatment without informed consent. (458.331(1)(u), F.S.)</p>	<p>(u) From one (1) year suspension to revocation or denial, and an administrative fine from \$1,000.00 to \$10,000.00.</p>	<p><u>(u) Revocation or denial.</u></p>
<p>(v) Practicing beyond scope permitted. (458.331(1)(v), F.S.) (455.624(1)(o), F.S.)</p>	<p>(v) From two (2) years suspension to revocation or denial, and an administrative fine from \$1,000.00 to \$10,000.00.</p>	<p><u>(v) From suspension to revocation or denial, and an administrative fine from \$5,000.00 to \$10,000.00.</u></p>
<p>(w) Delegation of professional responsibilities to unqualified person. (458.331(1)(w), F.S.) (455.624(1)(p), F.S.)</p>	<p>(w) From one (1) year probation to denial or five (5) years suspension followed by probation, and an administrative fine from \$1,000.00 to \$10,000.00.</p>	<p><u>(w) From suspension to revocation or denial, and an administrative fine from \$5,000.00 to \$10,000.00.</u></p>
<p>(x)1. Violation of law, rule, or failure to comply with subpoena. (458.331(1)(x), F.S.) (455.624(1)(b),(q), F.S.)</p>	<p>(x)1. <u>For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm, from</u> <del>From</del> a reprimand to revocation or denial, and an administrative fine from \$1,000.00 to \$10,000.00.</p>	<p><u>(x)1. From probation to revocation or denial, and an administrative fine from \$5,000.00 to \$10,000.00.</u></p>

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| <p>2. Violation of an order of the Board.</p>   | <p>2. Reprimand and an administrative fine from \$5,000.00 to \$10,000.00, <u>to revocation or denial based upon the severity of the offense and the potential for patient harm and probation.</u></p> | <p><u>2. From suspension and a \$10,000.00 fine or denial to revocation.</u></p>   |
| <p>(y) Conspiring to restrict another from lawfully advertising services. (458.331(1)(y), F.S.)</p>                                 | <p>(y) A reprimand <u>or denial</u> and an administrative fine ranging from \$1,000.00 to \$5,000.00.</p>  | <p><u>(y) Probation or denial and an administrative fine from \$5,000.00 to \$10,000.00.</u></p>   |
| <p>(z) Aiding an unlawful abortion. (458.331(1)(z), F.S.)</p>   | <p>(z) From one (1) year suspension to revocation or denial, and an administrative fine from \$1,000.00 to \$10,000.00.</p>  | <p><u>(z) From suspension to revocation or denial and an administrative fine from \$5,000.00 to \$10,000.00.</u></p>                         |
| <p>(aa) Presigning prescription forms. (458.331(1)(aa), F.S.)</p>   | <p>(aa) From a reprimand to two (2) years probation, and an administrative fine from \$1,000.00 to \$5,000.00.</p>   | <p><u>(aa) From suspension to revocation or denial, and an administrative fine from \$5,000.00 to \$10,000.00.</u></p>                       |
| <p>(bb) Prescribing a Schedule II substance for office use. (458.331(1)(bb), F.S.)</p>  | <p>(bb) From a reprimand to probation with CME in pharmacology, and an administrative fine from \$1,000.00 to \$5,000.00.</p>  | <p><u>(bb) From probation to suspension or denial, and an administrative fine from \$5,000.00 to \$10,000.00.</u></p>                        |
| <p>(cc) Improper prescribing of Schedule II amphetamine or sympathomimetic amine drug. (458.331(1)(cc), F.S.)</p>                   | <p>(cc) From probation to denial or two (2) years suspension followed by probation, and an administrative fine from \$1,000.00 to \$10,000.00.</p>   | <p><u>(cc) From suspension to revocation or denial of the license and an administrative fine ranging from \$5,000.00 to \$10,000.00.</u></p> |
| <p>(dd) Failure to adequately supervise assisting personnel. (458.331(1)(dd), F.S.)</p>   | <p>(dd) From probation to denial or two (2) years suspension followed by probation, and an administrative fine from \$1,000.00 to \$5,000.00.</p>  | <p><u>(dd) From one (1) year suspension to revocation or denial, and an administrative fine from \$5,000.00 to \$10,000.00.</u></p>          |
| <p>(ee) Improper use of substances for muscle building or enhancement of athletic performance. (458.331(1)(ee), F.S.)</p>           | <p>(ee) From one (1) year suspension to revocation or denial, and an administrative fine from \$1,000.00 to \$5,000.00.</p>  | <p><u>(ee) From suspension to revocation or denial of the license and an administrative fine ranging from \$5,000.00 to \$10,000.00.</u></p> |
| <p>(ff) Use of amygdalin (laetrile). (458.331(1)(ff), F.S.)</p>   | <p>(ff) From one (1) year suspension to revocation or denial, and an administrative fine from \$1,000.00 to \$10,000.00.</p>   | <p><u>(ff) From suspension to revocation or denial of the license and an administrative fine ranging from \$5,000.00 to \$10,000.00.</u></p> |
| <p>(gg) Misrepresenting or concealing a material fact (458.331(1)(qq), F.S.)</p>  | <p>(gg) From denial or revocation of license with ability to reapply upon payment of \$1,000.00 fine to denial of license without ability to reapply.</p>  | <p><u>(gg) From suspension to revocation or denial, and an administrative fine from \$5,000.00 to \$10,000.00.</u></p>                       |
| <p>(hh) Improperly interfering with an investigation or a disciplinary proceeding (458.331(1)(hh), F.S.) (458.331(1)(hh), F.S.)</p> | <p>(hh) From denial or revocation of license with ability to reapply upon payment of \$1,000.00 fine to denial of license without ability to reapply.</p>  | <p><u>(hh) From suspension to revocation or denial, and an administrative fine from \$5,000.00 to \$10,000.00.</u></p>                       |

- |   |   |  |
|---|---|--|
| <p>(ii) Failing to report any licensee in violation who practices in a hospital or an H.M.O.; or failing to report any person in violation of Chapter 455, Part II, F.S.<br/>(458.331(1)(ii), F.S.)<br/>(455.624(1)(i), F.S.)</p> | <p>(ii) From a reprimand to probation or denial and an administrative fine from \$1,000.00 to \$5,000.00.</p>   | <p><u>(ii) From probation to suspension or denial, and an administrative fine from \$5,000.00 to \$10,000.00.</u></p>                        |
| <p>(jj) Providing written medical opinion without reasonable investigation.<br/>(458.331(1)(jj), F.S.)</p>  | <p>(jj) From denial or revocation of license with ability to reapply upon payment of \$1,000.00 fine to denial of license without ability to reapply.</p>   | <p><u>(jj) From suspension to revocation or denial of the license and an administrative fine ranging from \$5,000.00 to \$10,000.00.</u></p> |
| <p>(kk) Failure to report disciplinary action by another jurisdiction.<br/>(458.331(1)(kk), F.S.)</p>   | <p>(kk) From an administrative fine of \$2,000.00 to a fine of \$5,000.00 and a reprimand to denial or revocation of license with ability to reapply upon payment of \$1,000.00 fine to denial or revocation of license without ability to reapply.</p> | <p><u>(kk) From probation to suspension or denial, and an administrative fine from \$5,000.00 to \$10,000.00.</u></p>                        |
| <p>(ll) Improper holding oneself out as a specialist.<br/>(458.331(1)(ll), F.S.)</p>  | <p>(ll) From <del>letter of concern reprimand</del> to one year suspension or denial and an administrative fine from \$500 to \$5,000.00.</p>   | <p><u>(ll) From reprimand to up to one (1) year suspension or denial, and an administrative fine from \$5,000.00 to \$10,000.00.</u></p>     |
| <p>(mm) Improper use of information about accident victims for commercial or any other solicitation of the people involved in such accidents.<br/>(455.624(1)(x), F.S.)</p>   | <p>(mm) From an administrative fine of \$1,000.00 to a fine of \$5,000.00, reprimand and probation.</p>   | <p><u>(mm) From reprimand to up to one (1) year suspension or denial, and an administrative fine from \$5,000.00 to \$10,000.00.</u></p>     |
| <p>(nn) Theft or reproduction of an examination.<br/>(455.577, F.S.)</p>  | <p>(nn) Revocation or denial without ability to reapply.</p>  | <p><u>(nn) Revocation or denial without ability to reapply.</u></p>  |
| <p>(oo) Violation of Patient Self Referral Act.<br/>(455.654, F.S.)</p>   | <p>(oo) In addition to any civil penalty imposed pursuant to s. 455.654, for each separate violation, from an administrative fine of \$5,000.00 to an administrative fine of \$10,000.00.</p>   | <p><u>(oo) From probation to suspension or denial, and an administrative fine from \$5,000.00 to \$10,000.00.</u></p>                        |



(3) through (7) No change.

Specific Authority 458.331(5), 458.309, 455.627 FS. Law Implemented 458.331(5), 455.624, 455.627 FS. History--New 12-5-79, Formerly 21M-20.01, Amended 1-11-87, 6-20-90, Formerly 21M-20.001, Amended 11-4-93, Formerly 61F6-20.001, Amended 6-24-96, 12-22-96, Formerly 59R-8.001, Amended 5-14-98, 12-28-99,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Advertising  
 RULE NO.: 64B8-11.001

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to set forth those specialty boards which have been approved by the Board.

SUBJECT AREA TO BE ADDRESSED: Specialty boards approved by the Board for purposes of advertising.

SPECIFIC AUTHORITY: 458.309 FS.

LAW IMPLEMENTED: 458.331(1)(d),(l),(n),(o) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-11.001 Advertising.

(1) through (6) No change.

(7) The recognizing agencies currently approved by the Board of Medicine include:

(a) American Board of Facial Plastic & Reconstructive Surgery, Inc. (Approved February 1997).

(b) American Board of Pain Medicine (Approved August 1999).

Specific Authority 458.309 FS. Law Implemented 458.331(1)(d),(l),(n),(o) FS. History--New 3-31-80, Formerly 21M-24.01, Amended 11-15-88, Formerly 21M-24.001, Amended 12-5-93, Formerly 61F6-24.001, Amended 4-3-95, 4-16-96, 5-29-97, Formerly 59R-11.001, Amended\_\_\_\_\_.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

RULE TITLE: Contract Penalties for Noncompliance  
 RULE NO.: 65-29.001

PURPOSE AND EFFECT: The purpose of this rule is to implement the provisions of Section 402.73(7), Florida Statutes, (F.S.), to provide procedures for incremental financial penalties to be imposed upon a service provider as a result of such a provider's failure to comply with a requirement for corrective action.

SUBJECT AREA TO BE ADDRESSED: Penalties.

SPECIFIC AUTHORITY: 402.73(7) FS.

LAW IMPLEMENTED: 402.73(7) 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., November 9, 2000

PLACE: 1317 Winewood Blvd., Building 5, Room 130, Tallahassee, FL 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65-29.001 Contract Penalties for Noncompliance.

(1) Definitions – For the purposes of this rule, the following definitions shall apply:

(a) Corrective Action Plan – tasks to be performed by a service provider to correct either nonperformance or unacceptable performance of a contract with the department, according to a plan approved by or provided by the department.

(b) Department – the Florida Department of Children and Families.

(c) Service Provider – an organization or individual providing services or materials to the department in accordance with the terms of a contract.

(2) Penalty provision – All contracts entered into by the department with a service provider shall contain penalty provisions for nonperformance or unacceptable performance. Such provisions shall address the following:

(a) Corrective action plans.

(b) Increments of penalty imposition (based on the severity and time period of noncompliance) not to exceed ten (10%) percent of the total contract payments during the period of noncompliance. In the absence of extenuating circumstances, noncompliance having a direct effect on client health and safety shall result in the imposition of a ten (10%) percent penalty of the total contract payments during the period of noncompliance. Issues involving provisions of service not having a direct effect on client health and safety shall result in the imposition of a five (5%) percent penalty, and noncompliance as a result of unacceptable administrative support shall result in the imposition of a two (2) percent penalty.

(c) Timeliness of penalty payment.

(d) Deduction of financial penalty from the Department's payments to a service provider.

(3) Process – If at any time(s) during the effective period of a contract the department gives notice to the service provider that its services are unacceptable, the provider shall submit a corrective action plan without delay. The failure of

such provider to comply with and successfully complete such corrective action shall result in the imposition of a financial penalty.

(4) Financial Penalty – A service provider may not pay a financial penalty with funds intended to be used for or budgeted to provide services to clients nor may such provider reduce the level, quantity or quality of service being delivered to clients as a method of offsetting the impact of the penalty.

(5) Preliminary Findings of Fact – The Department shall send a written Preliminary Findings of Fact and Notice of Intent to Impose a Financial Penalty to the service provider, which shall include:

(a) The factual basis upon which the department determined that performance was unsatisfactory;

(b) A statement of the required corrective action, which was not implemented or satisfactorily accomplished; and

(c) The amount of the administrative penalty to be imposed.

(6) Contested Penalty – Within twenty-one (21) calendar days of the service provider's receipt of the Preliminary Findings of Fact and Notice of Intent to Impose a Financial Penalty, the service provider may file written exceptions. If no exceptions are filed, the Department will adopt such Preliminary Findings of Fact as the Findings of Fact, and shall issue a Final Order Imposing a Financial Penalty. FAILURE TO TIMELY FILE EXCEPTIONS TO THE PRELIMINARY FINDINGS OF FACT SHALL ACT AS A WAIVER OF PROCEEDINGS PURSUANT TO CHAPTER 120, F.S.

(7) Failure to pay financial penalty – The department may, at its discretion, deduct such financial penalty from funds that would otherwise be due a service provider, provided such deduction does not exceed ten (10%) percent of the invoice amount that would otherwise be due such provider for the period of the noncompliance.

(8) Additional department action – If the service provider fails to agree upon a corrective action plan with the department, that failure shall be grounds for termination of the contract. The provisions of this paragraph shall be in addition to all other remedies that may be available to the department.

(9) Imposition of a financial penalty shall not be construed as an election of remedies by the Department.

Specific Authority 402.73(7) FS. Law Implemented 402.73(7) FS. History—New

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE TITLES: Eligibility Determination Process 65A-1.205  
Food Stamp Program Case Processing 65A-1.602

PURPOSE AND EFFECT: The proposed amendment of rule 65A-1.205, F.A.C. revises some of the specific statements about the department's application processing procedures

applicable to all programs. The proposed amendment of rule 65A-1.602, F.A.C. removes rule text that becomes duplicative with the amendment of rule 65A-1.205, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed amendment of rule 65A-1.205, F.A.C. deletes statements requiring an abandonment notice following a request for additional information, incorporates a revised form by reference and clarifies rule statements about the deadline for providing requested information. The proposed amendment of rule 65A-1.602, F.A.C. deletes the existing paragraph (1) because the same policy is being implemented across program lines by the amendment of rule 65A-1.205, F.A.C.

SPECIFIC AUTHORITY: 409.919, 414.45 FS.

LAW IMPLEMENTED: 414.095, 414.31, 409.903, 409.904, 409.919, 410.033 FS.

IF REQUESTED AND DEEMED NECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 11:00 a.m., November 6, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE TITLE: Child Care RULE NO.: 65A-4.218

PURPOSE AND EFFECT: The 2000 Florida Legislature enacted Chapter 2000-165, Laws of Florida (LOF), to create the Workforce Innovation Act of 2000 that transferred, renumbered, and amended many provisions of the Work and Gain Economic Self-Sufficiency (WAGES) Act of 1996. Section 414.095(1), F.S., was amended to remove reference to WAGES and to designate regional workforce boards as the entity responsible for temporary cash assistance (TCA) work activities and support services such as child care. Chapter 2000-165, LOF, also amended s. 402.3015, F.S., to remove reference to WAGES and to add the definition of "needy families" for purposes of expending federal Temporary Cash Assistance for Needy Families (TANF) funds for child care for families in diversion or welfare-transition programs. This expands allowable qualifying reasons for families who have lost eligibility for TCA due to earnings, time limits, or redirected from TCA by diversion to receive transitional child care services related to employment.

**SUBJECT AREA TO BE ADDRESSED:** This rule amendment removes reference to WAGES; designates the regional workforce board as the entity responsible for TCA work activities and related support services; and provides for child care assistance for individuals in temporary cash assistance (TCA) work-related activities. It also expands transitional child care eligibility criteria for TCA participants and individuals redirected by diversion to accept, maintain or actively seek employment if their income does not exceed 200 percent of the federal poverty level. Additionally, criteria relating to receiving TCA for less than three months are removed in relation to eligibility for transitional child care and forms are revised and incorporated by reference to reflect statutory changes.

**SPECIFIC AUTHORITY:** 414.45 FS.

**LAW IMPLEMENTED:** 414.095(1), 445.028, 402.3015 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., November 7, 2000

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Audrey Mitchell, Program Administrator, Building 3, Room 421, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, telephone (850)488-3090

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

## Section II Proposed Rules

### DEPARTMENT OF INSURANCE

**RULE TITLE:** Refunds **RULE NO.:** 4-196.010

**PURPOSE AND EFFECT:** The purpose of the proposed action is to update the procedure for the refund of premiums which occur as the result of non-payment of installments on a premium finance contract.

**SUMMARY:** The amended rule provides time frames for notices and return of funds by insurers, premium finance companies and agents.

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

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

**SPECIFIC AUTHORITY:** 624.308(1), 627.848 FS.

**LAW IMPLEMENTED:** 624.307(1), 627.7283, 627.832, 627.838, 627.848, 627.849 FS.

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

**TIME AND DATE:** 9:00 a.m – 11:00 a.m., November 15, 2000

**PLACE:** Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND A COPY OF THE PRELIMINARY DRAFT IS:** Marie Bachman, Bureau of Specialty Insurers, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0326, (850)413-3146

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

**THE FULL TEXT OF THE PROPOSED RULE IS:**

4-196.010 Refunds.

(1) Except as provided in subsection (2), a premium finance company shall be responsible to refund to the insured all moneys due or held on the insureds behalf within 30 days after receipt of the funds from an insurer or other person. Refunds arising for reasons other than cancellation of the contract may be sent directly from the premium finance company to the insured or the insurance agent.

(2) Upon receipt of a cancellation notice from a premium finance company, the insurer shall within thirty (30) days, refund the unearned premium to the premium finance company and notify the insured, agent and premium finance company of the amount of unearned premium which is being returned to the premium finance company and the amount of the agent's unearned commission held by the agent. The notice must indicate to the insured that the amount of unearned premium refunded to the premium finance company and the amount of unearned commission that is held by the agent quoted in this notice will be used by the premium finance company to satisfy the insured's loan balance and other obligations under the premium finance agreement prior to the refund to the insured.

(a) Within 15 days of receipt of the funds, the premium finance company shall notify the insured and the agent of the amount of unearned premium due the insured, if any, and return or credit said funds to the insured or insurance agent. The notice must indicate to the insured that portion of unearned premium returned to the premium finance company and the amount of unearned commission that is held by the agent, as

reported by the insurer which will be used by the premium finance company to satisfy the insured's loan balance and other obligations under the premium finance agreement including, if applicable, the amount that is still due from the insured.

(b) Within 15 days of receipt of the notification as outlined above and the receipt or credit of any unearned premium, the agent shall return the unearned premium including any unearned commission or other funds due the insured or, with written approval of the insured, apply the unearned premium and unearned commission to other insurance products regulated by the department. Under no circumstances may the agent withhold the return of the unearned commission or unearned premium to the insured after notification by the insurer and premium finance company.

(3) The earned service charge may be calculated to the date the unearned premium is received from the insurer; however, interest may continue to accrue at the rate of \$12 per \$100 per year on any balance still outstanding.

(4) If the insurer fails to refund the unearned premium within 30 days as required by Section 627.7283, F.S, the premium finance company shall immediately notify the insured that the insurer has not paid the unearned premium and that interest will continue to accrue on the amount still outstanding until it is paid. The form of notification notice must be submitted to the Department for approval, together with the required form filing fee, and contain at a minimum, appropriate blanks which will facilitate the designation of the name of the insurance company, the name of the insurance agent, the policy number, the cancellation date, and the unpaid premium balance due under the contract.

Specific Authority 624.308, 627.848 FS. Law Implemented 624.307(1), 627.7283, 627.832(1), 627.838, 627.840, 627.848, 627.849 FS. History--New 10-5-89, Formerly 4-18.010, Amended 7-27-95, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Marie Bachman, Bureau of Specialty Insurers  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Al Willis, Chief, Bureau of Specialty Insurers  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 23, 1999

**DEPARTMENT OF EDUCATION**

**State Board of Community Colleges**

RULE TITLE:  
Florida Community College Distance Learning Consortium

RULE NO.:  
6H-1.046

PURPOSE AND EFFECT: The purpose is to delete the rule. The effect will be the elimination of a rule from the Florida Administrative Code that is no longer necessary.

SUMMARY: Chapter 120, F.S., requires that agencies review all rules and report to the Legislature any rules which exceed statutory authority. The Joint Administrative Procedures Committee has recommended that the procedural rules for operation of the State Board of Community Colleges not be adopted as rules; therefore, the rule is repealed.

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: 240.311(2), 240.325 FS.

LAW IMPLEMENTED: 228.041(1),(21), 240.311(3), 240.32 FS.

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

TIME AND DATE: 8:30 a.m., November 17, 2000

PLACE: Tallahassee Community College, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sydney H. McKenzie III, General Counsel, State Board of Community Colleges, Division of Community Colleges, Room 1314, Turlington Building, 325 W. Gaines St., Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6H-1.046 Florida Community College Distance Learning Consortium.

Specific Authority 240.311(2), 240.325 FS. Law Implemented 228.041(1),(21), 240.311(3), 240.32 FS. History--New 9-30-96, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Sydney H. McKenzie III, General Counsel, State Board of Community Colleges

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: J. David Armstrong Jr., Executive Director, Community College System

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

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Resource Planning and Management**

RULE CHAPTER TITLE: Rules of Procedure and Practiced Pertaining to Developments of Regional Impact  
RULE CHAPTER NO.: 9J-2

RULE TITLES:	RULE NOS.:
Part I General	
Definitions	9J-2.001
Part II Procedures Pertaining to Developments of Regional Impact	
Subpart A General Procedures	
Forms	9J-2.010
Clearance Letters	9J-2.015
Binding Letters of Interpretation	9J-2.016
Preliminary Development Agreements	9J-2.0185
Subpart B Development of Regional Impact Procedures	
Preapplication Conferences and Conceptual Agency Review Procedures	9J-2.021
Filing the Application for Development Approval	9J-2.022
The Public Hearing	9J-2.023
Regional Report and Recommendations	9J-2.024
Local Government Development Orders	9J-2.025
Abandonment of Development Orders	9J-2.0251
Development of Regional Impact Review Fee Rule	9J-2.0252
Hurricane Preparedness Policy Rule	9J-2.0256
Special Hurricane Preparedness Districts for Developments of Regional Impact	9J-2.0257
Appeals	9J-2.026
Aggregation Rule	9J-2.0275
Master Development Approval Alternative Review Procedure	9J-2.028
Part III Development of Regional Impact Uniform Standard Rules	
The Application of State, Regional and Local Plans in DRI Uniform Standard Rules	9J-2.040
Archaeological and Historical Resources Uniform Standard Rule	9J-2.043
Hazardous Material Usage, Potable Water, Wastewater, and Solid Waste Facilities Uniform Standard Rule	9J-2.044
Transportation Uniform Standard Rule	9J-2.045
Air Quality Uniform Standard Rule	9J-2.046
Adequate Housing Uniform Standard Rule	9J-2.048
PURPOSE AND EFFECT: To modify the rules to comply with Section 120.536(2)(b), F.S. as amended by Chapter 99-379, §3, Laws of Florida, and update the rules.	
SUMMARY: Rule 9J-2.001, F.S. is revised to change the Division name. The revision to Rule 9J-2.010, F.S. pertains to a change in address where various forms related to the development of regional impact (DRI) program can be obtained. Revisions to Rule 9J-2.016, F.S. pertain to changes to the procedures and process for obtaining a binding letter of interpretation regarding whether a development must undergo a DRI review. Rule 9J-2.018 is revised to change the distance	

from 5 miles to 1/2 mile, within which each land owner included in the project or the developer must submit additional documentation and information for a proposed preliminary development agreement. A reference to the state land development plan was deleted from Rule 9J-2.0185. F.S.

Revisions to Rules 9J-2.021 through 9J-2.0252, 9J-2.0256 through 9J-2.075, F.S. pertain to changes related to the DRI submittal, review and approval procedures, including binding letters of interpretation and abandonment procedures. Regional hurricane plan references are also updated. A reference to the state land development plan was deleted from Rule 9J-2.021, F.S. Rule 9J-2.022, F.S. is revised to delete a reference to a third request for additional information.

Changes to Rules 9J-2.040 through 9J-2.048, F.S. delete unnecessary references to sections of Chapter 380, Florida Statutes, incorporates revised statute citations and referenced documents, and deletes references to the state land development plan. Statute citations for rule making authority and law implementation references have also been updated in the rules.

SPECIFIC AUTHORITY: 380.032(2)(a), 380.06(15)(c)4., (19)(f),(21)(c),(23)(a),(c),(26), 380.0651(4)(f) FS.

LAW IMPLEMENTED: 120.536(2)(b), as amended by Chapter 99-379, §3, Laws of Florida, 120.569, 380.021, 380.031, 380.031(13), 380.032, 380.032(2), 380.032(3), 380.06(1),(2), 380.06(4)(i), 380.06(4)-(10), 380.06(13), (14),(15), 380.06(17),(18),(19),(20),(21),(22),(23), 380.06(25), (26), 380.061, 380.065, 380.0651(4), 380.07(2) FS.

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

TIME AND DATE: 9:00 a.m., November 13, 2000

PLACE: Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodations at the hearing because of a disability or physical impairment should contact David Jordan, Assistant General Counsel, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone number (850)488-0410, Suncom 278-0410, at least seven days before 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 RULES IS: David Jordan, Assistant General Counsel, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. Telephone number (850)488-0410, Suncom 278-0410

THE FULL TEXT OF THE PROPOSED RULES IS:

9J-2.001 Definitions.

(1) No change.

(2) “Division” means the Division of ~~Community Resource Planning and Management~~ of the Department of Community Affairs, which is the “state land planning agency” referred to in Chapter 380, Florida Statutes.

(3) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a) FS. Law Implemented 380.031, 380.06(1),(23) FS. History–New 4-12-81, Amended 5-4-83, Formerly 27F-1.01, 9B-16.01, Amended 11-20-90,\_\_\_\_\_.

9J-2.010 Forms.

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

(2) These forms may be obtained without cost from the appropriate regional planning agency or by making written request to:

Division of ~~Community Resource Planning and Management~~  
 Bureau of State Planning  
 2555 Shumard Oak Boulevard 2740 Centerview Drive  
 Tallahassee, Florida 32399-2100

Specific Authority 380.032(2)(a), 380.06(15)(c)4., (19)(f)1., (23)(a),(c)2.,(26) FS. Law Implemented 380.031(13), 380.06, 380.06(4)-(10),(15)(c)4.,(18),(19),(23)(c)2.,(26) FS. History–New 4-12-81, Amended 5-4-83, Formerly 27F-1.31, 9B-16.17, 9J-2.017, Amended 11-20-90, 3-23-94.

9J-2.015 Clearance Letters.

(1) through (3) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a), 380.0651(4)(f) FS. Law Implemented 380.032(2), 380.06(4)(i), 380.0651(4) FS. History–New 11-20-90.

9J-2.016 Binding Letters of Interpretation.

(1) If any developer is in doubt whether his proposed development is required to undergo DRI review or whether his development rights have vested pursuant to Subsection 380.06(20), Florida Statutes, or whether a proposed substantial change to a development of regional impact previously vested pursuant to Subsection 380.06(20) would divest such rights, the developer may file an application for a Binding Letter of Interpretation with the Division. Prior to submitting a formal application, the developer is encouraged to consult with the Division staff to insure that appropriate information is presented. The developer shall submit an application for a binding letter of interpretation by completing and filing with the Division Form RPM-BSP-BLID-1 (development of regional impact status), RPM-BSP-BLIVR-1 (vested rights), or RPM-BSP-BLIM-1 (substantial modification to a previously vested development), as appropriate.

These forms may be obtained upon request to any regional planning agency or to the Division of ~~Community Resource Planning and Management, Bureau of State Planning~~, whose address is 2555 Shumard Oak Boulevard 2740 Centerview

Drive, Tallahassee, Florida 32399-2100. The completed form shall be submitted to the Division of ~~Community Resource Planning and Management, Bureau of State Planning~~.

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

~~(e) The Division shall not consider any information submitted as part of an application for a binding letter of interpretation which is considered by the Division to be mitigation of the development's material adverse impacts to regionally significant resources or facilities. The intent of the binding letter process is to determine whether a development will have significant adverse impacts to regionally significant resources or facilities. Making a determination about the suitability of, or need for, mitigation is the role of the regional planning agency and other review agencies during the course of DRI review. Negotiation regarding mitigation needed to address impacts is not appropriate during the binding letter process and is not a function assumed by the Division during that process.~~

(9) through (13) No change.

(14) A Binding Letter of Interpretation shall contain findings of fact and conclusions of law which shall specify the factual, legal, and policy grounds supporting the Division’s determination. The Binding Letter of Interpretation shall be final agency action ~~unless, within thirty (30) days of the date of filing of said determination, the applicant requests in writing a reconsideration of the Binding Letter of Interpretation including an opportunity to present additional testimony, evidence or written statements pursuant to Subparagraph 120.57(2)(a)2., Florida Statutes, and Subsection (15) of this rule.~~

~~(15) Within fifteen (15) days of receipt of a request for reconsideration, the Division shall render to the applicant, the local government, and the appropriate regional planning agency a written notification granting or denying the request.~~

~~(a) A request for reconsideration of a binding letter shall be granted by the Division if the applicant’s request: alleges and details the Division’s findings of fact which are substantially inaccurate; alleges and details additional material facts not previously considered by the Division; or alleges and details the Division’s conclusions of law which are substantially incorrect. However, the additional material facts offered by the applicant for reconsideration shall not include significant alterations in the plan of development of the project or offsite improvements committed to by the applicant. A significant alteration in the plan of development may be considered through the submittal of a new binding letter application but shall constitute the basis for denial of the request for reconsideration. Offsite improvements will be considered mitigation by the Division and shall constitute the basis for denial of the request for reconsideration. If the request for reconsideration is granted, all additional information or evidence shall be submitted to the Division by the applicant within 90 days of the date the request for reconsideration is~~

received by the Division and shall also be provided to the entities specified in Subsection 9J-2.016(3). Within 45 days after the Division receives written notice from the applicant that all information or evidence to be considered has been submitted, the Division shall issue a final binding letter of interpretation which shall constitute final agency action, subject to Chapter 120, Florida Statute.

(b) If a request for reconsideration is not timely filed with the Division or does not meet the requirements of Paragraph (a), the Division shall deny in writing the request for reconsideration. Denial of a request for reconsideration shall constitute final agency action, subject to Chapter 120, Florida Statutes, regarding the application for a binding letter.

~~(16) Binding Letters of Interpretation, and any reconsiderations thereof, shall be issued by the Division within the periods of time specified by these rules and after any informal proceedings held pursuant to Subsection 120.57(2), Florida Statutes. However, at any time before the initial binding letter is issued, or within 30 days after reconsideration of a binding letter is completed and a final binding letter issued, if the applicant believes the determination involves a disputed issue of material fact which requires a full evidentiary hearing, the applicant may request a formal hearing by filing a petition specifying the disputed material facts, in compliance with Subsection 120.57(1), Florida Statutes, and the Model Rules, Chapter 28-5, Florida Administrative Code.~~

~~(15)(17) Every binding letter issued by the Division determining that a proposed development is not required to undergo DRI review, but not including binding letters of vested rights or of modification of vested rights, shall expire and become void unless the plan of development has been substantially commenced within:~~

(a) Three years from October 1, 1985 for binding letters issued prior to October 1, 1985; or

(b) Three years from the date of issuance of binding letters issued on or after October 1, 1985.

The expiration date of a binding letter shall begin to run after final disposition of all administrative and judicial appeals of the binding letter and may be extended by mutual agreement of the Division, the local government with jurisdiction, and the developer. Comments from the regional planning agency will be solicited by the Division when any request for an extension of the expiration date is made.

~~(16)(18) Rights which have vested pursuant to Paragraph 380.06(20)(a), Florida Statutes, and for which the notification requirements of Paragraph 380.06(20)(a), Florida Statutes, have been met, shall expire and become void after June 30, 1990, unless development of the vested plan has commenced prior to that date upon the property that the Division has determined has acquired vested rights following the notification or in a binding letter of interpretation. When the notification requirements of Paragraph 380.06(20)(a), Florida~~

Statutes, have not been met, vested rights authorized by Paragraph 380.06(20)(a), Florida Statutes, expired June 30, 1986, unless development commenced prior to that date.

~~(17)(19) Copies of the binding letter shall be provided to the applicant, the local government, the regional planning agency, and appropriate state agencies. The Division shall request such governments or agencies to notify the Division of potential violations of Section 380.06, Florida Statutes. In addition, notice of the issuance of a binding letter shall be given to persons who have requested notice. Pursuant to Paragraph 380.06(4)(d), Florida Statutes, Binding Letters of Interpretation issued by the Division shall bind all state, regional and local agencies as well as the developer.~~

Specific Authority 380.032(2)(a), 380.06(23)(a) FS. Law Implemented 120.569, 380.031, 380.032, 380.06(1),(2)(c),(d),(e),(4),(20), 380.0651 FS. History—New 4-12-81, Amended 5-4-83, Formerly 27F-1.16, 9B-16.16, Amended 11-20-90,\_\_\_\_\_.

9J-2.0185 Preliminary Development Agreements.

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

1. A disclosure by the developer and each owner of any parcel of real property which is included in the total proposed development of any interest in any other parcel or development located within 1/2 ~~5~~ miles of any boundary of the total proposed development and a map depicting the location of any parcel or other development in which the developer or any owner has an interest within one mile of any boundary of the total proposed development.

2. A description of any deed or other instrument of conveyance by which the owner or developer acquired a property interest in the total proposed development or parcel within 1/2 ~~5~~ miles of the same, with reference being made to the book and page of any such deed or instrument recorded in the public records.

3. Development plans setting forth number of dwelling units, number of square feet, number of boat slips, total acreage, and other descriptive information regarding the development of each parcel within 1/2 ~~5~~ miles of the total proposed development in which the developer or each owner of the total proposed development has an interest.

4. A legal description of each parcel within 1/2 ~~5~~ miles of the total proposed development in which the developer or each owner of the total proposed development has an interest.

5. Sufficient documentation and information to allow the Division to determine that the lands on which preliminary development is proposed are suitable for such development, including consistency with the State Comprehensive Plan, ~~State Land Development Plan, Strategic Regional Policy Plan regional comprehensive policy plan,~~ and local government comprehensive plan, and that existing resources and existing and planned facilities expected to be affected by the preliminary development will not be materially, adversely impacted.

6. No change.

(2)(e) through (6)(d) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a) FS. Law Implemented 380.032(3), 380.06(8), 380.0651(4) FS. History—New 1-29-86, Amended 7-2-86, 11-20-90, \_\_\_\_\_.

9J-2.021 Preapplication Conferences and Conceptual Agency Review Process.

(1)(a) Before filing an application for development approval, the developer shall contact the regional planning agency with jurisdiction over the proposed development to arrange a preapplication conference. The regional planning agency shall make available to the developer information about the DRI process and the use of preapplication conferences to encourage cooperation and mutually beneficial solutions to problems, identify issues, coordinate appropriate state and local agency requirements, and otherwise promote a proper and efficient review of the proposed development. The information shall include copies of ~~the any Strategic Regional Policy Plans regional issues list adopted pursuant to Subsection 380.06(23), Florida Statutes,~~ and other appropriate material indicating issues of regional significance in the region, or containing regional policies. It shall include material describing planning, permitting or review requirements of state, regional or local agencies that has been obtained by the regional planning agency. Such information shall be made available before or during the preapplication conference.

(b) through (c) No change.

~~(d) When a DRI also requires an environmental impact statement, affected agencies should conduct one or more meetings in coordination with the regional planning agency for the purpose of considering the feasibility of integrating the DRI review process and report with the Environmental Assessment or Environmental Impact Statement review processes and reports.~~

(d)(e) In order to increase the effectiveness of agency participation and to more closely fulfill the intent of the preapplication conference, the applicant shall provide the participants in the preapplication conference with the information identified in Form RPM-BSP-PREAPP INFO-1 at least ten (10) working days before the scheduled preapplication conference, or a longer period if so stipulated by the regional planning agency. At a minimum, this information shall include an identification of the project location relative to any existing urban service areas and regional activity centers, whether a local comprehensive plan amendment will be required, the type and magnitude of land uses, preliminary site and environmental information, preliminary phasing and buildout dates of the projects, and specific methodology proposals. If this information is not made available within the allotted time prior to the preapplication conference, the conference will be rescheduled.

~~(f) In order to increase the effectiveness of developer and agency participation in the preapplication conference, in 1983 and every three years thereafter, the Department, as the state land planning agency, shall request state and regional agencies which participate in DRI or binding letter application reviews to prepare brief descriptions of their programs, responsibilities and policies that may substantially affect proposed DRIs during planning or permitting reviews. Such descriptions may include goals and objectives, review criteria, procedures, information requirements, jurisdiction, rule or statute numbers, addresses, contact names, and other information considered useful to applicants entering the DRI review process. The Department shall work closely with agencies to ensure that the descriptions are reasonably uniform. Upon completion of the descriptions, as determined by the Department, copies shall be provided to regional planning agencies for use in preapplication conference proceedings.~~

~~(e)(g) As a part of the preapplication conference, the regional planning agency shall state the objectives to be achieved in the proceedings, help distinguish between DRI application and state or regional permit reviews, provide information about any local government review procedures that may apply, provide opportunities for the developer and affected agencies to obtain and comment on information of significance to the project, provide information about state land planning agency rules, the State Comprehensive Plan, State Land Development Plan, and the Strategic Regional Policy Plan Comprehensive Regional Policy Plan, and regional issues pursuant to Chapter 9B-20, Florida Administrative Code, and seek to promote expeditious and well-coordinated processing of DRI applications.~~

~~(f)(h) Within 35 days following the preapplication conference, the regional planning agency shall document the findings and agreements made by the participants, including a summary of all assumptions and methodologies agreed upon at the conference. This documentation shall be provided to all participants at the preapplication conference and regional and state agencies involved in the DRI review, who shall have a time period specified by the regional planning agency, but not less than 14 days, to comment, agree, or disagree in writing with the summary. After agreement has been reached regarding assumptions and methodologies, reviewing agencies may not subsequently object to the assumptions and methodologies, unless subsequent changes to the project or information obtained during the review make those assumptions and methodologies inappropriate. If agreement cannot be reached, then the regional planning agency may designate an assumption or methodology to be used, but reviewing agencies are not bound by such assumption or methodology in their reviews.~~

~~(g)(i) Pursuant to Paragraph 380.06(7)(b), Florida Statutes, each regional planning agency shall establish by rule a preapplication procedure by which a develop may enter into~~



binding written agreements with the regional planning agency to eliminate questions from the application for development approval where those questions are found to be unnecessary for DRI review. Elimination of questions shall be consistent with the stated legislative intent contained in Subsection 380.06(7), Florida Statutes, and shall not preclude consideration of, recommendations regarding, or appeal on those issue areas. Any reference to State Comprehensive Plan goals and policies in the application is intended to provide guidance to the applicant as to general applicability of, and consistency with, the State Comprehensive Plan. Such references are not exclusionary or limiting in any way. The elimination of questions in the application for development approval does not eliminate the applicability of any State Comprehensive Plan goal or policy to the proposed development. Consistency of the proposed plan of development with a local comprehensive plan should be a factor taken into consideration when agreeing to the elimination of certain questions from the application for development approval.

(2) through (3) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a) FS. Law Implemented 380.06(7),(9),(23) FS. History—New 5-4-83, Formerly 9B-16.21, Amended 11-20-90, \_\_\_\_\_.

9J-2.022 Filing the Application for Development Approval.

(1) through (3)(b) No change.

(c) If the regional planning agency determines that the application is insufficient to begin review, the regional planning agency shall provide written notice by regular mail or hand delivery to the appropriate local government and the applicant within 30 days of receipt of the application stating that the application contains insufficient information for the regional planning agency to discharge its responsibilities under Subsection 380.06(12), Florida Statutes, and requesting additional information. Comments and questions not referenced or included within the written notice and rendered to the applicant after the regional planning agency's 30-day review period has expired may not be used as the basis for additional sufficiency questions and may be answered at the applicant's discretion. Within five working days of the receipt of the statement the applicant shall provide written notice to the local government and the regional planning agency that the requested information will be supplied, or will not be supplied, in whole or in part. Within 30 days after receipt of the requested information, the regional planning agency shall review it and may only request any additional information needed to clarify the information received or to answer new questions raised by, or directly related to, the information received. The regional planning agency may request additional information no more than twice, unless the developer waives this limitation. If the applicant does not provide information requested by the regional planning agency within 120 days of the regional planning agency's request, or within a time agreed

upon by the applicant and the regional planning agency, the application shall be considered withdrawn. The applicant may request that the regional planning agency arrange a conference with the appropriate reviewing agencies after the applicant has received the second request for additional information from the regional planning agency and prior to the submission by the applicant of information in response to that request. The purpose of such a conference is to resolve any reviewing agency's informational needs ~~in an effort to eliminate a third request for additional information.~~

~~(c)(d)~~ When the regional planning agency determines that the application is sufficient to begin review or receives notification from the applicant that additional information requested will not be supplied, the regional planning agency shall provide written notice within ten (10) days to the appropriate local government pursuant to Subsection 380.06(10)(c), Florida Statutes, stating that the application contains sufficient information for the regional planning agency to begin review pursuant to the criteria of Subsection 380.06(12), Florida Statutes, or that no additional information will be provided by the applicant, and that a public hearing date may be set. Notice of such determination shall also be provided to all reviewing agencies.

~~(d)(e)~~ The regional planning agency shall keep all affected agencies informed of the progress of the DRI review process and otherwise coordinate reviews of DRIs.

1. through 2. No change.

Specific Authority 380.032(2)(a), 380.06(23)(a) FS. Law Implemented 380.06(5)-(7),(9),(10),(21),(22),(25), 380.061 FS. History—New 7-7-76, Amended 5-4-83, Formerly 27F-1.20, 9B-16.22, Amended 11-20-90, \_\_\_\_\_.

9J-2.023 The Public Hearing.

Specific Authority 380.032(2)(a), 380.06(23)(a) FS. Law Implemented 380.06(11) FS. History—New 7-7-76, Amended 5-4-83, Formerly 27F-1.21, 9B-16.23, Amended 11-20-90, Repealed.

9J-2.024 Regional Report and Recommendations.

(1) Upon receipt of the notice of public hearing issued pursuant to Subsection 380.06(11), Florida Statutes, the appropriate regional planning agency shall prepare a report and recommendations on the regional impact of the proposed development in accordance with the criteria identified in Subsection 380.06(12), Florida Statutes. In preparing the regional report, the regional planning agency shall identify and make recommendations on regional issues. ~~Lists of R~~regional issues to be used in reviewing DRI applications are included in the applicable local government comprehensive plans, the Development of Regional Impact Uniform Standards Rule, the State Comprehensive Plan, and Sections 380.06(12)(a)1., 2., and 3., Chapter 9B-20, Florida Administrative Code, pursuant to Paragraph 380.06(22)(b), Florida Statutes. In addition, Strategic Regional Policy Plans comprehensive regional policy plans adopted by regional planning councils pursuant to Sections 186.507 and .508, Florida Statutes, are a long-range

policy guide for the development of the region and shall be used as the basis for regional review of DRIs. ~~The list of regional issues identifies regional resources, facilities, and other issues of importance within the region that may be pertinent in a review of a DRI, whereas comprehensive regional policy plans contain policy guidelines for decisions on such issues.~~ The regional planning agency may also identify and make recommendations on other local issues. However, local issues shall not be grounds for or be included as issues in a regional planning agency recommendation for appeal of a local government development order.

(2) through (5) No change.

(6)(a) When the proposed DRI lies within the review jurisdiction of two or more regional planning agencies, the regional planning agencies should designate a lead agency from among themselves. ~~If they are unable to reach a decision, then the Division may designate a lead agency.~~ The regional planning agencies should discuss and determine the method for handling procedural matters involved in the review of the DRI, who will assume responsibility for determining the sufficiency of information contained in the application for development approval, and how the regional report and recommendations will be prepared. To the extent possible, a single joint report and recommendations should be prepared.

(b) through (c) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a),(b) FS. Law Implemented 380.06(12) FS. History—New 7-7-76, Amended 5-4-83, Formerly 27F-1.22, 9B-16.24, Amended 11-20-90,\_\_\_\_\_.

9J-2.025 Local Government Development Orders.

(1) through (11)(b) No change.

(c) Pursuant to Subparagraph 380.06(19)(f)~~43~~, Florida Statutes, the Division ~~or and~~ the appropriate regional planning agency shall review the proposed change, and ~~either may, in its discretion and~~ within 45 ~~30~~ days of submittal of Form RPM-BSP-PROPCHANGE-1, unless that time is extended by the developer, shall advise notify the local government in writing whether it objects to the proposed change, shall specify the reasons for its objection, if any, and shall provide a copy to the developer of its intent to participate at the public hearing.

(d) through (f) No change.

Specific Authority 380.032(2)(a), 380.06(19)(f)L,(23)(a) FS. Law Implemented 380.06(5)(a)L,(13),(14),(15),(17),(18),(19), 380.07(2) FS. History—New 7-7-76, Amended 5-4-83, 7-7-85, Formerly 22F-1.23, 27F-1.23, 9B-16.25, 9J-2.25, Amended 11-20-90,\_\_\_\_\_.

9J-2.0251 Abandonment of Development Orders.

(1) through (4)(a) No change.

~~(b) In such cases the local government shall issue a resolution affirming the continued effectiveness of the existing development order.~~

(5) through (6)(b) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a),(26) FS. Law Implemented 380.06(2),(26) FS. History—New 3-10-91, Amended \_\_\_\_\_.

9J-2.0252 Development of Regional Impact Review Fee Rule.

(1) through (2) No change.

(3) Allowable Charges

(a) The applicant shall be liable to the regional planning agency for 100% of the actual costs, both direct and indirect, of coordinating or reviewing an application for development approval, an application for development approval of a substantial deviation, an application for development designation, or an application for development designation of a substantial change. ~~The regional planning agency shall keep accurate records of the actual costs associated with coordinating and reviewing the project and shall charge the project's account in the same manner as all other regional planning agency accounts are charged. Such records shall be reasonably itemized and reflect generally acceptable accounting procedures and practices which sufficiently and properly reflect expenditure of funds. Such records shall be made available to the applicant during regular business hours with reasonable notice to the regional planning agency. All costs, direct and indirect, associated with the coordination of the preapplication conference and issue methodology meetings up through the review of the final development order shall be charged to the project's account or cost center.~~ Costs associated with an appeal filed pursuant to Section 380.07, F.S., shall not be charged to an applicant.

(b) through (c) No change.

(d) Upon completion of the review process, if the actual costs exceed the total amount deposited in the project's account or cost center, but are less than \$75,000, the regional planning agency shall bill the applicant within 90 days. The applicant shall pay the amount due to the regional planning agency within 30 days after receipt of the bill. Any dispute regarding expenses included in a final bill which is less than \$75,000 shall be submitted directly to the regional planning agency and handled by that agency in the same manner as other types of expense disputes. Upon completion of the review process, if the actual costs exceed the total amount deposited in the project's account or cost center, but are greater than \$75,000, the regional planning agency shall bill the applicant within 90 days. ~~The applicant shall pay the amount due, less any disputed expenses, to the regional planning agency within 30 days of receipt of the bill.~~ If the applicant disputes any of the expenses included in a final bill which exceeds \$75,000, the applicant shall notify the Department and the regional planning agency within 15 days of receipt of the bill in accordance with subsection (4) below.

(4) No change.

(a) through (b) No change.

(5) REFUNDS. If the applicant's deposit exceeds the final fee total, any remaining balance shall be refunded to the applicant within sixty days of the final charge to the project's account or cost center. Should the applicant notify the regional

planning agency, in writing, at any time during the review process that he wishes to withdraw the application and discontinue the review process, the regional planning agency shall, within 60 days, refund to the applicant any remaining balance in the project's account or cost center, excluding the non-refundable \$5,000 deposit, after deducting all costs incurred prior to receipt of written notification of withdrawal of the application. ~~Failure to make any applicable refunds within sixty days shall require the regional planning agency to pay a one percent per month interest charge.~~

(6) No change.

~~(7) LATE CHARGES. Fees not remitted within 30 days of receipt of the final bill of the regional planning agency, or within 15 days of receipt of the Department of Community Affairs' determination regarding any disputed expenses, shall accrue a one percent per month interest charge.~~

~~(7)(8)~~ APPLICABILITY AND EFFECTIVE DATE. This rule shall be effective on 11-14-90, and shall supercede any existing regional planning agency rules pertaining to development of regional impact review fees. This rule shall apply to all projects for which an application for development approval or development designation has not yet been filed and to all projects for which a development order has been rendered but for which a substantial deviation determination, a substantial change determination, an application for development approval of a substantial deviation, an application for development designation of a substantial change or a supplemental plan or review request is not already in the review process as of 11-14-90. If a preapplication conference or issue methodology meeting has been held and review fees have been paid pursuant to an adopted regional planning agency rule prior to 11-14-90, such fees shall be converted to a project account or cost center pursuant to this rule and credited towards the deposit required pursuant to subsection (2).

Specific Authority 380.032(2)(a), 380.06(23)(a),(d) FS. Law Implemented 380.06(23)(d) FS. History—New 11-14-90, Amended \_\_\_\_\_.

9J-2.0256 Hurricane Preparedness Policy Rule.

(1) through (2) No change.

(a) "Strategic Comprehensive regional policy plan" means those plans developed according to Section 186.507, Florida Statutes, and adopted pursuant to Section 186.508, Florida Statutes.

(b) through (f) No change.

(g) "Inland shelter study" or "inland shelter plan" means the studies produced by the Department and the state's regional planning councils which detail regional public hurricane shelter availability according to various simulated regional hurricane events. The following studies are incorporated by reference:

~~Central Florida Regional Hurricane Shelter Plan Study Update, 1989;~~

East Central Florida Inland Shelter Plan (1989);

~~North Central Florida Regional Hurricane Shelter Study (1984); and the Withlacoochee Inland Hurricane Shelter Study Phase II (1984).~~

These studies are available at the respective regional planning councils.

(h) through (j) No change.

(k) "Local Comprehensive Emergency Management Plan Peacetime emergency plan" means those plans developed by a county according to the provisions of Rules 9G-6 and 9G-7, Florida Administrative Code, under the authority provided in Section ~~252.3835~~, Florida Statutes.

(l) through (m) No change.

(n) "Regional hurricane evacuation study" or "regional hurricane evacuation plan" means the studies produced by the Department, the state's regional planning councils, the U.S. Army Corps of Engineers, or the Federal Emergency Management Agency, which detail regional hurricane evacuation clearance times and public hurricane shelter availability according to various simulated regional hurricane events. The following studies are incorporated by reference:

Central Florida Regional Hurricane Evacuation Study Update, 1995, Central Florida Regional Planning Council;

South Florida Regional Hurricane Evacuation Study, 1996, South Florida Regional Planning Council;

~~Treasure Coast Region Hurricane Evacuation Study Update, 199488;~~ U.S. Army Corps of Engineers;

Hurricane Evacuation Study, Southwest Florida, Update, 199587, Southwest Florida Regional Planning Council;

East Central Florida Regional Hurricane Evacuation Study Update, 1989 2000, East Central Florida Regional Planning Council;

~~Lower Southeast Florida Hurricane Evacuation Study (1983);~~

~~North Central Florida Hurricane Evacuation Study (1985);~~

~~Northeast Florida Hurricane Evacuation Study 1988 Update,~~ 1998, Northeast Florida Regional Planning Council;

~~1988 Tampa Bay Region Hurricane Evacuation Study, 2000,~~ Tampa Bay Regional Planning Council;

~~Tri State Hurricane Evacuation Study (1986) Northwest Florida Hurricane Evacuation Study, 1999, U.S. Army Corps of Engineers;~~

Cedar Key Basin Hurricane Evacuation Study, 1996, U.S. Army Corps of Engineers, (applicable to Withlacoochee and North Central Florida regions) Withlacoochee Hurricane Evacuation Study, Technical Data Report Update;

and the Apalachee Bay Region 1984 Hurricane Evacuation Study Plan, 1997, U.S. Army Corps of Engineers Apalachee Regional Planning Council.

These studies are available at the respective regional planning councils.

(o) through (5)(b)2. No change.

3. Provision of roadway capacity improvements committed to by the developer above and beyond the improvements required by Rule 9J-2.045255, Florida Administrative Code, when those regional roadways anticipated to be impacted by the proposed development are also identified hurricane evacuation routes. Such provisions shall be consistent with adopted state, regional, and local infrastructure policies.

4. through (6) No change.

(7) Construction of Rule. The rule shall not be construed to limit the ability of the regional planning councils or local governments to adopt more stringent mitigative measures than those delineated in this rule.

Specific Authority 380.032(2)(a), 380.06(23)(a),(c)1. FS. Law Implemented 380.06, 380.06(23)(b) FS. History--New 11-30-88, Amended 7-11-90, \_\_\_\_\_.

9J-2.0257 Special Hurricane Preparedness Districts for Developments of Regional Impact.

(1) through (4) No change.

(5) Designation of Southwest Florida as a Special Hurricane Preparedness District for Developments of Regional Impact. Based on a written request supported by data and information received from the Southwest Florida Regional Planning Council, the Department designates the area contained within the category three hurricane flood zone as identified in the Hurricane Evacuation Study Update, 1995 1987 Southwest Florida Regional Planning Council within the counties of Sarasota, Charlotte, Lee, and Collier as a special hurricane preparedness district for developments of regional impact. More specifically, the area that is designated as a special hurricane preparedness district for developments of regional impact is that portion of Southwest Florida that lies outside of areas subject to the impacts of a category two storm but within the area anticipated to be impacted by a category three hurricane as identified in the Hurricane Evacuation Study Update, 1995 1987 Southwest Florida Regional Planning Council. The Department's designation is based on the following facts regarding the coastal counties of Southwest Florida:

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

Specific Authority 380.032(2)(a), 380.06(23)(a),(b),(c)1. FS. Law Implemented 380.06, 380.06(23)(b) FS. History--New 11-30-88, Amended 7-11-90, \_\_\_\_\_.

9J-2.026 Appeals.

Specific Authority 380.032(2), 380.06(23) FS. Law Implemented 380.032(2), 380.06(19)(f), 380.07(2) FS. History--New 5-4-83, Formerly 9B-16.26, Amended 11-20-90, Repealed \_\_\_\_\_.

9J-2.0275 Aggregation Rule.

(1) through (2) No change.

(a) "Physically proximate" means that any portion of two or more developments is located:

1. No more than one-fourth (1/4) mile apart in areas designated as urbanized areas in the latest decennial census, as revised, by the 1980 U.S. Department of Commerce, Bureau of Census publication, Census of Population and Housing Block Statistics (PHC80-1) maps, Report No. 11 for the State of Florida, incorporated herein by reference. [This information These maps may be obtained from the U.S. Department of Commerce or viewed at the appropriate Regional Planning Council offices]; or

2. No more than one-half (1/2) mile apart in areas that are not designated as urbanized areas by the Census Bureau in the 1980 PHC80-1 maps. When any portion of the two or more developments is located within an area not designated as urbanized, the criteria in Subparagraph (2)(a)2. shall apply. Notwithstanding anything in this rule to the contrary, two or more developments will be considered physically proximate when they are separated by property contiguous to the developments that are owned or controlled by the same person or entity who owns or controls a significant legal or equitable interest in those developments sought to be aggregated, so long as the distance between the developments does not exceed two miles.

(b) through (4) No change.

(a) Request a binding determination from the Division of Community Resource Planning and Management. The developer shall submit his application for a binding letter of interpretation by completing and filing part I of Form RPM-BSP-BLID-1 BLWM-01-83, incorporated herein by reference, effective May 4, 1983 (Development of Regional Impact Status) along with supporting documentation sufficient to determine the applicability of Subsection 380.0651(4), Florida Statutes to the particular projects, with the Division Bureau of State Planning. This form may be obtained upon request to any regional planning agency or to:

Division of Community Resource Planning and Management Bureau of State Planning

2555 Shumard Oak Boulevard 2740 Centerview Drive

Tallahassee, Florida, 32399-2100;

or

(b) Request an informal determination in the form of a clearance letter by submitting a written request along with supporting documentation sufficient to determine the applicability of Subsection 380.0651(4), Florida Statutes, with the Division of Community Resource Planning and Management, Bureau of State Planning. The Division shall, if it feels the issue is debatable, decline to issue a clearance letter.

Specific Authority 380.032(2)(a), 380.06(23)(a), 380.0651(4)(f) FS. Law Implemented 380.0651(4) FS. History--New 2-2-89, Amended \_\_\_\_\_.

9J-2.028 Master Development Approval Alternative Review Procedure.

(1) through (5) No change.

Specific Authority 380.032(2)(a), 380.06(21)(c),(23)(a) FS. Law Implemented 380.06(21) FS. History--New 7-7-76, Amended 5-4-83, Formerly 27F-1.24, 9B-16.28, Amended 11-20-90, \_\_\_\_\_.

9J-2.040 The Application of State, Regional and Local Plans in DRI Uniform Standard Rules.

(1) through (a) No change.

(b) Sections 186.002, 186.007, 186.009, ~~and 186.021, 187.101, 380.031, and 380.07~~, Florida Statutes, establish the State Comprehensive Plan ~~and the State Land Development Plan~~ as the long-range, state land development policy guides to be considered in the DRI review process, pursuant to Subsections 380.06(3), (4), (12), (13), (14), (15), (25), and 380.065(3), Florida Statutes.

(c) Sections 186.503, 186.505, 186.507, and 380.07, Florida Statutes, establish the ~~Comprehensive Regional Policy Plan, until adoption of the~~ Strategic Regional Policy Plan as the long-range, regional land development policy guide to be considered in the DRI review process, pursuant to Subsections 380.06(3), (12), (13), (14), (15), (25), and 380.065(3), Florida Statutes.

(d) No change.

~~(e) It is the intent of the Department to set forth in this rule the manner in which the applicable state, regional and local plans will be utilized to implement the provisions of Section 380.021, Paragraphs 380.06(4)(a), (b), (d), (e), and (f), Subparagraph 380.06(8)(a)11., Subparagraphs 380.06(12)(a)1. and 2., Subsection 380.06(13), Paragraphs 380.06(14)(a), (e) and (d), Paragraph 380.06(15)(e), (d) and (e), Subsection 380.06(16), Paragraph 380.06(19)(a), Paragraphs 380.06(19)(e) and (e), Subparagraph 380.06(19)(f)6., Paragraphs 380.06(19)(g) and (h), Subsection 380.06(21), Subsection 380.06(22), Subsection 380.06(25), Subsection 380.06(26), Paragraph 380.06(27)(d), Paragraphs 380.065(3)(b) and (c), and Section 380.07, Florida Statutes.~~

~~(e)(f)~~ The statutory authority to promulgate and establish this rule is derived from Subsections 380.032(2) and 380.06(23), Florida Statutes.

(2) No change.

(a) No change.

(b) "Applicable Regional Plan" means the Regional Planning Council's adopted ~~Comprehensive Regional Policy Plan prior to the adoption of a~~ Strategic Regional Policy Plan pursuant to Section 186.508, F.S., ~~and thereafter means an adopted Strategic Regional Policy Plan.~~

(c) "Applicable State Plan" means the State Comprehensive Plan ~~and the State Land Development Plan.~~

(d) through (3) No change.

(a) A resource or facility specific DRI Uniform Standard rule shall be utilized in development reviews wherever a rule explicitly establishes the planning standards to be utilized for a specific regional or state significant facility or resource issue. For the purposes of this rule, Rule 9J-2.0256 (Hurricane

Preparedness Policy Rule) and 9J-2.0257 (Special Hurricane Preparedness Districts for Developments of Regional Impact) shall be considered as DRI Uniform Standard rules.

~~1. For the purposes of this rule, Rules 9J-2.0256 (Hurricane Preparedness Policy Rule) and 9J-2.0257 (Special Hurricane Preparedness Districts for Developments of Regional Impact) shall be considered as DRI Uniform Standard rules until superceded by a Hurricane Preparedness Uniform Standard Rule adopted into Part III of 9J-2, Florida Administrative Code.~~

~~2. Upon the adoption of Rule 9J-2.045 (Transportation Uniform Standard Rule), the applicable provisions of existing Rule 9J-2.0255 (Transportation Policy Rule) shall remain available as a mitigation option for minor transportation development impacts created by a non-substantial deviation change to a DRI project whose original ADA was submitted and authorized after January 20, 1987, and prior to the effective date of Rule 9J-2.045, as long as the resulting amended development order is consistent with the applicable local government comprehensive plan.~~

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

Specific Authority 380.032(2)(a), 380.06(23)(a),(c)1. FS. Law Implemented 380.021, 380.06, ~~380.06(23)(b),(c)1.~~, 380.065, 380.07 FS. History--New 3-23-94, Amended \_\_\_\_\_.

9J-2.043 Archaeological and Historical Resources Uniform Standard Rule.

(1) No change.

(a) The Legislature established Chapter 380, Florida Statutes, to facilitate orderly and well-planned development, and to protect the quality of life of the residents of Florida, by authorizing the state land planning agency to establish land management policies to guide local decisions relating to growth and development. Sections 186.002, 186.007, 186.009, ~~and 186.021, 187.101, 380.031, and 380.07~~, Florida Statutes, establish the State Comprehensive Plan ~~and the State Land Development Plan~~ as the long-range, state land development policy guides to be considered in the DRI review process in order to ensure orderly growth in Florida, pursuant to Subsections 380.06(3), (4), (12), (13), (14), (15), (25), and 380.065(3), Florida Statutes.

(b) Consistent with the land management policies delineated in the State Comprehensive Plan ~~and the State Land Development Plan~~, it is the intent of the Department to set forth in this rule ~~the~~ specific archaeological and historical site or property DRI review guideline standards and criteria ~~to be~~ utilized to implement the provisions of Section 380.021, Paragraphs 380.06(4)(a), (b), (d), (e), and (f), Subparagraph 380.06(8)(a)11., Subparagraphs 380.06(12)(a)1. and 2., Subsection 380.06(13), Paragraphs 380.06(14)(a), (e) and (d), Paragraph 380.06(15)(e), Paragraphs 380.06(19)(a) and (e), Paragraph 380.06(19)(b)16., Subparagraph 380.06(19)(f)6., Paragraphs 380.06(19)(g) and (h), Subsection 380.06(21),

~~Subsection 380.06(22), Subsection 380.06(25), Subsection 380.06(26), Paragraph 380.06(27)(d), Paragraphs 380.065(3)(b) and (c), and Section 380.07, Florida Statutes.~~

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

(d) "Applicable Regional Plan" means the Regional Planning Council's adopted ~~comprehensive Regional Policy Plan prior to the adoption of a~~ Strategic Regional Policy Plan pursuant to Section 186.508, F.S., ~~and thereafter means an adopted Strategic Regional Policy Plan.~~

(e) "Applicable State Plan" means the State Comprehensive Plan ~~and the State Land Development Plan.~~

(f) through (11) No change.

Specific Authority ~~380.032(2)(a), 380.06(23)(a),(c)1, FS. Law Implemented 380.021, 380.06, 380.065, 380.07 FS. History—New 3-23-94, Amended~~

9J-2.044 Hazardous Material Usage, Potable Water, Wastewater, and Solid Waste Facilities Uniform Standard Rule.

(1) No change.

(a) The Legislature established Chapter 380, Florida Statutes, to protect the natural resources and environment of Florida, facilitate orderly and well-planned development, optimize the utilization of limited water resources, and protect the health, welfare, safety and quality of life of residents of Florida, by authorizing the state land planning agency to establish land and water management policies to guide local decisions relating to growth and development. Sections 186.002, 186.007, 186.009, ~~186.021, and~~ 187.101, ~~380.031, and 380.07,~~ Florida Statutes, establish the State Comprehensive Plan ~~and the State Land Development Plan~~ as the long-range, state land development policy guides to be considered in the DRI review process in order to ensure orderly growth in Florida, pursuant to Subsections 380.06(3), (4), (12), (13), (14), (15), (25), and 380.065(3), Florida Statutes.

(b) Consistent with the land and water management policies delineated in the State Comprehensive Plan ~~and the State Land Development Plan~~, it is the intent of the Department to set forth in this rule ~~the~~ specific hazardous material usage and potable water, wastewater and solid waste facility DRI review guideline standards and criteria ~~to be utilized to implement the provisions of Section 380.021, Paragraphs 380.06(4)(a), (b), (d), (e), and (f), Subparagraph 380.06(8)(a)11., Subparagraphs 380.06(12)(a)1. and 2., Subsection 380.06(13), Paragraphs 380.06(14)(a), (c) and (d), Paragraph 380.06(15)(c), (d) and (e), Subsection 380.06(16), Paragraph 380.06(19)(a), Paragraphs 380.06(19)(c) and (e), Subparagraph 380.06(19)(f)6., Paragraphs 380.06(19)(g) and (h), Subsection 380.06(21), Subsection 380.06(22), Subsection 380.06(25), Subsection 380.06(26), Paragraph 380.06(27)(d), Paragraphs 380.065(3)(b) and (c), and Section 380.07, Florida Statutes.~~

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

(b) "Applicable Regional Plan" means the Regional Planning Council's adopted ~~Comprehensive Regional Policy Plan prior to the adoption of a~~ Strategic Regional Policy Plan pursuant to Section 186.508, F.S., ~~and thereafter means an adopted Strategic Regional Policy Plan.~~

(c) "Applicable State Plan" means the State Comprehensive Plan ~~and the State Land Development Plan.~~

(d) "Consolidated Chemical List" means the list of chemicals in the United States Environmental Protection Agency (EPA) Publication Title III List of Lists (EPA 550-B-98-017 560/92-011), ~~as amended by 40 CFR Part 355, 40CFR Part 302, and 40 CFR Part 372.~~

(e) through (6)(c)1.a.(I) No change.

~~(H) A local government commitment in the current year of their local government comprehensive plan Capital Improvement Element (CIE) to provide all needed potable water facility improvements, or a local government commitment in the current three years of their CIE to provide all needed potable water facilities when the local government has specifically adopted an in compliance Rule 9J-5.0055(2)(c), F.A.C., concurrency management system in their plan; or~~

~~(II)(HH) A binding and enforceable commitment or legal agreement in the development order by the developer or third party to provide all needed potable water facility improvements concurrently with the development schedule approved in the development order; or~~

~~(III)(IV) Any combination of guarantees (I) through thru (II)(HH) above that ensures that all needed potable water facility improvements will be provided concurrently with the development schedule approved in the development order.~~

b. A provision which states that on no less than an annual basis the status of the guaranteed improvements shall be assessed and reported in the required annual status report, and the local government shall cause further issuance of building permits to cease immediately at the time the annual monitoring reveals that any needed potable water facility improvements guaranteed by development commitments 1.a.(I) ~~through thru~~ 1.a.(~~III~~)(~~IV~~) above is no longer scheduled or guaranteed, has been delayed in schedule such that it is no longer consistent with the timing criteria of Sub-subparagraph 1.a. above, or is no longer being constructed and remains unoperational, unless the applicant is able to unequivocally demonstrate as part of the annual status report that the needed potable water supply is either existing or is permitted and ensured to be supplied both to all existing permitted project development and to all project development likely to be permitted during the next year. The periodic assessment contemplated by this rule is a review of the actual status of guaranteed improvements scheduled for construction and operation. A change to the approved development schedule for the project, as opposed to a change

to the schedule of needed improvements, will need to be addressed through the notification of proposed change provisions of Subsection 380.06(19), F.S.

c. through (7)(c)1.a.(I) No change.

~~(H) A local government commitment in the current year of their local government comprehensive plan Capital Improvement Element (CIE) to provide all needed wastewater facility improvements, or a local government commitment in the current three years of their CIE to provide all needed wastewater facilities when the local government has specifically adopted an in-compliance Rule 9J-5.0055(2)(e), F.A.C., concurrency management system in their plan; or~~

~~(II)(HH) A binding and enforceable commitment in the development order by the developer or a third party to provide all needed wastewater facility improvements concurrently with the development schedule approved in the development order; or~~

~~(III)(IV) Any combination of guarantees (I) through thru (II)(HH) above that ensures that all needed wastewater facility improvements will be provided concurrently with the development schedule approved in the development order.~~

b. A provision which states that on no less than an annual basis the status of the guaranteed improvements shall be assessed and reported in the required annual status report, and local government shall cause further issuance of building permits to cease immediately at the time the annual monitoring reveals that any needed wastewater facility improvements guaranteed by development commitments 1.a.(I) ~~through thru~~ 1.a.~~(III)(IV)~~ above is no longer scheduled or guaranteed, has been delayed in schedule such that it is no longer consistent with the timing criteria of Sub-subparagraph 1.a. above, or is no longer being constructed but remains unoperational, unless the applicant is able to unequivocally demonstrate as part of the annual status report that the needed wastewater supply is either existing or is permitted and ensured to be supplied both to all existing permitted project development and to all project development likely to be permitted during the next year. The periodic assessment contemplated by this rule is a review of the actual status of guaranteed improvements scheduled for construction and operation. A change to the approved development schedule for the project, as opposed to a change to the schedule of needed improvements, will need to be addressed through the notification of proposed change provisions of Subsection 380.06(19), F.S.

c. through (8)(c)1.a.(I) No change.

~~(H) A local government commitment in the current year of their local government comprehensive plan Capital Improvement Element (CIE) to provide all needed facility improvements, or a local government commitment in the current three years of their CIE to provide all needed solid waste facilities when the local government has specifically adopted an in-compliance Rule 9J-5.0055(2)(e), F.A.C., concurrency management system in their plan; or~~

~~(II)(HH) A binding and enforceable commitment in the development order by the developer or a third party to provide all needed solid waste facility improvements concurrently with the development schedule approved in the development order; or~~

~~(III)(IV) Any combination of guarantees (I) through thru (II)(HH) above, or other regional or jurisdiction-wide solid waste capacity initiative guarantees, that ensures that all needed solid waste facility improvements will be provided concurrently with the development schedule approved in the development order.~~

b. A provision which states that on no less than an annual basis the status of the guaranteed improvements shall be assessed and reported in the required annual status report, and local government shall cause further issuance of building permits to cease immediately at the time the annual monitoring reveals that any needed facility improvements guaranteed by development commitments 1.a.(I) ~~through thru~~ 1.a.~~(III)(IV)~~ above is no longer scheduled or guaranteed, has been delayed in schedule such that it is no longer consistent with the timing criteria of Sub-subparagraph 1.a. above, or is no longer being constructed but remains unoperational, unless the applicant is able to unequivocally demonstrate as part of the annual status report that the needed solid waste capacity is either existing or is permitted and ensured to be supplied both to all existing permitted project development and to all project development likely to be permitted during the next year. The periodic assessment contemplated by this rule is a review of the actual status of guaranteed improvements scheduled for construction and operation. A change to the approved development schedule for the project, as opposed to a change to the schedule of needed improvements, will need to be addressed through the notification of proposed change provisions of Subsection 380.06(19), F.S.

b. through (10) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a),(c)1, FS. Law Implemented 380.021, 380.06, 380.065, 380.07 FS. History—New 4-25-94, Amended

9J-2.045 Transportation Uniform Standard Rule.

(1) No change.

(a) The Legislature established Chapter 380, Florida Statutes, to facilitate orderly and well-planned development, by authorizing the state land planning agency to establish land management policies to guide local decisions relating to growth and development. Sections 186.002, 186.007, 186.009, ~~and 186.021~~, 187.101, ~~380.031, and 380.07~~, Florida Statutes, establish the State Comprehensive Plan ~~and the State Land Development Plan~~ as the long-range, state land development policy guides to be considered in the DRI review process in order to ensure orderly growth in Florida, pursuant to Subsections 380.06(3), (4), (12), (13), (14), (15), (25), and 380.065(3), Florida Statutes.

(b) Consistent with the land management policies delineated in the State Comprehensive Plan ~~and the State Land Development Plan~~, it is the intent of the Department to set forth in this rule ~~the~~ specific transportation facility DRI review guideline standards and criteria ~~to be utilized to implement the provisions of Section 380.021, Paragraphs 380.06(4)(a), (b), (d), (e), and (f), Subparagraph 380.06(8)(a)11., Subparagraphs 380.06(12)(a)1. and 2., Subsection 380.06(13), Paragraphs 380.06(14)(a), (c) and (d), Paragraph 380.06(15)(e), (d) and (e), Subsection 380.06(16), Paragraph 380.06(19)(a), Subparagraph 380.06(19)(b)15., Paragraphs 380.06(19)(e) and (e), Subparagraph 380.06(19)(f)6., Paragraphs 380.06(19)(g) and (h), Subsection 380.06(21), Subsection 380.06(22), Paragraph 380.06(24)(f), Subsection 380.06(25), Subsection 380.06(26), Paragraph 380.06(27)(d), Subparagraph 380.061(3)(a)6., Paragraphs 380.065(3)(b) and (e), and Section 380.07, Florida Statutes.~~

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

(b) "Applicable Regional Plan" means the Regional Planning Council's adopted ~~Comprehensive Regional Policy Plan prior to the adoption of a~~ Strategic Regional Policy Plan pursuant to Section 186.508, F.S., ~~and thereafter means an adopted Strategic Regional Policy Plan.~~

(c) "Applicable State Plan" means the State Comprehensive Plan ~~and the State Land Development Plan.~~

(d) through (7)(a)1.a.(II) No change.

(III) A local government commitment in the current year of their local government comprehensive plan Capital Improvement Element (CIE) to provide all needed roadway improvements, or a local government commitment in the current three years of their CIE to provide all needed roadway improvements when the local government has specifically adopted an in-compliance Rule 9J-5.0055(3)(2)(c), F.A.C., concurrency management system in their plan; or

(IV) through (9) No change.

Specific Authority ~~380.032(2)(a), 380.06(23)(a),(c)1.~~ FS. Law Implemented 380.021, 380.06, 380.061, 380.065, 380.07 FS. History–New 3-23-94, Amended

9J-2.046 Air Quality Uniform Standard Rule.

(1) No change.

(a) The Legislature established Chapter 380, Florida Statutes, to protect the natural resources and environment of this state and to protect the health, welfare, safety and quality of life of its citizens, by authorizing the state land planning agency to establish land management policies to guide local decisions relating to growth and development. Sections 186.002, 186.007, 186.009, and 186.021, 187.101, ~~380.031, and 380.07~~, Florida Statutes, establish the State Comprehensive Plan ~~and the State Land Development Plan~~ as the long-range, state land development policy guides to be considered in the DRI review process in order to ensure orderly growth in Florida, pursuant to Subsections 380.06(3), (4), (12), (13), (14), (15), (25), and 380.065(3), Florida Statutes.

(b) Consistent with the land management policies delineated in the State Comprehensive Plan ~~and the State Land Development Plan~~, it is the intent of the Department to set forth in this rule ~~the~~ specific mobile source-related air quality DRI review guideline standards and criteria ~~to be utilized to implement the provisions of Section 380.021, Paragraphs 380.06(4)(a), (b), (d), (e), and (f), Subparagraph 380.06(8)(a)11., Subparagraphs 380.06(12)(a)1. and 2., Subsection 380.06(13), Paragraphs 380.06(14)(a), (c) and (d), Paragraphs 380.06(15)(e), (d) and (e), Subsection 380.06(16), Paragraph 380.06(19)(a), Subparagraph 380.06(19)(b)15., Paragraphs 380.06(19)(e) and (e), Subparagraph 380.06(19)(f)6., Paragraphs 380.06(19)(g) and (h), Subsection 380.06(21), Subsection 380.06(22), Paragraph 380.06(24)(f), Subsection 380.06(25), Subsection 380.06(26), Paragraph 380.06(27)(d), Paragraphs 380.065(3)(b) and (e), and Section 380.07, Florida Statutes.~~

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

(c) "Applicable Regional Plan" means the Regional Planning Council's adopted ~~Comprehensive Regional Policy Plan prior to the adoption of a~~ Strategic Regional Policy Plan pursuant to Section 186.508, F.S., ~~and thereafter means an adopted Strategic Regional Policy Plan.~~

(d) "Applicable State Plan" means the State Comprehensive Plan ~~and the State Land Development Plan.~~

(e) through (7) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a),(c)1. FS. Law Implemented 380.021, 380.06, 380.065, 380.07 FS. History–New 3-23-94, Amended

9J-2.048 Adequate Housing Uniform Standard Rule.

(1) No change.

(a) The Legislature established Chapter 380, Florida Statutes, to facilitate orderly and well-planned development and protect the health, welfare and quality of life of the residents of this state, by authorizing the state land planning agency to establish land management policies to guide local decisions relating to growth and development. Sections 186.002, 186.007, 186.009, and 186.021, 187.101, ~~380.031, and 380.07~~, Florida Statutes, establish the State Comprehensive Plan ~~and the State Land Development Plan~~ as the long-range, state land development policy guides to be considered in the DRI review process in order to ensure orderly growth in Florida, pursuant to Subsections 380.06(3), (4), (12), (13), (14), (15), (25), and 380.065(3), Florida Statutes.

(b) Consistent with the land management policies delineated in the State Comprehensive Plan ~~and the State Land Development Plan~~, it is the intent of the Department to set forth in this rule ~~the~~ specific adequate housing DRI review guideline standards and criteria ~~to be utilized to implement the provisions of Section 380.021, Paragraphs 380.06(4)(a), (b), (d), (e), and (f), Subparagraph 380.06(8)(a)11., Subparagraphs 380.06(12)(a)1., 2., and 3., Subsection 380.06(13), Paragraphs 380.06(14)(a), (e), and (d), Paragraph 380.06(15)(e),~~



~~Paragraphs 380.06(19)(a), (b), (c), and (e), Subparagraph 380.06(19)(f)6., Paragraphs 380.06(19)(g) and (h), Subsection 380.06(21), Subsection 380.06(22), Subsection 380.06(25), Subsection 380.06(26), Paragraph 380.06(27)(d), Paragraphs 380.065(3)(b) and (c), and Section 380.07, Florida Statutes.~~

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

(g) "Applicable Regional Plan" means the Regional Planning Council's adopted ~~Comprehensive Regional Policy Plan prior to the adoption of a~~ Strategic Regional Policy Plan pursuant to Section 186.508, F.S., ~~and thereafter means an adopted Strategic Regional Policy Plan.~~

(h) "Applicable State Plan" means the State Comprehensive Plan ~~and the State Land Development Plan.~~

(i) through (10) No change.

Specific Authority ~~380.032(2)(a), 380.06(23)(a),(c)1, FS. Law Implemented 380.021, 380.06, 380.065, 380.07 FS. History-New 3-23-94, Amended~~

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jeff Bielling, Senior Management Analyst, Bureau of State Planning

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: J. Thomas Beck, Director, Division of Community Planning

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 21, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 30, 2000

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Community Planning**

RULE CHAPTER TITLE:                      RULE CHAPTER NO.:

Minimum Criteria for Review of Local Government Comprehensive Plans and Plan Amendments, Evaluation and Appraisal Reports, Land Development Regulations and Determination of Compliance                      9J-5

RULE TITLES:                                      RULE NOS.:

Purpose	9J-5.001
Administration	9J-5.002
Definitions	9J-5.003
Public Participation	9J-5.004
General Requirements	9J-5.005
Evaluation and Appraisal Reports and Evaluation and Appraisal Amendments	9J-5.0053
Concurrency Management System	9J-5.0055
Future Land Use Element	9J-5.006
Housing Element	9J-5.010
Intergovernmental Coordination Element	9J-5.015
Capital Improvements Element	9J-5.016
Transportation Element	9J-5.019

PURPOSE AND EFFECT: To modify the rules to comply with 120.536(2)(b), F.S., as amended by Chapter 99-379, § 3, Laws of Florida, and update the rules.

SUMMARY: Chapter 9J-5 pertains to minimum criteria for the review of local government comprehensive plans and plan amendments, evaluation and appraisal reports, land development regulations, and determinations of compliance. Some of the rules in this notice are proposed to be revised to either incorporate updated information or modify certain requirements. Other rules are proposed to be repealed. Statute citations for rule making authority and law implementation references have also been updated in the rules.

Rule 9J-5.001 is amended to repeal some sections which serve only as a table of contents. Rule 9J-5.002 concerning the substantial progress provision is proposed for deletion. Rule 9J-5.003 concerning definitions is amended to revise existing definitions and include new definitions. Rule 9J-5.004 concerning public participation is unnecessarily duplicative of statutory requirements and proposed for repeal. Rule 9J-5.005 concerning general requirements is amended to repeal redundant provisions, provide procedures for monitoring, evaluating and appraising implementation of local comprehensive plans. Rule 9J-5.0053 concerning evaluation and appraisal reports is proposed for repeal. Rule 9J-5.0055 concerning concurrency management systems is amended to reflect recent statutory changes, provide that concurrency requirements do not apply to public transit facilities, authorize and provide for multimodal levels of service standards, provide for school concurrency, authorize level of service standards for general use lanes of the Florida Intrastate Highway System, authorize multiuse developments of regional impact to satisfy the concurrency requirement by payment of a proportionate share contribution. Rule 9J-5.006 concerning future land use is amended to provide for multimodal transportation districts. Rule 9J-5.010 concerning housing is amended to correct the name of Department of Children and Family Services, allow locally generated data to supplement the affordable housing needs assessment, and clarify the meaning of substandard units. Rule 9J-5.015 concerning intergovernmental coordination is amended to address intergovernmental coordination requirements for joint planning areas, recognition of campus master plans, coordination with school districts for siting school facilities, the location and extension of public facilities subject to concurrency, the siting of facilities of county wide significance, and school concurrency. Rule 9J-5.016 concerning capital improvements is amended to provide for a public school facilities program and a schedule of capital improvements for multimodal transportation districts. Rule 9J-5.019 concerning transportation is amended to provide for level of service standards for general use lanes of the Florida Intrastate Highway System, specify analysis, objective and policy requirements to implement multimodal transportation districts.

SPECIFIC AUTHORITY: 163.3177(9),(10), 163.3180(14) FS.  
 LAW IMPLEMENTED: 163.3161, 163.3167, 163.3171, 163.3174, 163.3177(1),(2),(3),(4),(5),(6),(8),(9),(10),(11), 163.3178, 163.3180(13),(15), 163.3181, 163.3184, 163.3187, 163.3191, 163.3194 FS.

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

TIME AND DATE: 9:00 a.m., November 13, 2000  
 PLACE: Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodations at the hearing because of a disability or physical impairment should contact Maria Abadal Cahill, Community Planning Policy Administrator, Division of Community Planning, Bureau of State Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone number (850)922-1781, Suncom 292-1781 at least seven days before 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 RULES IS: Maria Abadal Cahill, Community Planning Policy Administrator, Division of Community Planning, Bureau of State Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32303-2100, telephone number (850)487-4545 or (850)922-1781

THE FULL TEXT OF THE PROPOSED RULES IS:

9J-5.001 Purpose.

(1) No change.

(2) Rule 9J-5.002 contains general guidelines for the exercise of the Department's authority under law to review comprehensive plans and plan amendments for compliance.

~~(3) Rule 9J-5.003 contains definitions of important terms used in this chapter.~~

~~(4) Rule 9J-5.004 generally prescribes the contents of the public participation procedures to be adopted and enforced by each local government.~~

~~(5) Rule 9J-5.005 contains general format requirements and other requirements applicable to the data, analyses, goals, objectives and policies in the elements of the plan, and the procedural aspects of plan and plan amendment adoption.~~

~~(6) Rule 9J-5.0053 establishes the minimum criteria for the evaluation and appraisal reports.~~

~~(7) Rule 9J-5.0055 establishes the minimum criteria to ensure the availability of public facilities and services concurrent with the impacts of development.~~

~~(8) Rules 9J-5.006 through 9J-5.019 establish minimum criteria for comprehensive plan elements. The basic format of the criteria for each element requires the identification of available data, analyses of such data, and preparation of goals, objectives and policies supported by that data and analysis to accomplish desired ends. The goals, objectives and policies of each element must be consistent with the future conditions maps, and the future conditions maps must reflect the goals, objectives and policies of each element.~~

~~(9) Rules 9J-5.022, 9J-5.023 and 9J-5.024 establish the standards, procedures and criteria for the review of the required land development regulations and determination of their consistency with the comprehensive plan.~~

(2)(10) Rules 9J-5.022 through 9J-5.024 establish procedures and criteria for the review of land development regulations pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, F.S., and Chapters 9J-5 and 9J-12, F.A.C. It specifies the standards the Department will use in determining whether a local government has totally failed to adopt one or more of the land development regulations required by Subsection 163.3202(2). It specifies procedures to initiate and control the administrative review of land development regulations by substantially affected persons, local governments and the Department. It specifies the criteria for determining consistency of the land development regulations with the comprehensive plan. Local governments may adopt land development regulations which exceed, or are more stringent than, the regulations described in this chapter.

~~(3)(11) As minimum criteria, these criteria are not intended to prohibit a local government from proposing, considering, adopting, enforcing, or in any other way administering a comprehensive plan which is more specific, detailed, or strict, or which covers additional subject areas, whether within required or optional elements, as long as the comprehensive plan is in compliance with Chapter 9J-5, F.A.C., Chapter 163, F.S., and any other applicable statutes, laws or rules.~~

(4)(12) When a federal, state or regional agency has implemented a permitting program, the state land planning agency shall not require a local government to duplicate or exceed that permitting program in its comprehensive plan or to implement such a permitting program in its land development regulations. Nothing in this paragraph shall prohibit the state land planning agency, in conducting its review of local plans or plan amendments, from making either objections, recommendations, and comments or compliance determinations regarding densities and intensities consistent with the Act.

Specific Authority 163.3177(9),(10) FS. Law Implemented 163.3161, 163.3167, ~~163.3171~~, 163.3177, 163.3178, 163.3180, 163.3181, 163.3184, 163.3187, 163.3191, 163.3194 FS. History--New 3-6-86, Amended 10-20-86, 11-22-89, 4-2-92, 3-23-94, 5-18-94, 3-21-99, \_\_\_\_\_.

9J-5.002 Administration.

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

~~(h) Whether the provision at issue constitutes substantial progress over existing provisions regarding consistency with and furtherance of Chapter 163, Part II, the State Comprehensive Plan, the strategic regional policy plan, and this Chapter, where the existing provisions are in a plan or plan amendment previously found in compliance.~~

(3) through (8) No change.

Specific Authority 163.3177(9),(10) FS. Law Implemented 163.3177, 163.3178 FS. History—New 3-6-86, Amended 10-20-86, 11-22-89, 4-2-92, 3-23-94, 5-18-94, 3-21-99, \_\_\_\_\_.

9J-5.003 Definitions.

(1) through (50) No change.

(51) "General Lanes" means intrastate roadway lanes not exclusively designated by the Florida Department of Transportation for long distance, high speed travel. In urbanized areas, general lanes include high occupancy vehicle lanes not physically separated from other travel lanes.

~~(52)(51) "Goal" means the long-term end toward which programs or activities are ultimately directed.~~

~~(53)(52) "Group home" means a facility which provides a living environment for unrelated residents who operate as the functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents. Adult congregate living facilities comparable in size to group homes are included in this definition. It shall not include rooming or boarding homes, clubs, fraternities, sororities, monasteries or convents, hotels, residential treatment facilities, nursing homes, or emergency shelters.~~

~~(54)(53) "Hazardous waste" means solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed.~~

~~(55)(54) "Historic resources" means all areas, districts or sites containing properties listed on the Florida Master Site File, the National Register of Historic Places, or designated by a local government as historically, architecturally, or archaeologically significant.~~

~~(56)(55) "Hurricane shelter" means a structure designated by local officials as a place of safe refuge during a storm or hurricane.~~

~~(57)(56) "Hurricane vulnerability zone" (also "areas subject to coastal flooding") means the areas delineated by the regional or local hurricane evacuation plan as requiring~~

evacuation. The hurricane vulnerability zone shall include areas requiring evacuation in the event of a 100-year storm or Category 3 storm event.

~~(58)(57) "Industrial uses" means the activities within land areas predominantly connected with manufacturing, assembly, processing, or storage of products.~~

~~(59)(58) "Infrastructure" means those man-made structures which serve the common needs of the population, such as: sewage disposal systems; potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; stormwater systems; utilities; piers; docks; wharves; breakwaters; bulkheads; seawalls; bulwarks; revetments; causeways; marinas; navigation channels; bridges; and roadways.~~

~~(60)(59) "Intensity" means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services.~~

~~(61)(60) "Interagency hazard mitigation report" means the recommendations of a team of federal, state, regional, or local officials which address measures to reduce the potential for future flood losses and which is prepared in response to a Presidential Disaster Declaration.~~

~~(62)(61) "Level of service" means an indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.~~

~~(63)(62) "Limited access facility" means a roadway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no greater than a limited right or easement of access.~~

~~(64)(63) "Living marine resources" means oceanic or estuarine plants or animals, such as mangroves, seagrasses, algae, coral reefs, and living marine habitat; fish, shellfish, crustacea and fisheries; and sea turtles and marine mammals.~~

~~(65)(64) "Local peacetime emergency plan" means the plans prepared by the county civil defense or county emergency management agency addressing weather-related natural hazards and man-made disasters except nuclear power plant accidents and war. The plan covers hazard mitigation, emergency preparedness, emergency response, emergency recovery and in coastal counties, hurricane evacuation.~~

~~(66)(65) "Local road" means a roadway providing service which is of relatively low traffic volume, short average trip length or minimal through traffic movements, and high volume land access for abutting property.~~

~~(67)(66) "Low income household" has the meaning provided in Section 420.0004, F.S.~~

~~(68)~~~~(67)~~ "Major trip generators or attractors" means concentrated areas of intense land use or activity that produces or attracts a significant number of local trip ends.

~~(69)~~~~(68)~~ "Manufactured home" means a residential manufactured home meeting the definition in Section 320.01, F.S.

~~(70)~~~~(69)~~ "Marine habitat" means areas where living marine resources naturally occur, such as mangroves, seagrass beds, algal beds, salt marshes, transitional wetlands, marine wetlands, rocky shore communities, hard bottom communities, oyster bars or flats, mud flats, coral reefs, worm reefs, artificial reefs, offshore springs, nearshore mineral deposits, and offshore sand deposits.

~~(71)~~~~(70)~~ "Marine wetlands" means areas with a water regime determined primarily by tides and the dominant vegetation is salt tolerant plant species including those species listed in ~~Subsection 17-4.020(17)~~ Rule 62-301.200(3), F.A.C., "Submerged Marine Species."

~~(72)~~~~(71)~~ "Minerals" means all solid minerals, including clay, gravel, phosphate rock, lime, shells (excluding live shellfish), stone, sand, heavy minerals, and any rare earths, which are contained in the soils or waters of the state.

~~(73)~~~~(72)~~ "Mobile home" means a structure meeting the definition in Section 320.01, F.S.

~~(74)~~~~(73)~~ "Moderate income household" has the meaning provided in Section 420.0004, F.S.

~~(75)~~~~(74)~~ "Natural drainage features" means the naturally occurring features of an area which accommodate the flow of significant amounts of stormwater, such as streams, rivers, lakes, sloughs, floodplains and wetlands.

~~(76)~~~~(75)~~ "Natural drainage flow" means the pattern of surface and storm water drainage through or from a particular site before the construction or installation of improvements or prior to regrading.

~~(77)~~~~(76)~~ "Natural groundwater aquifer recharge areas" or "natural groundwater recharge areas" or "groundwater recharge areas" means areas contributing to or providing volumes of water which make a contribution to the storage or regional flow of an aquifer.

~~(78)~~~~(77)~~ "Natural reservations" means areas designated for conservation purposes, and operated by contractual agreement with or managed by a federal, state, regional or local government or non-profit agency such as: national parks, state parks, lands purchased under the Save Our Coast, Conservation and Recreation Lands or Save Our Rivers programs, sanctuaries, preserves, monuments, archaeological sites, historic sites, wildlife management areas, national seashores, and Outstanding Florida Waters. This definition does not include privately owned land managed by a state agency on either a voluntary or a short-term contractual basis.

~~(79)~~~~(78)~~ "Neighborhood park" means a park which serves the population of a neighborhood and is generally accessible by bicycle or pedestrian ways.

~~(80)~~~~(79)~~ "New town" means a new urban activity center and community designated on the future land use map and located within a rural area or at the rural-urban fringe, clearly functionally distinct or geographically separated from existing urban areas and other new towns. A new town shall be of sufficient size, population and land use composition to support a variety of economic and social activities consistent with an urban area designation. New towns shall include basic economic activities; all major land use categories, with the possible exception of agricultural and industrial; and a centrally provided full range of public facilities and services. A new town shall be based on a master development plan, and shall be bordered by land use designations which provide a clear distinction between the new town and surrounding land uses.

~~(81)~~~~(80)~~ "Nonpoint source pollution" means any source of water pollution that is not a point source.

~~(82)~~~~(81)~~ "Objective" means a specific, measurable, intermediate end that is achievable and marks progress toward a goal.

~~(83)~~~~(82)~~ "Oceanic waters" means waters of the Atlantic Ocean, Gulf of Mexico, or Straits of Florida, excluding estuaries.

~~(84)~~~~(83)~~ "Open spaces" means undeveloped lands suitable for passive recreation or conservation uses.

~~(85)~~~~(84)~~ "Park" means a neighborhood, community, or regional park.

~~(86)~~~~(85)~~ "Partial evaluation and appraisal report" means an evaluation and appraisal report which focuses on selected issues or elements that may only be submitted by a municipality with fewer than 5,000 residents or a county with fewer than 50,000 residents pursuant to a written agreement with the Department and in accordance with the requirements of Section 163.3191(12), F.S.

~~(87)~~~~(86)~~ "Pattern" means the form of the physical dispersal of development or land use.

~~(88)~~~~(87)~~ "Playground" means a recreation area with play apparatus.

~~(89)~~~~(88)~~ "Point source pollution" means any source of water pollution that constitutes a discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

~~(90)~~~~(89)~~ "Policy" means the way in which programs and activities are conducted to achieve an identified goal.

~~(91)~~~~(90)~~ "Pollution" is the presence in the outdoor atmosphere, ground or water of any substances, contaminants, noise, or manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water, in quantities or at levels which are or may be potentially harmful

or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property.

~~(92)~~(91) "Port facility" means harbor or shipping improvements used predominantly for commercial purposes including channels, turning basins, jetties, breakwaters, landings, wharves, docks, markets, structures, buildings, piers, storage facilities, plazas, anchorages, utilities, bridges, tunnels, roads, causeways, and all other property or facilities necessary or useful in connection with commercial shipping.

~~(93)~~(92) "Potable water facilities" means a system of structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, reservoirs, and distribution mains.

~~(94)~~(93) "Potable water wellfield" means the site of one or more water wells which supply potable water for human consumption to a water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

~~(95)~~(94) "Private recreation sites" means sites owned by private, commercial or non-profit entities available to the public for purposes of recreational use.

~~(96)~~(95) "Proposed evaluation and appraisal report" means a draft evaluation and appraisal report prepared by the local planning agency that is transmitted to the local governing body for review and adoption.

~~(97)~~(96) "Public access" means the ability of the public to physically reach, enter or use recreation sites including beaches and shores.

~~(98)~~(97) "Public recreation sites" means sites owned or leased on a long-term basis by a federal, state, regional or local government agency for purposes of recreational use.

~~(99)~~(98) "Public buildings and grounds" means structures or lands that are owned, leased, or operated by a government entity, such as civic and community centers, hospitals, libraries, police stations, fire stations, and government administration buildings.

~~(99) "Public facilities and services" which must be made available concurrent with the impacts of development means those covered by comprehensive plan elements required by Section 163.3177, F.S., and for which level of service standards must be adopted under Chapter 9J-5, F.A.C. The public facilities and services are: roads, Rule 9J-5.019(4)(c)1.; sanitary sewer, Rule 9J-5.011(2)(c)2.a.; solid waste, Rule 9J-5.011(2)(c)2.b.; stormwater, Rule 9J-5.011(2)(c)2.c.; potable water, Rule 9J-5.011(2)(c)2.d.; parks and recreation, Rule 9J-5.014(3)(c)4.; and mass transit, Rule 9J-5.019(4)(c)1., if applicable.~~

(100) through (142) No change.

Specific Authority 163.3177(9),(10) FS. Law Implemented 163.3177, 163.3178 FS. History—New 3-6-86, Amended 10-20-86, 11-22-89, 4-2-92, 3-23-94, 5-18-94, 3-21-99, \_\_\_\_\_.

9J-5.004 Public Participation.

Specific Authority 163.3177(9),(10) FS. Law Implemented 163.3177(9),(10), 163.3181 FS. History—New 3-6-86, Amended 10-20-86, Repealed \_\_\_\_\_.

9J-5.005 General Requirements.

(1) through (6) No change.

~~(7) Monitoring and Evaluation Procedures Requirements. Each element of the comprehensive plan shall contain procedures for monitoring, evaluating and appraising implementation of the plan. Specific measurable objectives shall be included to provide a basis for evaluating effectiveness as required by Section 163.3191, Florida Statutes. Such procedures may include reporting requirements for entities responsible for implementing the objectives of the plan, records regarding the availability of new or revised data, planning and development activities, other actions taken to implement the plan, such as, capital improvements planning, adoption of interlocal agreements, issuance of development orders, certificates of occupancy, and land use changes. For the purpose of evaluating and appraising the implementation of the comprehensive plan, each comprehensive plan and each deepwater port master plan shall contain a section identifying five year monitoring, updating and evaluation procedures to be followed in the preparation of the required five year, seven year, ten year or twelve year evaluation and appraisal reports as described in Rule 9J-5.0053. That section shall address:~~

~~(a) A description of the public participation process used by the local government in preparing the report;~~

~~(b) Updating appropriate baseline data and measurable objectives to be accomplished in the first five year period of the plan, and for the long term period;~~

~~(c) Accomplishments in the first five year, seven year, ten year, or twelve year reporting period, describing the degree to which the goals, objectives and policies have been successfully reached;~~

~~(d) Obstacles or problems which resulted in underachievement of goals, objectives, or policies;~~

~~(e) New or modified and reformulated goals, objectives, or policies needed to correct discovered problems;~~

~~(f) A means of ensuring continuous monitoring and evaluation of the plan during the five year period;~~

~~(g) The extent to which unanticipated and unforeseen problems and opportunities occurred between the date of adoption and the date of the report;~~

~~(h) The effect on the comprehensive plan of changes to: Chapter 187, F.S.; the state comprehensive plan Chapter 163, Pt. II, F.S.; the minimum criteria contained in Chapter 9J-5, F.A.C.; and the appropriate strategic regional policy plan;~~

~~(i) The major problems of development, physical deterioration, and the location of land uses and the social and economic effects of such uses in the area;~~

(j) The identification of any actions that are taken or need to be taken to address the planning issues identified in the report; and

(k) Proposed or anticipated plan amendments necessary to address or implement the identified changes.

(8) Procedural Requirements. Comprehensive plans, plan elements, and plan amendments shall be considered, adopted and amended pursuant to the procedural requirements of Sections 163.3161 to 163.3215, Florida Statutes, including but not limited to the following:

(a) The comprehensive plans for municipalities shall be prepared and submitted within the same timeframes as the counties in which the municipalities are located and all plans shall be prepared and submitted in accordance with the schedule adopted by the Department pursuant to Subsection 163.3167(2), Florida Statutes;

(b) The comprehensive plan or element shall be prepared in accordance with Section 163.3174 and Subsection 163.3167(4), Florida Statutes, relating to local planning agencies. Proposed plans, elements, portions thereof and amendments shall be considered at a public hearing with due public notice by the local planning agency prior to making its recommendation to the governing body pursuant to Subsection 163.3167(4) and Section 163.3174, Florida Statutes;

(c) The comprehensive plan, element or amendment shall be considered and adopted in accordance with the procedures relating to public participation adopted by the governing body and the local planning agency pursuant to Section 163.3181, Florida Statutes, and Rule 9J-5.004 of this chapter. The local government shall submit with its initial transmittal, pursuant to Subsection 163.3167(2), Florida Statutes, and subsequent transmittals pursuant to Section 163.3191, Florida Statutes, a copy of the procedures for public participation that have been adopted by the local planning agency and the governing body;

(d) The comprehensive plan and any comprehensive plan amendments shall be transmitted after formal action by the governing body in accordance with the provisions of Sections 163.3184 and 163.3187, Florida Statutes, and the procedural rule adopted by the Department pursuant to Subsection 163.3177(9), Florida Statutes;

(e) The comprehensive plan shall not be amended more than two times during any calendar year except in the case of amendments directly related to developments of regional impact pursuant to Section 380.05, Florida Statutes, Florida Quality Developments pursuant to Section 380.061, Florida Statutes, and small scale development activities pursuant to Paragraph 163.3187(1)(b), Florida Statutes. In order for an amendment to be exempt from the twice a year amendment restriction under the development of regional impact provision, the amendment must have been transmitted and adopted as provided by law. The comprehensive plan, elements and amendments shall be adopted by ordinance and only after the public hearings required by Paragraph 163.3184(15)(b),

Florida Statutes, have been conducted after the notices required by Paragraphs 163.3184(15)(b) and (c), Florida Statutes. Upon adoption the local government shall transmit to the Department a copy of the ordinance and the required notices;

(f) The comprehensive plan shall be evaluated and updated as required by Section 163.3191, Florida Statutes, and this chapter. A copy of the adopted report required by Section 163.3191, Florida Statutes, shall be transmitted to the Department at the time of the governing body's transmittal of related amendments pursuant to Subsection 163.3191(4), Florida Statutes; and

(g) A comprehensive plan, element, or plan amendment applicable to a designated area of critical state concern shall not become effective until reviewed and approved as provided in Section 380.05, Florida Statutes, and any rules promulgated pursuant to that section.

(h) A comprehensive plan or plan amendment applicable to the Wekiva River Protection Area, in addition to meeting the requirements for compliance pursuant to Section 163.3184, Florida Statutes, must meet the requirements of Section 369.301, et seq., Florida Statutes, the Wekiva River Protection Act.

(i) Local governments may enter into and are encouraged to enter into joint planning agreements as provided in Chapter 163, Florida Statutes.

(8)(9) Recognition of Private Property Rights and Vested Rights. The Department recognizes private property rights created by law and guaranteed by the State and Federal Constitutions and the existence of legitimate and often competing public and private interests in land use regulations and other government action. Local governments may include appropriate provisions in their plans for the recognition of statutory and common law vested rights.

(9)(10) Duplication of Regulations. When a federal, state, or regional agency has implemented a regulatory program, the department shall not require a local government to duplicate that regulatory program in its local comprehensive plan.

Specific Authority 163.3177(9),(10) FS. Law Implemented 163.3167, 163.3171, 163.3174, 163.3177, 163.3178, 163.3181, 163.3184, 163.3187, 163.3191, 163.3194 FS. History--New 3-6-86, Amended 10-20-86, 11-22-89, 3-23-94, 5-18-94, 3-21-99, \_\_\_\_\_.

9J-5.0053 Evaluation and Appraisal Reports and Evaluation and Appraisal Amendments.

Specific Authority 163.3177(9), 163.3191(12)(8),(10) FS. Law Implemented 163.3187(5), 163.3191 FS. History--New 3-23-94, Amended 5-18-94, 3-21-99, Repealed \_\_\_\_\_.

9J-5.0055 Concurrency Management System.

The purpose of the concurrency management system is to establish an ongoing mechanism which ensures that public facilities and services needed to support development are available concurrent with the impacts of such development.

(1) No change.

(a) A requirement that the local government shall maintain the adopted level of service standards for roads, sanitary sewer, solid waste, drainage, potable water, parks and recreation, and mass transit, if applicable, and public schools if imposed by local option.

(b) through (e) No change.

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

9. Public schools, Rule 9J-5.025(3)(c)7., if imposed by local option.

(b) A local government, at its option, may make additional public facilities and services subject to the concurrency management system. Level of service standards of such additional facilities must be adopted in the local government comprehensive plan. A local government may adopt multimodal level of service standards for transportation facilities, as authorized in Section 163.3180(15)(a), Florida Statutes, using the Florida Department of Transportation methodology for multimodal level of service standards or other professionally accepted methodologies. If a local government desires to extend the concurrency requirement to public schools, the local government shall adopt the necessary amendments as specified in Section 163.3180(13), Florida Statutes, including a public school facilities element and interlocal agreement for school concurrency which are determined to be in compliance with the requirements of law, it should first complete a study to determine how the concurrency requirement is to be addressed and implemented by the local government, school board and all other parties responsible for school facilities. [Section 163.3180(1), Florida Statutes] The local government and school board shall jointly establish level of service standards that apply district-wide to all public schools of the same type including, elementary, middle, and high schools as well as special purpose facilities such as magnet schools. Local governments and school boards shall have the option of utilizing tiered level of service standards as provided in subparagraph (d) of this section. If the local government chooses to apply school concurrency on less than a district-wide basis, such as utilizing school attendance zones or larger school concurrency service areas, the local government and school board shall have the burden to demonstrate in the comprehensive plan that the utilization of school capacity is maximized to the greatest extent possible.

(c) For facilities on the Florida Intrastate Highway System as defined in s. 338.001, Florida Statutes, the local governments shall adopt the level of service standards established by the Department of Transportation by rule. With the concurrence of the Department of Transportation, local governments may establish level of service standards for general lanes in urbanized areas as specified in Section 163.3180(10), Florida Statutes. For other roads local governments shall adopt adequate level of service standards. These level of service standards shall be adopted to ensure that adequate facility capacity will be provided to serve the existing

and future land uses as demonstrated by the supporting data and analysis in the comprehensive plan. ~~{Section 163.3180(10), Florida Statutes}~~

(d) through (3)(c)6. No change.

7. A development order or permit within a designated multimodal transportation district may be issued provided the planned community design capital improvements are included in a financially feasible long range schedule of improvements for the development or redevelopment time-frame for the district, without regard to the period of time between development or redevelopment and the scheduled construction of the capital improvements as specified in Section 163.3180(15)(c), Florida Statutes.

(d) For school facilities, a local government shall meet the following minimum standards to satisfy the concurrency requirement:

1. For district-wide concurrency service areas:

a. At the time the residential development order or permit is issued, the necessary facilities and services are in place or under construction; or

b. A residential development order or permit is issued subject to the conditions that the necessary facilities and services needed to serve the new development are scheduled to be in place or under construction not more than 3 years after permit issuance as provided in the adopted public school facilities program.

2. For less than district-wide concurrency service areas:

a. If public school concurrency is applied on less than a district-wide basis in the form of concurrency service areas, a residential development order or permit shall be issued only if the needed capacity for the particular service area is available in one or more contiguous service areas and school capacity is available district-wide as defined in Section 163.3180(13)(e), Florida Statutes.

(4) through (7) No change.

(8) CONCURRENCY EXCEPTION – FOR PUBLIC TRANSIT FACILITIES. Public transit facilities, as described in Section 163.3180(4)(b), Florida Statutes, shall not be subject to the concurrency requirement.

(9)(8) PRIVATE CONTRIBUTIONS TO LOCAL GOVERNMENT CAPITAL IMPROVEMENT PLANNING. In order to exercise the option of issuing a development order or permit pursuant to Section 163.3180(11), a local government must identify in the comprehensive plan a process for assessing, receiving, and applying a fair share of the cost of providing the transportation facilities necessary to serve the proposed development. A local government comprehensive plan may authorize multi-use developments of regional impact to satisfy the transportation concurrency requirement by payment of a proportionate share contribution consistent with Section 163.3180(12), Florida Statutes. The transportation facilities must be included in a financially feasible five-year Capital Improvement Schedule adopted pursuant to Section

9J-5.016 of this Chapter. The assessment shall have a reasonable relationship to the transportation impact that is generated by the proposed development.

Specific Authority 163.3177(9),(10),(11)(e) FS. Law Implemented 163.3177(3),(6),(8),(9),(10),(11), 163.3180 FS. History--New 11-22-89, Amended 3-23-94, 3-21-99,\_\_\_\_\_.

9J-5.006 Future Land Use Element.

(1) through (4)(a)11. No change.

12. Multimodal transportation district boundaries, if any such areas have been designated.

(b) through (f) No change.

(5) No change.

(6) Multimodal Transportation District. Multimodal transportation districts may be established by local option for areas for which the local government assigns priority for a safe, comfortable, and attractive pedestrian environment. The local government must establish community design standards for the district to reduce vehicle miles traveled and to support an integrated, multimodal transportation system that includes the elements for community design specified in Section 163.3180(15)(b), Florida Statutes.

Specific Authority 163.3177(9),(10), 163.3180(14) FS. Law Implemented 163.3177(1),(2),(4),(5),(6)(a)(c),(6)(d),(8),(9),(10),(11), 163.3178, 163.3180(13),(15) FS. History--New 3-6-86, Amended 10-20-86, 3-23-94, \_\_\_\_\_.

9J-5.010 Housing Element.

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

(c) An inventory using data from the latest decennial United States Census, or more recent estimates, including the affordable housing needs assessment, ~~when available,~~ showing the number of dwelling units ~~that are substandard, in each of the following categories: Substandard units are those that fail to meet the applicable building code, the minimum housing code, or that lacking complete plumbing; lacking complete kitchen facilities; lacking central heating; or and are overcrowded. Local governments may determine that units without heating are not substandard if they are located in areas where the temperature extremes do not indicate heating as a life safety factor.~~ The inventory shall include ~~locally determined definitions of "standard" and of "substandard" housing conditions and shall include~~ an estimate of the structural condition of housing within the local government's jurisdiction, by the number and generalized location of dwelling units in standard and substandard condition. The inventory shall also include the methodology used to estimate the condition of housing.

(d) No change.

(e) An inventory of group homes licensed by the Florida Department of ~~Children and Family Health and Rehabilitative~~ Services, including the type, number, generalized location and capacity.

(f) An inventory of existing mobile home parks licensed by the Florida Department of ~~Children and Family Health and Rehabilitative~~ Services and mobile home condominiums, cooperatives and subdivisions including the generalized location and capacity.

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

(b) The housing need of the current and anticipated future residents of the jurisdiction, including an affordable housing needs assessment, when available, and including separate estimates of need for rural and farmworker households, by number, type, cost or rent, tenure, and any other special housing needs, and shall include estimates for the replacement of housing units removed and for the maintenance of an adequate vacancy rate. Each local government shall utilize the data and analysis from the state land planning agency's affordable housing needs assessment as one basis for the housing element. The local government, at its option, may supplement the affordable housing needs assessment with locally generated data which more accurately assesses housing need for very low- or low-income households ~~conduct its own needs assessment, provided that it uses the methodology established by DCA in its rules;~~

(c) through (2)(f)3. No change.

4. The provision of adequate sites in residential areas or areas of residential character for group homes and foster care facilities licensed or funded by the Florida Department of ~~Children and Family Health and Rehabilitative~~ Services; and

5. through (3)(b)3. No change.

4. Adequate sites in residential areas or areas of residential character for group homes and foster care facilities licensed or funded by the Florida Department of ~~Children and Family Health and Rehabilitative~~ Services;

5. through (c)5. No change.

6. Establishment of principles and criteria consistent with Chapter 419, F.S., guiding the location of group homes and foster care facilities licensed or funded by the Florida Department of ~~Children and Family Health and Rehabilitative~~ Services that foster non-discrimination, and encourage the development of community residential alternatives to institutionalization including supporting infrastructure and public facilities;

7. through 11. No change.

Specific Authority 163.3177(9),(10) FS. Law Implemented 163.3177(1),(5),(6)(f)(g),(8),(9),(10), 163.3178 FS. History--New 3-6-86, Amended 10-20-86, 3-23-94,\_\_\_\_\_.

9J-5.015 Intergovernmental Coordination Element.

(1) through (3)(b)4. No change.

5. Ensure adoption of interlocal agreements within one year of adoption of the amended intergovernmental coordination element, pursuant to the requirements of Section 163.3177(6)(h)2., Florida Statutes.



6. Ensure intergovernmental coordination between all affected local governments and the school board as specified in Section 163.3180(13)(f), Florida Statutes, for the purpose of establishing concurrency requirements for public school facilities, if imposed by local option.

(c) through 3. No change.

4. Provide procedures to identify and implement joint planning areas for the purposes of annexation, municipal incorporation and joint infrastructure service areas ~~Resolving annexation issues;~~

5. through 9. No change.

10. Recognition of campus master plans prepared pursuant to Section 240.155, Florida Statutes, and procedures for coordination of the provisions of the campus master development agreement.

11. Establish joint processes for collaborative planning and decision-making with other units of local governments providing facilities and services but not having regulatory authority over the use of land on population projections and the location and extension of public facilities subject to concurrency.

12. Establish joint processes for collaborative planning and decision-making with the school board on population projections and the siting of public school facilities.

13. Establish joint processes for the siting of facilities with county-wide significance, including locally unwanted land uses, such as solid waste disposal facilities.

14. If imposed by local option, the adoption of an interlocal agreement for school concurrency as specified in Section 163.3180(13)(g), Florida Statutes.

Specific Authority 163.3177(9),(10) FS. Law Implemented 163.3177(1),(4),(5),(6)(h),(8),(9),(10), 163.3180(13) FS. History--New 3-6-86, Amended 10-20-86, 3-23-94, 3-21-99,\_\_\_\_\_.

9J-5.016 Capital Improvements Element.

(1) through (4)(a)2. No change.

3. If imposed by local option for school concurrency, a five year financially feasible public school facilities program established in conjunction with the local school board that demonstrates the adopted level of service standards will be achieved and maintained.

4. A schedule of capital improvements for multimodal transportation districts, if locally established, required to promote the community design features for the district that are financially feasible over the development or redevelopment time-frame of the district as specified in section 163.3180(15)(c), Florida Statutes. Financial feasibility shall be based on currently available funding or funding sources that could reasonably be expected to become available over the planning period of the district.

(b) through (5) No change.

Specific Authority 163.3177(9),(10) FS. Law Implemented 163.3177(1),(3),(5),(8),(9),(10), 163.3180(10),(13) FS. History--New 3-6-86, Amended 10-20-86, 11-22-89, 4-2-92, 3-23-94,\_\_\_\_\_.

9J-5.019 Transportation Element.

(1) through (3)(j) No change.

(k) For multimodal transportation districts established pursuant to Section 163.3180(15)(a) and (b), Florida Statutes, an analysis demonstrating that the proposed community design elements, including the transportation system and the land use distribution, densities and intensities, will reduce vehicle miles of travel and support an integrated, multimodal transportation system that achieves the objectives of the paragraphs cited above.

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

10. For multimodal transportation districts established pursuant to Section 163.3180(15)(a) and (b), Florida Statutes, provide for a safe, comfortable and attractive pedestrian environment with convenient interconnection to public transportation.

(c) No change.

1. Establishment of level of service standards at peak hour for roads and public transit facilities within the local government's jurisdiction. For facilities on the Florida Intrastate Highway System as defined in Section 338.001, F.S., the local governments shall adopt the level of service standards established by the Department of Transportation by rule. With the concurrence of the Department of Transportation, a local government may establish level of service standards for general lanes in urbanized areas as specified in Section 163.3180(10), Florida Statutes. For all other facilities on the future traffic circulation map, local governments shall adopt adequate level of service standards. These level of service standards shall be adopted to ensure that adequate facility capacity will be provided to serve the existing and future land uses as demonstrated by the supporting data and analysis in the comprehensive plan;

2. through 21. No change.

22. For multimodal transportation districts established pursuant to Section 163.3180(15)(a) and (b), Florida Statutes, provide an interconnected network of streets and related facilities, such as sidewalk condition, availability and connectivity, street crossing convenience, transit proximity to origins and destinations, convenience and reliability of transit facilities, and roadway conditions for bicycles including lane width, surface condition, and separation from motor vehicle traffic, so as to promote walking and bicycling that is coordinated with land uses and other community design features and ensures convenient access to public transportation.

(5) No change.

Specific Authority 163.3177(9),(10) FS. Law Implemented 163.3177(1),(3),(5),(8),(9),(10), 163.3178, 163.3180(13),(15) FS. History--New 3-23-94, Amended 3-21-99,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Maria Abadal Cahill, Community Planning Policy Administrator, Bureau of State Planning

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: J. Thomas Beck, Director, Division of Community Planning  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 21, 2000  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 30, 2000

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Resource Planning and Mangement**

RULE CHAPTER TITLE:                      RULE CHAPTER NO.

Governing the Procedure for the Submittal and Review of Local Government Comprehensive Plans and Amendments                      9J-11

RULE TITLES:                                      RULE NOS.:  
 Purpose    9J-11.001

Submittal Requirements for Proposed Local Government Comprehensive Plan Amendments                      9J-11.006

Action Upon Receipt of Proposed Local Government Comprehensive Plan Amendment                      9J-11.009

Local Government Adoption of the Comprehensive Plan or Plan Amendment and Submittal for the Compliance Review                      9J-11.011

Compliance Review and Notice of Intent                      9J-11.012

Evaluation and Appraisal Reports and Evaluation and Appraisal Report-Based Amendments                      9J-11.018

PURPOSE, EFFECT AND SUMMARY: This amendment is necessary to revise the rule to conform to current statutory requirements. The revisions of Rule Chapter 9J-11 pertaining to local government comprehensive plans, including submittal requirements, action upon receipt, review requirements and notices of intent. The revision of Rule Chapter 9J-11 pertaining to the evaluation and appraisal report submittal and review requirements and the name change of the Florida Fish and Wildlife Conservation Commission.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 120.53(1)(b), 163.3177(8),(9),(10), 163.3184(1),(3),(16), 163.3187, 163.3202 FS.

LAW IMPLEMENTED: 163.3167, 163.3167(2),(3), 163.3171, 163.3174, 163.3177, 163.3177(1),(4),(7),(9),(10), 163.3184, 163.3184, 163.3184(1),(2),(3),(4),(5),(6),(7),(8),(9),(10),(14), (15),(16), 163.3187, 163.3187(1),(2),(5), 163.3189, 163.3191, 163.3202, 380.06(6) FS.

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

TIME AND DATE: 9:00 a.m. – 10:00 a.m., November 13, 2000

PLACE: The Randall Kelley Training Center, Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ray Eubanks, Community Program Administrator, Division of Community Planning, Bureau of State Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ray Eubanks, Community Program Administrator, Division of Community Planning, Bureau of State Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-4925, Suncom 277-4545 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 FULL TEXT OF THE PROPOSED RULES IS:

9J-11.001 Purpose.

This Chapter establishes procedures for the submittal and review of local government comprehensive plans, plan amendments, land development regulations and evaluation and appraisal reports pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, and Chapter 9J-5, Florida Administrative Code. It specifies the documents and information to be submitted for review at the time plans, plan amendments, land development regulations and evaluation and appraisal reports are submitted to the Department for review. It describes the actions the Department takes upon receipt of the submitted documents and information, or when a plan or element or evaluation and appraisal report is not submitted. It also describes the procedures the Department follows for review of plans and plan amendments and procedures for the issuance of a notice of intent and sufficiency finding for an evaluation and appraisal report.

Specific Authority 163.3177(9) FS. Law Implemented 163.3177(9), 163.3181, 163.3184, 163.3187, 163.3191 FS. History—New 9-22-87, Amended 11-10-93, 11-6-96,\_\_\_\_\_.

9J-11.006 Submittal Requirements for Proposed Local Government Comprehensive Plan Amendments.

- (1) No change.
- (a) through 7.j. No change.

k. An amendment directly related to proposed redevelopment of brownfield areas designated under s. 376.80, Florida Statutes;

l. An amendment for port transportation facilities and projects that are eligible for funding by the Florida Transportation and Economic Development Council pursuant to s. 311.07, Florida Statutes;

m. An amendment for the purpose of designating an urban infill and redevelopment area under s. 163.2517, Florida Statutes.

8. through 10. No change.

(b) through (c) No change.

(2) through (3) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3177(9), 163.3184(1),(2),(3),(15), 163.3187(1),(2),(5), 163.3191, 380.06(6) FS. History—New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 4-8-99, \_\_\_\_\_.

9J-11.009 Action Upon Receipt of Proposed Local Government Comprehensive Plan Amendment.

(1) through (6) No change.

(7) No change.

(a) through (b) No change.

(c) Florida Fish and Wildlife Conservation Commission ~~Florida Game and Fresh Water Fish Commission~~; and

(d) No change.

(8) No change.

(a) through (f) No change.

(g) Florida Fish and Wildlife Conservation Commission ~~Florida Game and Fresh Water Fish Commission~~ (county plans only); and

(h) through (9) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3167(2),(3), 163.3177(9), 163.3184(2),(3),(4),(5),(6) FS. History—New 9-22-87, Amended 11-10-93, 11-6-96, 4-8-99, \_\_\_\_\_.

9J-11.011 Local Government Adoption of the Comprehensive Plan or Plan Amendment and Submittal for the Compliance Review.

(1) through (4) No change.

(5) Within ten working days after adoption, the local government shall submit a transmittal letter signed by the chief elected official or the person designated by the local government, which designates the newspaper, meeting the size and circulation requirements of Subsection 163.3184(15)(c), Florida Statutes, in which the Department should publish the required Notice of Intent pursuant to Subsection 163.3184(8)(b), Florida Statutes, and enclose three copies of the adopted comprehensive plan and the data and analysis or in the case of adopted amendment(s), three copies of the adopted amendment(s) and the data and analysis in strike through and underline format or similar easily identifiable format identifying the new text that has been adopted, indicating the adoption ordinance number, adoption effective date and plan

amendment number on each page, and in the case of a future land use map plan amendment, three copies of the adopted future land use map reflecting the changes made when adopted, and a copy of the executed ordinance adopting the comprehensive plan or amendment(s) to the Department. Each adopted plan amendment must be supported by data and analysis in accordance with Rule 9J-5.005(2), Florida Administrative Code. If the original plan data and analysis or the data and analysis of a previous amendment or data and analysis submitted with the material transmitted pursuant to Rules 9J-11.004(2)(c), 9J-11.006(1)(b) or 9J-11.007, Florida Administrative Code, support the amendment, no additional data and analysis is required to be submitted to the Department unless the previously submitted data is no longer the best available existing data. The newly submitted data and analysis must reflect the best data available at the time the adopted amendment is submitted to the Department. If a local government relies on original plan data and analysis or the data and analysis of a previous amendment to support an amendment, it shall provide to the Department, at the time of the adopted submittal, a reference to the specific portions of the previously submitted data and analysis on which the local government relies to support the amendment. This material shall be sent directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. In addition, the local governing body shall transmit a copy of the adopted amendment and the data and analysis or reference the existing data and analysis to the appropriate regional planning council. The local government shall also transmit this material to review agencies listed in Rule 9J-11.009(8), Florida Administrative Code, and local governments or any other interested parties that have filed a written request with the governing body for a copy of the plan or amendment. The local government must ensure that the review agencies copy of the adopted plan remain complete by also transmitting copies of each subsequently adopted amendment and related documents to the review agencies at the time of each adoption. The transmittal letter to the Department shall certify that the adopted amendment, including the data and analysis have been sent to each of the above entities, as appropriate. In addition the following items shall be submitted with the adopted comprehensive plan or amendment:

(a) through (g) No change.

(6) through (9) No change.

(10) Local governments with a plan in compliance are bound by the effective date provisions of Section 163.3189, Florida Statutes. They shall include the following language in the adoption ordinance for plan amendments other than small scale amendments:

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in

compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team.

An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the manner provided by law.

Specific Authority 163.3177(9) FS. Law Implemented 163.3177(9),(10), 163.3184(1)(b),(6)(a),(b),(c), 163.3189(2) FS. History—New 9-22-87, Amended 11-10-93, 11-6-96, 4-8-99,\_\_\_\_\_.

9J-11.012 Compliance Review and Notice of Intent.

(1) through (5) No change.

(6) If a Notice of Intent is issued to find the adopted plan or amendment not in compliance, the Department will forward a copy of the Notice of Intent to the Division of Administrative Hearings, Department of Management Services, requesting a hearing. During the review period provided in Rule 9J-11.012(1), Florida Administrative Code, the Department shall issue a written Statement of Intent describing how each portion of a comprehensive plan or plan amendment alleged to be not in compliance is not consistent with one or more provisions of Sections 163.3177, 163.3178, 163.3191, Florida Statutes, the state comprehensive plan, the appropriate strategic regional policy plan, or Chapter 9J-5, Florida Administrative Code, and a statement of remedial actions that the local government may complete in order to bring the plan into compliance. A copy of the Statement of Intent shall be mailed to the local government and to persons who requested a copy of the Notice of Intent. The Department shall file a petition requesting an administrative hearing and relief with the Division of Administrative Hearings. The petition shall incorporate the issues contained in the Statement of Intent, and the Statement of Intent and the Notice of Intent shall be filed with the petition. The ~~administrative law judge hearing officer~~ shall submit the recommended order to the Administration Commission for final agency action.

(7) No change.

(a) through (f) No change.

(g) Within ten days from the date of receipt of the Recommended Order by the Agency Clerk of the Department, parties to the proceeding may file written Exceptions to the Recommended Order with the Agency Clerk of the Department, with service of copies on all parties. Exceptions

not filed with the Agency Clerk within the ten days shall be rejected. Exceptions shall state, with particularity, the basis for asserting that the ~~administrative law judge hearing officer~~ erred in making or omitting specific findings of fact, conclusions of law, or a recommendation. Any party may serve a Response to Exceptions within ten (10) days of service of the Exceptions. The Department shall issue a final order within 30 days after receipt of the Recommended Order by the Agency Clerk if the Department determines that the plan or plan amendment is in compliance. If the Department determines that the plan or plan amendment is not in compliance, the Department shall submit, within 30 days after receipt, the Recommended Order to the Administration Commission for final agency action.

Specific Authority 163.3177(9) FS. Law Implemented 163.3177(9), 163.3184(8),(9),(10) FS. History—New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 7-21-97, 4-8-99,\_\_\_\_\_.

9J-11.018 Evaluation and Appraisal Reports and Evaluation and Appraisal Report-Based Amendments.

(1) No change.

(2) through (5) No change.

Specific Authority 163.3177(9), 163.3191(12) FS. Law Implemented 163.3187(6), 163.3191 FS. History—New 11-6-96, Amended 4-8-99.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Ray Eubanks, Community Program Administrator, Division of Community Planning, Bureau of State Planning

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: J. Thomas Beck, Director, Division of Community Planning

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 23, 2000

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Resource Planning and Management**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Rules of Procedure and Practice 9J-28  
Pertaining Quality Developments 9J-28

RULE TITLES: RULE NOS.:

Purpose 9J-28.001

Definitions 9J-28.002

Applicability 9J-28.003

Public Participation 9J-28.004

Notices, Agendas, Conduct of Proceedings 9J-28.005

Application Forms 9J-28.006

Requirements for Designation as a Florida Quality Development 9J-28.009

Filing the Application for Development

Designation 9J-28.011

Pleadings 9J-28.014

Commencement of Appeal Proceedings 9J-28.015

Answer 9J-28.016

Reply	9J-28.017
Non-Party Response	9J-28.018
Time for Hearing Appeal	9J-28.019
Duties of Review Board Staff	9J-28.020
Conduct of Appeals	9J-28.021
Appeals Decisions	9J-28.022
Florida Quality Development Orders	9J-28.023

**PURPOSE AND EFFECT:** To modify the rules to comply with 120.536(2)(b), F.S., as amended by Chapter 99-379, §3, Laws of Florida, and update the rules.

**SUMMARY:** Chapter 9J-28, Florida Administrative Code, pertains to developments of regional impact that meet certain criteria to be designated as Florida Quality Developments (FQD). Some of the rules in this notice are proposed to be revised to either incorporate updated information or modify certain requirements. Other rules are proposed to be repealed. Statute citations for rule making authority and law implementation references have also been updated in the rules. Rule 9J-28.001, concerning the purpose for the rules, is repealed. The revision to Rule 9J-28.002, definitions, incorporates the correct name as the Division of Community Planning. Rules 9J-28.003, pertaining to the applicability of the rules; 9J-28.004, encouraging public participation in the FQD process; and 9J-28.005, pertaining to notices, agendas and conduct of proceedings are repealed.

Revisions to Rule 9J-28.006 reference a new effective date for the FQD application form and changes the address and name of the Division within the Department where this form can be obtained.

Rule 9J-28.009, pertaining to requirements for designation as a Florida Quality Development, is revised to correctly reference the Florida Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission; changes a reference from section 403.8171 to Chapter 403, F.S.; deletes the reference to the Florida Department of Agriculture and Consumer Services' endangered plant list and replaces it by reference to the plant list in Rule 9J-2.041, Florida Administrative Code; incorporates a requirement to include an outline and description of energy conservation features in the FQD project's energy conservation plan; updates references to correctly refer to the regional strategic plans; and deletes the reference to the state land development plan. In the Planning and Design Features section, the reference to the Florida Department of Natural Resources is revised to reference the Department of Environmental Protection.

The revision to Rule 9J-28.011 (Filing for Application for Development Designation) changes the reference for determining the completeness of information submitted from section 120.57, F.S., to section 120.569, F.S.

Rules 9J-28.014 through 9J-28.019 and Rules 9J-28.021 and 9J-28.022 pertaining to pleadings filed in response to the designation or non-designation of a project as a FQD; commencement of appeal proceedings; answering a petition

filed by a developer; the petitioner's reply to the answer; responses to the petition by non-party reviewing entities; procedures for scheduling an appeal; conduct of appeals; and appeals decisions are all repealed. In Rule 9J-28.020, the reference to repealed Rule 9J-28.022 is deleted.

A requirement that a finding of fact be made that a FQD development order is consistent with the state land development plan is deleted from Rule 9J-28.023. Also, references in the rule are updated to correctly refer to the Florida Department of Environmental Protection and Florida Fish and Wildlife Conservation Commission, delete the reference to the state land development plan and to correctly reference the regional strategic plan.

**SPECIFIC AUTHORITY:** 380.032(2)(a), 380.061(3), 380.061(6)(d), 380.061(8)(b) FS.

**LAW IMPLEMENTED:** 120.536(2)(b), as amended by Chapter 99-379, §3, Laws of Florida, 380.061(3), 380.061(4), 380.061(5)(b), 380.061(5)(d), 380.061(6)(a) FS.

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

**TIME AND DATE:** 9:00 a.m., November 13, 2000

**PLACE:** Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodations at the hearing because of a disability or physical impairment should contact David Jordan, Assistant General Counsel, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone number (850)488-0410, Suncom 278-0410, at least seven days before 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 RULES IS:** David Jordan, Assistant General Counsel, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32303-2100. Telephone number (850)488-0410, SUNCOM 278-0420

**THE FULL TEXT OF THE PROPOSED RULES IS:**

**9J-28.001 Purpose.**

Specific Authority 380.032(2)(a), 380.061(8)(b) FS. Law Implemented 380.061 FS. History--New 1-23-90, Repealed.

**9J-28.002 Definitions.**

(1) through (7) No change.

(8) "Division" means the Division of Community Resource Planning and Management of the Department of Community Affairs.

(9) through (27) No change.

Specific Authority 380.032(2)(a), 380.061(8)(b) FS. Law Implemented 380.061 FS. History--New 1-23-90, Amended.

9J-28.003 Applicability.

Specific Authority ~~380.032(2)(a), 380.061(8)(b) FS. Law Implemented 380.061 FS. History--New 1-23-90, Repealed~~.

9J-28.004 Public Participation.

Specific Authority ~~380.032(2)(a), 380.061(8)(b) FS. Law Implemented 380.061 FS. History--New 1-23-90, Repealed~~.

9J-28.005 Notices, Agendas, Conduct of Proceedings.

Specific Authority ~~380.032(2)(a), 380.061(8)(b) FS. Law Implemented 380.061 FS. History--New 1-23-90, Repealed~~.

9J-28.006 Application Forms.

Applications for designation of a development as an FQD shall be made on Form RPM-BSP-ADA-1, "Development of Regional Impact Application for Development Approval," effective date: 11/9076, as incorporated by reference in 9J-2.0107(1)(a), Florida Administrative Code, and in addition thereto those items specified in Rules 9J-28.008, "General Requirements," and 9J-28.009, "Requirements for Designation as a Florida Quality Development." The form may be obtained by submitting a request to: State of Florida Department of Community Affairs, Division of ~~Community Resource Planning, 2555 Shumard Oak Boulevard, Sadowski Building and Management, Bureau of State Planning, 2740 Centerview Drive, Rhyme Building,~~ Tallahassee, Florida 32399-2100.

Specific Authority ~~380.032(2)(a), 380.061(8)(b) FS. Law Implemented 380.061(4) FS. History--New 1-23-90, Amended~~.

9J-28.009 Requirements for Designation as a Florida Quality Development.

(1)(a) No change.

1. Wetlands and Water Bodies Within the Jurisdiction of the Florida Department of Environmental ~~Protection Regulation~~. The developer shall preserve all wetlands and waterbodies within the jurisdiction of the Florida Department of Environmental ~~Protection (DEP) Regulation (DER)~~. In order to facilitate review, the developer should obtain a binding Jurisdictional Declaratory Statement from ~~DEPR~~ for all wetlands within the project boundaries.

a. The developer may alter such wetlands and water bodies for the purpose of site access provided other routes of access are unavailable or impractical. However, such use shall be subject to approval by the ~~DEPR~~, pursuant to its authority under Chapter 403, Florida Statutes.

b. No change.

c. The developer may enhance wetlands and water bodies which have been artificially created to produce a more naturally functioning system. Man-made wetlands, created for mitigative purposes, may not be altered unless the redesign or alteration enhances the functionality of the system and is performed in accordance with the approval of the appropriate agencies which required or permitted the mitigation site. Such use is subject to approval by the ~~DEPR~~, pursuant to its

authority under ~~Chapter 403 Section 403.8171~~, Florida Statutes. The developer shall indicate any such proposed use in the application for development designation.

2. Dunes and Beaches. The developer shall preserve active beach and primary dunes seaward of the coastal construction control line established pursuant to Section 161.053, Florida Statutes. The developer shall also preserve secondary dunes seaward of the coastal construction control line except for those sites where the developer obtains a permit from the Florida Department of ~~Environmental Protection Natural Resources~~ to alter, excavate, or construct structures pursuant to Section 161.053, Florida Statutes. The developer shall set aside adequate public accessways to the beach. The developer may construct and maintain elevated walkways over the dunes to provide access to the beach as permitted pursuant to Section 161.053, Florida Statutes. These walkways shall be designed and built to protect the dunes and their associated vegetation.

3.a. through d. No change.

4. Areas Important to Endangered or Threatened Animal Species. The developer shall preserve the habitat areas necessary to ensure the survival of the animal species designated as endangered or threatened by the United States Fish and Wildlife Service hereby referenced as Chapter 50, Code of the Federal Regulations, Section 17.11-12, Subpart B – List, "Title 50 Wildlife and Fisheries Part 17 – Endangered and Threatened Wildlife and Plants," and the Florida ~~Game and Fresh Water Fish and Wildlife Conservation~~ Commission hereby referenced as published in Section ~~3968A~~-27.003-.005, Florida Administrative Code, "Official List of Endangered and Potentially Endangered Fauna and Flora in Florida."

a. No change.

b. The survey should be conducted according to guidelines for such surveys as recommended by the ~~Game and Fresh Water Fish and Wildlife Conservation~~ Commission (Commission). The survey should include, at a minimum: (1) a description of the survey methodology, including dates and times; and (2) a list and map of threatened and endangered animal species observed onsite and presumed to use the site based on the vegetative community and species range. The Department may consult with the Commission on the results of the survey and receive comments and recommendations from the Commission.

c. No change.

5. Areas Known to Contain Endangered Plant Species. The developer shall preserve areas known to contain plant species designated as endangered plant species in ~~Rule 9J-2.041, Florida Administrative Code by the Florida Department of Agriculture and Consumer Services hereby referenced as published in Sections 581.185-187, Florida Statutes.~~

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

(c) The developer shall prepare an energy conservation plan for the design, construction and operation of the development. The plan shall outline and describe energy conservation standards and features, and design criteria expected to be used in the architectural design, construction, and operation of the structures. The plan should be included in the application for development designation. The plan shall consider, but not be limited to, the following energy conservation features:

1. through (d) No change.

(6) Infrastructure. The developer will provide for construction and maintenance of all onsite infrastructure necessary to support the project. The developer shall enter into a binding commitment with the local government to provide an appropriate fair-share contribution toward offsite impacts which the development will impose on publicly funded facilities and services and condition or phase the commencement of development to ensure that public facilities and services will be available concurrent with the impacts of the development. This commitment does not include offsite transportation facilities. For the purposes of offsite transportation impacts, the developer shall comply, at a minimum, with the following standards: the state land planning agency's development of regional impact transportation rule, if in effect; the approved strategic regional policy comprehensive plan; any applicable regional planning council transportation rule; and the approved local government comprehensive plan and land development regulations adopted pursuant to Part II of Chapter 163, Florida Statutes.

(7) Consistency with Plans. The design and construction of the development shall be consistent with the adopted state comprehensive plan, ~~the state land development plan~~, the applicable strategic comprehensive regional policy plan, and the applicable adopted local government comprehensive plan.

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

POINTS

DESIGN FEATURE

ASSIGNED

Primary Design Features

1. through 3. No change.

4. Preservation of areas that are primary habitat for significant populations of animal species of special concern designated by the Florida ~~Game and Fresh Water Fish and Wildlife Conservation~~ Commission or protection and preservation of uplands as wildlife habitat with special consideration given to prime recharge areas, areas designated by the Florida Department of ~~Natural Resources~~ Environmental Protection to be significant value to the state park system, or other environmentally sensitive property included on the Conservation and Recreation Lands or the Land Acquisition Trust Fund priority list or included as a priority for acquisition by a water management district through the Save Our River program;

5. through 13. No change.

Specific Authority 380.032(2)(a), 380.061(3),(8)(b) FS. Law Implemented 380.061(3) FS. History–New 1-23-90, Amended.

9J-28.011 Filing the Application for Development Designation.

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

(c) The application for development designation shall be approved or denied by the Department and the local government within 90 days after receipt of the original complete application or receipt of the timely requested additional information or correction of errors or omissions which determine the application complete. The 90 day time limitation prescribed by Subsection 120.60, Florida Statutes, for the approval or denial of license applications is subject to waiver by the applicant. The Department shall consider any report and recommendations made by the regional planning council which are received within 50 days after receipt of the complete application. In preparing its report and recommendations, the regional planning council should identify regional issues based on the criteria pursuant to Subsection 380.06(12), Florida Statutes. If the applicant chooses to appeal the completeness review for the FQD, the 90 day period will be tolled by the initiation of proceedings under Section 120.5697, Florida Statutes, and will resume 10 days after the recommended order of the hearing officer is submitted to the Department, the local government, the applicant, and other parties.

(d) No change.

Specific Authority 380.032(2)(a), 380.061(8)(b) FS. Law Implemented 380.061(5)(b) FS. History–New 1-23-90, Amended.

9J-28.014 Pleadings.

Specific Authority 380.032(2)(a), 380.061(6)(d),(8)(b) FS. Law Implemented 380.061(6) FS. History–New 1-23-90, Repealed.

9J-28.015 Commencement of Appeal Proceedings.

Specific Authority 380.032(2)(a), 380.061(6)(d),(8)(b) FS. Law Implemented 380.061(6) FS. History–New 1-23-90, Repealed.

9J-28.016 Answer.

Specific Authority 380.032(2)(a), 380.061(6)(d),(8)(b)FS. Law Implemented 380.061(6) FS. History–New 1-23-90, Repealed.

9J-28.017 Reply.

Specific Authority 380.032(2)(a), 380.061(6)(d),(8)(b) FS. Law Implemented 380.061(6) FS.. History–New 1-23-90, Repealed.

9J-28.018 Non-Party Response.

Specific Authority 380.032(2)(a), 380.061(6)(d),(8)(b) FS. Law Implemented 380.061(6) FS. History–New 1-23-90, Repealed.

9J-28.019 Time for Hearing Appeal.

Specific Authority 380.032(2)(a), 380.061(6)(d),(8)(b) FS. Law Implemented 380.061(6) FS. History–New 1-23-90, Repealed.

9J-28.020 Duties of Review Board Staff.

(1) through (3) No change.

(4) Prepare the written decision of the Review Board pursuant to rule section 9J-28.022, Florida Administrative Code.

(5) No change.

Specific Authority 380.032(2)(a), 380.061(6)(d),(8)(b) FS. Law Implemented 380.061(6)(a) FS. History—New 1-23-90, Amended \_\_\_\_\_.

9J-28.021 Conduct of Appeals.

Specific Authority 380.032(2)(a), 380.061(6)(d),(8)(b) FS. Law Implemented 380.061(6) FS. History—New 1-23-90, Repealed \_\_\_\_\_.

9J-28.022 Appeals Decisions.

Specific Authority 380.032(2)(a), 380.061(6)(d),(8)(b) FS. Law Implemented 380.061(6) FS. History—New 1-23-90, Repealed \_\_\_\_\_.

9J-28.023 Florida Quality Development Orders.

(1) through (4)(b)6.a. No change.

~~b. The development is consistent with the state land development plan;~~

~~b.e.~~ The local government with jurisdiction has reviewed the development, has found the development consistent with the local government comprehensive plan, and has approved the designation of the development as an FQD, specifying the conditions for approval;

~~c.d.~~ The Department has reviewed the development, has found it to be consistent with the state comprehensive plan and the state land development plan, and has approved the designation of the development as an FQD, specifying the conditions of approval;

~~d.e.~~ The development is in an Area of Critical State Concern;

~~e.f.~~ The development is above the applicable development of regional impact thresholds, pursuant to s. 380.06, Florida Statutes, and is thereby a development of regional impact;

~~f.g.~~ The development will preserve, in perpetuity, wetlands and water bodies within the jurisdiction of the Department of Environmental ~~Protection Regulation~~ which occur on development property, specifying the mechanism to be used for the preservation of those wetlands and water bodies or stating that these lands do not occur on the development property;

~~g.h.~~ The development will preserve, in perpetuity, active beaches and primary dunes that occur seaward of the coastal construction control line on development property, specifying the mechanism to be used for the preservation of those areas or stating that no active beaches or primary dunes occur on the development property;

~~h.i.~~ The development will preserve, in perpetuity, all archaeological sites determined to be significant by the Department of State, Division of Historical Resources,

specifying the mechanism to be used for the preservation of those sites or stating that no such sites occur on the development property;

~~i.j.~~ The development will preserve, in perpetuity, areas known to be important to animal species designated as endangered or threatened by the United States Fish and Wildlife Service or the Florida ~~Game and Fresh Water Fish and Wildlife Conservation~~ Commission, specifying the mechanism to be used for the preservation of those areas or stating that such areas do not occur on development property;

~~j.k.~~ The development will preserve, in perpetuity, areas known to contain plant species designated as endangered by the Florida Department of Agriculture and Consumer Services, specifying the mechanism to be used for the preservation of those areas or stating that such areas do not occur on the development property;

~~k.l.~~ The development will not produce or dispose of any substances designated as hazardous or toxic by the U.S. Environmental Protection Agency, the Florida Department of Environmental ~~Protection Regulation~~, or the Florida Department of Agriculture and Consumer Services;

~~l.m.~~ The development will participate in a downtown reuse or redevelopment program to improve and rehabilitate a declining downtown area if located in or adjacent to a redevelopment district;

~~m.n.~~ The development will include open space and recreation areas, specifying the type and acreage of those lands;

~~n.o.~~ The development will include energy conservation features;

~~o.p.~~ The development will minimize impermeable surfaces;

~~p.q.~~ The developer has entered into a binding commitment to provide for the construction and maintenance of all onsite facilities and services necessary to support the development;

~~q.r.~~ The developer will provide for construction and maintenance of all onsite infrastructure necessary to support the project and enter into a binding commitment with the local government to provide an appropriate fair-share contribution toward offsite impacts that the development will impose on the publicly funded facilities and services; and

~~r.s.~~ For the purposes of offsite transportation impacts, the developer will comply, at a minimum, with the standards of the Department's development of regional impact transportation rule if in effect, the approved regional ~~comprehensive~~ strategic plan and any applicable regional planning council transportation rule, and the approved local government comprehensive plan and land development regulations adopted pursuant to part II of Chapter 163, Florida Statutes; and



~~s.t.~~ The development includes innovative design and quality of life features, or other development features that address the needs of the people as identified in the state comprehensive plan for those who will live and work in and near the development;

7. through (7)(c) No change.

Specific Authority ~~380.032(2)(a), 380.061(8)(b)~~ FS. Law Implemented ~~380.061, 380.061(5)(d)~~ FS. History—New 1-23-90, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jeff Bielling, Senior Management Analyst, Bureau of State Planning

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: J. Thomas Beck, Director, Division of Community Planning

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 21, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 30, 2000

**DEPARTMENT OF REVENUE**

RULE TITLES:	RULE NOS.:
Requests for Technical Assistance Advisements	12-11.003
Processing Requests for, and Obtaining Copies of Technical Assistance Advisements	12-11.006

PURPOSE AND EFFECT: The purpose of these proposed rule amendments is to remove references to a departmental office that no longer exists, and to eliminate a requirement imposed on taxpayer associations.

SUMMARY: A) The proposed amendments to Rule 12-11.003, F.A.C. (Requests for Technical Assistance Advisements), remove references to the Office of Industry and Intergovernmental Services and the Director who administered the office. This office and position were eliminated. The proposed amendments to this rule also delete a provision in subsection (3)(d) that required taxpayer associations to distribute Technical Assistance Advisements (TAAs) to “. . . related interested parties . . .” instead of just their members. B) The proposed changes to Rule 12-11.006, F.A.C. (Processing Requests for, and Obtaining Copies of Technical Assistance Advisements), also remove references to the Office of Industry and Intergovernmental Services, and the Director who administered this office.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since the proposed amendments to these rules do not implement any new administrative program, but instead reduce the administrative burden on specific taxpayers, no new regulatory costs are being created. Therefore, 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: 213.06(1), 213.22(3) FS.

LAW IMPLEMENTED: 213.22 FS.

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

TIME AND DATE: 10:00 a.m., November 14, 2000

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4830

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips at (850)488-0717. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE FULL TEXT OF THE PROPOSED RULES IS:

12-11.003 Requests for Technical Assistance Advisements.

(1) through (2) No change.

(3) Each written request for a technical assistance advisement from a taxpayer association or the association’s representative must contain:

(a) through (c) No change.

(d) A statement from the taxpayer association agreeing to disseminate the TAA to all of its members ~~and related interested parties.~~

(e) No change.

~~(4) Upon receipt of a request from a taxpayer association for a TAA, the Department’s Director of Industry and Intergovernmental Services will determine whether the issue is of general applicability and is appropriate for the issuance of an industry wide TAA.~~

(5) through (6) renumbered (4) through (5) No change.

~~(6)(7)(a)~~ A request for issuance of a technical assistance advisement by the Department ~~from an individual taxpayer or his or her representative~~ should be addressed to Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443.

~~(b) A request from a taxpayer association or its representative should be addressed to the Office of Industry and Intergovernmental Services, Room 104, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida 32399 0100.~~

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

~~(8)(9)~~ When a taxpayer who is under audit or a taxpayer association that has a member who is under audit requests a Technical Assistance Advisement (TAA) on any tax being audited or a transaction or period being reviewed, other than a request regarding the sales and use tax exemptions granted to general groceries and medical items pursuant to s. 212.08(1) and (2), F.S., the taxpayer or the taxpayer association shall mail or hand-deliver to the authorized employee conducting the audit or review a copy of the TAA request at the same time the request is mailed to Technical Assistance and Dispute Resolution (TADR) ~~or the Office of Industry and Intergovernmental Services (I&IS)~~ for a response. Upon receipt of the TAA request, the authorized employee will notify TADR ~~or I&IS~~ of his or her intent to provide any factual information, documents, arguments, or authorities which he or she wants considered. The authorized employee shall have 10 working days from the date of the TAA request in which to forward any information to TADR ~~or I&IS~~ or to request additional time to submit information regarding the TAA request. The authorized employee shall not be obligated to suspend the audit or review pending issuance of the TAA. After issuance of a Notice of Proposed Assessment or billing, no TAA will be issued to a taxpayer or taxpayer association with respect to the tax liability reflected by the proposed assessment or billing, other than a TAA request regarding the sales and use tax exemptions granted to general groceries and medical items pursuant to s. 212.08(1) and (2), F.S.

~~(9)(10)~~ No change.

Specific Authority 213.06(1), 213.22(3) FS. Law Implemented 213.22 FS. History—New 5-27-82, Formerly 12-11.03, Amended 10-24-96, 6-28-00, \_\_\_\_\_.

12-11.006 Processing Requests for, and Obtaining Copies of, Technical Assistance Advisements.

(1) No change.

(2) A taxpayer or the taxpayer's authorized representative, or a taxpayer association or its representative, desiring to obtain information as to the status of the taxpayer's request may do so by contacting ~~either~~ Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443 ~~or the Director of Industry and Intergovernmental Services at Room 104, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida 32399 0100, depending on where the request was directed originally.~~

(3) No change.

Specific Authority 213.06(1), 213.22(3) FS. Law Implemented 213.22(1) FS. History—New 5-27-82, Formerly 12-11.06, Amended 10-24-96, 6-28-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4830

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)922-4746

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Rule Development Workshop was published in the Florida Administrative Weekly on August 11, 2000 (Vol. 26, No. 32, pp. 3658-3659).

**DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY**

**Public Employees Relations Commission**

RULE TITLE: Unit Clarification or Modification

RULE NO.: 38D-17.024

PURPOSE AND EFFECT: The proposed repeal is intended to eliminate a rule which may be unauthorized. The effect of the proposed repeal is that the Commission will not have a clear procedure to assist public employers, employee organizations, and public employees with unit clarifications or modifications after the Commission defines the bargaining unit in question.

SUMMARY: This rule sets forth the minimum information that is necessary for the Commission to make a preliminary determination as to whether a requested alteration in the description or composition of a bargaining unit may be made by unit clarification or modification procedures.

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

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

SPECIFIC AUTHORITY: 120.536, 120.54(1) FS.

LAW IMPLEMENTED: 120.536, 120.54(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Stephen A. Meck, General Counsel, Public Employees Relations Commission, 2586 Seagate Drive, Tallahassee, Florida 32301-5032

THE FULL TEXT OF THE PROPOSED RULE IS:

38D-17.024 Unit Clarification or Modification.

Specific Authority 447.207(1), FS. Law Implemented 447.207(6) FS. History—New 9-18-84, Formerly 38D-17.24, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stephen A. Meck, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Donna Maggert Poole, Chair, Public Employees Relations Commission  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 1, 2000

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Managed Care and Health Quality**

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

PURPOSE AND EFFECT: The Agency proposes to develop rules consistent with provisions of s. 400.191, F.S., that became effective June 21, 2000. The legislation requires the Agency to produce a consumer friendly printed guide and internet site to assist consumers and their family members in comparing and evaluating nursing home facilities.

SUMMARY: Format of the guide, the data elements that will be included in the guide, and the algorithm for summarizing the deficiencies received by each facility.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 400.191(6) FS.

LAW IMPLEMENTED: 400.191 FS.

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

TIME AND DATE: 10:00 a.m., November 13, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Shawn Phelps, Managed Care and Health Quality, 2727 Mahan Drive, Mailstop #9, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-4.165 Nursing Home Guide.

(1) Pursuant to s. 400.191, F.S., the Agency shall provide information to the public in consumer-friendly printed and electronic formats (hereafter collectively the "Guide") to assist consumers and their families in comparing and evaluating nursing home facilities.

(2) The format of the printed Guide is shown in the "Nursing Home Guide 2000" document, dated July 2000, incorporated by reference herein.

(3) The format of the electronic Guide will be the same as the printed Guide, but with the addition of the following:

(a) The ability to search for a facility electronically.

(b) Details of which deficiencies the facility has been cited for over the past 45 months.

(4) The data provided in the Guide shall include the following:

(a) General guidance about when a nursing home is the appropriate choice of care.

(b) General guidance about selecting a nursing home.

(c) Contact information such as phone numbers and web sites where questions can be answered, and further information obtained.

(d) A listing of all nursing home facilities in the state of Florida, including hospital based skilled nursing units. This listing shall include for each facility the following:

1. name;

2. address;

3. voice and fax phone numbers;

4. web address of facility;

5. a recognition if the facility has been awarded a Gold Seal;

6. the current licensee;

7. which calendar year the current licensee became the licensee;

8. whether the licensee is a for-profit, or non-profit entity, and whether or not the facility is part of a retirement community;

9. any corporate or religious affiliations;

10. the number of private, semi-private, and total beds at the facility;

11. the lowest daily charge for a semi-private room;

12. the payment forms accepted;

13. any special services or amenities, or recreational programs provided;

14. any non-English languages spoken by the administrator or staff of the facility; and

15. a summary of the deficiencies found at the facility over a 45 month period prior to the publication of the Guide. The summarization procedure is discussed in detail below;

(5) The Guide will employ a procedure for summarizing the deficiencies as follows:

(a) All deficiencies cited over the most recently available 45 month period prior to the publication of the Guide will be collected.

(b) Each citation will be assigned points based on the type of deficiency and its assigned severity and scope. For those facilities that are not federally certified, each citation will be assigned points based on the type of deficiency and its assigned class. Facilities that are federally certified have their deficiencies recorded as F-Tags and K-Tags. Facilities that are not federally certified receive N-Tags instead of F-Tags and K-Tags. For the non-federally certified facilities the findings supporting each N-Tag shall be read by the Agency to determine which F-Tag or K-Tag each of the cited N-Tags is

equivalent to. The points assigned to an N-Tag shall be those that would be assigned to the equivalent F-Tag or K-Tag, if the facility were federally certified.

(c) A score for a facility will be computed by summing the points of all of its citations, and then dividing this sum by the number of annual recertification surveys conducted at the facility in the same 45 month period as in (a) above. For those facilities that are not federally certified, the number of annual licensure surveys will be used in place of the number of annual recertification surveys.

(d) For federally certified facilities, the above computations will reflect any changes resulting from the Informal Dispute Resolution process, or administrative or appellate proceedings; inasmuch as the federal Health Care Financing Administration concurs with such changes.

(e) The scores for the freestanding nursing facilities will be ranked within each region. The regions are defined in the "Nursing Home Guide Performance Measures Algorithm" document, dated July 2000, incorporated by reference herein.

(f) Ranks for the hospital based skilled nursing units will be assigned the same rank as the freestanding nursing facility in the same region with an equal or next lower score.

(g) These ranks shall be presented numerically and/or symbolically in the Guide.

(h)(b) through (g) shall be repeated for subsets of the citations. These subsets are discussed in the "Nursing Home Guide Performance Measures Algorithm" document, dated July 2000, incorporated by reference herein.

(i) Facilities that are federally certified have their deficiencies recorded as F-Tags and K-Tags. Facilities that are not federally certified receive N-Tags instead of F-Tags and K-Tags. For the non-federally certified facilities the findings supporting each N-Tag shall be read by the Agency to determine which F-Tag or K-Tag each of the cited N-Tags is equivalent to. The subsetting of the tags in (h) for non-certified facilities shall be accomplished by using these equivalent F-Tags and K-Tags.

(j) 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.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Shawn Phelps, Senior Management Analyst II, Managed Care and Health Quality

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., Secretary, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 7, 2000

**AGENCY FOR HEALTH CARE ADMINISTRATION  
Health Facility and Agency Licensing**

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

PURPOSE AND EFFECT: The Agency proposes to make rules consistent with provisions of s. 400.0225, F.S., that became effective June 21, 2000. The legislation requires the Agency to conduct annual satisfaction surveys of nursing home residents and their family members or guardians. Nursing homes, including skilled nursing units of hospitals, are required to participate in the annual satisfaction surveys as a condition of licensure.

SUMMARY: Questions to be asked of residents and their family members and guardians. Protocol for selecting residents and conducting interviews.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 400.0225 FS.

LAW IMPLEMENTED: 400.0225 FS.

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

TIME AND DATE: 10:00 a.m., November 14, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Shawn Phelps, Managed Care and Health Quality, 2727 Mahan Drive, Mailstop #9, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-4.166 Nursing Home Consumer Satisfaction Survey.

(1) Pursuant to 400.0225, F.S. the Agency or its contractor shall conduct consumer satisfaction surveys of all nursing homes and skilled nursing units of hospitals in the state. These nursing homes and skilled nursing units shall hereafter be referred to as "nursing facilities".

(2) The Agency or its contractor will survey family members and guardians of residents of these nursing facilities by way of mail surveys. This will require each nursing facility to provide to the Agency or its contractor, upon request, the names and addresses of at least one family member or guardian for each resident.

(3) The Agency or its contractor will interview residents of these facilities in person. This will require each nursing facility to provide to the Agency or its contractor, upon request, a list of all residents, along with each resident's room number, and each resident's birth date.

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

(5) The specific protocol for conducting these surveys and interviews is shown in the "Nursing Home and Skilled Nursing Unit Resident and Family Member Survey Project" document, dated July 2000, incorporated by reference herein.

(6) 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 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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Shawn Phelps, Senior Management Analyst II, Managed Care and Health Quality

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., Secretary, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 7, 2000

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

RULE TITLE: Certificate of Need Application Procedures  
RULE NO.: 59C-1.008

PURPOSE AND EFFECT: Current paragraph 59C-1.008(1)(g), F.A.C., titled "Applications Subject to Competitive Review-Batching Cycles," was adopted to help ensure that certificate of need (CON) review of competing proposals, described in s. 408.039, F.S., proceeds in an orderly manner. The paragraph establishes deadlines for specified actions by applicants and the agency, including deadlines for submission of a letter of intent and for submission of the CON application. The proposed amendment establishes the deadlines for 2001 and 2002.

SUMMARY: The amendments establish CON "batching cycle" deadlines for 2001 and 2002.

SUMMARY STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 408.15(8), 408.034(5) FS.

LAW IMPLEMENTED: 408.037, 408.038, 408.039 FS.

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

TIME AND DATE: 2:00 p.m., November 14, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Davis, Certificate of Need Office, 2727 Mahan Drive, Tallahassee, Florida

THE FULL TEXT OF THE PROPOSED RULE IS:

59C-1.008 Certificate of Need Application Procedures.

(1) Letters of Intent and applications subject to comparative competitive review shall be accepted in two batching cycles annually each for hospital projects, and for nursing facility projects, as specified in paragraph (g) of this subsection. All other projects subject to comparative competitive review shall be reviewed in the hospital batching cycle. "All other projects" include projects by or for ~~home health agencies~~, hospices, and intermediate care facilities for the developmentally disabled.

(a) through (f) No change.

(g) Applications Subject to Comparative Competitive Review-Batching Cycles. In order that applications pertaining to similar types of services or facilities affecting the same service district or subdistrict may be considered in relation to each other for purposes of comparative competitive review, letters of intent and applications shall be received by the agency no later than dates prescribed in the following schedule:

<b>Hospitals and Other Projects</b>	
<b>1st Batching Cycle—1997</b>	
<del>Summary Need Projections Published in F.A.W.</del>	<del>2-07-97</del>
<del>Letter of Intent Deadline</del>	<del>2-24-97</del>
<del>Application Deadline</del>	<del>3-26-97</del>
<del>Completeness Review Deadline</del>	<del>4-10-97</del>
<del>Application Omissions Deadline</del>	<del>5-12-97</del>
<del>Agency Initial Decision Deadline</del>	<del>7-11-97</del>

Hospitals and Other Projects  
2nd Batching Cycle—1997

Summary Need Projections Published in F.A.W.	8-08-97
Letter of Intent Deadline	8-25-97
Application Deadline	9-24-97
Completeness Review Deadline	10-09-97
Application Omissions Deadline	11-10-97
Agency Initial Decision Deadline	1-09-98

Hospitals and Other Projects  
1st Batching Cycle—1998

Summary Need Projections Published in F.A.W.	2-06-98
Letter of Intent Deadline	2-23-98
Application Deadline	3-25-98
Completeness Review Deadline	4-09-98
Application Omissions Deadline	5-11-98
Agency Initial Decision Deadline	7-10-98

Hospitals and Other Projects  
2nd Batching Cycle—1998

Summary Need Projections Published in F.A.W.	7-31-98
Letter of Intent Deadline	8-17-98
Application Deadline	9-16-98
Completeness Review Deadline	9-23-98
Application Omissions Deadline	10-21-98
Agency Initial Decision Deadline	12-18-98

Hospitals and Other Projects  
1st Batching Cycle—1999

Summary Need Projections Published in F.A.W.	1-29-99
Letter of Intent Deadline	2-15-99
Application Deadline	3-17-99
Completeness Review Deadline	3-24-99
Application Omissions Deadline	4-21-99
Agency Initial Decision Deadline	6-18-99

Hospitals and Other Projects  
2nd Batching Cycle—1999

Summary Need Projections Published in F.A.W.	7-30-99
Letter of Intent Deadline	8-16-99
Application Deadline	9-15-99
Completeness Review Deadline	9-22-99
Application Omissions Deadline	10-20-99
Agency Initial Decision Deadline	12-17-99

Hospitals and Other Projects  
1st Batching Cycle – 2000

Summary Need Projections Published in F.A.W.	1-28-00
Letter of Intent Deadline	2-14-00
Application Deadline	3-15-00
Completeness Review Deadline	3-22-00
Application Omissions Deadline	4-19-00
Agency Initial Decision Deadline	6-16-00

Hospitals and Other Projects  
2nd Batching Cycle – 2000

Summary Need Projections Published in F.A.W.	7-28-00
Letter of Intent Deadline	8-14-00
Application Deadline	9-13-00
Completeness Review Deadline	9-20-00
Application Omissions Deadline	10-18-00
Agency Initial Decision Deadline	12-15-00

Hospitals and Other Projects  
1st Batching Cycle – 2001

Summary Need Projections Published in F.A.W.	1-26-01
Letter of Intent Deadline	2-12-01
Application Deadline	3-14-01
Completeness Review Deadline	3-21-01
Application Omissions Deadline	4-18-01
Agency Initial Decision Deadline	6-15-01

Hospitals and Other Projects  
2nd Batching Cycle – 2001

Summary Need Projections Published in F.A.W.	7-27-01
Letter of Intent Deadline	8-13-01
Application Deadline	9-12-01
Completeness Review Deadline	9-19-01
Application Omissions Deadline	10-17-01
Agency Initial Decision Deadline	12-14-01

Hospitals and Other Projects  
1st Batching Cycle – 2002

Summary Need Projections Published in F.A.W.	1-25-02
Letter of Intent Deadline	2-11-02
Application Deadline	3-13-02
Completeness Review Deadline	3-20-02
Application Omissions Deadline	4-17-02
Agency Initial Decision Deadline	6-14-02

Hospitals and Other Projects  
2nd Batching Cycle – 2002

Summary Need Projections Published in F.A.W.	7-26-02
Letter of Intent Deadline	8-12-02
Application Deadline	9-11-02
Completeness Review Deadline	9-18-02
Application Omissions Deadline	10-16-02
Agency Initial Decision Deadline	12-13-02

Nursing Homes  
1st Batching Cycle—1997

Summary Need Projections Published in F.A.W.	4-18-97
Letter of Intent Deadline	5-05-97
Application Deadline	6-04-97
Completeness Review Deadline	6-19-97
Applicant Omissions Deadline	7-21-97
Agency Initial Decision Deadline	9-19-97

Nursing Homes  
2nd Batching Cycle—1997

Summary Need Projections Published in F.A.W.	10-17-97
Letter of Intent Deadline	11-03-97
Application Deadline	12-03-97
Completeness Review Deadline	12-18-97
Applicant Omissions Deadline	1-20-98
Agency Initial Decision Deadline	3-20-98

Nursing Facilities  
1st Batching Cycle—1998

Summary Need Projections Published in F.A.W.	4-17-98
Letter of Intent Deadline	5-04-98
Application Deadline	6-03-98
Completeness Review Deadline	6-18-98
Applicant Omissions Deadline	7-20-98
Agency Initial Decision Deadline	9-18-98

Nursing Facilities  
2nd Batching Cycle—1998

Summary Need Projections Published in F.A.W.	10-16-98
Letter of Intent Deadline	11-02-98
Application Deadline	12-02-98
Completeness Review Deadline	12-09-98
Applicant Omissions Deadline	1-06-99
Agency Initial Decision Deadline	3-05-99

Nursing Facilities  
1st Batching Cycle—1999

Summary Need Projections Published in F.A.W.	4-16-99
Letter of Intent Deadline	5-03-99
Application Deadline	6-02-99
Completeness Review Deadline	6-09-99
Applicant Omissions Deadline	7-07-99
Agency Initial Decision Deadline	9-03-99

Nursing Facilities  
2nd Batching Cycle—1999

Summary Need Projections Published in F.A.W.	10-15-99
Letter of Intent Deadline	11-01-99
Application Deadline	12-01-99
Completeness Review Deadline	12-08-99
Applicant Omissions Deadline	1-05-00
Agency Initial Decision Deadline	3-03-00

Nursing Facilities  
1st Batching Cycle – 2000

Summary Need Projections Published in F.A.W.	4-14-00
Letter of Intent Deadline	5-01-00
Application Deadline	5-31-00
Completeness Review Deadline	6-07-00
Applicant Omissions Deadline	7-05-00
Agency Initial Decision Deadline	9-01-00

Nursing Facilities  
2nd Batching Cycle – 2000

Summary Need Projections Published in F.A.W.	10-13-00
Letter of Intent Deadline	10-30-00
Application Deadline	11-29-00
Completeness Review Deadline	12-06-00
Applicant Omissions Deadline	1-03-01
Agency Initial Decision Deadline	3-02-01

Nursing Facilities  
1st Batching Cycle – 2001

Summary Need Projections Published in F.A.W.	4-13-01
Letter of Intent Deadline	4-30-01
Application Deadline	5-30-01
Completeness Review Deadline	6-06-01
Applicant Omissions Deadline	7-05-01
Agency Initial Decision Deadline	8-31-01

Nursing Facilities  
2nd Batching Cycle – 2001

Summary Need Projections Published in F.A.W.	10-12-01
Letter of Intent Deadline	10-29-01
Application Deadline	11-28-01
Completeness Review Deadline	12-05-01
Applicant Omissions Deadline	1-02-02
Agency Initial Decision Deadline	3-01-02

Nursing Facilities  
1st Batching Cycle – 2002

Summary Need Projections Published in F.A.W.	4-12-02
Letter of Intent Deadline	4-29-02
Application Deadline	5-29-02
Completeness Review Deadline	6-05-02
Applicant Omissions Deadline	7-03-02
Agency Initial Decision Deadline	8-30-02

Nursing Facilities  
2nd Batching Cycle – 2002

Summary Need Projections Published in F.A.W.	10-11-02
Letter of Intent Deadline	10-28-02
Application Deadline	11-27-02
Completeness Review Deadline	12-04-02
Applicant Omissions Deadline	1-02-03
Agency Initial Decision Deadline	2-28-03

(h) through (6) No change.

Specific Authority 408.15(8), 408.034(5) FS. Law Implemented 408.037, 408.038, 408.039 FS. History—New 1-1-77, Amended 11-1-77, 9-1-78, 6-5-79, 2-1-81, 4-1-82, 7-29-82, 9-6-84, Formerly 10-5.08, Amended 11-24-86, 3-2-87, 6-11-87, 11-17-87, 3-23-88, 5-30-90, 12-20-90, 1-31-91, 9-9-91, 5-12-92, 7-1-92, 8-10-92, Formerly 10-5.008, Amended 4-19-93, 6-23-94, 10-12-94, 10-18-95, 2-12-96, 9-16-96, 11-4-97, 7-21-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jeffrey Gregg, Chief, Health Facility Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., Secretary, Agency for Health Care Administration  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 6, 2000  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Retirement**

RULE CHAPTER TITLE: Approved Forms  
 RULE TITLE: Approved Forms  
 PURPOSE AND EFFECT: The purpose of this rule development is to propose the adoption of one new form and five revised forms related to Florida Retirement System participation, service credit, and benefits. The new form is to be used as a method for auditing benefit recipients. The amended forms are being adopted to accommodate workflow recommendations of the Division of Retirement's Reengineering, Improvement and Modernization (RIM) project, and to clarify the information requested.

SUMMARY: Form SAPS is a new form to be sent to recipients of retirement benefits whose addresses are within the United States to determine if they are still living and entitled to receive the benefits. The member's name and social security number will be electronically printed on the form prior to mailing. Form SMSD-1 is being revised by adding a statement clarifying the required digits in the employee's position number. Form FR-13 is being revised to add a section for designation of beneficiaries. Form HIS-1 is being revised because of a change in acceptable insurance coverage and in the return mail address, and to clarify information provided to the applicant regarding the Health Insurance Subsidy program. Form AAPS is to be sent to recipients of retirement benefits whose addresses are outside the United States to determine if they are still living and entitled to receive the benefits. The form is being changed to conform to the Division's revised forms format, which includes changing the notary section and deleting the request for the member's name and social security number, which will be electronically printed on the form prior to mailing. Form DP-PAYT is being revised to clarify the IRS rule regarding after-tax contributions, to allow for electronic calculation of the selected payout method, and to change the return mail address.

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 within 21 days of this notice.

SPECIFIC AUTHORITY: 121.031 FS.  
 LAW IMPLEMENTED: 121.055, 121.091 FS.  
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
 TIME AND DATE: 10:00 a.m., November 13, 2000  
 PLACE: 2nd Floor Conference Room, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Beth Brewer, Senior Benefits Analyst, Division of Retirement, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida 32399-1560

THE FULL TEXT OF THE PROPOSED RULE IS:

60S-9.001 Approved Forms.  
 The following is a list of the forms utilized by the Division of Retirement in its dealings with the public, which are hereby incorporated by reference into these rules. A copy of these forms may be obtained by writing to the Division of Retirement, Cedars Executive Center, Bldg. C, 2639 N. Monroe Street, Tallahassee, Florida 32399-1560.

- (1) Bureau of Enrollment and Contributions
- | FORM NO./REVISION DATE                 | TITLE  |
|--|--|
| (a) through (i)                        | No change.   |
| (j) SMSD-1 (Rev. <del>8/008/99</del> ) | Senior Management Service Class Designated Position Form |
| (k) through (l)                        | No change.   |
| (2)                                    | No change.   |
| (3)                                    | Bureau of Benefit Payments                               |
- | FORM NO./REVISION DATE                    | TITLE   |
|---|---|
| (a) FR-13 (Rev. <del>7/007/99</del> )     | FRS Application for Disability Retirement                             |
| (b) through (p)                           | No change.  |
| (q) HIS-1 (Rev. <del>7/004/99</del> )     | Florida Retirement System Health Insurance Subsidy Certification Form |
| (r) through (s)                           | No change.  |
| (t) AAPS (Rev. <del>8/007/99</del> )      | Affidavit Attesting to Payee Status                                   |
| (u) through (ee)                          | No change.  |
| (ff) DP-PAYT ( <del>Rev. 7/007/99</del> ) | Deferred Retirement Option Program (DROP) Selected Payout Method      |
| (gg) through (jj)                         | No change.  |
| (4) <u>Administration</u>                 |   |



**FORM NO./REVISION DATE TITLE**

**(a) SAPS (8/00) Statement Attesting to Payee Status**

Specific Authority 121.031 FS. Law Implemented 112.361, 112.363, 120.55, 121.011, 121.031(2), 121.051, 121.0515, 121.081, 121.091, 121.111, 121.121, 121.125, 122.08, 122.09, 215.28, 238.05, 238.06, 238.07 FS. History—New 9-9-82, Amended 2-6-84, 11-6-84, 4-17-85, Formerly 22B-9.01, Amended 6-4-86, 12-5-90, Formerly 22B-9.001, Amended 1-4-93, 1-18-94, 4-26-94, 1-10-95, 11-2-95, 12-28-95, 3-12-96, 12-16-97, 10-14-98, 4-26-99, 1-24-00, \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**  
Ron Poppell, Interim Director, Division of Retirement

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Garrett R. Blanton, Chief of Staff, Department of Management Services

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** October 10, 2000

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** September 22, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

**RULE TITLE:** Citations **RULE NO.:** 61G19-5.006

**PURPOSE AND EFFECT:** The Board proposes to amend the citation fine for specifically designated violations to conform to statute provisions.

**SUMMARY:** The fine for specific disciplinary citations is being updated in this rule to comply with 455.228, F.S.

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

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

**SPECIFIC AUTHORITY:** 455.224, 455.228, 468.606 FS.

**LAW IMPLEMENTED:** 455.224, 455.228, 468.621, 468.627 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:** Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

**THE FULL TEXT OF THE PROPOSED RULE IS:**

61G19-5.006 Citations.

In lieu of the disciplinary procedures contained in Section 455.225, Florida Statutes, the Department is hereby authorized to dispose of any violations designated herein by issuing a citation to the subject within six months after the filing of the complaint that is the basis for the citation. The Board shall issue a citation imposing a ~~\$50.00~~ **\$500.00** fine per occurrence for the following violations:

(1) through (3) No change.

Specific Authority 455.224, ~~455.228~~, 468.606 FS. Law Implemented 455.224, ~~455.228~~, 468.621, 468.627 FS. History—New 5-23-94, Amended 12-6-95, 12-7-97, 4-5-98, \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Building Code Administrators and Inspectors Board

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Building Code Administrators and Inspectors Board

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** September 7, 2000

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** September 22, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

**RULE TITLE:** Voluntary Certification Categories **RULE NO.:** 61G19-6.016

**PURPOSE AND EFFECT:** To adopt recommendations from the Florida Building Commission.

**SUMMARY:** The Modular Inspector section of this rule is being amended as proposed by the Florida Building Commission.

**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:** 468.606, 468.609(10) FS.

**LAW IMPLEMENTED:** 468.609(10) 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:** Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-6.016 Voluntary Certification Categories.

The following voluntary certification categories are created. All specialty licenses require a standard certification.

- (1) through (4) No change.
- (5) Modular Inspector.

(a) Modular Inspector means a person who is qualified to inspect and determine that modular buildings and structures are constructed in accordance with the provisions of the governing building codes and state accessibility laws. A person shall be entitled to take the examination for certification as a modular inspector if the person has three (3) years experience as an inspector with local government and/or state government. ~~As an alternative the applicant must have~~ or three years experience as an inspector with an independent inspection/plans review agency under contract with a state agency.

(b) Responsibilities: Verify ~~that~~ the state approved plans are in the factory. Assure ~~that~~ the buildings being manufactured comply with the approved plans and applicable codes. Compare the approved plans to the modular building and identify any deviations. Determine the reason for the deviations and investigate repetitive deviations in other buildings. Discuss the deviations with the in-plant quality control supervisor and establish a procedure to resolve the deviations them. Verify ~~that~~ the appliances and equipment installed in the building are consistent with those identified in the quality control manual. Verify the data plats have all the information as required for the data plat in Chapter 9B-1, Florida Administrative Code. Assure the state insignia is affixed to the correct right building. The modular inspector shall monitor quality control procedures to verify the in-plant quality control personnel are conducting quality control reviews at the proper times. The modular inspector shall notify the Department of Community Affairs contracted inspection agency of any problems with the in-plant quality control procedures. Notify his/her supervisor of ongoing problems with the in-plant quality control programs, and the inspector's supervisor shall notify the Department of Community Affairs. The inspector shall follow-up on quality control procedures to verify that the in-plant quality control inspector is making the inspection of the buildings at the proper time.

- (6) through (7) No change.

Specific Authority 468.606, 468.609(10) FS. Law Implemented 468.609(10) FS. History—New 7-5-95, Amended 7-7-96, 8-6-97, 6-25-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 7, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Examination  
RULE NO.: 64B19-11.001

PURPOSE AND EFFECT: To address the scores of persons who have taken or take the written exam rather than the computerized exam.

SUMMARY: The Board proposes to improve clarity and elucidate the criteria for passing scores on the examination.

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

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

SPECIFIC AUTHORITY: 456.017(1)(b),(c), 490.004(4) FS.

LAW IMPLEMENTED: 456.017(1)(b),(c),(d), 490.005 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-11.001 Examination.

(1)(a) The first part of the examination shall be the Examination for Professional Practice in Psychology (EPPP) developed by the Association of State and Provincial Psychology Boards.

(b) No change.

(c) The minimum passing score on EPPP shall be 70% correct of the items scored on the examination prior to the October 2000 examination. The minimum passing score on EPPP for the October 2000 examination and thereafter shall be the ASPPB recommended cut-off score. Examination security shall be maintained in compliance with Rule 64B-1.010.

(2) through (4) No change.

Specific Authority 456.017(1)(b),(c) 455.574(1)(b),(c), 490.004(4) FS. Law Implemented 456.017(1)(b),(c),(d) 455.574(1)(b),(c),(d), 490.005 FS. History—New 4-4-82, Amended 7-11-84, Formerly 21U-11.03, Amended 2-19-86, 12-30-86, 3-10-87, 11-21-88, 3-5-90, 1-16-92, Formerly 21U-11.003, Amended 6-14-94, Formerly 61F13-11.003, Amended 1-7-96, 6-26-97, Formerly 59AA-11.001, Amended 2-21-99, 5-1-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 8, 2000  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE: Reexamination Fee  
 RULE NO.: 64B19-12.003  
 PURPOSE AND EFFECT: The Board has deemed it necessary to amend a portion of the reexamination fees.

SUMMARY: The reexamination fee for the first part of the examination will be increased.

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

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

SPECIFIC AUTHORITY: 456.017(2), 490.004(4) FS.

LAW IMPLEMENTED: 456.017(2) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-12.003 Reexamination Fee.

(1) No change.

(2) The reexamination fee for the first part of the examination is ~~\$380.00~~ ~~\$365.00~~.

(3) No change.

Specific Authority ~~456.017(2)~~, 490.004(4), ~~455.564(2)~~ FS. Law Implemented ~~456.017(2)~~ ~~455.564(2)~~ FS. History—New 2-22-82, Amended 7-11-84, Formerly 21U-12.03, Amended 7-18-88, 8-12-90, 1-16-92, Formerly 21U-12.003, Amended 10-12-93, Formerly 61F13-12.003, Amended 1-7-96, Formerly 59AA-12.003, Amended 12-3-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 8, 2000  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE: Reactivation Fee and Change of Status Fee  
 RULE NO.: 64B19-12.006  
 PURPOSE AND EFFECT: To comply with new statute provisions passed by the 2000 Legislature, and improve the clarity of the rule language.

SUMMARY: The proposed new language in this rule implements a change of status fee.

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: 456.036(4) FS.

LAW IMPLEMENTED: 456.025, 456.036, 456.036(4),(8) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-12.006 Reactivation Fee and Change of Status Fee. The fee for reactivation of an inactive license is \$50.00. Upon any change of status, a \$50.00 change of status fee shall be charged if reactivation is applied for during the biennial renewal period. ~~If reactivation is applied for at any other time, an additional \$50 shall be added.~~ Such fee(s) shall be in addition to the biennial licensure fee as prescribed in Rule 64B19-12.005.

Specific Authority ~~456.036(4)~~ ~~455.711(4)~~ FS. Law Implemented ~~456.025~~, ~~456.036~~, ~~456.036(4),(8)~~ ~~455.711~~, ~~455.587~~, ~~455.711(4),(8)~~ FS. History—New 1-19-84, Formerly 21U-12.06, Amended 1-4-88, 6-1-89, 8-12-90, Formerly 21U-12.006, 61F13-12.006, Amended 1-7-96, 6-26-97, Formerly 59AA-12.006, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 8, 2000  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE: Continuing Psychological Education Credit  
 RULE NO.: 64B19-13.003  
 PURPOSE AND EFFECT: The Board proposes to amend this rule based on legislative authority and to improve clarity of statutes.

SUMMARY: To implement and comply with Chapter 2000-295, Laws of Florida.

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

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

SPECIFIC AUTHORITY: 490.004(4), 490.0085(4) FS.

LAW IMPLEMENTED: 490.007(2), 490.0085(1),(3) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-13.003 Continuing Psychological Education Credit.

(1) through (2) No change.

(3) As a condition of biennial licensure renewal, each licensee must complete forty (40) hours of continuing psychological education. One (1) of the forty (40) hours must be on domestic violence or on end of life and palliative health care consistent with Chapter 456.031, and three (3) of the forty (40) hours must be on professional ethics and legal issues affecting the practice of psychology. Passage of the laws and rules examination of the Board constitutes forty (40) hours of continuing education credit, including credit for professional ethics and legal issues affecting the practice of psychology. Passage of the laws and rules examination, however, does not satisfy the requirement for one (1) credit of continuing education on domestic violence.

(4) No change.

Specific Authority 490.004(4), 490.0085(4) FS. Law Implemented 490.007(2), 490.0085(1),(3) FS. History—New 1-28-93, Amended 7-14-93, Formerly 21U-13.0042, Amended 6-14-94, Formerly 61F13-13.0042, Amended 2-8-96, 11-18-96, Formerly 59AA-13.003, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Board of Psychology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 30, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 8, 2000

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

RULE TITLE: Alternate Service Procurement Method  
 RULE NO.: 65-28.001

PURPOSE AND EFFECT: The purpose of this rule is to implement the provisions of Section 402.73(3), Florida Statutes, to provide procedures for a methodology for the competitive procurement of contracted client services, which represents an alternative to the request-for-proposal or the invitation-to-bid process.

SUMMARY: The alternative service procurement methodology involves a two-phase process which may be used when continuous open exchange regarding the service requirement and the approach used to meet that requirement is essential or in the best interest of the department. In the first phase offerors may submit statements of qualification for assessment by the department. In the second phase the department will evaluate detailed service proposals from qualified offerors (selected in Phase I) and will conduct negotiations with one or more offerors to determine which service proposal or combination of service proposals best meets the needs of the Department.

At the conclusion of negotiations, the department shall request that each qualified offeror submit a Best And Final Offer which takes into consideration all of the information contained in the original SPR as well as that provided through the negotiations. In those cases where negotiations generated a need for further clarification or restatement of the Department's requirement, such clarification shall be clearly stated in the Request for Best and Final Offer. The Department shall review the Best and Final Offers submitted in accordance with the evaluation criteria contained in the SPR. Award, if any, shall be made to the Offeror(s) whose BAFOs present the greatest value to the state.

SPECIFIC AUTHORITY: 402.73(3) FS.

LAW IMPLEMENTED: 402.73(3) FS.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COST: An estimate of the regulatory cost was not prepared for this rule.

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.

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

TIME AND DATE: 10:00 a.m., November 13, 2000

PLACE: 1317 Winewood Boulevard, Building 5, Room 130, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joy Neves, Policies and Procedures Team Leader, (850)413-7464 or Suncom 293-7464

THE FULL TEXT OF THE PROPOSED RULE IS:

65-28.001 Alternate Service Procurement Method.

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

(a) "Advertisement" means an announcement designed to give notice of a procurement opportunity.

(b) "Alternative Service Procurement Methodology" (ASPM) means a method of procurement that allows the department to solicit statements of professional qualifications from potential providers and to assess such statements before requesting service proposals.

(c) "Department" means the Department of Children and Family Services.

(d) "Project" means the entire body of contractual services and associated or implied requirements described in any solicitation issued pursuant to this rule.

(e) "Qualified offeror" means a person or firm that is deemed to have described the capability to fully perform the project requirements and has provided evidence that it possesses the integrity and reliability to successfully complete the project.

(f) "Offeror" means any person or firm that timely responds to all applicable provisions of any procurement of contractual services conducted pursuant to this rule.

(g) "Solicitation Document" means a formal published document requesting information, service proposals, bids or price quotes, or proposed budgets from prospective providers of contractual services or commodities.

(h) "Call" means a formal published document requesting information about a person's or firm's qualifications including resumes, personnel information, organizational structures or histories, individual or organizational descriptions, or financial information from prospective providers of contractual services.

(i) "Service Proposal Request" or "SPR" means a document requesting information from persons or firms regarding their detailed plans for delivering the services necessary under the project.

(2) The alternative service procurement methodology consists of a two-phase process. In the first phase prospective offerors will be required to submit statements of their qualification to the department as required by the call furnished by the Department. In the second phase the department will receive and evaluate detailed service proposals from the most highly qualified offerors that have been identified as a result of the Phase I submissions. Following the evaluation of the detailed service proposals the department will conduct

negotiations with one or more qualified offerors to determine which service proposal or combination of service proposals best meets the needs of the state. At any time during the conduct of the alternative service procurement the department may reject any or all statements of qualification or service proposals, and may modify its statement of services sought, tasks to be performed, or project description to meet the needs of the department as its understanding of available services requires. The department may negotiate with more than one prospective offeror at a time but is under no obligation to do so.

(a) Phase I, Qualification Phase. The department shall prepare a Call for Statements of Qualifications containing the general description, purpose, and scope of the project(s) and will advertise the department's desire to receive Statements of Qualification from prospective offerors. Any potential offerors may submit a Statement of Qualification for assessment by the department. The department shall assess the Statements of Qualification in accordance with the criteria stated in the call and applicable law or administrative rule and will determine which prospective offeror will be invited to submit service proposals.

(b) Phase II, Solicitation and Evaluation Phase. The department will invite the qualified potential offerors deemed to be the most highly qualified as a result of Phase I to submit detailed service proposals. The invitation will be made through the issuance of a Service Proposal Request (SPR) which describes the required contents of the detailed service proposal, a description of the evaluation and selection process, and the basis for contract award, if any. The department will evaluate all detailed service proposals in accordance with the criteria set forth in the SPR.

(3) Procedure for Use of the Alternate Service Procurement Method (ASPM) Phase I.

(a) To commence Phase I, the department shall advertise the project(s) and the way interested parties may obtain copies of the call. The advertisement shall appear in the Florida Administrative Weekly publication or on the Florida Communities Network. The department may advertise the project in newspapers of general circulation, professional journals, or in other publications or in electronic format if it deems it appropriate to do so. The advertisement shall run for a period of no less than 10 days and shall include the project's general description and the name and location from which further information or solicitation documents may be obtained;

(b) The call shall contain the assessment criteria that will be used to determine qualified potential offerors. The assessment criteria will include:

1. The professional qualifications of offerors or offerors' staff, including verification of certifications or licenses that are necessary to perform the services sought,

2. The offeror's history of providing the services sought,

3. Business information demonstrating that the offeror is capable of providing the required service or services.

(c) The department shall assess all professional statements of qualifications (SOQs) submitted in accordance with the criteria set forth in the call and shall give notice of the results of its decision by posting at the location at which the statements of qualification were opened. The department shall prepare a list of the most highly qualified offerors that are selected to participate in the ensuing competitive procurement.

(d) The SOQs submitted will remain valid for a period of one hundred and eighty (180) days and the department may issue one or more SPRs against a single call for for SOQs.

(4) Procedure for Use of the Alternate Service Procurement Method (ASPM) Phase II.

(a) The department will invite those offerors selected to participate in Phase II of a procurement to provide detailed service proposals. The department may limit the firms invited to submit detailed service proposals to only those firms that have demonstrated the highest level of professional capability to provide the services under consideration. The department may invite no fewer than three firms to submit detailed service proposals, unless fewer than three firms submit satisfactory statements of qualification. If fewer than three firms submit satisfactory statements of qualification, the department shall review the facts and circumstances in order to determine the reason, if any, that fewer than three satisfactory statements of qualification were submitted. The department shall document the reason that requesting detailed service proposals from fewer than three firms is in the best interest of the state.

(b) The invitation for the submission of service proposals will be made through the issuance of a Service Proposal Request (SPR). The SPR shall contain the following:

1. The service requirements;
2. The terms and conditions that will apply to the resultant contract;
3. The instructions for submission of Service Proposals, including formats and a listing of required contents;
4. A description of the evaluation process;
5. The evaluation/selection criteria, along with their relative importance;
6. The schedule of significant events and deadlines.
7. The methods and timing of allowable communications between the department and entities remaining in the competition, and
8. The date, time, and location for service proposal submission.

(c) The department shall perform an evaluation of each Service Proposal in accordance with evaluation methodology described in the SPR. At the conclusion of the evaluation, the department may negotiate with one or more offerors sequentially or simultaneously. Negotiations shall be

considered open meetings in accordance with s. 286.011, F.S. An award may be made without negotiation based upon the evaluation of the service proposal.

(d) A written record of any negotiations which may be held shall be maintained and shall include the following:

1. A description of the major issues addressed,
2. A summary of the negotiations,
3. Copies of any documentation provided.

(4) The department may terminate negotiations at any time. When the department determines in writing that it is in the best interest of the state, it shall request that each qualified offeror submit a Best And Final Offer which takes into consideration all of the information contained in the original SPR as well as that provided through the negotiations. In those cases where negotiations generated a need for further clarification or restatement of the Department's requirement, such clarification shall be clearly stated in the Request for Best and Final Offer. The Department shall review the Best and Final Offers submitted in accordance with the evaluation criteria contained in the SPR. The award, if any, shall be made to the qualified offeror whose BAFO represents the best value to the state.

(5) When it is in the best interests of the state, the department may award multiple contracts. The contract(s) resulting from this procurement process may cover all or part of the requirement described in the SPR. The department may split the service procurement requirements into smaller components and may award different components to different qualified providers.

Specific Authority 402.73(3) FS. Law Implemented 402.73(3) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Joy Neves

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Chatel

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE FAW: October 15, 1999 and November 5, 1999

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE TITLE: Family-Related Medicaid Eligibility

RULE NO.: 65A-1.704

PURPOSE AND EFFECT: This proposed rule implements amendments due to delinkage of cash benefit and Medicaid eligibility criteria and changes in verification requirements for transitional Medicaid.

SUMMARY: For Medicaid delinkage, statements are changed as to when eligibility reviews are conducted. For transitional Medicaid, the client's statement will be accepted as proof of income and child care expenses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: An estimate of the regulatory cost was not prepared for this rule.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.903, 409.904, 409.919 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: 11:00 a.m., November 13, 2000

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.704 Family-Related Medicaid Eligibility Determination Process.

(1) Economic Self-Sufficiency ~~Public assistance~~ staff determine eligibility for Family-related Medicaid at application, ~~at complete review of cash assistance eligibility,~~ when a change in conditions of eligibility is reported, or, on not greater than a 12 month cycle. The individual or the designated representative is required to assist the department in completing the determination or redetermination of Medicaid eligibility. Qualified designated Medicaid providers determine presumptive eligibility for pregnant women.

(2) No change.

(3) Assistance groups receiving transitional Medicaid are required to provide periodic reports at three month intervals. The recipient must provide complete information about These reports must include verification of gross income and work related child care expenses for the period covered by these reports. The recipient's statement of the amounts will be accepted. Each report submitted by the recipient must contain complete information for the period covered and must provide the necessary verification(s).

Specific Authority 409.919 FS. Law Implemented 409.903, 409.904, 409.919 FS. History—New 10-8-97, Amended \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 27, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 1999 for Medicaid delinkage and December 23, 1999 for Transitional Medicaid

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

#### DEPARTMENT OF STATE

##### Division of Library and Information Services

RULE NO.: 1B-2.011                      RULE TITLE: Library Grant Programs

#### NOTICE OF CHANGE

In accordance with subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule which was published in the Florida Administrative Weekly, Vol. 26, No. 33, on August 18, 2000. The rule incorporates by reference guidelines and forms relating to the following programs: Library Construction Grants, Community and Library Technology Access Partnership Grants and Library Services and Technology Grants. Changes have been made to the guidelines and forms for Library Construction, Community and Library Technology Access Partnership Grants, and Library Services and Technology Grants to reflect comments made by the Joint Administrative Procedures Committee (JAPC).

Copies of the full text of the changes may be obtained by contacting: Barratt Wilkins, Director, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)487-2651, Suncom 277-2651.

#### PUBLIC SERVICE COMMISSION

DOCKET NO.: 981104-EU

RULE NO.: 25-6.049                      RULE TITLE: Measuring Customer Service

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 42, October 22, 1999, Florida Administrative Weekly has been withdrawn.

#### COMMISSION ON ETHICS

RULE NO.: 34-7.010                      RULE TITLE: List of Forms and Instructions

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the forms adopted by reference in the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 38, September 22, 2000 issue of the Florida Administrative Weekly. The changes are in response to the Commission meeting held on October 5, 2000, and from written comments received from the Joint Administrative Procedures Committee.

Form 1 – Statement of Financial Interests: Remove references to an “attached” CE Form 10 and add references to the Commission’s website.

Form 6 – Full and Public Disclosure of Financial Interests: Remove references to an “attached” CE Form 10, add references to the Commission’s website, and correct citations from “Article II, Section 8(a)(h), Florida Constitution” to “Article II, Section 8(i)(1).”

Form 6F-2000 – Final Full and Public Disclosure of Financial Interests: Correct citations from “Article II, Section 8(a)(h), Florida Constitution” to “Article II, Section 8(i)(1).”

Form 6F-2001 – Final Full and Public Disclosure of Financial Interests: Correct citations from “Article II, Section 8(a)(h), Florida Constitution” to “Article II, Section 8(i)(1).”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julia Cobb Costas, Staff Attorney, Florida Commission on Ethics, P. O. Drawer 15709, Tallahassee, FL 32317-5709

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE CHAPTER NO.: 59A-18
RULE CHAPTER TITLE: Minimum Standards for Nurse Registries

RULE NOS.: 59A-18.002, 59A-18.004
RULE TITLES: Definitions, Licensure Procedures, and Fees

Notice is hereby given that the following changes have been made in the above cited rule as published in Vol. 26, No. 25, Florida Administrative Weekly, June 23, 2000 and in the Notice of Change as published in Vol. 26, No. 36, Florida Administrative Weekly, September 8, 2000. In response to comments received from the Joint Administrative Procedures Committee and the Agency for Health Care Administration Bureau of Health Facility Regulation, the following changes have been made.

In 59A-18.002(7) “Evidence such as the issuance of bad checks or an accumulation of delinquent bills shall constitute prima facie evidence that the ownership of the nurse registry lacks the financial ability to operate” is deleted and “The issuance of bad checks or an accumulation of delinquent bills is evidence of financial instability” is inserted.

In 59A-18.004(1) “AHCA Form 3110-002, Application for Licensure-Nurse Registry, revised August 2000” is deleted and “AHCA Form 3110-7001, Application for Licensure-Nurse Registry, revised September 2000” is inserted.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE NO.: 61G8-17.005
RULE TITLE: Exemption of Spouses of Members of Armed Forces from License Renewal Provisions

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. 33, September 15, 2000, issue of the Florida Administrative Weekly. The change is in response to comments received from the staff at the Joint Administrative Procedures Committee.

The rule shall now read as follows:

61G8-17.005 Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions.

A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse’s duties with the armed forces shall be exempt from all licensure renewal provisions under these rules during such absence. The licensee must show proof to the Board of the absence and the spouse’s military status.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-26.004
RULE TITLE: Licensure of Changes by Firms

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 28, July 14, 2000, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-13.007
RULE TITLE: Continuing Education Credit for Physicians Volunteering For FMLE Comparison Study



**NOTICE OF CHANGE**

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 33, of the August 18, 2000, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. When changed, subsection (2) of the proposed rule shall read as follows:

(2) In addition to the continuing medical education credits authorized in 64B8-13.005, any volunteer unlicensed medical doctor registered as a resident physician, intern, or fellow pursuant to section 458.345, Florida Statutes, who passes with a scale score of 350 or higher on Part I or Part II of the Florida Medical Licensure Examination, created by the Department pursuant to section 458.3115, Florida Statutes, shall receive continuing medical education credit in risk management of 3.0 hours credit for each part passed up to a maximum of 6.0 hours toward license renewal for the biennium during which the examination was passed.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753

**Section IV  
Emergency Rules**

**NONE**

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

**DEPARTMENT OF LAW ENFORCEMENT**

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Joseph John Sapuppo, Jr., on October 5, 2000, a petition for Variance or Waiver of Rule 11B-27.002(3), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive the requirement that a person who completes a Florida Basic Recruit Training Program, pursuant to Rule Chapter 11B-35, F.A.C., or former Rule 11B-29.002, F.A.C., and who is thereafter not employed as an officer in the discipline for which training was completed, within four (4) years of the appointment after July 1, 1993, successfully complete a Basic Recruit Training Program, pursuant to Rule 11B-35.002, F.A.C. and demonstrate proficiency in each of the high-liability proficiency skills applicable to that discipline, and successfully pass the Officer Certification examination..

**PURPOSE:** Comments on this Petition should be filed with the Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General, Shehla A. Milliron.

A copy of the Petition may be obtained by contacting Assistant General Counsel, Shehla A. Milliron at the above address, or by calling (850)410-7676.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

The Department of Highway Safety and Motor Vehicles hereby gives notice that it received a Petition for Variance of Rule 15A-10.014, on October 6, 2000, from DUI Counterattack, Hillsborough, Inc. The petitioner seeks to contribute an amount to its retirement account, which exceeds the amount specified in Rule 15A-10.014 for DUI programs.

A copy of the petition may be obtained by contacting: Dana Reiding, Bureau of Driver Education and DUI Programs, Department of Highway Safety and Motor Vehicles.

Any interested person or other agency may submit written comments on the petition for a variance within 14 days after this notice to: Dana Reiding, Bureau of Driver Education and DUI Programs, 2900 Apalachee Parkway, Room B214, MS 88, Tallahassee, Florida 32399-0571.

**PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that BellSouth Public Communications, Inc.'s petition for exemption of Rule 25-24.515(13), Florida Administrative Code, filed June 22, 2000, in Docket No. 000760-TC was approved by the Commission at its August 29, 2000, Agenda Conference. Order No. PSC-00-1656-PAA-TC, issued September 18, 2000, memorialized the decision. The rule requires that pay telephones allow incoming calls. 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 July 14, 2000.

A copy of the Order can be obtained from: 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>.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The Building Code Administrators and Inspectors Board hereby gives notice that the petition for waiver of Section 468.609, Florida Statutes, and Rule 61G19-6.012, Florida Administrative Code, filed on August 2, 2000, by Robin A. Brinkley is DENIED. Petitioner requested an extension of his

two-year provisional certificate which expires in October, so he can take the Principles and Practice examination in November, 2000. The Board rejected Petitioner's request subject to 468.609(7)(b), Florida Statutes, because it does not have the authority to overrule statutory requirement, and because Petitioner is a public employee. The Board also considered hardship factors and determined they were under the control of the Petitioner and his employer.

A copy of the Notice of Intent to Deny Variance or Waiver can be obtained from Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received on October 6, 2000, a petition from Miller Enterprises, Inc. for a waiver pursuant to subsection 376.3071(12)(k)(5), F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition has been assigned OGC case number 00-1912 and is for the Handy Way Store #2889 located at C125 and US 310, Lawtey, Florida, FDEP Facility #048518933.

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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The Department of Environmental Protection gives notice of proposed agency action in the form of its intent to issue a variance (File No. A05) to ECC International Corporation, 2001 West Oak Ridge Road, Orlando, Florida 32809-3803, from RACT Rule 62-296.513(2)(a)2., Florida Administrative Code (FAC.), a requirement that limits an operator's usage to 3.5 pounds of volatile organic compounds (VOC's) per gallon of coating delivered to a coating applicator. The company was issued a prior variance from this Rule on October 16, 1998. The variance is requested under Section 403.201, Florida Statutes (F.S.), and is being processed under Section 403.201, F.S., and Rule 28-110.104, FAC.

The Department's proposed agency action will become final unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the proposed agency action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and

must be filed (received) in the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within twenty-one days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within twenty-one days of publication of the public notice or within twenty-one days of receipt of this notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within twenty-one days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, FAC.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and, (f) A demand for relief.

A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, FAC.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the application for variance have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available in this proceeding.

**NOTICE OF APPEAL RIGHTS**

Any party to this Order has the right to seek judicial review of it under Section 120.68, F.S., by filing a Notice of Appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department of Environmental Protection in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice must be filed within thirty days after this Order is filed with the Clerk of the Department.

A copy of the proposed Order and accompanying materials related to the proposed agency action are available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, Department of Environmental Protection, Division of Air Resources Management, Suite 23, Magnolia Courtyard, 111 South Magnolia Drive, Tallahassee, Florida 32301 and at the Department’s Central Florida District Office, 3319 Maguire Blvd., Suite 232, Orlando, Florida 32803-3767.

**DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN that the Board of Psychology issued a Final Order in response to a Petition for Variance filed on July 14, 2000 by Naomi Jacobs, Ph.D., seeking a waiver of Rule 64B19-11.005(1)(b), Florida Administrative Code. The Petition was first published in Vol. 26, No. 30 of the July 28, 2000 issue of the Florida Administrative Weekly. Petitioner requested the Board accept her postdoctoral supervised hours over a fifty-hour, ten-month period rather than a forty-hour, twelve-month period as required in the Rule. The Board voted to GRANT Petitioner’s request since Petitioner established that she had engaged in an integrated, cohesive training experience and that it would create a substantial hardship to Petitioner if her request was not granted. The Order was issued and filed with the Clerk September 27, 2000.

For a copy of the Final Order, contact: Kaye Howerton, Executive Director, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The Department of Children and Family Services has received a petition for a waiver or a variance from Chapter 65C-15, F.A.C., and principally Rule 65C-15.002, F.A.C. The petition was filed by PCPC, Inc., a not for profit Florida corporation seeking to become a lead agency in DCF District 12 in response to an Invitation to Negotiate, ITN-00-NJ01. Essentially, the rule requires that a child placement agency be

licensed by the Department, and Section 409.1671(5)(b), F.S. states that a community based agency “must be licensed as a ...child-placing agency by the Department.”

A copy of the petition may be obtained from the Office of the Agency Clerk, 1317 Winewood Blvd., Bldg. 2 Room 204, Tallahassee, FL 32399-0700 by referencing In Re: PCBC, Inc., Case No. 00-005W

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

**DEPARTMENT OF STATE**

The Board of Trustees of **Historic Pensacola Preservation Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 8, 2000, 12:00 Noon

PLACE: J. Earle Bowden Building, 120 Church Street, Pensacola, FL 32501

PURPOSE: General business meeting.

A copy of the agenda may be obtained by writing: Historic Pensacola Preservation Board, P. O. Box 12866, Pensacola, FL 32576-2866.

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

Pursuant to Chapter 286.26, Florida Statutes, any person with handicaps wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

The Board of Directors of Historic Pensacola, Inc., the direct support organization of the **Historic Pensacola Preservation Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 8, 2000, immediately following the meeting of the Historic Pensacola Preservation Board

PLACE: J. Earle Bowden Building, 120 Church Street, Pensacola, FL 32501

PURPOSE: General business meeting.

A copy of the agenda may be obtained by writing: Historic Pensacola Preservation Board, P. O. Box 12866, Pensacola, Florida 32576-2866.

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

Pursuant to Chapter 286.26, Florida Statutes.

Any person with handicaps wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

The **Department of State, Division of Cultural Affairs**, announces the following public meeting, to which all persons are invited:

DATE AND TIME: Wednesday, November 1, 2000, 11:45 a.m.

PLACE: Construction Managers Site Trailer, 224 S. E. 23rd Avenue, Gainesville, FL 32641, (352)372-5533

PURPOSE: To hold an Orientation meeting to determine potential artwork sites for Art in State Buildings, Project No. DOH 9706/1000, Alachua County Health Department, Gainesville, Florida

COMMITTEE: Art Selection Committee

For more information or to obtain a copy of the agenda, please contact: Lee Modica, Arts Administrator, Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250, (850)487-2980, Ext 116.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Division of Cultural Affairs.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Kirby Mole, (850)487-2980, Ext 133. If you are hearing or speech impaired, please contact the agency by calling TT: (850)488-5779.

**DEPARTMENT OF LEGAL AFFAIRS**

The Finance and Budget Committee of the **Florida Commission on the Status of Women** will hold a telephone conference.

DATE AND TIME: November 1, 2000, 10:00 a.m.

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

PURPOSE: To discuss general issues.

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

The Employment Committee of the **Florida Commission on the Status of Women** will hold a telephone conference.

DATE AND TIME: November 1, 2000, 3:00 p.m.

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

PURPOSE: To discuss general issues.

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

**DEPARTMENT OF EDUCATION**

The Florida **Department of Education**, State Advisory Committee for the Education of Exceptional Students announces a public meeting to which all interested persons are invited.

DATES AND TIMES: Wednesday, October 25, 2000, 10:00 a.m. – 4:45 p.m.; Thursday, October 26, 2000, 8:15 a.m. – 3:00 p.m.

PLACE: Holiday Inn Select, 316 West Tennessee Street, Tallahassee, Florida, (850)222-9555

PURPOSE: Exceptional student education update and scheduled meeting of established workgroups of the State Advisory Committee, which is required under the Individuals with Disabilities Education Act (20 U.S.C. Chapter 33, as amended by Pub. L. 105-17) for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State.

A copy of the agenda may be obtained by writing: State Advisory Committee, Bureau of Instructional Support and Community Services, Florida Department of Education, Room 614, Turlington Building, Tallahassee, Florida 32399-0400 or by calling the Bureau, (850)488-1570 or Suncom 278-1570.

Any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours in advance by calling the number indicated above.

The Florida **Department of Education** announces a public conference call to which all interested parties are invited to participate in.

DATE AND TIME: October 25, 2000, 10:00 a.m. (Eastern Standard Time)

PLACE: Call (850)488-5776, Suncom 278-5776, confirmation number 20A1009

PURPOSE: To conduct a conference call with the Florida Council of Student Financial Aid Advisors.

A copy of the agenda may be obtained by writing: Bureau of Student Financial Assistance, Department of Education, Attention: Sherall Jackson, 325 West Gaines Street, 124 Collins Building, Tallahassee, Florida 32399-0400.

Pursuant to the provisions of the American Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency by contacting Sherall Jackson, (850)922-7178, at least 48 hours before the meeting. If you are hearing or speech impaired, please contact the agency by calling (850)488-4095.

The State of Florida, **Education Practices Commission** announces a Teacher Hearing Panel to which all persons are invited.

DATE AND TIME: November 3, 2000, 8:30 a.m. or as soon thereafter as can be heard

PLACE: The Embassy Suites Tampa Airport/Westshore, 555 North Westshore Boulevard, Tampa, Florida 33609, (813)875-1555

PURPOSE: A Teacher Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of teachers.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this hearing, 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.

Additional information may be obtained by writing: Education Practices Commission, Room 224-E, Turlington Building, 325 W. Gaines Street, Tallahassee, Florida 32399-0400.

SPECIAL ACCOMMODATION: Any person requiring a special impairment accommodation should contact Kathleen M. Richards, (850)488-0547, at least five calendar days prior to the hearing. Persons who are hearing or speech impaired can contact the Commission using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The **Board of Regents** of the State University System of Florida announces a meeting to which the public is invited. This meeting will be held to negotiate the 2001-2004 Successor Agreement between the Board of Regents and the United Faculty of Florida.

DATE AND TIME: October 30, 2000, 9:00 a.m. – 3:30 p.m.

PLACE: Florida Education Center, Room 1706, 325 West Gaines Street, Tallahassee, Florida

The Board welcomes participation from any interested members of the public. Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity Programs, (850)201-7160 (Voice), (850)201-7164 (TDD), at least 7 days in advance so that their needs can be accommodated.

#### DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs**, Housing and Community Development announces the following public meeting:

COMMITTEE: RCMP Advisory Council Meeting

DATE AND TIME: November 1, 2000, 1:00 p.m. – 3:00 p.m.

PLACE: Department of Community Affairs, 3rd Floor, Kelley Training Center, 2555 Shumard Oak Blvd., Tallahassee, FL 32390

PURPOSE: To discuss the Residential Construction Mitigation Program.

For more information, please contact: Buster Case, Community Program Administrator, Division of Housing and Community Development, 2555 Shumard Oaks Blvd., Tallahassee, FL 32399, (850)922-5434.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure a verbatim recording of the proceeding to provide a record for judicial review. This meeting will be taped by the Division of Housing and Community Development.

Any person requiring special accommodation at the meeting because of a disability or physical impairment should contact Ms. Patsy Rushing, Department of Community Affairs, (850)922-5434, at least seven days before the meeting. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

#### SEP CFF MEETING

DATES AND TIMES: November 2, 2000, 1:00 p.m. – 5:00 p.m.; November 3, 2000, 9:00 a.m. – 5:00 p.m.

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

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

- 1) Introduction of New Members
- 2) Status of Policy Report
- 3) Briefings – Energy 2020 Commission: Status Report; Hydrogen Summit
- 4) Update on inventory and Resource Manual
- 5) Clean Fuel Work Plan Development

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

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

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the SEP, (850)488-2475, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the SEP,

(850)488-2475, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the SEP using the Florida Dual Party System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Community Affairs** announces a meeting of the Affordable Housing Study Commission to which all interested persons are invited.

**DATES AND TIMES:** November 2, 2000, 1:00 p.m. – 5:30 p.m.; November 3, 2000, 8:30 a.m. – 4:00 p.m. (Times are subject to change)

**PLACE:** Hilton Tampa Airport Westshore, 2225 North Lois Avenue, Tampa, Florida

**PURPOSE:** The Commission is charged with developing recommendations to the Governor and Legislature to address the state’s acute need for housing for very low-, low- and moderate-income households. At this meeting the Commission will continue work on a strategic plan for the state to ensure that decent, affordable housing is available for all residents by the year 2010.

Any person requiring special accommodation due to disability or physical impairment should contact Roshunda Rumph, (850)922-1609, at least five calendar days prior to the meeting. People who are hearing impaired should contact Ms. Rumph using 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 from: Roshunda Rumph, The Affordable Housing Study Commission, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1609.

**DEPARTMENT OF LAW ENFORCEMENT**

The **Criminal Justice Professionalism Program** announces a Rules Committee Meeting to discuss Criminal Justice Standards and Training Commission rule revisions. All parties are invited to participate.

**MEETING:** Criminal Justice Standards and Training Commission Rules Committee Meeting

**DATE AND TIME:** October 31, 2000, 9:00 a.m.

**PLACE:** Deerfield Beach Boca Raton Hilton, 100 Fairway Drive, Deerfield Beach, Florida 33441, (954)427-7700

**PURPOSE:** To discuss revisions to Commission rules to meet the deadlines currently established for the Department’s rule promulgation process.

**COMMISSION MEETING AGENDA:** A copy of the rule package may be obtained by contacting Donna Hunt, (850)410-8615. If you wish to write for a copy of the rule packet, please write: Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Donna Hunt.

**SPECIAL ACCOMMODATIONS:** Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact Donna Hunt, (850)410-8615, at least 5 days prior to the meeting.

**DEPARTMENT OF TRANSPORTATION**

The Florida **Department of Transportation**, Florida **Department of Community Affairs** and Monroe County announce a meeting of the Habitat Conservation Plan (HCP) Coordinating Committee to which all persons are invited.

**DATE AND TIME:** November 3, 2000, 9:00 a.m.

**PLACE:** National Key Deer Refuge Office, Big Pine Key, FL

**PURPOSE:** The Florida Department of Transportation, Florida Department of Community Affairs and Monroe County are jointly funding the development of a Habitat Conservation Plan for the Key deer and other protected species on Big Pine and No Name Keys. Representatives of these three agencies, the U.S. Fish and Wildlife Service, the Florida Fish and Wildlife Conservation Commission and local citizen representatives serve on an HCP Coordinating Committee. The Committee meets regularly to review and provide input on the HCP consultant’s progress and findings.

A copy of the agenda may be obtained by calling: Catherine B. Owen, Florida Department of Transportation, (305)470-5399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Jeff Dodge, (305)470-5349. If you are hearing or speech impaired, please contact the agency by calling 1(800)648-6084.

The Florida **Department of Transportation**, District Four, announces public hearings to which all interested person are invited. Specific notice is provided to the Broward County, Indian River County (Vero Beach), Martin County (Stuart), Palm Beach County and St. Lucie County Metropolitan Planning Organizations.

1) **BROWARD COUNTY**

**DATE AND TIME:** Thursday, December 14, 2000, 1:30 p.m.

**PLACE:** Broward County Governmental Center, 115 South Andrews Avenue, Room 301, Fort Lauderdale, Florida 33301

2) **PALM BEACH COUNTY**

**DATE AND TIME:** Wednesday, November 29, 2000, 1:30 p.m.

**PLACE:** Palm Beach County Planning, Building and Zoning, 100 Australian Avenue, Third Floor, Conference Room, West Palm Beach, Florida 33406

3) **ST. LUCIE, MARTIN, INDIAN RIVER COUNTIES**

**DATE AND TIME:** Thursday, December 7, 2000, 6:00 p.m.

**PLACE:** St. Lucie Governmental Center, County Commission Chambers, 2300 Virginia Avenue, Ft. Pierce, Florida 34982

**PURPOSE:** These public hearings are being conducted pursuant to Section 339.135(4)(c), Florida Statutes, as amended. The purpose of these public hearings is to present the Department's Tentative Five Year Work Program for Fiscal Years 2001/2002-2005/2006 which contains listing of Project Phases to be undertaken during that time frame. These Hearings also will include consideration of proposed projects for Florida's Turnpike System as applicable.

All interested persons are invited to attend and be heard. Assistance for disabled persons may be arranged by contacting Michael DeRosa or Julie Lucas, Florida Department of Transportation, District Four, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421, Mr. DeRosa's telephone number, (954)777-4627, Ms. Julie Lucas's telephone number, (954)777-4601, at least ten working days prior to the public hearings.

Written comments from the Metropolitan Planning Organizations and other interested parties will be received by the Department at the public hearing and within ten days after the public hearing. Comments should be addressed to: Mr. Rick Chesser, P. E., District Secretary, Florida Department of Transportation, District Four, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421.

The Florida **Department of Transportation**, District One announces a public hearing to which all persons are invited.

**DATE AND TIME:** Thursday, November 16, 2000, 7:00 p.m.

**PLACE:** Fort Myers Middle Academy, Cafeteria, 3050 Central Avenue, Fort Myers, 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 the proposed Design Change Reevaluation of Metro Parkway Segments 3 and 4, from Winkler Avenue to SR 82 in Lee County. Financial Project ID #195650 1 22 01.

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 Mr. Antone N. Sherrard, (863)519-2304. 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: Mr. Bryan Williams, Florida Department of Transportation, Environmental Management Office, 801 North Broadway, Bartow, Florida 33831.

#### **STATE BOARD OF ADMINISTRATION**

**NOTICE IS HEREBY GIVEN** by the **State Board of Administration** of two meetings of the Investment Advisory Council (IAC) and the Public Employee Optional Retirement

Program Advisory Committee (PEORPAC) to which all persons are invited. Note that part of these two meetings will be held concurrently.

**MEETING:** Investment Advisory Council

**DATE AND TIME:** Wednesday, November 29, 2000, 10:00 a.m. – 11:30 a.m.

**PLACE:** Hermitage Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

**PURPOSE:** This is a regular quarterly meeting of the IAC.

**MEETING:** Investment Advisory Council jointly with the Public Employee Optional Retirement Program Advisory Committee

**DATE AND TIME:** Wednesday, November 29, 2000, 1:00 p.m. – 5:00 p.m.

**PLACE:** Hermitage Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

**PURPOSE:** For these two advisory groups to meet jointly to discuss the business of the Public Employee Optional Retirement Program.

Anyone wishing further information should contact: Joan Lazar, Defined Contribution Program, P. O. Drawer 13300, Tallahassee, FL 32317-3300 or by e-mail: lazar\_joan@fsba.state.fl.us.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend the meeting is requested to call Joan Lazar, (850)413-1492, five days prior to the meeting so that appropriate arrangements can be made.

#### **DEPARTMENT OF CITRUS**

The Florida **Citrus Commission** provides the following reasonable notice that the Commissioners and the Executive Director will meet in private with its attorneys to discuss pending litigation. The session will commence at the Legal and Accounting Committee meeting to be held on:

**DATE AND TIME:** Tuesday, October 24, 2000, 3:30 p.m. or as soon thereafter (Time Reserved: One hour)

**PLACE:** Department of Citrus Building, 1115 E. Memorial Boulevard, Lakeland, Florida 33801

**NAMES OF PERSONS ATTENDING:** John R. Alexander, Walter L. Brewer, Tristan G. Chapman, Joe L. Davis, Sr., Harry H. Falk, Christopher W. Gargano, Raymond A. Jackson, John M. Luther, Rex V. McPherson, II, Daniel R. Richey, Nancy J. Schafer, Andrew R. Taylor, Daniel L. Santangelo, Hank B. Campbell, Mia L. McKown, court reporter.

**PURPOSE:** Pursuant to the provisions of Section 286.011(8), F.S. the Florida Citrus Commission will convene for a public meeting and will then go into a closed session for purposes of discussing with its attorneys the lawsuit filed against the Florida Department of Citrus by Tampa Juice Service, Inc.

Pursuant to state law the Commission shall ensure a verbatim record of the proceeding shall be made by a certified court reporter. The transcript shall include the entire closed session.

The transcript will be made available to the public in accordance with state law upon completion of above referenced litigation. Once the transcript is made public, a copy of the same may be obtained by writing: Mia McKown, General Counsel, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148 or you may call (863)499-2500. You will be charged fifteen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Dennis Boulnois, (863)499-2505.

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### FLORIDA PAROLE COMMISSION

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

DATE AND TIME: Wednesday, November 1, 2000, 9:00 a.m.

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

PURPOSE: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

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

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

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

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### PUBLIC SERVICE COMMISSION

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

Docket No. 000001-EI – Fuel and purchased power cost recovery clause and generating performance incentive factor.

Docket No. 000002-EG – Energy conservation cost recovery clause.

Docket No. 000003-GU – Purchased gas adjustment (PGA) true-up.

Docket No. 000007-EI – Environmental cost recovery clause.

DATE AND TIME: November 3, 2000, 1:30 p.m.

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

PURPOSE: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of

documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

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

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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. 991643-SU – Application for increase in wastewater rates in Seven Springs System in Pasco County by Aloha Utilities, Inc.

DATE AND TIME: November 2, 2000, 8:00 a.m. (Continuation of the hearing held on October 2 and 3, 2000.)

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

PURPOSE: To permit parties to present testimony and exhibits relative to the petition of Aloha Utilities, Inc. for an increase in wastewater rates in Seven Springs system in Pasco County and any motions that may be pending, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on September 18, 2000. All witnesses shall be subject to cross-examination at the conclusion of their testimony. The proceedings will be governed by the provisions of Chapter 120, F.S. and Chapter 25-28, FAC.

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 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: \*November 6, 2000, 9:30 a.m.

PLACE: Room 140, The Betty Easley Conference Center, 4075 Esplanade Way, 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 conference. 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).

\* In the event of a scheduling conflict, this meeting may be moved to November 7, 2000, immediately following the Commission Conference, in Room 140.

**\*\*THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.\*\***

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The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: November 7, 2000, 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, FAC.), 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 a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 000907-TP – Petition by Level 3 Communications, LLC for arbitration of certain terms and conditions of a proposed agreement with BellSouth Telecommunications, Inc. DATE AND TIME: November 8, 2000, 9:30 a.m.

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

PURPOSE: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

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

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

Docket No. 000084-TP – Petition by BellSouth Telecommunications, Inc. for arbitration of an interconnection agreement with US LEC of Florida, Inc. pursuant to the Telecommunications Act of 1996.

DATE AND TIME: November 8, 2000, 1:30 p.m.

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

PURPOSE: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

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

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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. 000636-TP – Request for arbitration concerning complaint of Sprint Communications Company Limited Partnership against BellSouth Telecommunications, Inc. regarding failure to comply with interconnection agreement.

DATE AND TIME: November 9, 2000, 9:30 a.m.

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

PURPOSE: To permit parties to present testimony and exhibits relative to the request for arbitration concerning complaint of Sprint Communications Company Limited Partnership against BellSouth Telecommunications, Inc. regarding failure to comply with interconnection agreement, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on October 23, 2000. All witnesses shall be subject to cross-examination at the conclusion of their testimony. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, FAC.

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 Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

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The Florida **Public Service Commission** will consider at its November 7, 2000, Agenda Conference, Docket No. 001510-EI, Application for authority to issue and sell securities during calendar year 2001 pursuant to Section 366.04, F.S., and Chapter 25-8, FAC., by Florida Power and Light Company. The Company seeks to issue, sell, and/or exchange any combination of long-term debt and equity securities and/or to assume liabilities or obligations as guarantor, endorser or surety in an aggregate amount not to exceed \$2.5 billion during calendar year 2001. FPL also seeks permission to enter into forward refunding or forward swap contracts during calendar year 2001, in conjunction with which FPL seeks permission to issue and sell up to \$5.4 million of securities through December 31, 2002. In addition, FPL seeks permission to issue and sell short-term securities during the calendar years 2001 and 2002 in an amount such that the aggregate principal amount of short-term securities outstanding at the time of any such sale will not exceed 25% of FPL's gross revenues during the preceding 12 months of operation.

DATE AND TIME: Tuesday, November 7, 2000 (The agenda Conference begins at 9:30 a.m., however, 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. 001510-EI.

If any person decides to appeal any decision of the Commission regarding this matter, a record of the proceeding is necessary. The appellant must ensure that a verbatim record,

including testimony and evidence forming the basis of the appeal, is made. The Commission normally makes a verbatim record of Agenda Conferences.

Any person requiring some accommodation at this agenda Conference because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the agenda. 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** will consider at its November 7, 2000, Agenda Conference, Docket No. 001430-EI, Application for authority to issue and sell securities by Florida Power Corporation ("Company"), pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code, during the twelve months ending December 31, 2001. The Company seeks to issue, sell or otherwise incur any combination of additional equity securities and long-term debt securities and obligations during 2001, consisting of up to \$400 million outstanding at any time of commercial paper backed by, or borrowings under, the Company's Long-Term Credit Agreements, and \$1.03 billion of any combination of equity securities and other long-term debt securities and obligations.

The Company also proposes to issue, sell and have outstanding at any given time during 2001, short-term unsecured securities and debt obligations, including commercial paper classified as short-term debt for accounting purposes, in an aggregate amount not in excess of \$500 million, which amount shall be in addition to and in excess of the authority conferred on the Company by Section 366.04, Florida Statutes, to issue short-term securities aggregating to more than five percent of the par value of the Company's other outstanding securities.

DATE AND TIME: Tuesday, November 7, 2000. The Agenda Conference begins at 9:30 a.m., however, 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. 001430-EI.

If any person decides to appeal any decision of the Commission regarding this matter, a record of the proceeding is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal, is made. The Commission normally makes a verbatim record of Agenda Conferences.

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

hours prior to the agenda. 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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#### EXECUTIVE OFFICE OF THE GOVERNOR

The Florida Partnership for School Readiness, **Executive Office of the Governor** announces the following public meeting to which all persons are invited.

DATE AND TIMES: Wednesday, November 1, 2000, regular meeting, 9:00 a.m. – 12:00 Noon; Strategic Planning Session, 1:00 p.m. – 5:00 p.m.

PLACE: Wyndham Biscayne Bay Hotel, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Partnership for School Readiness.

A copy of the agenda may be obtained by contacting: Kristin Gilmore, Florida Partnership for School Readiness, Executive Office of the Governor, Room 251, Holand Building, Tallahassee, FL 32399, (850)488-0337.

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#### REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Planning Council**, Personnel, Program Planning and Budget Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, November 2, 2000, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

PURPOSE: To discuss pending personnel, program planning and budget matters.

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

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

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The **Northeast Florida Regional Planning Council**, Comprehensive and Project Planning Committee announces the following public meetings to which all persons are invited:

DATE AND TIME: Thursday, November 2, 2000, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

PURPOSE: To discuss pending comprehensive and project planning items.

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

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

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

DATE AND TIME: Thursday, November 2, 2000, 10:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

PURPOSE: Monthly Meeting.

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

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

Individuals needing materials in alternate format, sign language interpreter or other meeting information, call Ginny Montgomery, (904)363-6350, Extension 146, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

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

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The District Six, Local Emergency Planning Committee (LEPC) for Hazardous Materials, **East Central Florida Regional Planning Council** announces public meetings to which all persons are invited.

DATE AND TIME: Friday, November 3, 2000, 9:00 a.m.

PLACE: Brevard County Emergency Operations Center, 1746 Cedar St., Rockledge, Florida

PURPOSE: Board Meeting of the District Six, Local Emergency Planning Committee's (LEPC).

A copy of the agenda and more information may be obtained by writing: Ms. Teri Dunlap, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751.

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The District Six, Local Emergency Planning Committee (LEPC) for Hazardous Materials, **East Central Florida Regional Planning Council** announces public meetings to which all persons are invited, as follows:

DATE AND TIME: Friday, November 3, 2000, 10:00 a.m.

PLACE: Brevard County Emergency Operations Center, 1746 Cedar St., Rockledge, Florida

PURPOSE: Quarterly Meeting of the District Six Local Emergency Planning Committee's (LEPC).

A copy of the agenda and more information may be obtained by writing: Ms. Teri Dunlap, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751.

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The **Central Florida Regional Planning Council** will hold its public meeting and the Council's Executive Committee meeting, to which all persons are invited:

DATE AND TIME: Wednesday, November 1, 2000, 9:30 a.m.

PLACE: Highlands County Health Department, Conference Room, 7205 South George Blvd., Sebring, Florida

PURPOSE: Regular Monthly Meeting of the Council and the Executive Committee.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

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

DATE AND TIME: Thursday, November 9, 2000, 9:00 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Blvd., St. Petersburg, FL 33702

PURPOSE: Agency on Bay Management.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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

DATE AND TIME: Monday, November 13, 2000, 8:30 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Blvd., St. Petersburg, FL 33702

PURPOSE: Executive/Budget Committee.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a

verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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

DATE AND TIME: Monday, November 13, 2000, 10:00 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Blvd., St. Petersburg, FL 33702

PURPOSE: Tampa Bay Regional Planning Council.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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

DATE AND TIME: Monday, November 27, 2000, 9:30 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Blvd., St. Petersburg, FL 33702

PURPOSE: Clearinghouse Review Committee.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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

DATE AND TIME: Wednesday, November 29, 2000, 10:30 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Boulevard, Suite 219, St. Petersburg, FL 33702

PURPOSE: Local Emergency Planning Committee, District VIII meeting to discuss and implement provisions of the Emergency Planning and Community Right to Know Act (EPCRA), Risk Management Planning (RMP) under the Clean Air Act Amendments of 1990, Section 112(r), and pursuant to the Florida Accidental Release Prevention and Risk Management Planning Act of 1998.

A copy of the agenda may be obtained by contacting: Staff Coordinator Bill Lofgren, Tampa Bay Regional Planning Council, 9455 Koger Boulevard, Suite 219, St. Petersburg, FL 33702 or by accessing the LEPC website at: <http://www.tbrpc.org/lepc/agenda.htm>

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 6, 2000, 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; Kendall Town Center Development of Regional Impact Assessment – Miami-Dade County; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Adopted Local Government Comprehensive Plan Amendment for Oakland Park and Plantation; 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.

The **Treasure Coast Regional Planning Council** announces a meeting of the Council's Budget/Personnel Committee to which all persons are invited:

DATE AND TIME: November 15, 2000, 9:30 a.m.

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

GENERAL SUBJECT MATTER: To conduct a meeting of the Council's Budget/Personnel Committee.

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

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

The **LEPC**, District VII, Five County Regional Emergency Management Directors announces a meeting to which all persons are invited:

DATE AND TIME: Thursday, October 26, 2000, 9:00 a.m.

PLACE: Highlands County Emergency Operations Center, 5860 W. George Blvd., Sebring, Florida (A map is available at the LEPC, VII Regional office)

PURPOSE: Development of the Scope-of-Work and the functional areas to be addressed during the Exercise of the Local Emergency Hazardous Materials Emergency Plan. The Table-Top phase is proposed for April 2001. The LEPC District VII Exercise is proposed for the fall/early winter of 2001. The exercises will evaluate, address and addend, as necessary, the Local Emergency Hazardous Materials Emergency Plan according to the developed scope-of-work. Documentation procedures for involved parties will be distributed. District VII's Hazardous Materials Emergency Response Plan will be addressed and discussed.

You will be recruited to assist in exercise control procedures and in additional resource procurement as required for the scope-of-work we develop.

A draft proposed Scope-of-Work is available at the LEPC, VII Regional office.

## DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

The Florida **Department of Labor and Employment Security, Division of Workers' Compensation** announces the following meeting of the Workers' Compensation Task Force to which the public is invited. The task force has been formed for review of the workers' compensation system.

DATE AND TIME: Wednesday, October 25, 2000, 1:00 p.m. – 5:00 p.m.

PLACE: Marriott, Tampa International Airport, Tampa, FL 33607

PURPOSE: Second meeting of the Workers' Compensation Task Force for review of the Workers' Compensation System.

Persons with a disability or handicap requiring reasonable accommodations should contact Jacki Lawhon in writing 2728 Centerview Drive, Suite 302, Forrest Building, Tallahassee, Florida 32399-0682 or by phone (850)922-8062, at least three business days in advance to make appropriate arrangements. If you are hearing or speech impaired, please contact Jacki Lawhon using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**WATER MANAGEMENT DISTRICTS**

The **St. Johns River Water Management District** announces a Central Region Recreational Advisory Council and tour to which all persons are invited. The meeting is scheduled for:

MEETING: Sunnyhill Restoration Area at the "Blue House"  
 DATE AND TIME: Wednesday, November 1, 2000, 9:30 a.m. – 12:00 Noon

PLACE: 19561 S. E. Hwy. 42, Umatilla, FL

TOUR: Tour of Emeralda Marsh Conservation Area

DATE AND TIME: Wednesday, November 1, 2000, 1:00 p.m. – 3:00 p.m.

PLACE: Will leave from Blue House at Sunnyhill, 19561 S. E. Hwy. 42, Umatilla, FL

PURPOSE: To discuss recreation on District lands in the Central Region.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Mrs. Linda Lorenzen, (904)329-4262. If you are hearing or speech impaired, please contact the agency by calling (904)329-4450 (TDD).

NOTE: If any person decides to appeal any decision with respect to any matter considered by the St. Johns River Water Management District's Governing Board, such person may need to ensure that a verbatim record of the meeting is made to include the testimony and evidence upon which appeal is to be based.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited.

**WATER CONSERVATION TASK FORCE MEETING**

DATE AND TIMES: Wednesday, November 1, 2000, Lunch – 12:00 Noon; Meeting – 1:00 p.m.

PLACE: SWFWMD, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Task Force business.

**LAND ACQUISITION AD HOC COMMITTEE MEETING**

DATE AND TIME: Monday, November 6, 2000, 9:30 a.m.

PLACE: SWFWMD, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Committee business.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contract 1(800)423-1476 (Florida only) or (352)796-7211, Extension 4604, Fax (352)754-76874, TDD only 1(800)231-6103 (Florida).

The **Southwest Florida Water Management District** announces the following meetings to which all interested parties are invited.

**GREEN INDUSTRY ADVISORY COMMITTEE**

DATE AND TIME: Thursday, November 2, 2000, 12:00 Noon

PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, Florida

**ENVIRONMENTAL ADVISORY COMMITTEE**

DATE AND TIME: Wednesday, November 8, 2000, 6:00 p.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business.

Some members of the District's Governing and Basin Boards may attend the meetings.

Copies of the agendas may be obtained by writing: Community Affairs Department, Southwest Florida Water Management District, 7601 Highway 301, North, Tampa, Florida 33637.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)836-0797 (Florida) or (813)985-7481, Extension 2036, Fax (813)987-6726, TDD ONLY 1(800)231-6103 (Florida).

The **South Florida Water Management District** announces a public meeting which may be conducted by means of or in conjunction with communications media technology, specifically by telephonic conference to which all interested parties are invited:

DATE AND TIME: November 1, 2000, 9:30 a.m. – 11:30 a.m.

PURPOSE: Budget and Finance Advisory Commission meeting to discuss SFWMD budget and finance-related matters.

PLACE: South Florida Water Management District Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida

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.

Those who desire more information, or those wishing to submit written or physical evidence may contact Patti Nicholas, Planning, Budgeting and Performance Evaluation Department, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680.

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The **South Florida Water Management District** announces a public meeting which may be conducted by means of or in conjunction with communications media technology, specifically by telephonic conference to which all interested parties are invited:

DATE AND TIME: November 15, 2000, 9:30 a.m. – 11:30 a.m.

PURPOSE: Budget and Finance Advisory Commission meeting to discuss SFWMD budget and finance-related matters.

PLACE: South Florida Water Management District B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida

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, at (561)682-6206, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information, or those wishing to submit written or physical evidence may contact Patti Nicholas, Planning, Budgeting and Performance Evaluation Department, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680.

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The **South Florida Water Management District** announces a public workshop/meeting which may be conducted by means of or in conjunction with communications technology, specifically by telephonic conference to which all interested parties are invited:

DATE AND TIME: November 8, 2000, 9:00 a.m.

PLACE: Town Hall, 520 Main Street, Windermere, Florida

PURPOSE:

A) Regular Governing Board Workshop/Meeting to discuss and consider District business including regulatory and non-regulatory matters.

B) Conduct meeting of the Human Resources Committee.

C) Conduct meeting of the Audit Committee.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members. In the event of emergency conditions due to an imminent tropical storm or hurricane, this meeting may be conducted by teleconference in order to take action on items listed on the Thursday, November 9th, 2000, meeting agenda, including regulatory and non-regulatory items.

DATE AND TIME: November 8, 2000, time to be determined

PLACE: To be determined

PURPOSE: Possible off-site dinner with Governing Board members after workshop/meeting. No discussion of the Governing Board's business or activities shall occur between or among Board members at this dinner site.

DATE AND TIME: November 9, 2000, 7:00 a.m.

PLACE: To be determined

PURPOSE: Breakfast workshop with Governing Board members and senior management.

DATE AND TIME: November 9, 2000, 8:30 a.m.

PLACE: District Headquarters B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: Regular Governing Board meeting for consideration of regulatory and non-regulatory matters, including public meetings. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

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 or may be acquired via the SFWMD Web Site at <http://www.sfwmd.gov/agenda.html>.

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 testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact Darryl Bell, Governing Board Operations Director, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680.

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**COMMISSION FOR THE TRANSPORTATION  
DISADVANTAGED**

The Florida **Commission for the Transportation Disadvantaged** announces a meeting of the Conference Committee to which all persons are invited.

DATE AND TIME: Monday, November 6, 2000, 2:00 p.m. – completion

PLACE: 2740 Centerview Drive, Rhyne Building, Suite 1A, Tallahassee, Florida, (850)488-6036

PURPOSE: To discuss plans for 2001 TD conference.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Erin Schepers, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)488-6036 or 1(800)983-2435 or 1(800)648-6084 (TDD). The meeting is subject to change upon chairperson's request.

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**REGIONAL UTILITY AUTHORITIES**

The **Peace River/Manasota Regional Water Supply Authority** announces the following public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, November 1, 2000, 10:00 a.m.

PLACE: Sarasota County Administration Center, 1660 Ringling Boulevard, Sarasota, FL

PURPOSE: Conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Peace River Manasota Regional Water Supply Authority, 1645 Barber Road, Suite A, Sarasota, Florida 34240.

Although Authority board meetings are normally recorded, affected persons are advised it may be necessary for them to ensure a verbatim record of the meeting is made, including testimony and evidence upon which an appeal is to be based.

Persons with disabilities who need assistance may call (941)316-1776, at least two business days in advance to make appropriate arrangements.

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**DEPARTMENT OF ELDER AFFAIRS**

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

SHINE (Serving Health Insurance Needs of Elders) Steering Committee Meeting.

DATE AND TIME: Thursday, November 2, 2000, 9:00 a.m.

PLACE: Sheraton Suites Orlando Airport, 7550 Augusta National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Elder Insurance Benefits, Counseling and Training techniques for the SHINE Program.

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A copy of the agenda may be obtained by contacting: Shelia Kilpatrick, (850)414-2060.

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**AGENCY FOR HEALTH CARE ADMINISTRATION**

The **Agency for Health Care Administration** announces a public meeting of the panel on Medicaid reimbursement to which all persons are invited.

DATE AND TIME: Thursday, November 2, 2000, 10:00 a.m.

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

PURPOSE: In accordance with Chapter 99-394, Laws of Florida, the panel on Medicaid reimbursement will be conducting a public meeting. The purpose of the panel is to study the State's Medicaid reimbursement plan for nursing home services and recommend changes to accomplish specific goals. The meeting will be for the purpose of reviewing research conducted by panel members and interested parties on specific preliminary recommendations for modifications to the patient care and property components of the reimbursement methodology.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda has not been set. Contact Mr. Edwin Stephens, (850)413-8067 or Suncom 293-8067, with any questions or to obtain an agenda when it is set.

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**DEPARTMENT OF MANAGEMENT SERVICES**

NOTICE OF CHANGE – The State of Florida, **Capitol Center Planning Commission** announces a change in date of a public meeting to which all persons are invited.

DATE AND TIME: October 31, 2000, 9:30 a.m.

PLACE: The Tallahassee Room, Second Floor, City Hall, 300 S. Adams St., Tallahassee, FL 32301

PURPOSE: The monthly meeting of the Commission originally scheduled for October 24, 2000 has been changed to October 31, 2000. This will be a regular monthly meeting of the Commission to discuss and act on its agenda for that meeting. The agenda includes matters pertaining to the approval of building construction within the district and other matters affecting the Capitol Center located in Tallahassee, Florida.

Copies of the agenda may be obtained by writing: Capitol Center Planning Commission, Suite 360, 4030 Esplanade Way, Tallahassee, FL 32399-0950.

RECORD OF PROCEEDINGS: If a person anticipates that she/he may appeal any decision made by the Commission with respect to any matter considered at this meeting, s/he will need to ensure that a written verbatim record of the proceedings shall have been made, at no cost to the Commission, which record includes the testimony and evidence upon which the appeal is to be based.



**SPECIAL ACCOMMODATION:** Any attendee requiring special accommodation because of a disability or physical impairment should contact Cindy Aaron, (850)488-8551, at least 5 calendar days prior to the meeting. Persons who are hearing or speech impaired can contact the Commission at the above number using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The Americans with Disabilities Act Working Group, which is administered by the **Department of Management Services** announces a meeting of Americans with Disabilities Act Working Group Executive Board Committee to which all interested persons are invited.

**DATE AND TIME:** October 27, 2000, 10:00 a.m. – 12:00 Noon

**PLACE:** ADA Working Group Conference Room, Department of Management Services, Americans with Disabilities Act Working Group, 4040 Explanade Way, Suite 180, Tallahassee, Florida 32399-7016

**PURPOSE:** To facilitate the mission of this Working Group.

For those people unable to attend in person, you may participate in the meeting via Teleconference call by dialing, (850)921-5601 or Suncom 291-5601.

A copy of the agenda may be obtained by writing or calling: Americans with Disabilities Act Working Group, Building 4040 Esplanade Way, Ste. 180, Tallahassee, Florida 32399-7016, (850)487-3432 (Voice), (850)410-0684 (TTY).

Should you require accommodations or materials in alternate formats, please contact Doris Farmer, (850)487-3424 (Voice), (850)410-0684 (TTY).

## **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Notice is hereby given by the **Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes** of a workshop to be conducted to discuss any issues of general interest to the timeshare industry. All persons are invited to participate.

**DATE AND TIME:** November 1, 2000, 9:00 a.m. – 12:00 Noon

**PLACE:** Zora Neale Hurston Building, 400 W. Robinson Street, South Tower, Conference Rooms A and B, Orlando, Florida

**PURPOSE:** The workshop will address issues of general interest to the timeshare industry. Participants are encouraged to write, fax, call or email Laura Glenn with advance notice of any topics of interest. However, advance notice of topics is not required.

**AGENCY CONTACT PERSON:** Laura Glenn, Bureau of Timeshare, Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional

Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1032, (850)487-2753, Fax (850)921-5448, Email lglenn@mail.dbpr.state.fl.us

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The **Department of Business and Professional Regulation, Board of Architecture and Interior Design** announces an emergency conference call meeting to which all interested persons are invited.

**DATE AND TIME:** October 11, 2000, 9:00 a.m.

**PLACE:** Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, FL 32399, (850)487-8856, Suncom 277-8856

**PURPOSE:** To conduct a general business meeting of the Board to approve the Department selected vendor who will administer the privatization of certain administrative functions of the Board.

A copy of the agenda may be obtained by writing: Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, FL 32399-0751.

**STATEMENT OF NECESSITY:** This emergency meeting of the board is being held under these circumstances in the interest of the public welfare. The board must meet immediately in order to finalize the awarding of the contract in accordance with the statutory deadline of October 1, 2000, in Section 455.32(13), F.S.

Any person deciding to appeal a decision made by the Board with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include the testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact the Board Office, 1940 North Monroe Street, Tallahassee, Florida 32399-0751 or call (850)488-6685, at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the Board Office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The **Board of Auctioneers** announces the following meeting to which all persons are invited.

**DATE AND TIME:** Monday, October 30, 2000, 10:00 a.m. (EST) or soon thereafter

**PLACE:** The meeting will be held as a telephone conference call. The number to call is (850)488-5776, Suncom 278-5776

PURPOSE: General meeting of the Board to conduct regular Board business.

A copy of the agenda may be obtained by writing: Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762 or by calling Daryl Dempsey, (850)488-5189.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least forty-eight (48) hours before to the meeting by contacting Daryl Dempsey, (850)488-5189. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

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

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, November 8, 2000, 4:00 p.m.; Thursday, November 9, 2000, 8:00 a.m.; Friday, November 10, 2000, 8:00 a.m.

PLACE: Palm Beach Gardens Marriott, 4000 RCA Boulevard, Palm Beach Gardens, Florida

PURPOSE: Committee, Disciplinary Actions and General Session meetings of the Board.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Cathleen E. O'Dowd, (904)727-3689, at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Board of Cosmetology** announces a Board Meeting open to the public and all persons are invited to participate.

DATES AND TIMES: Sunday, November 5, 2000, 10:00 a.m.; Monday, November 6, 2000, 9:00 a.m., if necessary

PLACE: Embassy Suites Tampa, Airport/Westshore, 555 North Westshore Boulevard, Tampa, FL 33606

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 accomdation 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).

The Florida **Board of Professional Engineers** announces a public meeting of the Educational Advisory and Application Review Committees which all persons are invited:

DATES AND TIMES: Wednesday, November 15, 2000, 9:00 a.m.; continuing Thursday, November 16, 2000, 8:00 a.m. – conclusion of meeting

PLACE: Florida Board of Professional Engineers, 1208 Hays Street, Tallahassee, FL 32304

PURPOSE: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Natalie Lowe at (850)521-0500.

The Florida **Board of Professional Engineers** announces a public meeting of the Mandatory Continuing Education Committee to which all persons are invited:

DATE AND TIME: Wednesday, November 15, 2000, 3:00 p.m. – conclusion of meeting

PLACE: Florida Board of Professional Engineers, 1208 Hays Street, Tallahassee, FL 32301

PURPOSE: Development of proposed recommendations to the Board on mandatory continuing education requirements.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Natalie Lowe at (850)521-0500.

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The Florida **Board of Professional Engineers** announces a Probable Cause Panel meeting. Although this meeting is open to the public, portions of the Probable Cause Panel meeting may be closed consistent with law.

DATE AND TIME: Thursday, November 16, 2000, 10:00 a.m. – conclusion of meeting

PLACE: Florida Board of Professional Engineers, 1208 Hays Street, Tallahassee, FL 32301

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Natalie Lowe at (850)521-0500.

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The Florida **Board of Professional Engineers** announces a public telephone conference call which all persons are invited:

DATE AND TIME: Wednesday, November 22, 2000, 2:00 p.m.

CONFERENCE CALL NUMBER: 1(800)659-8294

PLACE: Florida Board of Professional Engineers, 1208 Hays Street, Tallahassee, FL 32301

PURPOSE: To act on recommendations from the Educational Advisory and Application Review Committees to approve or deny applications for licensure and any old or new business of the Florida Board of Professional Engineers.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Natalie Lowe at (850)521-0500.

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The **Florida Building Code Administrators and Inspectors Board** announces an official meeting of the Probable Cause Panel via telephone conference call of which portions or all will be closed to the public.

DATE AND TIME: November 13, 2000, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board Office, 1940 North Monroe Street, Tallahassee, FL 32399-2211 (Access Number: (850)921-6455 or Suncom 291-6455)

PURPOSE: Official meeting of the Probable Cause Panel.

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

For further information, contact the Florida Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-2211.

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact Gregory Spence at the Building Code Administrators and Inspectors Board at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call Gregory Spence 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, Division of Law Enforcement** announces that there will be a meeting of the Clean Vessel Act Grant Review Committee to review applications for pumpout projects. The committee will develop a list of recommended projects and funding in priority order in accordance with program policies and guidelines.

DATE AND TIME: Thursday, November 2, 2000, 1:30 p.m. – 5:00 p.m.

PLACE: Seventh Floor Conference Room, Douglas Building, 3900 Commonwealth Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Clean Vessel Act Grant Review Committee will develop a list of recommended pumpout projects and funding in priority order. The list will be used as guidance in the developing grant agreements based on available federal funding under the Clean Vessel Act Grant Program.

Copy of the agenda may be obtained by contacting: Jan R. De Laney, (850)488-5757, Extension 178, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

In accordance with the Americans With Disabilities Act, if you need a special accommodation to attend you should contact our office immediately at (850)488-5757, Extension 178, or call 1(800)955-8771 (TDD), or 1(800)955-8770 (Voice), via Florida Relay Service.

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The **Department of Environmental Protection**, Division of Water Resource Management, announces a public workshop to which all persons are invited:

DATE AND TIME: Tuesday, November 7, 2000, 10:00 a.m.

PLACE: Department of Planning and Environmental Protection, 218 S. W. 1st Avenue, Cypress Room, 2nd Floor, Fort Lauderdale, Florida

PURPOSE: The Department has initiated rulemaking to amend Chapter 62-113 of the Florida Administrative Code. This rulemaking proposes to incorporate rules addressing delegation of a comprehensive environmental resource permitting program to Broward County, for permitting, compliance and enforcement of environmental resource, wetland resource, and management and storage of surface waters permits, and formal determinations of the landward extent of wetlands and other surface waters. This proposed rule references a Delegation Agreement that is being developed by the Department, the South Florida Water Management District, and Broward County. This will be a joint workshop with the South Florida Water Management District. (Docket No. 97-69R)

A copy of the agenda and a draft of the Delegation Agreement may be obtained by contacting: Alice Heathcock, Department of Environmental Protection at 2600 Blair Stone Road, MS 2500, Tallahassee, FL 32333-2400, at (850)921-9899, or e-mail Alice.Heathcock@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting the Personnel Service Specialist in the Bureau of Personnel at (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

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## DEPARTMENT OF HEALTH

The **Department of Health**, Bureau of Chronic Disease will hold the following meeting:

MEETING: Arthritis Prevention and Education Consensus-Building Conference

DATE AND TIME: November 3, 2000, 9:00 a.m. – 4:00 p.m.

PLACE: Tampa, Florida (exact location TBD)

PURPOSE: This conference is open to all individuals that have a stake in arthritis. The objective of the conference is to create a draft plan on arthritis for Florida. Participants will be asked to develop strategies and objectives for arthritis prevention and education efforts in Florida.

If you are interested in participating in this conference, please contact La-Von Madison, (850)245-4330 or La-Von\_Madison@doh.state.fl.us. Travel reimbursement is available to a limited number of individuals. Please let Ms. Madison know when calling, to reserve your space, if you will need assistance with travel.

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The Florida **Department of Health** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, November 3, 2000, 10:00 a.m.

PLACE: Department of Health, 4025 Esplanade Way, 3rd Floor, Room 103, Tallahassee, Florida

PURPOSE: To provide recommendations to the Children's Medical Services Program office on the implementation of the Children's Medical Services Network.

A copy of the agenda may be obtained by writing: Florida Department of Health, Children's Medical Services, 4052 Bald Cypress Way, BIN #A06, Tallahassee, Florida 32399-1707.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice, telephone (850)245-4200.

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The **Department of Health** and the **Agency for Health Care Administration** announces a meeting to which all persons are invited.

DATES AND TIMES: October 23, 2000, 6:00 p.m. or soon thereafter; concluding October 24, 2000, 5:00 p.m.

PLACE: Wyndham Westshore Hotel, 4860 West Kennedy Boulevard, Tampa, Florida 33509-2591, (813)286-4400

PURPOSE: Florida Commission on Excellence in Health Care Meeting.

A copy of the agenda may be obtained by writing: Department of Health, Division of Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C00, Tallahassee, Florida 32399-3255, visit our web-site at [www.doh.state.fl.us](http://www.doh.state.fl.us) or by calling (850)245-4224.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting (850)245-4224. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Department with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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The **Department of Health** and the **Agency for Health Care Administration** announces a meeting to which all persons are invited.

DATE AND TIME: November 6, 2000, 8:00 a.m. or soon thereafter – 5:00 p.m.

PLACE: Hilton Jacksonville Riverfront, 1201 Riverplace Boulevard, Jacksonville, Florida 32207, (904)398-8800

PURPOSE: Florida Commission on Excellence in Health Care Meeting.

A copy of the agenda may be obtained by writing: Department of Health, Division of Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C00, Tallahassee, Florida 32399-3255, visit our web-site at [www.doh.state.fl.us](http://www.doh.state.fl.us), or by calling (850)245-4224.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting (850)245-4224. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Department with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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The **Board of Acupuncture** announces a meeting to be held by way of conference telephone hookup with the following number: Bill Buckhalt, Exec. Director, Tallahassee, FL (850)410-0966, Suncom 210-0966.

DATE AND TIME: November 1, 2000, 9:00 a.m.

PURPOSE: To review licensure applications and rule development workshop for rules 64B1-4.001, 64B1-4.0015, 64B1-6.005 and 64B1-10.001. Also, to discuss proposed rule 64B1-8.006.

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

A copy of the agenda may be obtained by writing: Mr. William H. Buckhalt, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, BIN C06, Tallahassee, Florida 32399-3256, or you may call (850)245-4161.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Penny L. Perkins at (850)245-4161, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Penny L. Perkins using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Florida **Board of Dentistry** will hold a Probable Cause Panel meeting to which all persons are invited:

DATE AND TIME: November 9, 2000, 6:00 p.m.

PLACE: Crowne Plaza Hotel, 950 N. W. LeJeune Road, Miami, FL 33126, (305)446-9000

PURPOSE: To review reconsideration cases.

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

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Barber at (850)245-4161, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Barber using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Florida **Board of Medicine**, Credentials Committee announces a meeting to which all persons are invited.

DATE AND TIME: November 11, 2000, 9:00 a.m. or soon thereafter

PLACE: The Adam's Mark Hotel, 1500 Sand Lake Rd., Orlando, FL 32809, (407)859-1500

PURPOSE: To conduct general business of the Committee.

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-1753.

Please note that if a person decides to appeal any decision made by the committee 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, he may need to insure

that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**NOTICE OF CANCELATION – The Department of Health, Board of Nursing** announces the following meeting to which all persons are invited. The scheduled North Panel meeting for Oct. 28, 2000; Nov. 25, 2000, 8:30 a.m. has been cancelled.

**NORTH PROBABLE CAUSE PANEL**

DATE AND TIME: November 18, 2000, 8:30 a.m.

PLACE: 2727 Mahan Drive, Tallahassee, FL 32308, telephone conference

PURPOSE: To reconsider cases which are a matter of public record.

A list of cases to be reconsidered may be obtained through written request: Agency for Health Care Administration, 2727 Mahan Drive, Ft. Knox, Building 3, Tallahassee, Florida 32308, Attn.: Reginald D. Dixon, Staff Attorney.

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

A copy of any item on the agenda may be obtained by writing: Dr. Ruth Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Ste. 202, Jacksonville, FL 32207. You will be charged \$.15 per page for the number of copies desired.

**The Department of Health, Board of Nursing** announces the following meeting to which all persons are invited.

**CENTRAL PROBABLE CAUSE PANEL**

DATE AND TIME: November 13, 2000, 6:30 p.m.

PLACE: 2727 Mahan Drive, Tallahassee, FL 32308, telephone conference

PURPOSE: To reconsider cases which are a matter of public record.

A list of cases to be reconsidered may be obtained through written request: Agency for Health Care Administration, 2727 Mahan Drive, Ft. Knox, Building 3, Tallahassee, Florida 32308, Attn.: Reginald D. Dixon, Staff Attorney.

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

A copy of any item on the agenda may be obtained by writing: Dr. Ruth Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Ste. 202, Jacksonville, FL 32207. You will be charged \$.15 per page for the number of copies desired.

**The Department of Health, Board of Nursing** announces it will hold the following meetings to which all persons are invited.

**SOUTH PROBABLE CAUSE PANEL**

DATE AND TIME: November 16, 2000, 9:30 a.m.

PLACE: 2727 Mahan Drive, Tallahassee, FL 32308, telephone conference

PURPOSE: To reconsider cases which are a matter of public record.

A list of cases to be reconsidered may be obtained through written request: Agency for Health Care Administration, 2727 Mahan Drive, Ft. Knox, Building 3, Tallahassee, Florida 32308, Attn.: Reginald D. Dixon, Staff Attorney.

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

A copy of any item on the agenda may be obtained by writing: Dr. Ruth Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Ste. 202, Jacksonville, FL 32207. You will be charged \$.15 per page for the number of copies desired.

**NOTICE OF CHANGE – The Department of Health, Board of Nursing** announces it will hold the following meetings to which all persons are invited. The meeting scheduled on October 19, 2000, 9:00 a.m. has been cancelled.

**SOUTH PROBABLE CAUSE PANEL**

DATE AND TIME: October 24, 2000, 9:30 a.m.

PLACE: 2727 Mahan Drive, Tallahassee, FL 32308, telephone conference

PURPOSE: To reconsider cases which are a matter of public record. A list of cases to be reconsidered may be obtained through written request to the Agency for Health Care Administration, 2727 Mahan Drive, Ft. Knox, Building 3, Tallahassee, Florida 32308, Attn.: Reginald D. Dixon, Staff Attorney.

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

A copy of any item on the agenda may be obtained by writing: Dr. Ruth Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Ste. 202, Jacksonville, FL 32207. You will be charged \$.15 per page for the number of copies desired.

The **Department of Health, Board of Speech-Language Pathology and Audiology** announces a Probable Cause Panel meeting with reconsiderations to be held via telephone conference call. All interested parties are invited to participate, which is open to the public.

DATE AND TIME: October 27, 2000, 8:00 a.m.

PLACE: Phone Number: call (850)245-4474 to inquire about the meet me number

PURPOSE: Probable Cause Panel meeting with reconsiderations.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

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

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, (850)245-4474, by October 23, 2000.

#### **DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The Osceola County Community Alliance and **Department of Children and Family Services**, District 7 announces the following public meeting.

COMMUNITY BASED CARE – ALLIANCE MEETING

DATE AND TIME: October 25, 2000, 2:00 p.m.

PLACE: Osceola County Administration Building, 1 Courthouse Square, Suite 4700, Kissimmee, Florida

PURPOSE: Community Based Care – Alliance meeting.

For more information please contact: Keith Carpenter, CBC Liaison, 400 West Robinson Street, Suite S-1129, Orlando, Florida 32801, (407)245-0400.

The Family Preservation and Support Coalition Child Abuse and Neglect Prevention Committee, sponsored by the District 12, **Department of Children and Family Services** announces the following public meeting to which all persons are invited.

DATE AND TIME: October 30, 2000, 3:30 p.m.

PLACE: Children's Advocacy Center, 344 South Beach Street, Daytona Beach, Florida

PURPOSE: Regular Business Meeting.

A copy of the agenda may be obtained by writing: Family Preservation and Support, Department of Children and Family Services, 210 North Palmetto Avenue, Daytona Beach, FL 32114-3284, Attn.: Jeff Miller.

If you need special accommodations (i.e., assistive listening devices, sign language interpreter, etc.) please notify Jeff Miller, (904)226-7826, at least 48 hours in advance of the meeting. Hearing impaired please use Florida Relay System, 1(800)955-8771.

NOTICE OF CHANGE – The Florida **Department of Children and Family Services** announces that the District 8, Lee County Community Alliance meetings have been changed.

DATES AND TIME: November 8, 2000; December 6, 2000, 2:00 p.m.

PLACE: Regional Service Center, 2295 Victoria Avenue, Fort Myers, FL

PURPOSE: Community Alliance Meetings.

For copies of the agenda, further information, or persons needing accommodation to participate in this meeting, please contact Nadereh Salim, (941)338-1343.

#### **FISH AND WILDLIFE CONSERVATION COMMISSION**

The Florida **Fish and Wildlife Conservation Commission** (FWC) announces two open houses to provide information and solicit written public input regarding proposed changes to current gopher tortoise off-site relocation guidelines. This notice announces the dates, times and places of these open houses and provides instructions for submission of written public comments.

DATE AND TIME: Tuesday, October 24, 2000, 4:00 p.m. – 8:00 p.m.

PLACE: The Holiday Inn Select, UCF, 12125 High Tech Avenue, Orlando, Florida 32817

DATE AND TIME: Wednesday, October 25, 2000, 4:00 p.m. – 8:00 p.m.

PLACE: South Florida Water Management District Office, 2301 McGregor Boulevard, Ft. Myers, Florida 33901

PURPOSE: To solicit written public comments on proposed changes to current gopher tortoise off-site relocation guidelines.

Copies of the proposed guideline changes can be obtained at the open houses and by contacting: Dr. Bradley Gruver, Division of Wildlife, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600. Written comments will be accepted until 5:00 p.m., November 15, 2000 and may be delivered during the open houses or mailed to Dr. Bradley Gruver at the address provided above.

Pursuant to the provisions of the Americans with Disabilities Act, any persons requiring special accommodations to participate in these open houses is asked to advise the FWC Regional Director at least 5 calendar days prior by calling Ms. Nancy Douglass, Ft. Myers area, (941)648-3203 or Mr. Timothy Breen, Orlando area, (352)732-1225.

The Wildlife Foundation of Florida, Inc., a direct support organization for the Florida **Fish and Wildlife Conservation Commission** will hold a public meeting.

DATE AND TIME: Friday, November 17, 2000, 1:00 p.m. – 2:00 p.m.

PLACE: Second Floor, Auditorium, Farris Bryant Building, 620 South Meridian Street, Tallahassee, Florida

PURPOSE: The Board of Directors of the Wildlife Foundation of Florida, Inc., will consider project proposals to be funded by Conserve Wildlife tag revenues as authorized by Section 320.08058(25), Florida Statutes.

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

#### FLORIDA TELECOMMUNICATIONS RELAY

The **Florida Telecommunications Relay**, Inc. announces a regular meeting of the Board of Directors by conference call.

DATE AND TIME: Monday, October 23, 2000, 10:00 a.m.

PURPOSE: Regular meeting of the Board of Directors.

A copy of the agenda may be obtained by phoning (850)656-1414 or writing: Mr. James Forstall, Executive Director, 1311B Paul Russell Road, Suite 101B, Tallahassee, FL 32301-4860.

The meeting is subject to cancellation for lack of a quorum or unavailability of an interpreter.

#### FLORIDA ALLIANCE FOR ASSISTIVE SERVICES AND TECHNOLOGY

The **Florida Alliance for Assistive Services and Technology**, Board of Directors announces a public meeting to which all persons are invited to attend.

DATES AND TIMES: Thursday, October 26, 2000, 10:00 a.m. – 5:00 p.m.; Friday, October 27, 2000, 8:30 a.m. – 2:00 p.m.

PLACE: Holiday Inn Select, Orlando International Airport, 5750 T. G. Lee Boulevard, Orlando, Florida, (407)851-6400

PURPOSE: The Board of Directors meets quarterly to conduct such business as specifically itemized on the agenda. Time will be set aside to solicit input from the public concerning assistive technology needs and services.

A copy of the quarterly meeting agenda will be posted at the FFAST, Inc. Office and may be obtained by contacting: FFAST, Inc., 1020 East Lafayette Street, Suite 110, Tallahassee, FL 32301-4546 or calling (850)487-3278.

If you would like to present information to the Board of Directors or if you require reasonable accommodations due to a disability, please contact FFAST, Inc., at the above address in advance of the meeting.

If a person decides to appeal any decision made by the Board of Directors with respect to any matter considered at such meetings, the person will need a record of the proceedings, and for such purpose, the person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is based.

Additionally, the Board of Directors conduct committee teleconferences, at the call of the committee Chairs, to accomplish the goals and objectives of the committees between full Board meetings. If you would like to present information to a FFAST committee, attend a committee teleconference or require reasonable telecommunication accommodations due to a disability, please contact the FFAST, Inc. Office in writing at the above address.

#### DUVAL COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Duval County Research and Development Authority** announces a business meeting will be held on:

DATE AND TIME: October 26, 2000, 12:00 Noon

PLACE: University of North Florida, University Center, Room 1044, 12000 Alumni Drive, Jacksonville, FL

PURPOSE: Business meeting.

A copy of the meeting agenda may be obtained by contacting: Robert F. Fagin, Executive Director, Duval County Research and Development Authority, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224-2645.

#### FLORIDA PORTS COUNCIL

The **Florida Ports Financing Commission** (FPFC) announces a meeting in which all interested persons are invited to participate.

DATE AND TIME: October 26, 2000, 1:30 p.m. – 4:00 p.m.

PLACE: Ramada Airport Inn and Conference Center, 5303 West Kennedy Boulevard, Tampa, Florida 33609

PURPOSE: General Business.

Information on the meeting may be obtained by contacting: Tara Vercellone, Florida Ports Council, 315 South Calhoun Street, Suite 712, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person



may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise Tara Vercellone, (850)222-8028.

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#### **TASK FORCE ON THE AVAILABILITY AND AFFORDABILITY OF LONG-TERM CARE**

The Lieutenant Governor, Frank T. Brogan announces a business meeting and public hearing of the **Task Force on the Availability and Affordability of Long-Term Care** (HB 1993).

DATE AND TIMES: October 30, 2000, 8:30 a.m. – 12:45 p.m., Business Meeting; 1:45 p.m. – 5:45 p.m., Public Hearing. Meeting is available on the Florida Channel for downlinking to teleconference sites.

DATE AND TIME: October 31, 2000, 9:00 a.m. – 12:00 Noon, Business Meeting

PLACE: Room 412, Knott Building, 400 South Monroe Street, The Capitol, Tallahassee, FL, contact Jennifer R. Salmon, Project Coordinator, (813)974-3468

PURPOSE: To hold a business meeting and public hearing of the Task Force.

Procedures for public hearing: Speakers will be heard on a first come, first served basis. Sign-up sheet will be available at 1:15 p.m. on October 30th. No reservations for speaking will be taken prior to that time. Speakers will have 3 minutes maximum for their presentation. Follow-up questions from the 19-member task force may be asked. Public testimony will be taped and transcribed.

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#### **FLORIDA'S COMMISSION ON RESPONSIBLE FATHERHOOD**

The **Florida's Commission on Responsible Fatherhood** announces the following meeting to which all interested parties are invited to attend.

DATES AND TIMES: November 2, 2000, 10:00 a.m. – 5:00 p.m. (Central Standard Time) 11:00 a.m. – 6:00 p.m. (Eastern Standard Time); November 3, 2000, 8:00 a.m. – 2:30 p.m. (Central Standard Time) 9:00 a.m. – 3:30 p.m. (Eastern Standard Time)

PLACE: Holiday Inn at University Mall, 7200 Plantation Road, Room C and D, Pensacola, Florida 32504, (850)474-0100

PURPOSE: Florida's Commission on Responsible Fatherhood will be having a public meeting and will take testimony on all issues concerning responsible fatherhood. Public Testimony will begin at 6:00 p.m. (CST)/7:00 p.m. (EST) and will conclude, 7:00 p.m. (CST)/8:00 p.m. (EST), November 2, 2000.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Ms. Anne Carpenter, Florida's Commission on Responsible Fatherhood, (850)488-4952, at least five calendar days prior to the meeting.

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#### **ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY**

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited:

DATE AND TIME: November 8, 2000, 8:00 a.m.

PLACE: Lowndes, Drosdick, Doster, Kantor & Reed, 215 North Eola, Orlando, Florida

PURPOSE: General Business Meeting

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#### **FLORIDA PARTNERSHIP FOR SCHOOL READINESS**

The **Florida Partnership for School Readiness** announces a public meeting of the Commission on the Study of Children with Developmental Delay to which all persons are invited.

DATE AND TIMES: Thursday, November 9, 2000, Commission meeting, 9:00 a.m. – 3:00 p.m.; Public Hearing, 4:00 p.m. – 6:00 p.m.

PLACE: Edgewater High School, Professional Resource Center, 3100 Edgewater Drive, Orlando, FL 32804

PURPOSE: Discuss recommendations for improving screening and service delivery to children at risk of developmental delays.

Persons with disabilities who need assistance may contact: Mary Burnett, Media Center, Edgewater High School (407)835-4908 or Nina Barrios, Study Coordinator, (850)386-3191.

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#### **FLORIDA CORRECTIONS COMMISSION**

The **Florida Corrections Commission** announces the following public meeting to which all interested persons are invited:

DATE AND TIME: Thursday, November 9, 2000, 9:00 a.m. – 3:00 p.m.

PLACE: Department of Corrections, Room B-501, Secretary's Conference Room, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

PURPOSE: The Commission will hold a meeting for the purpose of discussion of Florida Parole Commission review and other issues to be included in the 2000 Annual Report.

A copy of the agenda may be obtained by writing: Mr. John Fuller, Executive Director, Florida Corrections Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500 or call (850)413-9330.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

**INDIAN RIVER COMMUNITY COLLEGE**

The **Indian River Community College**, Criminal Justice Training Institute announces a public meeting to which the public is invited.

DATE AND TIME: November 29, 2000, 10:00 a.m.

PLACE: Indian River Community College, Indian River Academy Site, 5900 Tedder Road, Fort Pierce, Florida

PURPOSE: Elect board members, review information gathered at the November State Commission meeting and provide update on training classes at the academy.

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 state 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: Florida State Statutes 166.011, "The Municipal Home Rule Powers Act"; . . . Section 166.021 "Powers."-(c); . . . Chapter 185 "Municipal Police Pensions"; . . . Chapter 175, "Firefighters Pensions"; . . . Chapter 633, "Fire Prevention and Control"; . . . Chapter 900-985, "Criminal Procedure and Corrections"; . . . Section 112.531, Definitions—"Law Enforcement Officer"; . . . Section 112.81, Definitions "Firefighter"; . . . Section 185.02(1); . . . Section 185.23, at Rule 60Z-1.007 (Formerly 4-14.07), FAC.; . . . Section 175.032(1); . . . Section 633.30(1); . . . Section 943.10(1)?

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, Florida 32399-0333, (850)413-4230.

**Section VII  
Notices of Petitions and Dispositions  
Regarding Declaratory Statements**

**DEPARTMENT OF BANKING AND FINANCE**

NOTICE IS HEREBY GIVEN that the Department of Banking and Finance, Division of Securities and Finance, received a Petition for Declaratory Statement from counsel for Alliance Capital Joint Ventures, Inc., on June 1, 2000. The Petition seeks the Department's position on whether the proposed Joint Venture Agreement constitutes the offer of a "security" as defined in Section 517.021(19), Florida Statutes.

A copy of the Petition can be obtained by writing: Agency Clerk, Department of Banking and Finance, Suite 526, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350 or calling (850)410-9896.

**PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has disposed of the petition for declaratory statement filed by TDS Telecom/Quincy Telephone Company. The petitioner may remain rate base, rate of return regulated after January 1, 2001 unless and until a certificated ALEC provided basic local telecommunications service in petitioner's territory. Docket No. 000798-TP.

**DEPARTMENT OF INSURANCE**

NOTICE IS HEREBY GIVEN that the Department of Insurance has received a petition for a declaratory statement from Local Union #2887, Marco Island Fire Department, Marco Island, Florida 34145 and Jerry R. Miller, 888 Banyan Court, Marco Island, Florida 34145. The petition seeks the agency's opinion as to the applicability of Sections 166.011, 166.021, Florida Statutes, Chapters 185, 175, 633, 900-985, Florida Statutes, Sections 112.531, 112.81, 185.02(1), 185.23, 175.032(1), 633.30(1), 943.10(1), Florida Statutes and Rule 60Z-1.007 (Formerly 4-14.07), Florida Administrative Code, as it applies to the petitioner. Specifically, the petition presents the following questions in pertinent part:

**DEPARTMENT OF CORRECTIONS**

NOTICE IS HEREBY GIVEN that the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Douglas Jackson. The Petitioner requested that the Department of Corrections amend Rule 33-602.402, Florida Administrative Code, to require all Department institutions to maintain an out-going mail log indicating the date upon which an inmate hands over legal documents to prison officials for purposes of mailing.

The Department denied Inmate Jackson's Petition to Initiate Rulemaking. The Rule is currently under review for consideration of possible amendment to include such a provision.

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 Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Douglas Jackson. The Petitioner requested that the Department of Corrections amend Rule 33-601.803(3)(b), Florida Administrative Code, to clarify what the phrase "six continuous months" means with regard to day room privileges for inmates placed in close management. He suggests that calculation of the time period should be based on cumulative time spent in any combination of levels of close management.

The Department denied Inmate Jackson's Petition to Initiate Rulemaking. The Rule, which is unambiguous, does not contemplate calculation of the time frame in the manner suggested. The suggested amendment would lead to an illogical result in view of the fact that an inmate's transfer to a reduced level of close management is based upon behavior.

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 Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Edward Campbell. The Petitioner requested that the Department of Corrections amend Rule 33-602.405, Florida Administrative Code, to require the Department to provide free copies of continuation pages of inmate request forms. He also asserts that the space available on inmate request forms is inadequate, thereby necessitating continuation pages.

The Department denied Inmate Campbell's Petition to Initiate Rulemaking. The Rule currently does not address the copying of continuation pages of inmate requests; however, where an inmate initiates an administrative or legal proceeding based upon an inmate request, the Department is required by Rule to provide sufficient copies of the necessary documents. Additionally, the inmate request form does not require modification since the space available is sufficient in the majority of cases for an inmate to set forth his or her request. Where it is not, continuation pages may be attached.

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.

#### **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 has issued a declaratory statement in In Re: Petition for Declaratory Statement, Crane Crest Apartments, Inc., Petitioner and Chuck and Arlene Rosen, Unit Owners, Intervenor; Docket Number CD2000-128.

The declaratory statement provided, in summary, that Section 719.1055(3)(b), Florida Statutes, applied to the facts, such that the association is required to obtain the vote of two-thirds of the total voting interests of the cooperative to approve the change in units 404 and 504 to install a stairway between the units.

A copy of the declaratory statement may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued a final order in In Re: Petition for Declaratory Statement, Cristelle Condominium Association of Broward County, Inc., Petitioner; Docket Number 2000-129.

The petition was denied on the basis that the issues raised are beyond the scope of a declaratory statement action and the relief sought is beyond what the Division is authorized to provide.

A copy of the final order may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

#### **DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN that the Board of Massage Therapy received Petitions for Declaratory Statements regarding Sections 480.033(7), 480.043(1),(3),(4), Florida Statutes and Rule 64B7-26.001(1),(2),(3), Florida Administrative Code, filed October 2, 2000, by Jill Cicero, LMT, Sherry A. Dufresne, LMT, Julie B. McMordie, LMT, Susan H. Martin, LMT and Brian K. Winiesdorffer, LMT. Petitioners request a declaratory statement from the Board on the issue of whether a licensed massage therapist must obtain an establishment license if he/she operates as an independent contractor in a massage therapy establishment licensed and operated by another.

The Board will address this matter at its regularly scheduled board meeting which will be held October 26, 2000, 9:00 a.m., Embassy Suites Hotel, 3974 Northwest Southriver Drive, Miami, Florida 33142.

A copy of the Petition for Declaratory Statement may be obtained by writing: William Buckhalt, Board of Massage Therapy, Department of Health, 4052 Bald Cypress Way, Tallahassee, FL 32399.

**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:**

United Healthcare of Florida, Inc. vs. Department of Insurance; Rule No.: 4-154.530; Case No.: 00-4027RP

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

Specialty Agents, Inc. vs. Department of Insurance; Case No.: 00-3434RU; Closed

**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**

**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**

**Section XI  
Notices Regarding Bids, Proposals and  
Purchasing**

**DEPARTMENT OF EDUCATION**

**NOTICE TO CONSTRUCTION MANAGERS**

Florida Gulf Coast University, on behalf of the State of Florida, Board of Regents announces that Construction Management Services will be required for the project listed below:

Project No.: BR-1020, Project and Location: Multipurpose Building, Florida Gulf Coast University, Ft. Myers, Florida.

The proposed Multipurpose Building will be the first building that is dedicated primarily for student activity use. To accommodate the growing student enrollment, this building will include a scramble type food service area with 500-600 seats, large Bookstore, Campus Store, small and divisible meeting rooms, SGA Senate room, game room, Lounge,

Ballroom, and computer lab. Office space for Student Center Administration, Dean of Students Office, Housing Office, Student Government, student newspaper and yearbook, and student activity clubs. The estimated construction cost is approximately \$7,902,400 and project budget is \$9,680,000.

The contract for construction management services shall consist of two phases. Phase one of the contract is for pre-construction services for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analysis, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Document phase. If the GMP is accepted, phase two, the construction phase, may be implemented. In phase two of the contract, the construction manager shall become the single point of responsibility for performance of the construction contract for the project and shall publicly bid trade contracts, ensuring the inclusion of 30% Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Selection of finalists for interview will be made on the basis of construction manager's qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements.

Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard State University System's construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Board of Regents "Construction Manager Qualifications Supplement". Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages should be numbered consecutively. Submittals, which do not comply with these requirements or do not include the requested data, will not be considered. No submittal information will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations,

at the time of application. As required by Section 287.133, F.S., a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Board of Regents Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting: Mr. Jack Fenwick, Director of Facilities Planning, Florida Gulf Coast University, 10501 FGCU Blvd., South, Ft. Myers, Florida 33965-6565, telephone (941)590-1500, Fax (941)590-1505.

Five (5) bound copies of the required proposal data shall be submitted to: Mr. Jack Fenwick, Director of Facilities Planning, Florida Gulf Coast University, 10501 FGCU Blvd., South, Ft. Myers, Florida 33965-6565.

Submittals must be received in the Facilities Planning Office by 2:00 p.m. local time on November 20, 2000. Facsimile (FAX) submittals are not acceptable and will not be considered.

**METROPOLITAN PLANNING ORGANIZATIONS**

**REQUEST FOR LETTERS OF INTEREST**

**PUBLIC TRANSPORTATION SYSTEM ANALYSIS FOR THE SARASOTA-BRADENTON URBANIZED AREA**  
 The Sarasota/Manatee Metropolitan Planning Organization (MPO) is accepting Letters of Interest from qualified consulting firms to conduct a Public Transportation System Analysis. The Letter of Interest should be five pages or less.

The purpose of the project is to determine the feasibility of an expanded, regionally-connected public transportation system for the Sarasota-Bradenton urbanized area. The consultant, working in coordination with a project steering committee, will refine the Approach to Project/Work Plan (available upon request) for this study into a detailed Scope of Work. The study will include public involvement activities, regional transportation market assessment, corridor analysis, evaluation of modal alternatives, benefit/cost analyses and recommendation(s) of institutional frameworks for system implementation/administration. The study must emphasize coordination with inter-regional and statewide transit initiatives.

Send thirty copies of the Letter of Interest to the Sarasota/Manatee Metropolitan Planning Organization by 5:00 p.m. on November 3, 2000 at 7632 301 Boulevard, Sarasota, Florida 34243.

Direct inquires to: Judy Landon, AICP, MPO Transportation Planner, (941)359-5772 or e-mail: mpolandon@hotmail.com.

**DEPARTMENT OF MANAGEMENT SERVICES**

**PUBLIC ANNOUNCEMENT OF  
 A/E SELECTION RESULTS**

The Department of Management Services, Division of Building Construction, announces that on the date listed below, authority was issued to negotiate and enter into a contract for Professional Services in accordance with the Consultants Competitive Negotiation Act for the following:

- DATE: September 26, 2000
- NAME OF CLIENT AGENCY: Palm Beach County
- PROJECT NUMBER: PBC-99062000
- PROJECT NAME: South Bay Community Services Facility
  1. Stephen L. Boruff, AIA Architects & Planners, West Palm Beach, FL
  2. Pierce Goodwin Alexander & Linville, Boca Raton, FL
  3. Joseph Middlebrooks & Associates, Inc., Miami, FL
  4. Saltz Michelson Architects, Inc., Ft. Lauderdale, FL

**PUBLIC ANNOUNCEMENT OF  
 A/E SELECTION RESULTS**

The Department of Management Services, Division of Building Construction announces that on the date listed below, authority was issued to negotiate and enter into a contract for Professional Services in accordance with the Consultants Competitive Negotiation Act for the following:

- DATE: October 2, 2000
- NAME OF CLIENT AGENCY: Boca Raton Airport Authority
- PROJECT NUMBER: BRAA-99065000
- PROJECT NAME: Master Plan & Design for Additions to Boca Raton Airport
  1. Ricondo & Associates, Inc., Miami, FL
  2. HTNB Corporation, Orlando, FL
  3. Hoyle, Tanner & Associates, Inc., Orlando, FL

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**NOTICE OF INVITATION TO BID  
 BID NO. DEP 10-00/01**

The Department of Environmental Protection, Office of Greenways and Trails, is soliciting formal competitive bids for the project listed below:

- PROJECT NAME: Steel Grate Fabrication and Installation – Inglis Lock/Withlacoochee River

**PROJECT LOCATION:** Inglis Lock (Levy County) 4 miles east of Inglis on State Road 40  
Lock sited on the Old Cross Florida Barge Canal and Lake Rousseau

**PROJECT MANAGER:** James Wolfe  
Construction Projects Administrator  
Office of Greenways and Trails  
Telephone Number (850)488-3701

**INSTRUCTIONS:** Any firm desiring specifications for this project may obtain a copy by writing the address or calling the telephone number listed below:  
Florida Department of Environmental Protection  
Purchasing Office  
3900 Commonwealth Boulevard  
Room 235  
Tallahassee, Florida 32399  
Attention: Gail O' Kelly  
Telephone Number (850)488-6711

**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 a disability, please contact the Department's Purchasing Section, (850)488-6711, at least five (5) workdays prior to bid opening.

**BID SUBMITTAL DUE DATE:** 3:00 p.m., Tuesday, November 21, 2000 to the below address:  
Florida Department of Environmental Protection  
Purchasing Section  
3900 Commonwealth Boulevard  
Mail Station 86  
Tallahassee, Florida 32399  
Telephone Number (850)488-6711

**PROJECT NAME:** Manatee Pool and Associated Work

**SCOPE OF WORK:** The contractor shall provide the necessary labor, supervision, equipment and materials to construct a manatee pool and flume at the headspring. This will include all sitework for the clearing and grading of a roadway, excavation of the pool and associated demolition and utility connections.

**PARK LOCATION:** Homosassa Springs State Wildlife Park  
4150 S. Suncoast Blvd.  
Homosassa (Citrus Co.), Florida

**PROJECT MANAGER:** Hugh McArthur  
Bureau of Design and Recreation Services  
Telephone Number (850)488-6433  
Fax Number (850)488-3537

**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, October 20, 2000

**NOTICE OF INVITATION TO BID**  
**BID NO. BDRS 19-00/01**

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:

at: Homosassa Springs State Wildlife Park  
 4150 S. Suncoast Blvd.  
 Homosassa, FL 34446  
 Attention: Tom Linley, Park Manager  
 Telephone Number (352)628-5343  
 Fax Number (352)628-4243

**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)488-3539, at least five (5) workdays prior to opening.

**BID SUBMITTAL**

**DUE DATE:**

No later than 3:30 p.m., Wednesday, November 15, 2000 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 HEALTH**

**INVITATION TO BID**

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE DEPARTMENT OF HEALTH, HEREINAFTER REFERRED TO AS OWNER, FOR THE CONSTRUCTION OF:

PROJECT NO.: 96209200

SAMAS CODE: 64-30-2-122002-6400000-00-084093-00

PROJECT NAME AND LOCATION: Palm Beach Health Clinic, 45th and Australian Avenue, West Palm Beach, Florida  
 FOR: State of Florida, Department of Health

PRE-QUALIFICATION: Each bidder whose field is governed by Chapter 399, 455, 489 and 633 of the Florida Statutes for licensure or certification must submit pre-qualification data of their eligibility. Submit proposals five (5) calendar days prior

to the bid opening date if not previously qualified by the Department of Management Services for the current biennium (July 1 through June 30) of odd numbered years. Call (850)488-6233 for information on pre-qualification with the Department of Management Services. After the bid opening, the low bidder must qualify in accordance with Rule 60D-5.004, FAC. A copy of rule requirements is included in the Instruction To Bidders under Article B-2 "Bidders Qualification Requirements and Procedures".

**PUBLIC ENTITY CRIME INFORMATION STATEMENT:**  
 A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not do the following:

1. May not submit a bid on a contract to provide any goods or services to a public entity.
2. May not submit a bid on a contract with a public entity for the construction or repair of a public building or public work.
3. May not submit bids on leases of real property to a public entity.
4. May not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity.
5. May not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S. for Category Two, for a period of 36 months from the date of being placed on the convicted vendor list.

**PROJECT DESCRIPTION:** THIS PROJECT IS A NEW TWO STORY MEDICAL CLINIC OF APPROXIMATELY 60,000 GROSS SQUARE FEET LOCATED JUST EAST OF THE PALM BEACH COUNTY HOME AT 45TH AND AUSTRALIAN AVENUE IN WEST PALM BEACH. TWO THIRDS OF THE FLOOR AREA IS LOCATED ON THE GROUND FLOOR. THE STRUCTURAL FRAME IS PRE-CAST CONCRETE JOIST WITH CONCRETE COLUMNS AND BEAMS. HVAC UNITS WILL BE ROOF MOUNTED PACKAGE UNITS. SITEWORK WILL INCLUDE LIMITED DEMOLITION, RE-GRADING, ASPHALT PARKING AND LANDSCAPING WORK.

**PERFORMANCE BOND AND LABOR MATERIAL PAYMENT BOND:** If the construction contract award amount is \$100,000.00 or less, a Performance Bond and a Labor and Material Payment Bond are not required. If the construction contract award amount is more than \$100,000.00, a Performance and a Labor and Material Payment Bond SHALL be required.

**MINORITY BUSINESS ENTERPRISES:** In accordance with Florida Statutes, Chapter 287.042(4)(f)1., F.S., the Department of Health is encouraged to spend, as a "goal," twenty-one (21) percent of the monies actually expended for construction contractors with certified minority business enterprises. In the department's effort to see that this is accomplished, the Department of Health encourages minority businesses to

participate in the bidding process including any bidders conferences, pre-solicitation or pre-bid meetings which are scheduled. The Department of Health further encourages contractors to utilize certified minority enterprises as subcontractors or sub-vendors whenever possible. Certified vendors are those firms certified by the State of Florida Minority Business Advocacy and Assistance Office, 2012 Capital Circle, S. E., Hartman Building, Suite 100, Tallahassee, Florida 32399-2152, (850)487-0915.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: Tuesday, November 21, 2000, 11:00 a.m., local time

PLACE: Florida Department of Health, 901 Evernia Street, First Floor, Auditorium, Room 110, West Palm Beach, Florida 33401

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Addenda, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the following:

ARCHITECT-ENGINEER: Maspons Goicouria Estevez, Inc. (Mge Architects), 150 Alhambra Circle, Suite 700, Coral Gables, Florida 33134, telephone (305)444-0413, Facsimile (305)441-6404

The above bidding documents will be available on or about Monday, October 30, 2000

PLAN COSTS: The cost per set of bid documents for General Contractors is \$175.00 NON REFUNDABLE FOR EACH COMPLETE SET OF PLANS AND SPECIFICATIONS. COURIER COSTS TO BE PAID BY EACH BIDDER. All other sub-contractors, vendors, manufacturers, etc. must purchase all documents requested at the cost of reproduction.

CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted no later than 4:00 p.m., local time, on Tuesday, November 21, 2000 at the bid opening location. 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. If no protest is filed per Section B-21 of the Instructions To Bidders, "Notice and Protests Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5, F.A.C., by the Owner.

a maximum of twenty-four months. General units of local government, minority non-profit businesses, non-profit agencies, and Indian tribes are eligible to apply.

District 13 (Citrus, Hernando, Lake, Marion and Sumter Counties) is in the process of converting to Community Based Care Services. Pursuant to Chapter 63, Florida Statutes, the purpose of this Invitation to Negotiate is to attract qualified providers who will perform on a district specific contract designed to perform Adoption Services in District 13, to increase the number of finalized adoptions of children who are available for adoption; minimize the length of time children wait for permanent adoptive homes; increase the number of child sibling groups kept together and adopted; increase the number of finalized adoptions of teenagers who are available for adoptions and want to be adopted; and, increase the number of finalized adoptions of children with special needs, and when possible, maintain children in their adoptive home after finalization.

Copies of the Invitation to Negotiate may be obtained from the Department of Children and Family Services, District 13 beginning 8:00 a.m. (EDT), Tuesday, September 5, 2000. Written notices of intent to submit proposals should be received by the department by Monday, September 11, 2000. A prospective respondent's conference will be held on Monday, September 18, 2000, 10:00 a.m. (EDT), Room 2002, Department of Children and Family Services, District 13 Headquarters Office, 1601 W. Gulf Atlantic Hwy., Wildwood, Florida. All applications for Adoption Services must be received by the department no later than Monday, October 30, 2000, 5:00 p.m. (EST). Applications received after that time will not be considered. The department will post a list of the qualified applicants with whom it may seek to negotiate on Tuesday, November 6, 2000, 12:00 p.m. (EST). Certified minority business enterprises are encouraged to participate in any respondents conferences, presolicitation or prebid meetings which are scheduled. The department reserves the right to reject any and all applicants or accept minor irregularities in the best interest of the state.

All invitations for negotiation, inquiries, notices of intent to respond to the Invitation to Negotiate, and submission of the applications for Adoption Services are to be directed in writing: Phillip C. Love, Contract Manager, Adoption ITN, Department of Children and Family Services, District 13, 1601 W. Gulf Atlantic Hwy., Wildwood, FL 34785.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

Invitation to Negotiate

The Florida Department of Children and Family Services is requesting applications for Adoption Services. The program will be for a minimum of eighteen months and will not exceed

Invitation to Negotiate

The Florida Department of Children and Family Services is requesting applications for In-Home Services. The program will be for a minimum of eighteen months and will not exceed a maximum of twenty-four months. General units of local government, minority non-profit businesses, non-profit agencies, and Indian tribes are eligible to apply.



District 13 (Citrus, Hernando, Lake, Marion and Sumter Counties) is in the process of converting to Community Based Care Services. Pursuant to Chapter 39, Florida Statutes, the purpose of this Invitation to Negotiate is to attract qualified providers who will perform on a district specific contract designed to perform In-Home Services in District 13, to ensure safety and stability for children and their families by developing and delivering intensive and extensive in home services to meet the unique family needs and capitalize on family strengths; enable children to grow up in permanent homes within an environment that promotes healthy child development; help children and families resolve crises and other problems in child rearing to promote safety and stability in the home; assist families in navigating social service systems and obtain culturally appropriate services and supports to meet multiple needs; avoid unnecessary out-of-home placements for children; keep children safely in their homes, when possible, or maintain children safely in their own homes after reunification; and, prevent the occurrence or reoccurrence of child abuse and/or neglect.

Copies of the Invitation to Negotiate may be obtained from the Department of Children and Family Services, District 13 beginning 8:00 a.m. (EDT), Tuesday, September 5, 2000. Written notices of intent to submit proposals should be received by the department by Monday, September 11, 2000. A prospective respondent's conference will be held on Monday, September 18, 2000, 2:00 p.m. (EDT), Room 2002, Department of Children and Family Services, District 13 Headquarters Office, 1601 W. Gulf Atlantic Hwy., Wildwood, Florida. All applications for In-Home Services must be received by the department no later than Monday, October 30, 2000, 5:00 p.m. (EST). Applications received after that time will not be considered. The department will post a list of the qualified applicants with whom it may seek to negotiate on Tuesday, November 6, 2000, 12:00 p.m. (EST). Certified minority business enterprises are encouraged to participate in any respondents conferences, presolicitation or prebid meetings which are scheduled. The department reserves the right to reject any and all applicants or accept minor irregularities in the best interest of the state.

All invitations for negotiation, inquiries, notices of intent to respond to the Invitation to Negotiate, and submission of the applications for In-Home Services are to be directed in writing: Phillip C. Love, Contract Manager, In-Home Services ITN, Department of Children and Family Services, District 13, 1601 W. Gulf Atlantic Hwy., Wildwood, FL 34785.

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#### **PASCO-HERNANDO JOBS AND EDUCATION PARTNERSHIP REGIONAL BOARD**

##### Request For Proposal

The Pasco-Hernando Jobs and Education Partnership Regional Board, Inc. is soliciting proposals from qualified firms to provide programmatic and fiscal monitoring and oversight

reporting for the period February, 1, 2001 through September 30, 2002. Please note: This is not a solicitation for audit services. These activities are to be performed in accordance with the guidelines set forth in the U.S. Department of Labor Monitoring Technical Assistance Guide (TAG), applicable monitoring tools used and/or developed at the state level by the appropriate and various entities with oversight of workforce development activities. To receive a copy of the Request for Proposal please contact: Mr. Greg Meahl, Pasco-Hernando Jobs and Education Partnership Regional Board, Inc., P. O. Box 15790, Brooksville, FL 34604, (352)797-5781. Additionally, the RFP may be viewed online at: [www.pasco-hernando.com](http://www.pasco-hernando.com). For consideration, an original proposal and five (5) copies must be submitted to and received by the Pasco-Hernando Jobs and Education Partnership Regional Board, Inc., by 3:00 p.m., December 14, 2000, at the above listed address.

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## Section XII Miscellaneous

### **DEPARTMENT OF BANKING AND FINANCE**

#### NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following application and/or other notices. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in 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., November 10, 2000):

#### EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: Power 1 Credit Union, 6450 West 21st, Hialeah, Florida 33016-3950

Expansion Includes: Individuals who work, live or worship in Weston, Pembroke Pines, Sunshine Ranches, Davie and Cooper City, Florida; and the unincorporated Broward County residents bordering these cities and enclosed within the following boundaries: West Boundary: Everglades; East Boundary: Highway 441; South Boundary: Pembroke Road; North Boundary: U.S. Highway 595. Expansion also includes employees of Kovac Automotive.

Received: October 5, 2000

Name and Address of Applicant: Miami Postal Service Credit Union, Post Office Box 520622, Miami, Florida 33152-0622

Expansion Includes: Select Employee Group, Thin Oils Products, 1860 N. Pine Island Road, Suite 107, Plantation, Florida 33322

Received: October 9, 2000

**DEPARTMENT OF COMMUNITY AFFAIRS**

DCA Final Order No. DCA00-OR-289

In re: MONROE COUNTY LAND DEVELOPMENT REGULATIONS ADOPTED BY MONROE COUNTY ORDINANCE NO. 021-2000

**FINAL ORDER**

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (1999), which require the Department to enter a final order approving or rejecting land development regulations adopted by Monroe County. This Final Order approves Monroe County Ordinance No. 021-2000 as set forth below.

**FINDINGS OF FACT**

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a unit of government within the Florida Keys Area.

2. The Monroe County Board of County Commissioners adopted Ordinance 021-2000 ("Ord. 021-2000") which was, thereafter, timely transmitted to the Department for review. Ord. 021-2000 approved a request to amend the County's zoning map from Improved Subdivision (IS) to Suburban Commercial (SC) for certain properties legally described as Lots 10 and 11, Resubdivision of Seaside, Section 14, Township 62, South, Range 38, East, at approximately Mile Marker 94.5, Key Largo, Florida; Real Estate Numbers 00491650 and 004911660.

3. Section 1 of Ord. 021-2000 adopts certain findings of fact and conclusions of law as set forth in the body of the ordinance. Section 2 of Ord. 021-2000 changes the zoning designation of the afore-described properties from IS to SC. Section 3 of Ord. 021-2000 contains a severability provision; Section 4 contains a superseding provision if any other ordinances or parts of ordinances are deemed in conflict with this ordinance; Section 5 requires transmittal of the ordinance to the Department for approval; and Section 6 requires filing with the Florida Secretary of State Office.

4. Ord. 021-2000 is consistent with the County's 2010 Comprehensive Plan future land use map.

**CONCLUSIONS OF LAW**

1. The Department is required to approve or reject any and all land development regulations that are enacted, amended or rescinded by any unit of government in the Florida Keys Area of Critical State Concern within 60 days of receipt by the Department. §§ 380.05(6) and (11), Fla. Stat. and § 380.0552(9), Fla. Stat. (1999).

2. Monroe County is a unit of government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (1999) and Rule 28-29.002 (superseding Chapter 27F-8, Fla. Admin. Code) and Chapter 28-30, Fla. Admin. Code.

3. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (1999). The regulations adopted by Ord. 021-2000 are land development regulations, as defined by statute.

4. All land development regulations enacted, amended or rescinded by Monroe County must be consistent with the Principles for Guiding Development (the "Principles"). § 380.0552(7), Fla. Stat.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). In reviewing the land development regulations for consistency, the Principles shall be construed as a whole and no specific provision shall be construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (1999).

5. The Department has reviewed all provisions of Ord. 021-2000 for consistency with the Principles and has determined that Ord. 021-2000 is consistent with the Principles as a whole. § 380.0552(7), Fla. Stat. (1999).

WHEREFORE, IT IS ORDERED that Ord. 021-2000 is found to be consistent with the Principles found at § 380.0552(7), Fla. Stat. (1999), as a whole, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

J. THOMAS BECK, DIRECTOR  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

**NOTICE OF ADMINISTRATIVE RIGHTS**

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN

INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below, by the method indicated, this \_\_\_\_ day of October, 2000.

\_\_\_\_\_  
Paula Ford  
Agency Clerk

- By U.S. Mail:
  - Honorable Shirley Freeman
  - Mayor of Monroe County
  - 500 Whitehead Street
  - Key West, Florida 33040
  - Danny L. Kolhage
  - Clerk to the Board of County Commissioners
  - 500 Whitehead Street
  - Key West, Florida 33040
  - Timothy J. McGarry, AICP
  - Director, Growth Management Division
  - 2798 Overseas Highway, Suite 400
  - Marathon, Florida 33050
- By Hand Delivery or Interagency Mail:
  - Michael McDaniel, Growth Management Administrator, DCA, Tallahassee
  - Rebecca Jetton, DCA, Florida Keys Field Office
  - Geoffrey T. Kirk, Assistant General Counsel, DCA, Tallahassee

\_\_\_\_\_  
DCA Final Order No. DCA00-OR-290  
In re: MONROE COUNTY LAND DEVELOPMENT  
REGULATIONS ADOPTED BY  
MONROE COUNTY ORDINANCE NO. 015-2000

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (1999), which require the Department to enter a final order

approving or rejecting land development regulations adopted by Monroe County. This Final Order approves Monroe County Ordinance No. 015-2000 as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a unit of government within the Florida Keys Area.

2. On September 11, 2000, the Department received for review Monroe County Ordinance No. 015-2000 which was adopted by the Monroe County Board of County Commissioners on February 17, 2000 ("Ord. 015-2000"). Ord. 015-2000 approved a request to amend the County's zoning map from Sparsely Settled (SS) to Park and Refuge (PR) for certain properties located at the Ocean Reef Club in North Key Largo, Florida and further described as: Harbor Golf Course, being those properties in Sections 13 and 24, Township 59S, Range 40E having the real estate identification numbers 00573690-003901, 0057690-004000, 00573710-003400, 00573700-005700, 00573720-005700, 00573720-005900, 00573720-005800, 00573700-002600, 00573670-005900, 00080120-000200, 00573670-005902, 00573630-002400, 00572797-002600, and 00573710-003400, excluding all portions of that parcel of Harbor Course having real estate number 00573710-003400 that constitute Project 'K' of the Ocean Reef Club Master Development Agreement, as approved by the Monroe County Board of County Commissioners; and the Dolphin Golf Course being those properties in Sections 7, 12, and 13, Township 59S, Range 40E and Section 7, Township 59S, Range 41E having the real estate identification numbers 00572221-006400, 00080040-00000, 00080050-00000, 00079970-00000, 00572790-00000, 00081740-00000, 00081790-00000, 00571970-00000, 00571970-00400, 00081720-00000, excluding all portions of that parcel of Dolphin Course having real estate number 00081720-00000 that constitute Project 'G' of the Ocean Reef Club Master Development Agreement, as approved by the Monroe County Board of County Commissioners and excluding all portions of that parcel of Dolphin Course having real estate number 00080040-00000 that constitute Project 'K' of the Ocean Reef Club Master Development Agreement, as approved by the Monroe County Board of County Commissioners.

3. Section 1 of Ord. 015-2000 adopts certain findings of fact and conclusions of law as set forth in the body of the ordinance. Section 2 of Ord. 015-2000 changes the zoning designation of the afore-described properties from Sparsely Settled (SS) to Park and Refuge (PG). Section 3 of Ord. 015-2000 describes the subject properties; Section 4 amends the County's Official Land Use District Map in accordance with the foregoing; Section 5 contains a severability provision; [Section 6 was omitted]; Section 7 requires transmittal of the ordinance to the Department for review; and Section 8 requires filing with the Florida Secretary of State Office.

4. Ord. 015-2000 is consistent with and furthers Policies 101.4.9 and 101.4.21 of the County's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

1. The Department is required to approve or reject any and all land development regulations that are enacted, amended or rescinded by any unit of government in the Florida Keys Area of Critical State Concern within 60 days of receipt by the Department. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (1999).

2. Monroe County is a unit of government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (1999) and Rule 28-29.002 (superseding Chapter 27F-8, Fla. Admin. Code) and Chapter 28-30, Fla. Admin. Code.

3. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (1999). The regulations adopted by Ord. 015-2000 are land development regulations, as defined by statute.

4. All land development regulations enacted, amended or rescinded by Monroe County must be consistent with the Principles for Guiding Development (the "Principles"). § 380.0552(7), Fla. Stat.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). In reviewing the land development regulations for consistency, the Principles shall be construed as a whole and no specific provision shall be construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (1999).

5. The Department has reviewed all provisions of Ord. 021-2000 for consistency with the Principles and has determined that Ord. 021-2000 is consistent with the Principles as a whole. § 380.0552(7), Fla. Stat. (1999).

WHEREFORE, IT IS ORDERED that Ord. 015-2000 is found to be consistent with the Principles found at § 380.0552(7), Fla. Stat. (1999), as a whole, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

J. THOMAS BECK, DIRECTOR  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE

PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this \_\_\_\_ day of October, 2000.

\_\_\_\_\_  
Paula Ford  
Agency Clerk

- By U.S. Mail:
- Honorable Shirley Freeman  
Mayor of Monroe County  
500 Whitehead Street  
Key West, Florida 33040
  - Danny L. Kolhage  
Clerk to the Board of County Commissioners  
500 Whitehead Street  
Key West, Florida 33040
  - Timothy J. McGarry, AICP  
Director, Growth Management Division  
2798 Overseas Highway, Suite 400  
Marathon, Florida 33050
- By Hand Delivery or Interagency Mail:
- Michael McDaniel, Growth Management Administrator, DCA,  
Tallahassee, FL
  - Rebecca Jetton, DCA, Florida Keys Field Office, FL
  - Geoffrey T. Kirk, Assistant General Counsel, DCA,  
Tallahassee, FL

DCA Final Order No. DCA00-OR-291  
 In re: MONROE COUNTY LAND DEVELOPMENT  
 REGULATIONS ADOPTED BY  
 MONROE COUNTY ORDINANCE NO. 018-2000

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (1999), which require the Department to enter a final order approving or rejecting land development regulations adopted by Monroe County. This Final Order approves Monroe County Ordinance No. 018-2000 as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a unit of government within the Florida Keys Area.

2. On September 11, 2000, the Department received for review Monroe County Ordinance No. 018-2000 which was adopted by the Monroe County Board of County Commissioners on February 17, 2000 ("Ord. 018-2000"). Ord. 018-2000 approved a request to amend the County's zoning map from various zoning designations to Conservation District (CD) for certain County-purchased properties described as: (a) Key Largo City, Garden Cove Section, Block 6, at approximately Mile Marker 106, Key Largo, Florida (Real Estate #00558070); (b) Lots 1 through 8, Block 2, Bay Haven Subdivision, at approximately Mile Marker 95, Key Largo, Florida (Real Estate #s 00516070 through 00516140); and (c) Lots 47-48, Block 3, Lots 8-9 and 45-48, Block 4 and Lot 4, Block 6, Cutthroat Harbor Subdivision, at approximately Mile Marker 22.5, Cudjoe Key, Florida (Real Estate #s 00176900, 00176910, 00178080, 00177040, 00177050 and 00177410 through 00177440).

3. Section 1 of Ord. 018-2000 adopts certain findings of fact and conclusions of law as set forth in the body of the ordinance. Section 2 of Ord. 018-2000 changes the zoning designation of the afore-described properties from various designations to Conservation District (CD); Section 3 amends the County's Official Land Use District Map in accordance with the foregoing; Section 4 contains a severability provision; Section 5 provides transmittal of this ordinance to the Director of Planning; Section 6 requires transmittal of the ordinance to the Department for approval; and Section 7 requires filing with the Florida Secretary of State Office.

4. Ord. 018-2000 is consistent with and furthers Goal 102 and Objective 101.11 of the County's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

1. The Department is required to approve or reject any and all land development regulations that are enacted, amended or rescinded by any unit of government in the Florida Keys

Area of Critical State Concern within 60 days of receipt by the Department. §§ 380.05(6) and (11), Fla. Stat. and § 380.0552(9), Fla. Stat. (1999).

2. Monroe County is a unit of government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (1999) and Rule 28-29.002 (superseding Chapter 27F-8, Fla. Admin. Code) and Chapter 28-30, Fla. Admin. Code.

3. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (1999). The regulations adopted by Ord. 018-2000 are land development regulations, as defined by statute.

4. All land development regulations enacted, amended or rescinded by Monroe County must be consistent with the Principles for Guiding Development (the "Principles"). § 380.0552(7), Fla. Stat.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). In reviewing the land development regulations for consistency, the Principles shall be construed as a whole and no specific provision shall be construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (1999).

5. The Department has reviewed all provisions of Ord. 018-2000 for consistency with the Principles and has determined that Ord. 018-2000 is consistent with the Principles as a whole. Ord. 018-2000 changes the land use designation of certain properties which are environmentally sensitive to Conservation District (CD) in furtherance of paragraphs (a),(c),(e),(f) and (l) of the Principles. §§ 380.0552(7)(a),(c),(e),(f), and (l), Fla. Stat. (1999).

WHEREFORE, IT IS ORDERED that Ord. 018-2000 is found to be consistent with the Principles found at § 380.0552(7), Fla. Stat. (1999), as a whole, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

J. THOMAS BECK, DIRECTOR  
 Division of Community Planning  
 Department of Community Affairs  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

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CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this \_\_\_\_ day of October, 2000.

\_\_\_\_\_  
Paula Ford  
Agency Clerk

- By U.S. Mail:
  - Honorable Shirley Freeman
  - Mayor of Monroe County
  - 500 Whitehead Street
  - Key West, Florida 33040
  - Danny L. Kolhage
  - Clerk to the Board of County Commissioners
  - 500 Whitehead Street
  - Key West, Florida 33040
  - Timothy J. McGarry, AICP
  - Director, Growth Management Division
  - 2798 Overseas Highway, Suite 400
  - Marathon, Florida 33050
- By Hand Delivery or Interagency Mail:
  - Michael McDaniel, Growth Management Administrator, DCA, Tallahassee, FL
  - Rebecca Jetton, DCA, Florida Keys Field Office, FL
  - Geoffrey T. Kirk, Assistant General Counsel, DCA, Tallahassee, FL

DCA Final Order No. DCA00-OR-293  
 In re: MONROE COUNTY LAND DEVELOPMENT  
 REGULATIONS ADOPTED BY  
 MONROE COUNTY ORDINANCE NO. 019-2000

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (1999), which require the Department to enter a final order approving or rejecting land development regulations adopted by Monroe County. This Final Order approves Monroe County Ordinance No. 019-2000 as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a unit of government within the Florida Keys Area.

2. On September 13, 2000, the Department received for review Monroe County Ordinance No. 019-2000 which was adopted by the Monroe County Board of County Commissioners on February 17, 2000 ("Ord. 019-2000"). Ord. 019-2000 approved a request to amend the County's zoning map from various zoning designations to Park and Refuge District (PR) for certain County-owned lands described as: 'Friendship Park,' Lots 29-32, Block 2, Hibiscus Park Subdivision, Lots 15-21, Block 4, Industrial Acres Subdivision (RE #s 00507720 through 00507750, and 00455690 through 00455750); 'Key Largo Community Park,' Lots 312-384, Port Largo Subdivision (RE #s 00453474-000312 through 00453474-000326 and 00453474-001700 through 00453474-007300); 'Harry Harris Park,' Lots 1-7, Block 5, Ocean Park Village Subdivision, Part of Government Lot 6, and adjacent bay bottom (RE #s 00089410, 00089420, and 00446270 through 00446330); 'Old Settler's Park,' Part of Lot 16 and 17, PB1-64 Tavernier (RE #s 000090070, 0090090, 00090020 through 00090040 and 00090100 through 00090130); 'Blue Herron Park,' Tract DW and Tract EJ, Unrecorded Pine Keys Acres (RE #s 00111071 and 028000); 'Watson Field,' Tract II, Tract IJ, and Tract IC, Unrecorded Pine Key Acres (RE #s 00111072-045000, 00111072-046000 and 0011072-039000); 'Ramrod Key Swim Hole,' Lot 2, Block 3, Silver Shores Estates Subdivision (RE # 00211080); 'Bay Point Park,' Lots 13-20, Block 2, Bay Point Amended Plat, and adjacent land (RE #s 00160060 through 00160130, and 00159820); 'W. Harvey Children's Park,' Lots 4-7, Block 2, Coppitt Subdivision (RE #s 00149610 through 00149640); and 'Bernstein Park,' Lots 1-5, Block 57, George L. McDonald's Plat, and adjacent submerged land (RE # 00127300).

3. Section 1 of Ord. 019-2000 adopts certain findings of fact and conclusions of law as set forth in the body of the ordinance. Section 2 of Ord. 019-2000 changes the zoning designation of the afore-described properties from various

designations to Park and Refuge District (PR); Section 3 amends the County's Official Land Use District Map in accordance with the foregoing; Section 4 contains a severability provision; Section 5 provides transmittal of this ordinance to the Director of Planning; Section 6 requires transmittal of the ordinance to the Department for review; and Section 7 requires filing with the Florida Secretary of State Office.

4. Ord. 019-2000 is consistent with the County's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

1. The Department is required to approve or reject any and all land development regulations that are enacted, amended or rescinded by any unit of government in the Florida Keys Area of Critical State Concern within 60 days of receipt by the Department. §§ 380.05(6) and (11), Fla. Stat. and § 380.0552(9), Fla. Stat. (1999).

2. Monroe County is a unit of government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (1999) and Rule 28-29.002 (superseding Chapter 27F-8, Fla. Admin. Code) and Chapter 28-30, Fla. Admin. Code.

3. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (1999). The regulations adopted by Ord. 019-2000 are land development regulations, as defined by statute.

4. All land development regulations enacted, amended or rescinded by Monroe County must be consistent with the Principles for Guiding Development (the "Principles"). § 380.0552(7), Fla. Stat.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). In reviewing the land development regulations for consistency, the Principles shall be construed as a whole and no specific provision shall be construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (1999).

5. The Department has reviewed all provisions of Ord. 019-2000 for consistency with the Principles and has determined that Ord. 019-2000 is consistent with the Principles as a whole. Ord. 019-2000 changes the land use designation of certain properties which are County-owned parks to Park and Refuge (PR) and is in furtherance of paragraphs (a),(c),(e),(f),(h), and (l) of the Principles. §§ 380.0552(7)(a),(c),(e),(f),(h), and (l), Fla. Stat. (1999).

WHEREFORE, IT IS ORDERED that Ord. 019-2000 is found to be consistent with the Principles found at § 380.0552(7), Fla. Stat. (1999), as a whole, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.



DONE AND ORDERED in Tallahassee, Florida.

J. THOMAS BECK, DIRECTOR  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

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CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this \_\_\_\_ day of October, 2000.

Paula Ford  
Agency Clerk

By U.S. Mail:  
Honorable Shirley Freeman  
Mayor of Monroe County  
500 Whitehead Street  
Key West, Florida 33040  
Danny L. Kolhage  
Clerk to the Board of County Commissioners  
500 Whitehead Street  
Key West, Florida 33040

Timothy J. McGarry, AICP  
Director, Growth Management Division  
2798 Overseas Highway, Suite 400  
Marathon, Florida 33050  
By Hand Delivery or Interagency Mail:  
Michael McDaniel, Growth Management Administrator, DCA,  
Tallahassee, FL  
Rebecca Jetton, DCA, Florida Keys Field Office, FL  
Geoffrey T. Kirk, Assistant General Counsel, DCA,  
Tallahassee, FL

DCA Final Order no. DCA00-OR-294  
In re: MONROE COUNTY LAND DEVELOPMENT  
REGULATIONS ADOPTED BY  
MONROE COUNTY ORDINANCE NO. 044-2000

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat. and § 380.0552(9), Fla. Stat. (1999), which require the Department to enter a final order approving or rejecting land development regulations adopted by Monroe County. This Final Order approves Monroe County Ordinance No. 044-2000 as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a unit of government within the Florida Keys Area.

2. On September 5, 2000, the Department received for review Monroe County Ordinance No. 044-2000 which was adopted by the Monroe County Board of County Commissioners on August 16, 2000 ("Ord. 044-2000"). Ord. 044-2000 pertains to vacation rentals amending Secs. 9.5-4, 9-5.241, 9-5.242.5 and 9.5-534 of the Monroe County Code ("Code").

3. Section 1 of Ord. 044-2000 amends Code Sec. 9.5-4 creating definition "(V-5) Vacation rental or unit." Section 2 of Ord. 044-2000 amends Code Sec. 9.5-241 allowing vacation rentals in the Offshore Island District (OS) if a special permit is obtained. Section 3 of Ord. 044-2000 creates Code Sec. 9-5.242.5 and sets forth conditions for allowing vacation rentals in the Improved Subdivision District – Vacation Rental District (IS-V). Section 4 of Ord. 044-2000 adds Code Sec. 9-534 entitled 'Vacation rental uses' and establishes application procedures, sets forth permitting and licensing requirements, establishes regulations and fees, establishes a duration period, and provides for prohibitions, enforcement and penalties. Section 5 of Ord. 044-2000 contains a severability provision; Section 6 contains a conflict provision;

Section 7 requires transmittal of the ordinance to the Department for review; and Section 8 requires filing with the Florida Secretary of State Office.

4. Ord. 044-2000 is consistent with the County's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

1. The Department is required to approve or reject any and all land development regulations that are enacted, amended or rescinded by any unit of government in the Florida Keys Area of Critical State Concern within 60 days of receipt by the Department. §§ 380.05(6) and (11), Fla. Stat. and § 380.0552(9), Fla. Stat. (1999).

2. Monroe County is a unit of government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (1999) and Rule 28-29.002 (superseding Chapter 27F-8, Fla. Admin. Code) and Chapter 28-30, Fla. Admin. Code.

3. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (1999). The regulations adopted by Ord. 044-2000 are land development regulations, as defined by statute.

4. All land development regulations enacted, amended or rescinded by Monroe County must be consistent with the Principles for Guiding Development (the "Principles"). § 380.0552(7), Fla. Stat.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). In reviewing the land development regulations for consistency, the Principles shall be construed as a whole and no specific provision shall be construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (1999).

5. The Department has reviewed all provisions of Ord. 044-2000 for consistency with the Principles and has determined that Ord. 044-2000 is consistent with the Principles as a whole. Ord. 044-2000 establishes stricter regulations regarding the siting and operation of vacation rentals and is in furtherance of paragraphs (a),(d), and (l) of the Principles. §§ 380.0552(7)(a),(d), and (l), Fla. Stat. (1999).

WHEREFORE, IT IS ORDERED that Ord. 044-2000 is found to be consistent with the Principles found at § 380.0552(7), Fla. Stat. (1999), as a whole, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

J. THOMAS BECK, DIRECTOR  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE

AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this \_\_\_\_ day of October, 2000.

\_\_\_\_\_  
Paula Ford  
Agency Clerk

- By U.S. Mail:
  - Honorable Shirley Freeman  
Mayor of Monroe County  
500 Whitehead Street  
Key West, Florida 33040
  - Danny L. Kolhage  
Clerk to the Board of County Commissioners  
500 Whitehead Street  
Key West, Florida 33040
  - Timothy J. McGarry, AICP  
Director, Growth Management Division  
2798 Overseas Highway, Suite 400  
Marathon, Florida 33050
- By Hand Delivery or Interagency Mail:
  - Michael McDaniel, Growth Management Administrator, DCA,  
Tallahassee, FL
  - Rebecca Jetton, DCA, Florida Keys Field Office, FL
  - Geoffrey T. Kirk, Assistant General Counsel, DCA,  
Tallahassee, FL

FLORIDA SMALL CITIES COMMUNITY  
DEVELOPMENT BLOCK GRANT PROGRAM  
FEDERAL FISCAL YEAR 2000 THROUGH 2002  
SECTION 108 LOAN PROGRAM (UNDERWRITING  
ANALYSIS SERVICES)

LIST OF PRE-QUALIFIED VENDORS

The Department of Community Affairs (the DCA) is developing a list of pre-qualified vendors to perform the scope of services set forth below. From this list, informal bids shall be obtained of two or more written quotations for contracts of less than \$15,000.00 each as the need occurs for these services. Program staff obtaining quotes shall provide uniform specifications to all pre-qualified vendors. Those who are interested in providing the following scope of services should request the list of qualifications from, and provide the required information to:

Mr. Rick Stauts, Planning Manager  
Bureau of Community Development  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

SCOPE OF SERVICES

The underwriting analysis services to be provided by the vendor shall include, but are not limited to, the following:

- a. Underwriting analysis as directed by the Department relating to the Small Cities Community Development Block Grant (CDBG) Section 108 Loans Program for non-entitlement CDBG jurisdictions. The basis for such analysis shall include, when appropriate, those guidelines enumerated in Attachment A to the List of Qualifications available upon request from the DCA. The vendor is expected to provide a written report of the findings of the underwriting analysis within two weeks of the vendor's receipt of a non-entitlement CDBG jurisdiction's CDBG Section 108 Loan Application;
- b. Provision of related advice, as requested by the Department.

All persons are specifically notified and advised of Public Law 101-121 which prohibits recipients of federal contracts or grants from using appropriated funds for lobbying in connection with a grant or contract, and requires that those persons who request or receive a federal contract or grant, and their subrecipients, disclose all lobbying undertaken with non-federal funds.

The List of Qualifications and Attachment A thereto may be obtained by calling the Department of Community Affairs, CDBG Section, (850)487-3644, or may be obtained on the DCA's website at: <http://www.dca.state.fl.us/fhcd/programs/cdbgp/index.htm>

Timing of the execution of the underwriting analysis contracts by the DCA is subject to completion and acceptance by the U.S. Department of Housing and Urban Development

(HUD) of the FFY 2000-2004 Consolidated Plan and the FFY 2000 Annual Action Plan for the State of Florida's Consolidated Plan. No underwriting analysis services contracts will be executed by the DCA until after the execution by HUD of the contract under which the funding is made available to the DCA.

Responses must contain all the information required by and in the format specified in the List of Qualifications, and should be either hand delivered or sent by U.S. Mail or other courier delivery service. Responses must be received in the Community Development Section, Division of Housing and Community Development, Department of Community Affairs, The Sadowski Building, Room 155 E, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 on or before 5:00 p.m., November 10, 2000. Those interested in being listed as a pre-qualified vendor should contact Mr. Rick Stauts, Planning Manager, (850)922-1892, for more information. If hearing impaired, please contact the Department using the Florida Dual Party Relay System, 1(800)922-8771.

NOTICE OF APPROVAL FOR  
PRESERVATION 2000 FUNDS

The Florida Communities Trust (Trust) reviewed and approved project plans for land acquisition projects submitted under the Trust Preservation 2000 Program, P8A and P9A funding cycles. The project plans listed below were reviewed in accordance with Rule 9K-4.011, FAC., by the Trust governing body at its October 5, 2000 meeting. The governing body authorized the Chair 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: 98-020-P8A/Okaloosa Island Marler Park (Gordon)  
Grantee: Okaloosa County

Amount of Approved Funds: the lesser of 95.00% of the final total project costs or \$965,542.50, contingent on final approval of the management plan by FCT staff.

Project: 99-036-P9A/Academic and Outdoor Recreation Village (Reimbursement)

Grantee: City of Pembroke Pines

Amount of Approved Funds: the lesser of 90.00% of the final total project costs or \$1,895,675.00, contingent on final approval of the management plan by FCT staff.

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, FAC. 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.

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## **DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

### Notice of Publication for a New Point

#### Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, American IronHorse Motorcycle Company, intends to allow the establishment of Rossiter's Harley-Davidson, Inc., as a dealership for the sale of American IronHorse Motorcycles, 330 Cattlemen Road, Sarasota (Sarasota County), Florida 34232, immediately.

The name and address of the dealer operator(s) and principal investor(s) of Rossiter's Harley-Davidson, Inc. are: dealer operator and principal investor(s): Eric Rossiter, Rossiter's Harley-Davidson, Inc., 330 Cattlemen Road, Sarasota, Florida 34232.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Mr. Stephen Paley, Southeastern Regional Sales Manager, American IronHorse Motorcycle Company, 113 Crest Drive, Birmingham, AL 35209.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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### Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Harley-Davidson Motor Company, intends to allow the establishment of Ft. Lauderdale Harley-Davidson, Inc., as a Harley-Davidson Secondary Retail Location, for an outlet for the sale and service of motorcycles, 1880 South Federal Highway, Ft. Lauderdale (Broward County), Florida 33316, on or after October 10, 2000.

The name and address of the dealer operator(s) and principal investor(s) of Ft. Lauderdale Harley-Davidson, Inc. are: dealer operator: Bruce O. Rossmeyer, 421 Ocean Shore Blvd., Ormond Beach, Florida 33317; principal investor(s): Bruce O. Rossmeyer, 421 Ocean Shore Blvd., Ormond Beach, Florida 33317 and Terry Taylor, 15 Harborage Isle, Ft. Lauderdale, Florida 33316.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Ms. Carolyn Mijokovic, Regional Dealer Relations Representative, Harley-Davidson Motor Company, 3700 West Juneau Avenue, P. O. Box 653, Milwaukee, WI 53201.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Hyundai Motor America, intends to allow the establishment of Bob Dance Imports, Inc. d/b/a Bob Dance Hyundai of Longwood, as a dealership for the sale of Hyundai vehicles, 3575 Highway 17-92, Longwood (Seminole County), Florida 32750, on or after September 30, 2000.

The name and address of the dealer operator(s) and principal investor(s) of Bob Dance Imports, Inc. d/b/a Bob Dance Hyundai of Longwood are: dealer operator and principal investor(s): Robert M. Dance, 3575 Highway 17-92, Longwood, Florida 32750.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Marty Vaughn, Market Representation Manager, Hyundai Motor America, 240 Thornton Road, Suite A, Lithia Springs, GA 30122-1550.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Jaguar Cars, intends to allow the establishment of Jaguar of Tampa Bay, as a dealership for the sale of Jaguar automobiles, at two parcels of property located at East Fletcher Avenue and Central Avenue in Tampa, Florida, described by the following legal description: Lots 5 and 8, Block 10, North Tampa Heights Land and Development Company, according to the map or plat thereof as recorded in Plat Book 3, page 73, of the public records of Hillsborough County, Florida, less road right of ways and less and except that part of said lot 8 described as follows: Begin at the southwest corner of the S. W. 1/4 of the S. E. 1/4 of section 1, Township 28, South, Range 18, East, Hillsborough County, Florida; thence N. 89 degrees 23'01" W., (State Road Dept. bearing) along the South boundary of stated Section 1, said South boundary being the centerline of Fletcher Avenue, a distance of 264.87 feet; thence N. 00 degrees 36'59"E., a distance of 40.00 feet to a point of beginning, said point being also the end of a Limited Access right-of-way (I-75); thence N. 89 degrees 23'01" W. along stated North right-of-way boundary of Fletcher Avenue, 40 feet North of and parallel to the South boundary of stated S. W. 1/4 of the S. E. 1/4 of Section 1, a distance of 176.30 feet; thence N. 00 degrees 36'59" E., a distance of 175.00 feet; thence S. 89 degrees 23'01" E. a distance of 176.30 feet; thence S. 00 degrees 36'59" W., a distance of 175.00 feet to the point of beginning (Hillsborough County), Florida, on or after July 1, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Jaguar of Tampa Bay are: dealer operator: Mr. Rob Elder, 1815 Maplelawn, Troy, MI 48084; principal investor(s): Ms. Irma Elder, 1815 Maplelawn, Troy, MI 48084.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Lee Maas, Dealer Planning Manager, Jaguar Cars, 555 Macarthur Blvd., Mahwah, New Jersey 07430-2327.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that American IronHorse Motorcycle Company, intends to allow the establishment of Rossiter's Harley-Davidson, Inc., as a dealership for the sale of American IronHorse Motorcycles, 1990 1st Street West, Bradenton (Manatee County), Florida 34208, immediately.

The name and address of the dealer operator(s) and principal investor(s) of Rossiter's Harley-Davidson, Inc. are: dealer operator and principal investor(s): Eric Rossiter, 1990 1st Street West, Bradenton, Florida 34208.

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: Mr. Stephen Paley, Southeastern Regional Sales Manager, American IronHorse Motorcycle Company, 113 Crest Drive, Birmingham, AL 35209.

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: Duval Service District: 4
Facility/Project: Shands Jacksonville Medical Center, Inc.
Applicant: Shands Jacksonville Medical Center, Inc.
Project Description: Shared Services for Kidney Transplant
AHCA Purchase Order Number: S5900H0396.

CERTIFICATE OF NEED EXEMPTIONS

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

- ID #: 0000242 Issue Date: 9/31/2000
Facility/Project: Suncoast Manor Health Center
Applicant: St. Petersburg Episcopal Community, Inc.
Project Description: Delicense 41 of the 161 licensed beds at Suncoast Manor Health Center
Proposed Project Cost: \$0 Equipment Cost:
County: Alachua District: 3
ID #: 0000243 Issue Date: 10/9/2000
Facility/Project: Shands Hospital at the University of Florida
Applicant: Shands Teaching Hospital and Clinics, Inc.
Project Description: Add 48 acute care beds
Proposed Project Cost: \$30,000,000 Equipment Cost:
County: Pinellas District: 5
ID #: 0000244 Issue Date: 10/9/2000
Facility/Project: Countryside Health Care Center
Applicant: Beverly Enterprises-Florida, Inc.
Project Description: Delicense six community nursing home beds resulting in a 114-bed facility
Proposed Project Cost: \$0 Equipment Cost:
AHCA Purchase Order Number: S5900H00396.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF APPLICATION PERIOD FOR PREAPPROVED ADVANCED CLEANUP PROGRAM

The Department of Environmental Protection announces, in accordance with Section 376.30713, F.S., that it will accept preapproved advanced cleanup applications submitted between November 1, 2000, and on or before 5:00 p.m. on December 29, 2000. Public opening of timely submitted applications shall be on January 5, 2001, 9:30 a.m., Department of Environmental Protection, 2600 Blair Stone Road, Room 433, Tallahassee, Florida. The required application form and instructions for the Preapproved Advanced Cleanup Program may be obtained by contacting: Gwenn Godfrey, Contract Administrator, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 93, Tallahassee, Florida 32399, (850)922-5942. Any questions concerning the Program should be directed to Michael Bland, (850)921-9024.

**DEPARTMENT OF HEALTH**

On October 5, 2000, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Eileen Taylor, LPN, license number PN 1222951. TAYLOR's last known address is 2101 55th Street, Southwest, Naples, Florida 34116. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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**FISH AND WILDLIFE CONSERVATION  
COMMISSION****REQUEST FOR INFORMATION – COMMON SNOOK**

The Fish and Wildlife Commission determined at its September 6-8, 2000 meeting that removing the common snook (*Centropomus undecimalis*) from the Species of Special Concern list was warranted, thereby ending Phase 1 and beginning Phase 2 of the delisting process (Rule 68A-27.0012) for this species. The Commission now requests information on

the conservation needs of the common snook and any economic and social factors that should be considered in its management.

The species of special concern designation is used to identify animals that warrant special protection, due to small, declining or fragmented populations, decreasing habitats, or a 10-percent probability of extinction within 100 years. Snook in Florida no longer meets the criteria for this listing. When snook was included as a species of special concern nearly 20 years ago, spawning stocks were considered to be dangerously low, especially on Florida's west coast. Today, Commission scientists expect snook populations to meet or exceed the agency's spawning fish management goal on both the west and east coasts. This turnaround is attributed to very strict regulation of snook, including a low 2-fish bag limit to reduce snook harvest, a 26-34" slot limit that allows young fish to mature and protects large female fish that produce the most eggs, a 4 1/2-month summer/winter closed season, and prohibitions on netting and all sale of snook in Florida.

Comments should be sent to Dr. Bradley J. Gruver, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600, to be received by 5:00 p.m., December 7, 2000.

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

**RULES FILED BETWEEN October 2, 2000  
 and October 6, 2000**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF STATE**

**Division of Elections**

1S-2.002	10/2/00	10/22/00	26/27	26/29
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**DEPARTMENT OF BANKING AND FINANCE**

**Board of Funeral and Cemetery Services**

3F-10.001	10/6/00	10/26/00	26/34	
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**DEPARTMENT OF INSURANCE**

**Division of State Fire Marshal**

4A-51.005	10/3/00	10/23/00	26/17	26/34
4A-51.010	10/3/00	10/23/00	26/17	
4A-51.030	10/3/00	10/23/00	26/17	
4A-51.035	10/3/00	10/23/00	26/17	
4A-51.050	10/3/00	10/23/00	26/17	
4A-51.060	10/3/00	10/23/00	26/17	
4A-51.070	10/3/00	10/23/00	26/17	

**DEPARTMENT OF REVENUE**

**Division of Child Support Enforcement**

12E-1.012	10/2/00	10/22/00	26/6	26/31
12E-1.022	10/2/00	10/22/00	26/6	26/31

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

40C-1.710	10/3/00	10/23/00	26/34	
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**Southwest Florida Water Management District**

40D-1.607	10/6/00	10/26/00	26/35	
40D-1.659	10/6/00	10/26/00	26/35	
40D-1.659	10/6/00	10/26/00	26/35	
40D-6.051	10/6/00	10/26/00	26/35	
40D-6.201	10/6/00	10/26/00	26/35	
40D-6.321	10/6/00	10/26/00	26/35	
40D-6.411	10/6/00	10/26/00	26/35	

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Office of Licensure and Certification**

59A-12.030	10/3/00	10/23/00	26/32	26/36
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

61G4-16.009	10/4/00	10/24/00	26/29	26/36
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**Board of Employee Leasing Companies**

61G7-5.006	10/5/00	10/25/00	26/33	
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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-4.050	10/2/00	10/22/00	26/27	
62-4.052	10/2/00	10/22/00	26/27	26/36

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
62-620.100	10/3/00	10/23/00	26/27	26/36	62-621.250	10/2/00	10/22/00	26/27	
62-620.100	10/2/00	10/22/00	26/27		62-621.300	10/2/00	10/22/00	26/27	
62-620.200	10/3/00	10/23/00	26/27		62-624.100	10/2/00	10/22/00	26/27	
62-620.300	10/3/00	10/23/00	26/27	26/36	62-624.200	10/2/00	10/22/00	26/27	26/36
62-620.301	10/3/00	10/23/00	26/27	26/36	62-624.300	10/2/00	10/22/00	26/27	
62-620.310	10/3/00	10/23/00	26/27	26/36	62-624.310	10/2/00	10/22/00	26/27	
62-620.320	10/3/00	10/23/00	26/27	26/36	62-624.400	10/2/00	10/22/00	26/27	
62-620.325	10/3/00	10/23/00	26/27		62-624.420	10/2/00	10/22/00	26/27	
62-620.335	10/3/00	10/23/00	26/27		62-624.440	10/2/00	10/22/00	26/27	
62-620.345	10/3/00	10/23/00	26/27	26/36	62-624.460	10/2/00	10/22/00	26/27	
62-620.350	10/3/00	10/23/00	26/27	26/36	62-624.500	10/2/00	10/22/00	26/27	
62-620.400	10/3/00	10/23/00	26/27	26/36	62-624.600	10/2/00	10/22/00	26/27	
62-620.410	10/3/00	10/23/00	26/27	26/36	62-624.700	10/2/00	10/22/00	26/27	
62-620.510	10/3/00	10/23/00	26/27	26/36	62-709.300	10/2/00	10/22/00	26/29	26/36
62-620.550	10/3/00	10/23/00	26/27	26/36	62-709.320	10/2/00	10/22/00	26/29	26/36
62-620.610	10/3/00	10/23/00	26/27	26/36	62-709.500	10/2/00	10/22/00	26/29	
62-620.620	10/3/00	10/23/00	26/27		62-709.510	10/2/00	10/22/00	26/29	
62-620.630	10/3/00	10/23/00	26/27		62-709.530	10/2/00	10/22/00	26/29	
62-620.705	10/3/00	10/23/00	26/27						
62-620.710	10/3/00	10/23/00	26/27	26/36					
62-620.715	10/3/00	10/23/00	26/27						
62-620.800	10/3/00	10/23/00	26/27						
62-620.910	10/3/00	10/23/00	26/27						
62-621.100	10/2/00	10/22/00	26/27	26/36					

**DEPARTMENT OF HEALTH**  
**Board of Speech-Language Pathology and Audiology**  
 64B20-7.001    10/5/00    10/25/00    26/34