

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Adoption of Uniform Packaging and Labeling Regulation

RULE NO.: 5F-3.001

PURPOSE AND EFFECT: The purpose of 5F-3.001 is to amend it to adopt the most recent national standards for packaging and labeling requirements as adopted by the National Conference on Weights and Measures and published in 2006 edition of National Institute of Standards and Technology Handbook 130. Adoption of the current national standards will make Florida’s requirements uniform with the national requirements and facilitate interstate commerce and trade.

SUBJECT AREA TO BE ADDRESSED: Requirements for package and labeling of commodities sold in package form in Florida.

SPECIFIC AUTHORITY: 531.41(3) FS.

LAW IMPLEMENTED: 531.41(4), 531.47, 531.49 FS.

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

TIME AND DATE: 10:00 a.m., Monday, March 6, 2006

PLACE: Bureau of Weights and Measures, Doyle Conner Laboratory Complex, 3125 Conner Boulevard, Bldg. #2, Room 206, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, (850)488-9140

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-3.001 Adoption of Uniform Packaging and Labeling Regulation.

The Department of Agriculture and Consumer Services hereby adopts the Uniform Packaging and Labeling Regulation promulgated by the United States Department of Commerce, National Institute of Standards and Technology, NIST Handbook 130, 2006 ~~2005~~ Edition, as the Rule for packaging and labeling of commodities and incorporates said uniform regulation herein by this reference. A copy of NIST Handbook 130, 2006 ~~2005~~ Edition, may be obtained from the Superintendent of Documents, United States Government

Printing Office, Washington, D.C. 20402, Phone: (202)512-1800 or <http://ts.nist.gov/ts/htdocs/230/235/pubs.htm>.

Specific Authority 531.41(3) FS. Law Implemented 531.41(4), 531.47, 531.49 FS. History--New 1-1-73, Formerly 5F-3.01, Amended 6-14-95, 8-27-98, 8-19-99, 7-3-00, 9-3-01, 6-23-02, 6-29-03, 6-21-04, 6-2-05,_____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Specifications, Tolerances and Other Technical Requirements for Commercial Weighing and Measuring Devices

RULE NO.: 5F-5.001

PURPOSE AND EFFECT: The purpose of this rule is to amend Rule 5F-5.001, F.A.C., to adopt the most recent national standards for weighing and measuring devices developed by the National Conference on Weights and Measures and published in the 2006 edition of National Institute of Standards and Technology Handbook 44. Adoption of the current national standards will make Florida’s requirements uniform with the national requirements and facilitate interstate commerce and trade.

SUBJECT AREA TO BE ADDRESSED: The requirements, including tolerances, specifications and other technical requirements for weighing and measuring devices used for commercial transactions and law enforcement use in the state.

SPECIFIC AUTHORITY: 531.40, 531.41(3) FS.

LAW IMPLEMENTED: 531.40 FS.

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

TIME AND DATE: 10:00 a.m., Monday, March 6, 2006

PLACE: Bureau of Weights and Measures, Doyle Conner Laboratory Complex, 3125 Conner Boulevard, Bldg. #2, Room 206, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, (850)488-9140

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-5.001 Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices.

(1) The specifications, tolerances, and other technical requirements for commercial weighing and measuring devices adopted by the National Conference on Weights and Measures and contained in National Institute of Standards and Technology (NIST) Handbook 44, 2006 ~~2005~~ Edition, are

hereby adopted as rules for the requirements for commercial weighing and measuring devices of the Department of Agriculture and Consumer Services. A copy of NIST Handbook 44, 2006 ~~2005~~ Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone (202)512-1800 or <http://ts.nist.gov/ts/htdocs/230/235/pubs.htm>.

(2) The violation of any of the provisions of these rules and regulations is subject to the penalties and remedies provided in the Weights, Measures, and Standards Law, Chapter 531, Florida Statutes.

Specific Authority 531.40, 531.41(3) FS. Law Implemented 531.40 FS. History—New 1-1-73, Amended 7-1-74, 4-18-75, 1-25-76, 1-17-77, 3-29-78, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-5.01, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 6-21-94, 8-16-95, 10-8-96, 8-27-98, 8-19-99, 7-3-00, 9-3-01, 6-23-02, 6-29-03, 6-21-04, 6-2-05, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Adoption of Uniform Methods of Sale
 RULE NO.: 5F-7.005
 PURPOSE AND EFFECT: The purpose of this rule is to amend Rule 5F-7.005, F.A.C., to adopt the most recent national standards for the methods of sales of commodities developed by the National Conference on Weights and Measures and published in the 2006 edition of National Institute of Standards and Technology Handbook 130. Adoption of the current national standards will make Florida’s requirements uniform with the national requirements and facilitate interstate commerce and trade.

SUBJECT AREA TO BE ADDRESSED: The methods of sale allowable for commodities being sold by weight, measure or count.

SPECIFIC AUTHORITY: 531.41(3) FS.

LAW IMPLEMENTED: 531.41(4), 531.45 FS.

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

TIME AND DATE: 10:00 a.m., Monday, March 6, 2006

PLACE: Bureau of Weights and Measures, Doyle Conner Laboratory Complex, 3125 Conner Boulevard, Bldg. #2, Room 206, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, (850)488-9140

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-7.005 Adoption of Uniform Methods of Sale.

The Florida Department of Agriculture and Consumer Services hereby adopts the Uniform Regulation for the Method of Sale of Commodities, as published by the United States Department of Commerce, National Institute of Standards and Technology, NIST Handbook 130, 2006 ~~2005~~ Edition, as the Rule for the method of sale for commodities, and incorporates said uniform regulation herein by this reference. A copy of NIST Handbook 130, 2006 ~~2005~~ Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone: (202)512-1800 or <http://ts.nist.gov/ts/htdocs/230/235/pubs.htm>.

Specific Authority 531.41(3),(4), 531.45 FS. Law Implemented 531.41(3),(4), 531.45 FS. History—New 1-8-90, Amended 6-14-95, 8-27-98, 8-19-99, 7-3-00, 9-3-01, 6-23-02, 6-29-03, 6-21-04, 6-2-05, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Test Procedures to Determine Acceptable Pricing Practices
 RULE NO.: 5F-12.001

PURPOSE AND EFFECT: The purpose of this rule is to adopt the most recent national standards for determining acceptable pricing practices developed by the National Conference on Weights and Measures and published in the 2006 edition of National Institute of Standards and Technology Handbook 130. Adoption of the current national standards will make Florida’s requirements uniform with the national requirements and facilitate interstate commerce and trade.

SUBJECT AREA TO BE ADDRESSED: Test procedures and compliance standards for determining pricing accuracy.

SPECIFIC AUTHORITY: 531.41(3) FS.

LAW IMPLEMENTED: 531.44 FS.

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

TIME AND DATE: 10:00 a.m., Monday, March 6, 2006

PLACE: Bureau of Weights and Measures, Doyle Conner Laboratory Complex, 3125 Conner Boulevard, Bldg. #2, Room 206, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, (850)488-9140

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-12.001 Test Procedures to Determine Acceptable Pricing Practices.

The Department of Agriculture and Consumer Services hereby adopts the "Examination Procedure for Price Verification" promulgated by the United States Department of Commerce, National Institute of Standards and Technology, NIST Handbook 130, 2006 2005 Edition as the Rule for the sampling procedures and compliance standards in testing the accuracy of pricing practices employed by businesses and other entities in the state and incorporates said regulation herein by this reference. A copy of NIST Handbook 130, 2006 2005 Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone: (202)512-1800 or http://ts.nist.gov/ts/htdocs/230/235/pubs.htm.

Specific Authority 531.41(3) FS. Law Implemented 531.44 FS. History—New 4-9-98, Amended 6-2-05,_____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Student Performance Standards

RULE NO.: 6A-1.09401

PURPOSE AND EFFECT: The purpose of this rule development is to begin the 6-year cycle of standards review and revision. The first standards to be reviewed for revision are the Language Arts which include Reading to be followed by Mathematics. This revision process includes going away from grade cluster standards to grade level benchmarks.

SUBJECT AREA TO BE ADDRESSED: Adoption of New Sunshine State Standards.

SPECIFIC AUTHORITY: 1003.41 FS.

LAW IMPLEMENTED: 1003.41, 1008.22, 1008.25 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.

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Mary Jane Tappen, Deputy Chancellor for Student Achievement, Department of Education, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399, (850)245-0509

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at http://www.dep.state.fl.us/ under the link or button titled "Official Notices."

COMMISSION ON ETHICS

RULE CHAPTER TITLE: Forms and Instructions

RULE CHAPTER NO.: 34-7

RULE TITLE: List of Forms and Instructions

RULE NO.: 34-7.010

PURPOSE AND EFFECT: These amendments to Rule 34-7.010, F.A.C., will amend the form used to register as an Executive Branch lobbyist, repeal the form used to report expenditures, and adopt forms to obtain the principal's authorization and report compensation by lobbying firms pursuant to Section 5, Chapter 2005-359, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Executive branch lobbyists are required to register and their firms are required to report compensation pursuant to Section 5, Chapter 2005-359, Laws of Florida, and the forms to accomplish this are adopted by reference in Chapter 34-7, F.A.C.

SPECIFIC AUTHORITY: Art. II, Sec. 8(i), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(13), 112.322(9) FS., Section 5, Chapter 2005-359, Laws of Florida.

LAW IMPLEMENTED: 112.313(9),(12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS., Art. II, Sec. 8(a), (f), (h), Fla. Const., Section 5, Chapter 2005-359, Laws of Florida.

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

TIME AND DATE: 8:30 a.m., March 3, 2006

PLACE: Room 412, The Knott Building, 111 West St. Augustine Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julia Cobb Costas, Senior Attorney, Florida Commission on Ethics, (850)488-7864

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

COMMISSION ON ETHICS

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Executive Branch Lobbyist Registration	34-12
RULE TITLES:	RULE NOS.:
Purpose and Scope of Rules	34-12.010
Definitions	34-12.020
Computation of Time	34-12.030
“Lobbyist” Defined	34-12.100
Exclusions for Judicial Proceedings	34-12.110
Exclusions for Administrative Proceedings	34-12.120
Exclusion for Officers or Employees of Agencies or Legislative or Judicial Branch Entities	34-12.130
Exclusion for Confidential Informants	34-12.140
Exclusion for Category One Purchases	34-12.150
Examples of Lobbying Activities	34-12.160
Examples of Activities Not Constituting Lobbying	34-12.170
Engendering “Goodwill”	34-12.180
Registration Requirements	34-12.200
Effective Date of Registration	34-12.210
Registration Forms	34-12.300
Registration Fees	34-12.310
Filing Registration Forms and Fees	34-12.320
Annual Renewals	34-12.330
Cancellation of Registration	34-12.340
Expenditure Reporting Requirements	34-12.400
Penalties for Late Filing	34-12.405
Appeal of Statutory Fines: Hearings, Unusual Circumstances	34-12.407
Notification of Expenditure Reporting Deadlines	34-12.420
Lobbyist’s Expenditure Reports	34-12.430
Expenditure Categories	34-12.450
Calculating Amounts of Expenditures	34-12.460
Agency Responsibilities	34-12.500
Advisory Opinion Requests	34-12.600
Form of Requests for Opinions	34-12.610
Receipt of Requests for Opinions; Commission Staff Action	34-12.620
Consideration and Issuance of Opinions by Commission; Reconsideration of Opinions	34-12.630
Effect of an Advisory Opinion	34-12.640
Publication of Advisory Opinions	34-12.650
Records Retention and Inspection	34-12.660
Complaint Proceedings, Generally	34-12.700
Parties	34-12.705
Counsel	34-12.710
Staff Procedures Upon Receipt of a Complaint	34-12.715

Review for Sufficiency of Allegations and Order of Preliminary Investigation 34-12.720
 Withdrawal of Complaints 34-12.725
 Delegation of Authority 34-12.728
 Subpoenas During Preliminary Investigation 34-12.730
 Investigations 34-12.735
 Motions to Dismiss for Lack of Jurisdiction 34-12.740
 Advocate’s Recommendation 34-12.745
 Probable Cause Hearing 34-12.750
 Notification of Probable Cause Determination 34-12.755
 Confidentiality 34-12.760
PURPOSE AND EFFECT: These amendments to Chapter 34-12, F.A.C., are intended to implement Section 5, Chapter 2005-359, L.O.F.
SUBJECT AREA TO BE ADDRESSED: The Commission will be proposing amendments to Chapter 34-12, F.A.C., concerning executive branch lobbyists and their principals. The rule will address prohibited expenditures, registration requirements, and compensation reporting by lobbying firms.
SPECIFIC AUTHORITY: 112.3215, 112.322(9) FS., Section 5, Chapter 2005-359, Laws of Florida.
LAW IMPLEMENTED: 112.3215 FS., Section 5, Chapter 2005-359, Laws of Florida.
A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
TIME AND DATE: 8:30 a.m., March 3, 2006
PLACE: Room 412, The Knott Building, 111 West St. Augustine Street, Tallahassee, FL
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julia Cobb Costas, Senior Attorney, Florida Commission on Ethics, (850)488-7864
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Procedural	40D-1
RULE TITLE:	RULE NO.:
Delegation of Authority	40D-1.002

PURPOSE AND EFFECT: The proposed rule amendment will incorporate the Well Construction Permitting Agreement between the Southwest Florida Water Management District and the Marion County Health Department by reference into Rule 40D-1.002, F.A.C. The Agreement accomplishes delegation by the District of its well construction regulation program to the Marion County Health Department.

SUBJECT AREA TO BE ADDRESSED: Delegation of the District's well construction permitting program to the Marion County Health Department, the scope of the delegated authority and the conditions and standards under which the Marion County Health Department must operate the program.

SPECIFIC AUTHORITY: 373.044, 373.103, 373.113, 373.118, 373.219, 373.309 FS.

LAW IMPLEMENTED: 253.002, 373.103, 373.149, 373.219, 373.223, 373.224, 373.226, 373.308, 373.309, 373.427 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 District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Procedural
 RULE CHAPTER NO.: 40D-4

RULE TITLE: Publications and Agreements Incorporated by Reference
 RULE NO.: 40D-4.091

PURPOSE AND EFFECT: The proposed rule amendment will adopt revised maps of drainage basins in Appendix 6 and revised maps of watersheds in Appendix 4 of the ERP Basis of Review to correspond with the revised descriptions of the drainage basins and watersheds of the District. The ERP Basis of Review is incorporated by reference into subsection 40D-4.091(1), F.A.C.

SUBJECT AREA TO BE ADDRESSED: Recent revisions to District boundaries have created inaccuracies in the drainage basins map and watersheds map. Amendments to the two maps are proposed to reflect the new District boundaries.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 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 District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Karen West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Hospice Services
 RULE NO.: 59G-4.140

PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference update January 2006 to the Florida Medicaid Hospice Services Coverage and Limitations Handbook. The handbook update contains the January 2006 fee schedule for direct care services provided by physicians. The effect will be to incorporate by reference update January 2006 to the Florida Medicaid Hospice Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Hospice Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS BY AN AFFECTED PERSON AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 10:00 a.m., Monday, March 6, 2006

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Claudia Treadwell, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)410-1677

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.140 Hospice Services.

(1) No change.

(2) All hospice services providers enrolled in the Medicaid program must comply with the Florida Medicaid Hospice Services Coverage and Limitations Handbook, October 2003, updated January 2005 and January 2006, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, UB-92, incorporated by reference in Rule 59G-4.160, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.

(3) No change.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 1-1-87, Amended 10-9-90, 5-13-92, 10-8-92, Formerly 10C-7.0533, Amended 2-14-95, 12-27-95, 9-21-99, 8-4-04, 10-2-05.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE TITLES:	RULE NOS.:
Purchase of Commodities or Contractual Services	60A-1.002
Vendors and Contractors	60A-1.006
Contract and Purchase Order Requirements	60A-1.016

PURPOSE AND EFFECT: To update Chapter 60A-1, Florida Administrative Code, to reflect current practices and procedures regarding purchases made by state offices.

SUBJECT AREA TO BE ADDRESSED: Incorporating the current practices and procedures regarding purchases made by state offices into Chapter 60A-1, Florida Administrative Code, and corresponding forms.

SPECIFIC AUTHORITY: 287.042(3), 287.042(12) FS.

LAW IMPLEMENTED: 287.042, 287.057, 287.058, 668.004 FS.

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

TIME AND DATE: 1:00 p.m., March 10, 2006

PLACE: Department of Management Services, 4050 Esplanade Way, Room 101, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Anthony W. Garcia, Department of Management Services, 4050 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, (850)488-8440, e-mail: garciaa@dms.state.fl.us

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

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

PURPOSE AND EFFECT: The rule outlines the normal discipline imposed for penalty violations.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 455.2273, 477.016, 477.029(2) FS.

LAW IMPLEMENTED: 455.2273, 477.029(2) FS.

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

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE TITLE: Percentage of Gross Pilotage Assessed
 RULE NO.: 61G14-19.001

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Percentage of gross pilotage.

SPECIFIC AUTHORITY: 310.131, 310.185 FS.

LAW IMPLEMENTED: 310.131 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF JUVENILE JUSTICE

Prevention Programs

RULE TITLES: RULE NOS.:

- Nonjudicial Procedures for Families
- Needing Services 63C-1.001
- Coordinating Children-In-Need-of
- Services Programs 63C-1.002

PURPOSE AND EFFECT: The proposed rule is intended to implement requirements relating to children/families in need of services, including standards for administering the programs and coordinating services.

SUBJECT AREA TO BE ADDRESSED: Standards governing programs for children/families in need of services.

SPECIFIC AUTHORITY: 20.316, 985.405, 985.404(8), 984.04(3) FS.

LAW IMPLEMENTED: 984.04(3), 985.404(8) FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Friday, March 3, 2006

PLACE: 5400 South University Drive, Ste. 202, Davie, Florida
 TIME AND DATE: 10:00 a.m. – 12:00 Noon, Friday, March 3, 2006

PLACE: DJJ Residential Services, Central Region Office, 4524 Oak Fair Blvd., Ste. 200, Tampa, Florida

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Friday, March 3, 2006

PLACE: DJJ Headquarters, Knight Building, Room 108, 2737 Centerview Dr., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Clyde Benedix, 2737 Centerview Drive, Ste. 104, Tallahassee, FL 32399-3100, e-mail: clyde.benedix@djj.state.fl.us

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

DEPARTMENT OF JUVENILE JUSTICE

Probation

- | | |
|--------------------------|------------|
| RULE TITLES: | RULE NOS.: |
| Purpose and Scope | 63D-1.001 |
| Preliminary Screening | 63D-1.002 |
| Comprehensive Assessment | 63D-1.003 |
| Documentation | 63D-1.004 |

PURPOSE AND EFFECT: The rule describes the uniform procedures performed upon intake for the preliminary screening and comprehensive assessment of children.

SUBJECT AREA TO BE ADDRESSED: Procedures governing the preliminary screening and comprehensive assessment of children upon intake, and the manner in which such evaluations are documented.

SPECIFIC AUTHORITY: 20.316, 985.405, 985.21 FS.

LAW IMPLEMENTED: 985.21 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Friday, March 3, 2006

PLACE: 5400 South University Drive, Ste. 202, Davie, Florida
 TIME AND DATE: 10:00 a.m. – 12:00 Noon, Friday, March 3, 2006

PLACE: DJJ Residential Services, Central Region Office, 4524 Oak Fair Blvd., Ste. 200, Tampa, Florida

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Friday, March 3, 2006

PLACE: DJJ Headquarters, Knight Building, Room 108, 2737 Centerview Dr., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Clyde Benedix, 2737 Centerview Drive, Ste. 104, Tallahassee, FL 32399-3100, e-mail: clyde.benedix@djj.state.fl.us

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

DEPARTMENT OF JUVENILE JUSTICE

Staff Training

- | | |
|----------------------------------|------------|
| RULE TITLES: | RULE NOS.: |
| Definitions | 63H-1.001 |
| State Non-Residential Staff | 63H-1.002 |
| Contracted Non-Residential Staff | 63H-1.003 |
| State Residential Staff | 63H-1.004 |
| Contracted Residential Staff | 63H-1.005 |
| Detention Staff | 63H-1.006 |

PURPOSE AND EFFECT: The rule describes the specialized training required for state and contracted staff in juvenile delinquency programs who are responsible for the care, supervision, and individualized treatment of children.

SUBJECT AREA TO BE ADDRESSED: Staff training requirements in state and contracted juvenile delinquency programs.

SPECIFIC AUTHORITY: 20.316, 985.405, 985.404(9) FS.

LAW IMPLEMENTED: 985.404(9) FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Friday, March 3, 2006

PLACE: 5400 South University Drive, Ste. 202, Davie, Florida
TIME AND DATE: 10:00 a.m. – 12:00 Noon, Friday, March 3, 2006

PLACE: DJJ Residential Services, Central Region Office, 4524 Oak Fair Blvd., Ste. 200, Tampa, Florida

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PLACE: DJJ Headquarters, Knight Building, Room 108, 2737 Centerview Dr., Tallahassee, Florida

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

DEPARTMENT OF JUVENILE JUSTICE

Direct Support Organizations

RULE TITLES:	RULE NOS.:
Direct Support Organization	
Functions and Bylaws	63J-1.001
Use of Department Property	63J-1.002
Disposition of Funds	63J-1.003
Budget	63J-1.004

PURPOSE AND EFFECT: The proposed rule is intended to implement requirements governing the procedures and operation of direct support organizations. These include the permissible and prohibited purposes of such organizations, conditions for use of department property, and department budget oversight.

SUBJECT AREA TO BE ADDRESSED: Procedures and operations of direct support organizations.

SPECIFIC AUTHORITY: 20.316, 985.405, 985.4145 FS.

LAW IMPLEMENTED: 985.4145 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Friday, March 3, 2006

PLACE: 5400 South University Drive, Ste. 202, Davie, Florida
TIME AND DATE: 10:00 a.m. – 12:00 Noon, Friday, March 3, 2006

PLACE: DJJ Residential Services, Central Region Office, 4524 Oak Fair Blvd., Ste. 200, Tampa, Florida

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Friday, March 3, 2006

PLACE: DJJ Headquarters, Knight Building, Room 108, 2737 Centerview Dr., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Clyde Benedix, 2737 Centerview Drive, Ste. 104, Tallahassee, FL 32399-3100, e-mail: clyde.benedix@djj.state.fl.us

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

DEPARTMENT OF JUVENILE JUSTICE

County and Municipal Juvenile Programs

RULE TITLES:	RULE NOS.:
Operation of County or Municipal Juvenile Detention Centers	63K-1.001
Operation of County or Municipal Juvenile Delinquency Programs	63K-1.002
Transfers	63K-1.003

PURPOSE AND EFFECT: The proposed rule specifies the manner in which county or municipal juvenile delinquency programs and facilities are to be operated, and provides for department inspection and monitoring of such programs.

SUBJECT AREA TO BE ADDRESSED: Operation and department monitoring of county or municipal juvenile justice programs.

SPECIFIC AUTHORITY: 20.316, 985.405, 985.411 FS.

LAW IMPLEMENTED: 985.411 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Friday, March 3, 2006

PLACE: 5400 South University Drive, Ste. 202, Davie, Florida
TIME AND DATE: 10:00 a.m. – 12:00 Noon, Friday, March 3, 2006

PLACE: DJJ Residential Services, Central Region Office, 4524 Oak Fair Blvd., Ste. 200, Tampa, Florida

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Friday, March 3, 2006

PLACE: DJJ Headquarters, Knight Building, Room 108, 2737 Centerview Dr., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Clyde Benedix, 2737 Centerview Drive, Ste. 104, Tallahassee, FL 32399-3100, e-mail: clyde.benedix@djj.state.fl.us

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

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Continuing Education
 RULE NO.: 64B7-28.009

PURPOSE AND EFFECT: The rule addresses Continuing Education requirements for massage therapists.

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

SPECIFIC AUTHORITY: 456.013(7),(8),(9), 480.035(7), 480.0415 FS.

LAW IMPLEMENTED: 456.013(7),(8),(9), 480.0415 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Requirements for Board Approval of Continuing Education Programs
 RULE NO.: 64B7-28.010

PURPOSE AND EFFECT: The rule clarifies the requirements for continuing education program approval.

SUBJECT AREA TO BE ADDRESSED: Requirements for Board Approval of Continuing Education Programs.

SPECIFIC AUTHORITY: 456.013(8),(9), 456.025(7), 456.036, 480.035(7), 480.0415 FS.

LAW IMPLEMENTED: 456.013(8),(9), 456.025(7), 456.036, 480.0415 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES: Continuing Education Approval
 RULE NOS.: 64B8-45.002

Continuing Education Requirements for Reactivation of an Inactive, Retired or Delinquent License 64B8-45.004

PURPOSE AND EFFECT: The proposed rule developments are intended to clarify criteria for continuing education approval and to address retired status.

SUBJECT AREA TO BE ADDRESSED: Continuing education criteria and retired licensure status.

SPECIFIC AUTHORITY: 468.507, 468.515(3) FS.

LAW IMPLEMENTED: 468.514, 468.515 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: Susan Love, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-45.002 Continuing Education Approval.

(1) Continuing education credit shall be awarded for educational experiences received through the following methods:

(a) By participating in one of the following dietetics or nutrition practice courses:

1. through 2. No change.
3. College courses from an approved graduate or undergraduate program which is accredited by an accrediting agency approved by the United States Department of Education or courses approved by any Board within the Division of Medical Quality Assurance of the Florida

Department of Health and which course clearly relates to maintaining skills necessary for the safe and competent practice of dietetics and nutrition services;

- 4. No change.
- (b) through (c) No change.
- (2) through (4) No change.

Specific Authority 468.507 FS. Law Implemented 468.514, 468.515 FS. History—New 12-5-90, Amended 1-1-92, 9-24-92, Formerly 21M-51.002, Amended 11-4-93, Formerly 61F6-51.002, Amended 12-28-94, 11-12-95, Formerly 59R-45.002, Amended 9-26-01.

64B8-45.004 Continuing Education Requirements for Reactivation of an Inactive, Retired or Delinquent License.

Any person seeking to reactivate an inactive, retired or delinquent license must submit proof of successful completion of fifteen hours per year of continuing education approved pursuant to this rule chapter for each year of inactive status.

Specific Authority 468.507, 468.515(3) FS. Law Implemented 468.515 FS. History—New 9-28-93, Formerly 61F6-51.004, Amended 11-12-95, Formerly 59R-45.004, Amended

DEPARTMENT OF HEALTH

Board of Occupational Therapy Practice

RULE TITLE: Admission by Endorsement
 RULE NO.: 64B11-2.002
 PURPOSE AND EFFECT: The Board proposes to review this section to determine if changes are necessary.
 SUBJECT AREA TO BE ADDRESSED: Admission by endorsement.
 SPECIFIC AUTHORITY: 468.204, 468.213 FS.
 LAW IMPLEMENTED: 468.213 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: Susan Love, Executive Director, Board of Occupational Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Occupational Therapy Practice

RULE TITLE: Examination; Passing Grade
 RULE NO.: 64B11-2.006
 PURPOSE AND EFFECT: The Board proposes to review this section to determine if changes are necessary.
 SUBJECT AREA TO BE ADDRESSED: Examination, Passing Grades.

SPECIFIC AUTHORITY: 468.204, 468.211(4) FS.

LAW IMPLEMENTED: 468.211(3),(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Susan Love, Executive Director, Board of Occupational Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Occupational Therapy Practice

RULE TITLE: Examination; Passing Grade
 RULE NO.: 64B11-3.004
 PURPOSE AND EFFECT: The Board proposes to review this section to determine if changes are necessary.
 SUBJECT AREA TO BE ADDRESSED: Examination; Passing grade.

SPECIFIC AUTHORITY: 456.017, 468.204, 468.211(4) FS.

LAW IMPLEMENTED: 456.017, 468.211(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Susan Love, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Occupational Therapy Practice

RULE TITLE: Application by Endorsement
 RULE NO.: 64B11-3.0021
 PURPOSE AND EFFECT: The Board proposes to consider promulgating a new rule section to clarify application by endorsement for occupational therapy assistant licensure.
 SUBJECT AREA TO BE ADDRESSED: Application by endorsement for an occupational therapy assistant.
 SPECIFIC AUTHORITY: 468.204, 468.213 FS.
 LAW IMPLEMENTED: 468.213 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Love, Executive Director, Board of Occupational Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Reactivation of Retired Status License
 RULE NO.: 64B32-4.002
 PURPOSE AND EFFECT: The Board proposes the new rule to provide language for reactivation of retired status licenses.
 SUBJECT AREA TO BE ADDRESSED: Reactivation of retired status licenses.
 SPECIFIC AUTHORITY: 456.036(9), 468.353(1) FS.
 LAW IMPLEMENTED: 456.036(9) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE 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: Susie Love, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-4.002 Reactivation of Retired Status License.

(1) A retired status licensee for less than five years may change to active status provided:

(a) A licensee pay any renewal fees imposed on an active status license for all biennial licensure periods during which the licensee was on retired status.

(b) A licensee must provide evidence of licensure as either a Certified Respiratory Therapist (CRT) or a Registered Respiratory Therapist (RRT), pursuant to Section 468.358, Florida Statutes.

(c) A licensee must meet the continuing educational requirements for Rule 64B32-6.001, F.A.C., for each biennium the licensee was in retired status.

(d) A licensee must attend HIV and medical errors courses pursuant to Rule 64B32-6.007, F.A.C.

(2) A retired status licensee for five years or more may change to active status provided:

(a) A licensee pay any renewal fees imposed on an active status license for all biennial licensure periods during which the licensee was on retired status.

(b) A licensee must provide evidence of licensure as either a Certified Respiratory Therapist (CRT) or a Registered Respiratory Therapist (RRT), pursuant to Section 468.358, Florida Statutes.

(c) A licensee must meet the continuing educational requirements for Rule 64B32-6.001, F.A.C., for each biennium the licensee was in retired status.

(d) A licensee is required to provide evidence of attendance of a Board-approved comprehensive review course, within six months prior to reactivation of license, in order to ensure that he or she has the sufficient skills to re-enter the profession.

(e) A licensee must attend HIV and medical errors courses pursuant to Rule 64B32-6.007, F.A.C.

(3) Board-approved comprehensive review course means any curriculum topic required by the Commission on Accreditation for Respiratory Care (COARC).

Specific Authority 456.036(9), 468.353(1) FS. Law Implemented 456.036(9) FS. History—New _____.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER TITLE: Emergency Medical Services
 RULE CHAPTER NO.: 64E-2
 RULE TITLE: Certificate of Public Convenience and Necessity
 RULE NO.: 64E-2.032

PURPOSE AND EFFECT: Announce workshop to open discussion with the EMS community regarding COPCN language.

SUBJECT AREA TO BE ADDRESSED: Certificate of Public Convenience and Necessity.

SPECIFIC AUTHORITY 381.0011, 395.405, 401.121, 401.25, 401.251, 401.265, 401.27, 401.2715, 401.31, 401.35 FS.

LAW IMPLEMENTED: 381.0011, 381.025, 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 395.405, 401.23, 401.24, 401.25, 401.251, 401.252, 401.26, 401.265, 401.27, 401.2715, 401.281, 401.30, 401.31, 401.321, 401.33, 401.34, 401.35, 401.41, 401.411, 401.414, 401.421 FS.

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

TIME AND DATE: 10:00 a.m. – 1:00 p.m., February 28, 2006
 PLACE: Seminole County Sheriff’s Office and Department of Public Safety, 150 Bush Boulevard, Sanford, FL 32773

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lisa M. Walker, Government Analyst, Bureau of Emergency Medical Services,

Department of Health, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738, (850)245-4440, Ext. 2733, e-mail: lisa_walker2@doh.state.fl.us, Fax (850)488-9408

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64E-2.032 Certificate of Public Convenience and Necessity.

(1) A Licensee presently possessing a Certificate of Public Convenience and Necessity (COPCN) cannot be determined to have operated in a county in violation of Section 401.25(2)(d), F.S., absent enforcement by that county of an ordinance adopted under Section 401.25(6), F.S., and subsequent final judicial determination in support of such enforcement that the Licensee did not possess or maintain a COPCN consistent with that ordinance. Each county is empowered pursuant to Section 401.25(2)(d) and (6), F.S., to issue a COPCN to an ambulance service which proposes to operate within that county.

(2) A Licensee presently possessing a Certificate of Public Convenience and Necessity (COPCN) from one county may conduct any of the following activities without being considered to operate in that county for purposes of violation of these rules: The department shall license an ambulance service, and that service may operate in a county in this state, provided the applicant meets the ambulance service requirements of Chapter 401, Part III, F.S., and this rule chapter, and provided further that the ambulance service has first obtained a COPCN:

(a) As part of a coordinated response to a disaster or a mass casualty incident; From each county in which the ambulance service provides or proposes to provide prehospital ALS services or prehospital BLS transportation services.

(b) Governed by a Mutual Aid Agreement sanctioned by the governing bodies of the affected counties that includes: From each county within which the ambulance service provides or proposes to provide intracounty, interfacility ALS services or interfacility BLS transportation services.

1. The conditions under which the agreement shall be activated;

2. The procedures and medical protocols to be followed during activation; and

3. The conditions and process by which the agreed upon services shall be terminated;

(c) A transfer or transport through a county that neither begins nor terminates in that county; or From each county where the ambulance service provides or proposes to provide interfacility ALS services or BLS transportation services in which the need for such service either originates or terminates, but not from both the county where the need for such service originates and the county where the need for such service terminates unless the county by ordinance pursuant to Section 401.25(6), F.S., mandates a COPCN for both.

(d) Unless prohibited by the COPCN ordinance of the county in which the Licensee does not possess a COPCN with enforcement and subsequent final determination under (1), a transfer or transport between that county and a county in which the licensee possesses a COPCN.

~~(3) All licenses issued by the department shall be for ALS, BLS transport or air ambulance service consistent with the services authorized by the COPCN, if the department requires a COPCN pursuant to this section. If the applicant is not required by the county to have a COPCN to operate in that county, the department shall issue a license in one of the above categories and upon meeting all of the other requirements of Rules 64E-2.002 and .003, F.A.C.~~

~~(4) Provisions of this section to the contrary notwithstanding, the department shall license an ambulance service which meets the ambulance service requirements of Chapter 401, F.S., Part III, and Chapter 64E-2, F.A.C., in any county where the ambulance service provides or proposes to provide services for which a license is required under Chapter 401, F.S., Part III, where the county does not require a COPCN for such services.~~

~~(5) An ambulance service licensed by the department is permitted to provide services under its license in a county without first having obtained a COPCN from the governing body of that county, if such service is provided pursuant to and consistent with the terms of a mutual aid agreement with that county, or as part of a coordinate response to a disaster or a mass casualty incident. Pursuant to Section 401.23(16), F.S., a mutual aid agreement must be in writing, must be sanctioned by the governing bodies of the affected counties, and must at a minimum include:~~

~~(a) The conditions under which the agreement shall be activated.~~

~~(b) The procedures and medical protocols to be followed during activation.~~

~~(c) The conditions and process by which the agreed upon services shall be terminated.~~

Specific Authority 401.35 FS. Law Implemented 401.23, 401.25, 401.251, 401.252, 401.33, 401.35, 401.411, 401.414, 401.421 FS. History—New 10-2-94, Amended 1-26-97, Formerly 10D-66.335, Amended 1-3-99,

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Child Care Food Program 64F-17

PURPOSE AND EFFECT: The Department of Health, Bureau of Child Nutrition Programs, will be revising its rules and proposing new rules to assure that program requirements are set forth and to assure program participation is consistent with program goals.

SUBJECT AREA TO BE ADDRESSED: The Child Care Food Program administered by the Department of Health, Bureau of Child Nutrition Programs.

SPECIFIC AUTHORITY: 383.011(2)(c) FS.
 LAW IMPLEMENTED: 383.011(1)(i) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julia P. Forrester, Assistant General Counsel, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703, (850)245-4005
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Oysters
 RULE TITLE: Apalachicola Bay Oyster Harvesting Restrictions
 RULE NO.: 68B-27.017
 PURPOSE AND EFFECT: The purpose of this rule development is to make a technical change that will conform an Apalachicola Bay harvest rule to a rule amendment adopted last year that shifted the oyster harvesting season in Apalachicola Bay by one month.
 SUBJECT AREA TO BE ADDRESSED: Oyster harvesting season in Apalachicola Bay.
 SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.
 LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.
 IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-27.017 Apalachicola Bay Oyster Harvesting Restrictions.
 In addition to all other provisions of this chapter, the following provisions shall apply to Apalachicola Bay:
 (1) No change.
 (2)(a) Except as provided in paragraph (b) and when Apalachicola Bay is not closed for public health purposes, oysters may be harvested in the bay for commercial purposes any day of the week during the period beginning on November 16 each year and continuing through May 31 ~~June 30~~ of the following year.
 (b) No change.
 (3) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 3-10-91, Amended 11-29-93, Formerly 46-27.017, Amended 6-1-99, 9-1-05,_____.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLE: Annual and Quarterly Reporting Requirements
 RULE NO.: 69O-137.001
 PURPOSE AND EFFECT: To adopt the 2006 NAIC Quarterly and Annual Statement Instructions and NAIC's Accounting Practices and Procedures Manual, as permitted by Section 624.424, Florida Statutes.
 SUBJECT AREA TO BE ADDRESSED: Update NAIC Instructions and Manuals.
 SPECIFIC AUTHORITY: 624.308(1), 624.424(1) FS.
 LAW IMPLEMENTED: 624.424(1) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 9:30 a.m., March 8, 2006
 PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed below.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kerry Krantz, Life and Health Financial Oversight, Office of Insurance Regulation, e-mail: kerry.krantz@fldfs.com
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLE: RULE NO.:

NAIC Financial Examiners 690-138.001
 Handbook Adopted

PURPOSE AND EFFECT: To adopt the 2006 NAIC Financial Condition Examiners Handbook Adopted, as permitted by Section 624.316, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Update NAIC Handbook.

SPECIFIC AUTHORITY: 624.308(1), 624.316(1)(c) FS.

LAW IMPLEMENTED: 624.316(1)(c) 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: 9:30 a.m., March 8, 2006

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kerry Krantz, Life and Health Financial Oversight, Office of Insurance Regulation, e-mail: kerry.krantz@fldfs.com

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

**Section II
Proposed Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE TITLE: RULE NO.:
 Close Management 33-601.800

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise Form DC6-229A, Close Management Daily Record of Segregation, to delete codes already documented on other forms.

SUMMARY: Form DC6-229A, Close Management Daily Record of Segregation, is being revised to delete codes already documented on other forms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.800 Close Management.

(1)through (18) No change.

(19) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of any of these forms are available from the Forms Control Administrator, Office of Research, Planning and Support Services, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) through (e) No change.

(f) Form DC6-229A, Close Management Daily Record of Segregation, effective date 4-8-04.

(g) through (l) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—Formerly 33-601.801-.813, substantially amended 2-1-01, Amended 12-16-01, 4-8-04, 3-10-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patrick H. Brown, M.D., Assistant Secretary of Health Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 27, 2006

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Visual Services
 RULE NO.: 59G-4.340

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Visual Services Coverage and Limitations Handbook, January 2006. The coverage and limitations handbook revisions include policy clarifications and updated billing information. The effect will be to incorporate by reference in the rule the Florida Medicaid Visual Services Coverage and Limitations Handbook, January 2006.

SUMMARY: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Visual Services Coverage and Limitations Handbook, January 2006. The effect will be to incorporate by reference in the rule the Florida Medicaid Visual Services Coverage and Limitations Handbook, January 2006.

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

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

SPECIFIC AUTHORITY 409.919 FS.

LAW IMPLEMENTED 409.906, 409.908 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., Monday, March 13, 2006

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jason Ottinger, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7314

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.340 Visual Services.

(1) No change.

(2) All visual services practitioners enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Visual Services Coverage and Limitations Handbook, January ~~2006~~ ~~2004~~, ~~updated January 2005~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider

Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 7-30-80, Formerly 10C-7.521, Amended 4-20-93, 8-25-93, Formerly 10C-7.0521, Amended 12-21-97, 10-13-98, 6-10-99, 4-23-00, 1-23-02, 2-20-03, 8-5-03, 10-12-04, 8-18-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jason Ottinger

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 2, 2005

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Traumatic Brain and Spinal
 RULE NO.: 59G-13.130

Cord Injury Services

PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference the Florida Medicaid Traumatic Brain and Spinal Cord Injury Waiver Services Coverage and Limitations Handbook, April 2006. This handbook includes the provider requirements, covered services, service limitations, procedure codes, and fees for the Florida Medicaid Traumatic Brain and Spinal Cord Injury Waiver Services Program. The effect will be to incorporate by reference in the rule the Florida Medicaid Traumatic Brain and Spinal Cord Injury Waiver Services Coverage and Limitations Handbook.

In the Notice of Rule Development, published in the Florida Administrative Weekly, Vol. 31, No. 18, May 6, 2005, we erroneously numbered the Rule 59G-13.030, F.A.C. The correct rule number is Rule 59G-13.130, F.A.C.

SUMMARY: The purpose of this rule is to incorporate by reference the Florida Medicaid Traumatic Brain and Spinal Cord Injury Waiver Services Coverage and Limitations Handbook, April 2006. The effect will be to incorporate by reference in the rule the Florida Medicaid Traumatic Brain and Spinal Cord Injury Waiver Services Coverage and Limitations Handbook.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.907, 409.908, 409.912 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., Monday, March 13, 2006

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Stephanie Clarke, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)488-8710

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-13.130 Traumatic Brain and Spinal Cord Injury Services.

(1) This rule applies to all traumatic brain and spinal cord injury waiver services providers enrolled in the Medicaid program.

(2) All traumatic brain and spinal cord injury waiver services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Traumatic Brain and Spinal Cord Injury Waiver Services Coverage and Limitations Handbook, April 2006, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081 which is incorporated by reference in Rule 59G-13.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

(3) The following forms that are included in the Florida Medicaid Traumatic Brain and Spinal Cord Injury Waiver Services Coverage and Limitations Handbook are incorporated by reference: Appendix C contains the Home and Community-Based Waiver Referral Agreement, April 2006, seven pages; Appendix D contains the Brain and Spinal Cord Injury Program Request for Level of Care, April 2006, two pages; Appendix E contains the Notification of Level of Care, which is incorporated by reference in Rule 59G-13.030, F.A.C.; Appendix F contains the Brain and Spinal Cord Injury Program Waiting List Policy for the Traumatic Brain/Spinal Cord Injury Medicaid Waiver Program, April 2006, five pages, and Home and Community-Based Medicaid Waiver Prioritization Screening Instrument, April 2006, four pages; Appendix G contains the Notice of Decision, April 2006, two pages; and Appendix H contains the Brain and Spinal Cord Injury Program Medicaid Home and Community-Based Waiver Service Plan, April 2006, one page.

Specific Authority 409.919 FS, Law Implemented 409.906, 409.907, 409.908, 409.912 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Stephanie Clarke

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 6, 2005

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE TITLES: RULE NOS.:
Cross County Enrollment 60BB-8.203

Uniform Attendance Policy for the Funding of the VPK Program 60BB-8.204

Voluntary Prekindergarten Uniform Statewide Provider Agreement 60BB-8.301

VPK Program Class Sizes and Composition 60BB-8.400

PURPOSE AND EFFECT: To adopt rules to establish procedures for early learning coalitions related to the Statewide Provider Agreement, the Uniform Attendance Policy, class sizes, and cross-county enrollment in the Voluntary Prekindergarten Education Program.

SUMMARY: The proposed rules seek to establish procedures for early learning coalitions related to the Voluntary Prekindergarten Education Program such as the Statewide Provider Agreement, the uniform attendance policy, class sizes, and cross-county enrollment.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 120, 1002.79 FS.

LAW IMPLEMENTED: 1002.53, 1002.55, 1002.61, 1002.63, 1002.75 FS.

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

TIME AND DATE: 1:00 p.m. – 5:00 p.m. or until business is concluded, March 13, 2006

PLACE: Agency for Workforce Innovation, Caldwell Building, 107 E. Madison Street, Room B-49, Tallahassee, Florida 32399

Any person requiring special accommodations to participate in this hearing is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting: Ms. Nicole Cutchin, (850)245-7150.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kelley Cramer, Senior Attorney, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150

THE FULL TEXT OF THE PROPOSED RULES IS:

60BB-8.203 Cross County Enrollment.

(1) Enrollment permitted in a county other than where the child resides.

(a) An early learning coalition may not prohibit a private prekindergarten provider or public school from enrolling an eligible child in the VPK program on the ground that the child resides in a Florida county other than the Florida county where the provider or school is located.

(b) A provider or school may establish and use admissions criteria governing how the private prekindergarten provider determines whether to admit the child, or how a school district limits the number of children admitted by a particular public school.

(2) Enrollment required with the early learning coalition serving the provider's or school's county.

(a) A child must be registered and enrolled for the VPK program with the early learning coalition serving the county within the coalition's geographic region in which the provider or school is located, regardless in which county the child resides.

(b) If a child is registered for the VPK program in a county served by one coalition but ultimately is admitted into the program by a provider or school located in a county within another coalition's geographic region, the parent must re-register and enroll the child with the coalition serving the county within the coalition's geographic region in which the provider or school is located.

(c) Re-registration of a child is ultimately the parent's responsibility. In order to facilitate the re-registration, each early learning coalition may enter into agreements with other coalitions to provide for the transfer of a child's registration application and supporting documentation to the appropriate coalition. If a coalition performs the face-to-face parent consultation for a child in accordance with Rule 60BB-8.202, F.A.C., but subsequently transfers the child's registration to another coalition, the coalition receiving the transferred registration is not required to repeat the face-to-face consultation.

Specific Authority 1002.79 FS. Law Implemented 1002.53(2) FS. History—New _____.

60BB-8.204 Uniform Attendance Policy for the Funding of the VPK Program.

Each provider or school delivering the VPK program shall be paid in accordance with the following:

(1) Payment for startup period.

(a) A provider or school is paid for each of the 5 instructional days of the startup period if a student attends the VPK program for at least 1 instructional day during the startup period. An instructional day that a student does not attend during the startup period is not recorded as an absence for purposes of calculating the student's cumulative absences

under subsection (2) below. However, in accordance with subsection (7) below, a provider or school is not paid for instructional days after the last instructional day that a student attends the VPK program with the provider or school, if, during the startup period, the student subsequently terminates enrollment from the program or reenrolls with another provider or school.

(b) If a student does not attend at least 1 instructional day during the startup period, regardless of when the student enrolls, the provider or school is not paid for the startup period.

(2) Payment for regular period. The regular period is the instructional days of a VPK prekindergarten class which remain after the startup period (e.g., 175 days of 180-day class schedule).

(a) A provider or school is paid for each instructional day that a student attends the VPK program during the regular period (i.e., instructional days remaining after the startup period).

(b) A provider or school is paid for each instructional day that the student is absent during the regular period until the student's cumulative absences exceed 15 percent of the total instructional days in the student's attendance period. The student's attendance period is the instructional days in the regular period, counting from the first instructional day that the student attends the program (i.e., instructional days remaining in a VPK prekindergarten class, beginning after the startup period with the first instructional day that the student attends the class).

(c) The provider or school is also paid up to an additional 5 percent of the total instructional days in the student's attendance period, for each instructional day that the student is absent from the VPK program due to extraordinary circumstances that are documented in accordance with subsection (3) below.

(d) After a student's cumulative absences exceed 15 percent (or exceed 20 percent as a result of extraordinary circumstances) of the total instructional days in the student's attendance period, the provider or school is not paid for the student's subsequent absences.

(e) A provider or school is not paid for instructional days in the regular period before the first instructional day that the student attends the VPK program.

(3) Absences due to extraordinary circumstances.

If a student is absent from the VPK program due to extraordinary circumstances other than a temporary closure as described in subsection (4) below, the provider or school must submit to the early learning coalition or its designee written documentation provided by the student's parent or guardian which describes the extraordinary circumstances justifying the absence. Examples of extraordinary circumstances include the following:

(a) Hospitalization of the student, parent, or guardian with appropriate documentation;

(b) Illness of the student, parent, or guardian, which requires a home-stay as documented;

(c) Death in the student's, parent's, or guardian's immediate family with appropriate documentation (e.g., obituary, death certificate);

(d) Court ordered visitation with appropriate documentation (e.g., court order); or

(e) The parent's or guardian's unforeseen documented military deployment or exercise.

(4) Temporary closure of provider or school.

(a) Circumstances within provider's or school's control.

If a provider or school temporarily closes on a scheduled instructional day due to circumstances within the provider's or school's control, the provider or school must revise its class schedule to deliver that day's instruction disrupted by the closure.

(b) Circumstances beyond provider's or school's control.

If a provider or school temporarily closes on a scheduled instructional day due to circumstances beyond the provider's or school's control, the provider or school is paid for that instructional day, as follows:

1. Before an early learning coalition pays a provider or school for a temporary closure, the provider or school must submit written documentation to the coalition or its designee which demonstrates, and the coalition or its designee must determine, that the closure is temporary and caused by circumstances beyond the provider's or school's control. A provider or school is not required to submit documentation of those circumstances, if:

a. The provider or school is located within a county for which the county government, the Governor, or the President of the United States declares that a state of emergency exists in the county; and

b. For the provider's or school's scheduled instructional days during the state of emergency, the county, state, or federal governments close offices in the county which are scheduled to be open for services other than essential services.

2. For the first 3 instructional days of the temporary closure, the provider or school is paid as if each enrolled student was in attendance.

3. For the 4th through 10th instructional days of the temporary closure, each day is recorded as an absence for each enrolled student. The provider or school is paid for each student's absence in accordance with subsections (1) and (2) above, if the student has not exhausted his or her paid absences. If a student has exhausted his or her paid absences, the provider or school is not paid for that student's absence.

4. If circumstances cause more than one temporary closure, the provider or school may not cumulatively record more than 10 instructional days as:

a. Attendance under subparagraph (4)(b)2.;

b. Absences under subparagraph (4)(b)3.; or

c. A combination of attendance under subparagraph (4)(b)2. and absences under subparagraph (4)(b)3.

5. If a temporary closure, or the cumulative number of instructional days from more than one closure, extends beyond 10 instructional days, the provider or school must revise its class schedule to deliver the instructional days disrupted after the 10th instructional day.

6. If a provider or school does not resume instruction after the closure, the provider or school is not paid for any instructional days described in subparagraphs (4)(b)1. or (4)(b)2. above. The coalition or its designee shall assist affected students by making alternative arrangements that mitigate the disruption of instruction, including, but not limited to, re-enrollment of students with other providers or schools.

7. If a student does not resume attendance in the VPK program after the temporary closure, the provider or school is paid for instructional days recorded as attendance under subparagraph (4)(b)2. but, in accordance with subsection (7) below, is not paid for instructional days recorded as absences under subparagraph (4)(b)3.

8. In lieu of payment for one or more of the instructional days recorded as attendance under subparagraph (4)(b)2. or recorded as absences under subparagraph (4)(b)3., the provider or school may revise its class schedule to deliver the instructional days disrupted by the temporary closure.

(5) Recording absences for refused attendance.

If a student arrives at the provider's or school's VPK site but the provider or school refuses the student's attendance for disciplinary or other reasons (e.g., due to tardiness or prohibited attire), the instructional day is recorded as an absence.

(6) Automatic withdrawal for excessive undocumented absences.

(a) If a student is absent from the VPK program for 5 consecutive instructional days, the student is considered withdrawn from the program unless the provider or school submits to the early learning coalition or its designee written documentation provided by the student's parent or guardian which describes the reasons for the absence. The documentation may describe any reasons for the absence and is not limited to the extraordinary circumstances described in subsection (3) above. The documentation must be submitted with the attendance roster for the month of the absence.

(b) If a student is withdrawn from the VPK program under paragraph (6)(a) above but subsequently attends the program, the student's enrollment in the program is resumed, each instructional day that the student did not attend the program is recorded as an absence, and those absences are paid in accordance with subsection (2) above.

(7) Effect of termination from VPK program.

If a student terminates enrollment from the VPK program, whether the termination is voluntary or involuntary (e.g., automatic withdrawal for excessive undocumented absences

under subsection (6) above), the provider or school is not paid for any instructional days or paid absences after the last instructional day that the student attends the program.

(8) Effect on provider's or school's attendance policy.

In accordance with Section 1002.71(6)(d), F.S., this uniform attendance policy is used for funding purposes only and does not prohibit a private prekindergarten provider or public school from adopting and enforcing the provider's or school district's attendance policy.

(9) Reporting absences under Rilya Wilson Act. – This uniform attendance policy governs payments under the VPK program and does not supersede any requirement for reporting absences under the Rilya Wilson Act (Section 39.604, F.S.).

Specific Authority 1002.79 FS. Law Implemented 1002.71(6)(a), 1002.71(6)(c), 1002.71(6)(d) FS. History–New _____.

60BB-8.301 Voluntary Prekindergarten Uniform Statewide Provider Agreement.

The Agency for Workforce Innovation has prescribed the use of a provider agreement, along with the following procedures, by early learning coalitions for registering private prekindergarten providers and public schools to deliver the VPK program:

(1) Agreement required.

As part of the registration process for the VPK program, the coalition shall require each provider or school to execute a provider agreement with the coalition. The coalition must execute agreements with the identical terms and conditions as Form AWI-VPK 20, (Statewide Provider Agreement), version date July 7, 2005, which is hereby incorporated by reference, and may not alter, delete or change the terms and conditions, except as provided in subsection (3) below. This Form is available at the following internet address: www.floridajobs.org/earlylearning/documents/StatewideProviderAgreementFormAWI-VPK20.pdf. This Form may also be obtained by contacting the Early Learning Coalition that serves the Provider's county or by calling the Office of Early Learning at 1(866)357-3239.

(2) Funding.

A coalition may not submit a provider's or school's enrollment to the Agency for Workforce Innovation for purposes of advance payment for services under the VPK program unless the provider or school has executed the provider agreement and the agreement is received by the coalition. In addition, a provider or school shall not be paid for services delivered before the executed agreement is submitted to the coalition.

(3) Amendments.

Each amendment to the provider agreement (Form AWI-VPK 20 – Statewide Provider Agreement) must be provided in writing, dated, and signed by both the coalition and the provider or school. Each amendment must also be approved by the Agency for Workforce Innovation, Office of Early Learning.

Specific Authority 1002.79 FS. Law Implemented 1002.55(3)(g), 1002.61(7)(a), 1002.63(8)(a), 1002.75 FS. History–New _____.

60BB-8.400 VPK Program Class Sizes and Composition.

(1) Blended classes.

A private prekindergarten provider or public school may organize its VPK classes as blended classes, teaching students enrolled in the VPK program together with children who are not enrolled in the program. A blended class may include children of any age; however, these multi-age arrangements must not conflict with the provider's or school's obligations under Sections 1002.55, 1002.61, and 1002.63, F.S.

(2) Minimum class size.

Each VPK class must be composed of at least four students enrolled in the VPK program. To receive the initial advance payment for a VPK class, at least four VPK students must be enrolled for the class. A provider or school does not violate the minimum class size if fewer than four VPK students attend on a particular day. After the initial advance payment for a class, the provider or school does not violate the minimum class size if fewer than four VPK students remain enrolled for the class (e.g., withdrawals). However, if a VPK student's class is composed of four or fewer VPK students, the provider or school may not dismiss the student unless:

(a) The provider or school documents in writing the student's noncompliance with the applicable conduct or attendance policies of the provider or school district; and

(b) The provider or school submits the documentation to the early learning coalition or the coalition's designee not more than three business days after the student is dismissed.

(3) Maximum class size.

Each VPK class must not exceed 18 students for the school-year program or 10 students for the summer program. Both VPK students and Non-VPK students are counted toward the 18-student and 10-student maximums. A VPK class may not exceed the maximum class size in enrollment or in daily attendance.

(4) Multi-class groups.

A provider or school may teach two or more VPK classes as one group in a single classroom. However, a provider or school must remain in compliance with the appropriate staff-to-children ratio, square footage per child, or other state or local requirements. Each VPK class within a multi-class group:

(a) May not exceed 18 students for the school-year program or 10 students for the summer program;

(b) Must have a prekindergarten instructor for each class; and

(c) If the class has 11 or more students, must have a second adult instructor.

Specific Authority 1002.79 FS. Law Implemented 1002.55(3)(e), 1002.61(6), 1002.63(7) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kelley Cramer, Senior Attorney, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sooni Raymaker, Deputy General Counsel, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 27, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 25, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE TITLE: Percentage of Gross Pilotage Assessed
RULE NO.: 61G14-19.001
PURPOSE AND EFFECT: The proposed rule amendment is intended to decrease the gross pilotage assessment.

SUMMARY: The proposed rule amendment decreases the gross pilotage assessment from .25% to .1%.

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: 310.131, 310.185 FS.
LAW IMPLEMENTED: 310.131 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: Robyn Barineau, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:
61G14-19.001 Percentage of Gross Pilotage Assessed.
(1) The Department of Business and Professional Regulation shall assess the pilots in the respective ports of the state one tenth ~~twenty five hundredths~~ of one percent (.1%) ~~(.25%)~~ of the gross amount of pilotage earned by said pilots during each year. For the purposes of said assessment, the gross amount of pilotage earned shall be the amount of money collected by each pilot or by each entity of which the pilot is a member for piloting which shall include and not be limited to payment for piloting vessels to and from ports of this state, docking or undocking vessels, shifting vessels, running lines, delivering orders at sea, cancelled orders, boat service,

detention, pilots being carried to sea, anchoring vessels, and any other related services rendered. Funds collected due under this are to be made payable to the Board and paid by the fifteenth of the following month. When received, the funds are paid into the Professional Regulation Trust Fund as created within the Department.

(2) No change.

THIS RULE SHALL TAKE EFFECT MAY 1, 2006.

Specific Authority 310.131, 310.185 FS. Law Implemented 310.131 FS. History—New 2-5-76, Amended 1-19-77, 1-1-78, 12-7-78, 11-1-81, 6-8-82, 8-9-82, 7-31-83, Formerly 21SS-3.01, Amended 5-30-89, 2-19-90, 12-30-91, 12-2-92, Formerly 21SS-3.001, 21SS-19.001, Amended 3-20-94, 1-5-95, 1-30-96, 3-17-96, 11-21-96, 8-25-97, 1-26-99, 1-31-01, 8-1-02, 7-8-03, 2-17-05, 10-02-05, 2-1-06, 5-1-06.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pilot Commissioners
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pilot Commissioners
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 12, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 27, 2006

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at http://www.dep.state.fl.us/ under the link or button titled “Official Notices.”

DEPARTMENT OF JUVENILE JUSTICE

Detention Services

Table with 2 columns: RULE TITLES and RULE NOS.:
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Dispute Resolution and Collection 63G-1.009

PURPOSE AND EFFECT: The proposed rule implements newly created Section 985.2155, Florida Statutes, governing the shared responsibility of counties and the state for juvenile detention.

SUMMARY: The proposed rule establishes the procedure by which the Department tracks counties’ usage of secure detention facilities prior to disposition, bills counties for their usage, collects the counties’ share of secure detention costs, apportions appropriated funds to cover the usage of fiscally constrained counties, and accepts and resolves disputes.

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

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

SPECIFIC AUTHORITY: 20.316, 985.405, 985.2155 FS.

LAW IMPLEMENTED: 985.2155 FS.

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

TIME AND DATE: 10:00 a.m., March 13, 2006

PLACE: DJJ Headquarters, Knight Building, Probation Conference Room 108, 2737 Centerview Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Clyde Benedix, Policy Development Officer, Department of Juvenile Justice, Office of Administration, 2737 Centerview Drive, Ste. 104, Tallahassee, FL 32399-3100, (850)921-3048

THE FULL TEXT OF THE PROPOSED RULES IS:

63G-1.001 Scope.

This rule establishes the process by which pre-disposition detention costs are shared by state and county government.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(1) FS. History—New _____.

63G-1.002 Definitions.

(1) “Cost of detention care” means the cost of providing detention care as determined by the General Appropriations Act.

(2) “County estimated cost of detention care” means a projected cost estimate based upon a county’s prior annual usage.

(3) “Final court disposition” means the date the court enters a disposition for the subject referral.

(4) “Fiscally constrained county” means a county designated as a rural area of critical economic concern under Section 288.0656, Florida Statutes, and which is not required to pay the full costs of its resident juveniles’ predisposition detention care.

(5) “Residence” means the county where, at the time of referral, a child resides, as determined by a DJJ intake officer pursuant to Rule 63G-1.003, F.A.C., and entered in the Juvenile Justice Information System.

(6) “Secure detention” means a physically restricting facility for the temporary care of children, pending adjudication, disposition, or placement.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155 FS. History—New _____.

63G-1.003 Determining Residence.

(1) DJJ Juvenile Probation Officers and contracted providers responsible for intake shall utilize the following procedure to determine a referred child’s county of residence:

(a) The address provided by the child at intake will initially be checked against the address included in the police report and against any existing address for the child already in the Juvenile Justice Information System.

(b) In all cases, an effort will be made to verify the address with the child’s parent or guardian.

(c) All attempts to contact the parent or guardian, and the results of those attempts, will be noted in the chronological record in the child’s case file.

(2) Children in substitute care placements, such as foster care, will be deemed to reside in the county where the Department of Children and Families or its contracted agency has a district office or service center that arranged the temporary placement.

(3) Address verification procedures are to be included in the annual refresher training on the Juvenile Justice Information System given to Departmental Juvenile Probation Officers and its contracted providers responsible for intake.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(5) FS. History—New _____.

63G-1.004 Calculating Estimated Costs.

(1) Each county’s share of predisposition detention costs is based upon usage during the previous fiscal year, with the first year’s estimates based upon usage during fiscal year 2004-05. Estimates will be calculated as follows:

(a) All youth served in secure detention during the relevant fiscal year as reflected in the Juvenile Justice Information System will be identified;

(b) Each placement record will be matched to the appropriate referral based upon the referral identification code. Placements associated with administrative handling, such as pick-up orders and violations of probation, will be matched to a disposition date for their corresponding statutory charge;

(c) The number of service days in secure detention is computed by including all days up to and including the date of final disposition for the subject referral.

(2) Each county will receive a percentage computed by dividing the number of days used during the previous year by the total number of days used by all counties. The resulting percentage, when multiplied by the cost of detention care as fixed by the legislature, constitutes the county’s estimated annual cost.

(3) The estimated cost will be billed to the counties in monthly installments.

(4) Invoices are to be mailed on the first day of the month prior to the service period, so that an invoice for the August service period will be mailed on July 1.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(3) FS. History–New _____.

63G-1.005 Fiscally Constrained Counties.

(1) Each fiscally constrained county will be assigned a percentage computed by dividing its previous year's number of predisposition detention days by the total number of predisposition detention days used by all fiscally constrained counties during the previous year.

(2) Each county's percentage is multiplied by the amount appropriated by the legislature to pay the costs of detention care. For informational purposes, fiscally constrained counties will be invoiced for their prorated monthly share.

(3) If the total number of predisposition service days actually used by all fiscally constrained counties combined exceeds the previous year's usage for which appropriation was made by the legislature, matching funds will be required to make up the shortfall. Fiscally constrained counties will be assessed for the amount of the shortfall under the following methodology:

(a) The total number of excess service days will be translated into a dollar figure based upon the percentage of increase over the original budgeted amount.

(b) Each fiscally constrained county will be responsible for a share of the shortfall computed by multiplying its assigned percentage calculated in subsection (1) by the total shortfall computed in paragraph (3)(a).

(4) The department shall determine whether a shortfall is likely at the end of the third quarter. If a shortfall is expected, the department shall provide fiscally constrained counties an estimate of their share of the expected shortfall on or before June 1.

(5) Fiscally constrained counties will be billed for their share of the shortfall by August 1, and payment is due no later than November 1.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(4) FS. History–New _____.

63G-1.006 Receipt of Payment.

(1) Payment is to be made by check or by pre-arranged wire transfer, which is due the first day of the monthly service period.

(2) Payment will be deemed in arrears on the second day of the monthly service period.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(5)-(6) FS. History–New _____.

63G-1.007 Quarterly Reporting.

(1) Each quarter, the Department shall prepare a report to determine the extent of each county's actual usage. The report is to assist counties in fiscal planning and budgeting, and is not a substitute for the annual reconciliation or grounds for adjusting or withholding payment.

(2) The report shall contain the following information:

(a) Youth's name;

(b) Youth's address at the time of the referral;

(c) Sex;

(d) Date of birth;

(e) Name of parent or guardian;

(f) Phone contact;

(g) Number of detention days.

(3) The report will be provided to counties 45 days after the end of each quarter.

(4) The limited release of juvenile identifying information contained in each county's quarterly report is confidential. The release will not include treatment or charging information, is limited to the county official(s) designated to receive the report, and is not to be used for any purpose other than that of verifying the provision of detention services.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(7) FS. History–New _____.

63G-1.008 Annual Reconciliation.

(1) On or before September 30 of each year, the Department shall provide a reconciliation statement to each paying county. The statement shall reflect the difference between the estimated costs paid by the county during the past fiscal year and the actual cost of the county's usage during that period.

(2) If a county's actual usage is found to have exceeded the amount paid during the fiscal year, the county will be invoiced for the excess usage. The invoice will accompany the reconciliation statement, and shall be payable on or before November 1.

(3) If a county's actual usage was less than the estimated amounts paid during the fiscal year, the county will be credited for its excess payments. Credit will be reflected in the November billing, and will carry forward as necessary.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(5) FS. History–New _____.

63G-1.009 Dispute Resolution and Collection.

(1) The quarterly reporting marks the point at which a county may take issue with the charges referenced in the report, but it cannot be the basis for withholding payment. Adjustments, including those necessitated by dispute resolution, cannot be made until the annual reconciliation.

(2) Disputes based upon a quarterly report, such as those relating to the residence of served youth or the number of chargeable service days, must be brought within 90 days or when the next quarterly report is provided, whichever is later.

(3) General objections, such as those seeking confirmation of a youth's county of residence, will be summarily denied. Disputes involving a detained youth's county of residence must include one or more of the following indicia of specificity:

(a) An alternative address asserted to be correct.

(b) Supporting documentation.

(c) An explanation of the basis for the dispute on form 63G-1-1.

(4) Disputes must be raised by means of form 63G-1-1, and sent by certified mail to the Department's Bureau of Finance and Accounting at 2737 Centerview Drive, Suite 212, Tallahassee, Florida 32399-3100. Accompanying documentation in support of the county's position may be included.

(5) Form 63G-1-1, is incorporated by reference and is available from the Bureau of Finance and Accounting in Tallahassee.

(6) The Department's response constitutes final agency action and may be challenged through the process available in Chapter 120, Florida Statutes.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(5)-(8) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Clyde Benedix, Policy Development Officer, Office of Administration, Department of Juvenile Justice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jane McElroy, Assistant Secretary for Administration, Department of Juvenile Justice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 26, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Originally published as Rules 63F-9.001-.008, F.A.C., November 4, 2005

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: List of Approved Forms; Incorporation
RULE NO.: 64B8-1.007

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate the revised licensure application into the rule.

SUMMARY: The proposed rule amendment incorporates the Board's revised application form into the rule.

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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 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: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-1.007 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, or by telephoning (850)245-4131:

(1) DH-MQA 1000, entitled "Board of Medicine Medical Doctor Application for Licensure," (1/06) (~~4/03~~).

(2) through (31) No change.

Specific Authority 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 FS. History--New 4-17-01, Amended 11-20-01, 8-13-02, 11-10-02, 3-19-03, 6-4-03, 11-17-03, 4-19-04, 1-31-05, 9-29-05.

NAME OF PERSON ORIGINATING PROPOSED RULE: Credentials Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 4, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 20, 2006

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES: Disciplinary Guidelines Citations
 RULE NOS.: 64B8-44.003 64B8-44.005

PURPOSE AND EFFECT: The proposed rule amendments are intended to set forth a disciplinary guideline for failure to successfully complete an impaired practitioners program and to clarify the rule with regard to citation violations.

SUMMARY: The proposed amendment to Rule 64B8-44.003, F.A.C., sets forth the discipline for failing to successfully complete an impaired practitioners program. The amendments to Rule 64B8-44.005, F.A.C., eliminate redundancy in the rule.

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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.077, 456.079, 458.309, 468.507 FS.

LAW IMPLEMENTED: 456.077, 456.079, 468.517, 468.518 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Susan Love, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-44.003 Disciplinary Guidelines.
 (1) through (3) No change.

(4) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses 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
(a) through (q) No change.	
(r) Being terminated from or failing to successfully complete an impaired practitioners treatment program.	(r) First offense – Minimum stayed suspension and probation for a period of one (1) year with a fine of \$500.00 to a maximum of suspension or denial of license until successful completion or receipt of a written confirmation from the program that further treatment is neither required nor indicated followed by a one (1) year probation and a fine of \$1,500.00. Subsequent offenses – Minimum suspension for three (3) years or until licensee is able to demonstrate to the Board the ability to practice with reasonable skill and safety, whichever is longer and a fine of \$1,000.00 to a maximum of revocation or denial of license and a \$3,000.00 fine.

(s)(+) No change.

(5) through (7) No change.

Specific Authority 456.079, 458.309, 468.507 FS. Law Implemented 456.079, 468.517, 468.518(2) FS. History–New 12-4-90, Formerly 21M-50.003, Amended 6-22-94, Formerly 61F6-50.003, 59R-44.003, Amended 3-16-98, 8-19-99, 9-28-00, 9-26-01, 2-13-03, _____.

64B8-44.005 Citations.

(1) through (3) No change.

(4) The Board designates the following as citation violations, which shall result in a penalty of \$100:

(a) through (i) No change.

~~(j) Practicing on an inactive license for more than 90 days.~~

~~(k) Practicing on a delinquent license for more than 90 days.~~

~~(l)(+) No change.~~

(5) through (6) No change.

Specific Authority 456.077, 468.507 FS. Law Implemented 456.077, 468.517, 468.518 FS. History–New 1-1-92, Formerly 21M-50.005, 61F6-50.005, 59R-44.005, Amended 9-26-01, 3-25-02, 7-17-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dietetics and Nutrition Practice Council

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2005

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: General Requirements
 RULE NO.: 64B8-45.001

PURPOSE AND EFFECT: The proposed rule amendments clarify the requirements with regard to continuing education courses for licensure renewal.

SUMMARY: The proposed rule amendments clarify criteria for continuing education credit.

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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.013(7),(8), 468.507 FS.

LAW IMPLEMENTED: 456.013(7),(8), 468.514, 468.515 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: Susan Love, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-45.001 General Requirements.

(1) As a condition of biennial licensure renewal all licensees shall complete a minimum of thirty ~~contact~~ hours of continuing education in dietetics and nutrition practice within the twenty-four (24) month period prior to the expiration date of the license, of which no more than ten (10) hours may be in management, risk management, personal growth, and educational techniques. Up to fifteen (15) hours of credit shall be accepted per biennium for approved home study courses. Those persons certified for licensure in the second half of the biennium are exempt from the continuing education requirements for that biennium. One ~~contact~~ hour of continuing education equals a minimum of fifty minutes of instruction.

(2) Home study education is independent study and requires a certificate of completion. Web based, satellite transmitted, video or audio transmitted or on line instruction programs that allow or require the licensee to interact or communicate back and forth with the instructor during the presentation of the program are not considered home study education, but can be counted as continuing education.

(2) through (6) renumbered (3) through (7) No change.

Specific Authority 456.013(7),(8), 468.507 FS. Law Implemented 456.013(7),(8), 468.514, 468.515 FS. History—New 12-5-90, Amended 1-1-92, 9-24-92, 5-6-93, Formerly 21M-51.001, Amended 9-28-93, Formerly 61F6-51.001, Amended 1-2-95, 11-12-95, Formerly 59R-45.001, Amended 9-26-01, 3-4-02, 3-24-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dietetics and Nutrition Practice Council

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 12, 2005

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Disciplinary Guidelines
 RULE NO.: 64B12-8.020

PURPOSE AND EFFECT: The Board proposes amending language within the disciplinary guidelines.

SUMMARY: The proposed rule amendments will clarify language in the disciplinary guidelines.

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: 456.072(2)(d), 456.079, 484.005 FS.

LAW IMPLEMENTED: 456.072, 456.079, 484.014 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-8.020 Disciplinary Guidelines.

(1) through (2) No change.

(3) When the Board finds an applicant or licensee whom it regulates under Chapter 484, F.S., has committed any of the acts set forth in Section 484.014, F.S., it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

VIOLATIONS	RECOMMENDED		
	First Offense	Second Offense	Third Offense
(a) through (e) No change.			
(f) No change.	(f) From reprimand to probation of the license, <u>and an administrative fine ranging from \$1000.00 to \$3000.00</u> , and if fraud is proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.	(f) From probation to suspension of the license, <u>and an administrative fine ranging from \$3000.00 to \$5000.00</u> , and if fraud is proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.	(f) From suspension to revocation of the license, <u>and an administrative fine ranging from \$5000.00 to \$10,000.00</u> , and if fraud is proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.
(g) Practicing with a revoked, suspended, inactive, <u>retired</u> , or delinquent license. (484.014(1)(g), F.S.)	(g) No change.	(g) No change.	(g) No change.
(h) through (t) No change.			

(4) When the Board finds an applicant or licensee whom it regulates under Chapter 484, F.S., has violated subsection 484.014(1)(g), F.S., by violating any of the following Board

rules, it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

VIOLATIONS	RECOMMENDED		
	First Offense	Second Offense	Third Offense
(a) through (d) No change.			
(e) Failure to have a licensed optician on the business premises at any time that opticianry is being practiced. Should the violator be an unlicensed person, the Board will request the Department will <u>enter a cease and desist order.</u>	(e) No change.	(e) No change.	(e) No change.
(f) through (i) No change.			

(j) Failure to <u>file the proper report upon termination of</u> properly terminate an apprenticeship as required by Rule 64B12-16.004, F.A.C. For each offense, depending upon aggravating and mitigating circumstances, the board may deny credit for hours of apprenticeship.	(j) No change.	(j) No change.	(j) No change.
(k) Failure to <u>file the proper report upon</u> properly notify the Department of termination of as a sponsorship as required by Rule 64B12- 16.004 16.006 , F.A.C. Depending upon aggravating and mitigating circumstances for each offense, the Board may require probation with the condition that the licensee not serve as a sponsor.	(k) No change.	(k) No change.	(k) No change.
(l) through (n) No change.			

(5) When the Board finds an applicant or licensee whom it regulates under Chapter 484, F.S., has violated subsection 456.063(3) or Section 456.072, F.S., by violating any of the

following provisions, it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

VIOLATIONS	RECOMMENDED PENALTIES		
	First Offense	Second Offense	Third Offense
(a) No change.			
(b) No change.	(b) From reprimand to suspension of the license, <u>and an administrative fine ranging from \$1,000.00 to \$5,000.00.</u> If and if fraudulent representations are proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.	(b) From probation to revocation of the license, <u>and an administrative fine ranging from \$3,000.00 to \$5,000.00,</u> and if fraudulent representations are proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.	(b) From suspension to revocation of license, <u>and an administrative fine ranging from \$5,000.00 to \$10,000.00,</u> and if fraudulent representations are proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.
(c) through (d) No change.			

(e) Failure to have a licensed optician on the business premises at any time that opticianry is being practiced. Should the violator be an unlicensed person, the Board will request the Department <u>will</u> to enter a cease and desist order.	(e) No change.	(e) No change.	(e) No change.
(f) No change.			
(g) No change.	(g) From reprimand to suspension of the license, <u>and an administrative fine ranging from \$1,000.00 to \$5,000.00.</u> If a and if fraudulent representation(s) is proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.	(g) From probation to suspension of the license, without the ability to reapply, <u>and an administrative fine ranging from \$3,000.00 to \$5,000.00,</u> and if fraudulent representation(s) is proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.	(g) From suspension to revocation of license, without the ability to reapply, <u>and an administrative fine ranging from \$5,000.00 to \$10,000.00,</u> and if fraudulent representation(s) is proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.
(h) through (l) No change.			
(m) <u>Termination from a treatment program for impaired practitioners, which is overseen by an impaired practitioner consultant as described in Section 456.076, F.S. Termination can be for failure to comply with the terms of the monitoring or treatment contract entered into by the licensed practitioner, failure to successfully complete any drug treatment or alcohol-treatment program, or termination from a monitoring or treatment contract without good cause. (456.072(1)(gg), F.S.)</u>	(m) <u>From reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u>	(m) <u>From probation to revocation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u>	(m) <u>From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00 or refusal to certify an application for licensure.</u>

(6) through (7) No change.

Specific Authority 456.072(2)(d), 456.079, 484.005 FS. Law Implemented 456.072, 456.079, 484.014 FS. History—New 3-5-87, Amended 3-30-89, 4-22-90, 12-23-90, 1-27-93, Formerly 21P-8.020, Amended 5-2-94, Formerly 61G13-8.020, 59U-8.020, Amended 12-3-01, 3-16-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Opticianry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Opticianry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 11, 2005
DATE NOTICED OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 20, 2006

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Standards for Continuing Professional Education
RULE NO.: 64B12-15.003

PURPOSE AND EFFECT: The Board proposes amending the rule to delete language regarding contact lens theory continuing education courses and add language regarding classroom disruptions by personal communication devices.

SUMMARY: The proposed rule amendment will amend continuing education standards.

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

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

SPECIFIC AUTHORITY: 456.013(7), 484.005, 484.008(3) FS.

LAW IMPLEMENTED: 456.013(6), (7), 484.008(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS, Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-15.003 Standards for Continuing Professional Education.

(1) through (2) No change.

(3) Continuing professional education courses must contribute to the advancement, extension or enhancement of professional skills and knowledge in the practice of opticianry or the management of a practice. For biennial renewal, twenty hours of continuing education shall be required as follows:

(a) through (c) No change.

~~(d) One (1) hour must be in contact lens theory and practice;~~

~~(d)(e) Effective August 1, 2002, a two (2) hours must relate continuing education course relating to the prevention of medical errors. The course must be approved by the Board and shall include a study of root-cause analysis, error reduction and prevention, and patient safety; and;~~

~~(e)(f) No change.~~

~~(f)(g) Two (2) hours shall be electives consisting of courses in one or more of the subjects of categories (a), (b), through (c), or (e) above or subjects relating to management of a practice from a business perspective including sales and~~

marketing, business and finance, personnel management, stress management, risk management, fire prevention or disaster planning, or for attending a board meeting as provided herein.

(4) Upon application, a continuing education program which meets the following minimum criteria shall be approved by the Board. The program provider must document and submit at least the following:

(a) through (c) No change.

(d) The name and a current detailed curriculum vitae of any instructor or lecturer reflecting ~~her or his~~ competency, qualifications, education, and experience in the subject matter;

(e) No change.

(f) A statement of the date, time and place of presentation of the ~~program(s) programs;~~

(g) For courses involving classroom instruction, a copy of rules designed to minimize classroom distractions ~~to which rules shall~~ include those against disruptive behavior not conducive to learning talking, and the use of personal communication devices cordless telephones or audible pagers;

(h) through (i) No change.

(5) No change.

(6) Upon completion of the program, the program provider must distribute and the participants must complete an evaluation form. The program provider must maintain the completed evaluation forms for at least 120 days from the date the program was offered. The program provider shall review and compile a summary of evaluation responses. The program provider shall retain the his summary of evaluation responses for at least three years, and submit to the Board upon the Board's request.

(7) No change.

Specific Authority 456.013(7), 484.005, 484.008(3) FS. Law Implemented 456.013(6),(7), 484.008(3) FS. History--New 10-12-80, Formerly 21P-15.03, Amended 3-5-87, 8-10-87, 10-29-87, 1-6-88, 6-11-92, Formerly 21P-15.003, Amended 4-17-94, Formerly 61G13-15.003, Amended 3-14-95, Formerly 59U-15.003, Amended 4-20-99, 12-31-00, 10-29-02, 4-23-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 11, 2005

DATE NOTICED OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 20, 2006

DEPARTMENT OF HEALTH

Board of Opticianry

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

PURPOSE AND EFFECT: The Board proposes amending the rule to add language to require Apprentice/Sponsor Orientation Course hours.

SUMMARY: The proposed rule amendment will add an Apprentice/Sponsor Orientation course to apprenticeship requirements.

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: 484.005 FS.

LAW IMPLEMENTED: 484.002, 484.007(1)(d)4. 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS, Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-16.003 Apprenticeship Requirements and Training Program.

(1) No change.

(2) An apprentice shall have no more than two sponsors at any given time. If an apprentice has two sponsors, one sponsor shall be the primary sponsor responsible for the secondary sponsor and the apprentice. The primary sponsor shall be responsible for the completion, filing, signature and verification of the Apprenticeship Sponsor Attestation Form (DH-MQA 1063, 1/02), which is hereby adopted and incorporated by reference, and is available from the Board office at Department of Health, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258. The secondary sponsor may work with the apprentice in a store or office other than the primary store or office as long as the apprentice works under the apprenticeship requirements and training program.

(3) A sponsor may provide training for no more than two apprentices at a time.

(4) through (5) No change.

(6) Total training received by an apprentice during apprenticeship must consist of training in the following subject areas:

(a) through (g) No change.

(h) Filling contact lens prescriptions, ~~and~~ fitting, ~~and~~ adapting and dispensing contact lenses if the sponsor is a Board-Certified optician, licensed optometrist,

ophthalmologist, or an optician pursuant to subsection 64B12-10.009(1), F.A.C., or the apprentice must complete a Board approved course equivalent to 32 hours as a substitute for working experience with contact lenses. Such course must include the following instruction:

- 1 hour – contact lens history
- 2 hours – anatomy and physiology of the eye
- 1 hour – patient selection
- 2 hours – contact lens technology
- 2 hours – basic optics for contact lenses
- 4 hours – basic fitting methods
- 1 hour – patient follow-up
- 1 hour – data collection and record keeping
- 2 hours – ordering and verification
- 2 hours – patient instruction
- 2 hours – problem solving
- 2 hours – specialty fittings
- 1 hour – ANSI Standards
- 1 hour – Florida laws and rules
- 8 hours – hands on practice

Although the lecture sessions may be open to any number of students, the hands on sessions shall be limited to 20 students per qualified instructor and three assistant instructors. A qualified instructor is one who has been a Board Certified optician, licensed optometrist or ophthalmologist and actively engaged in contact lens fitting for 2 years immediately preceding instructorship or actively engaged as a contact lens instructor in an approved school of opticianry, an accredited school of optometry or an accredited medical school. The assistants must be Board certified or equally qualified to the instructor. Any request for course approval must be submitted to the Board 30 days prior to the next Board meeting and must be reviewed every two years. The apprentice must complete the entire course within 31 days.

(i) No change.

Specific Authority 484.005 FS. FS. Law Implemented 484.002, 484.007(1)(d)4. FS. History–New 10-12-80, Amended 8-31-83, 8-30-84, Formerly 21P-16.03, Amended 3-5-87, 7-15-87, 1-26-88, 3-30-89, 10-17-90, 5-27-92, 9-30-92, 1-27-93, Formerly 21P-16.003, Amended 9-14-93, 5-2-94, Formerly 61G13-16.003, Amended 2-21-96, 4- 23-97, Formerly 59U-16.003, Amended 10-1-97, 2-16-99, 6-25-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Opticianry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 11, 2005

DATE NOTICED OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 20, 2006

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE TITLES:	RULE NOS.:
Special Assessment Fee	64B14-2.013
Retired Status Fee	64B14-2.014

PURPOSE AND EFFECT: In Rule 64B14-2.013, F.A.C., the Board proposes to eliminate a cash deficit. In Rule 64B14-2.014, F.A.C., the Board proposes to implement the 2005 amendments to Section 456.036(4), F.S.

SUMMARY: The proposed rule amendment in Rule 64B14-2.013, F.A.C., eliminates a cash deficit. The proposed rule amendment in Rule 64B14-2.014, F.A.C., implements the 2005 amendments to Section 456.036(4), 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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.025(5), 456.036, 468.802 FS.

LAW IMPLEMENTED: 456.025(5), 456.036 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULES IS:

64B14-2.013 Special Assessment Fee.

In an effort to eliminate the current cash deficit of the Board of Orthotists and Prosthetists, each active status licensee and each inactive status licensee shall pay a special one time assessment fee of \$300.000 to the Department. The fee must be paid to and received by the Department no later than December 31, 2006.

Specific Authority 456.025(5), 468.802 FS. Law Implemented 456.025(5) FS. History—New _____.

64B14-2.014 Retired Status Fee.

The fee for placing a license into retired status shall be \$50.00.

Specific Authority 456.036 FS. Law Implemented 456.036 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Orthotists and Prosthetists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 18, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 20, 2006

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Reef Fish

RULE TITLE:	RULE NO.:
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Commercial Harvest Requirements;

Licenses, Season Closures,

Bag and Trip Limits	68B-14.0045
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PURPOSE AND EFFECT: On December 29, 2005, the National Marine Fisheries Service published a final rule establishing a new trip limit for the commercial shallow-water grouper (black grouper, gag, red grouper, yellow-fin grouper, scamp, yellowmouth grouper, rock hind, and red hind) and deep-water grouper (misty grouper, snowy grouper, yellowedge grouper, warsaw grouper, and speckled hind) fisheries in the federal exclusive economic zone (EEZ) of the Gulf of Mexico adjacent to Florida. The final rule also replaced the stepped down trip limit system that had been implemented earlier in 2005. The purpose of this rule amendment pursuant to the expedited provisions of Section 120.54(6), Florida Statutes, is to conform state rules governing harvest of groupers in Florida waters of the Gulf of Mexico to these new federal trip limits. The effect of the rule amendment will be to assure enforcement of both state and federal rules and protect the health and abundance of Gulf grouper stocks.

SUMMARY: Paragraph (3)(b) of Rule 68B-14.0045, F.A.C., is modified to set commercial vessel trip limits for grouper harvest in state waters at 6,000 pounds, to conform with a recent amendment to the federal reef fish regulations. The federal regulations set quotas for deep water and shallow water groupers and prohibit harvest of any species within each grouping whenever the quota is met. Florida rules do not distinguish between deep and shallow water species, but will have the same effect by prohibiting harvest of any species for which harvest is prohibited in the federal zone.

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), FLORIDA STATUTES.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

SUBSTANTIALLY AFFECTED PERSONS MAY, WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-14.0045 Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits.

- (1) through (2) No change.
- (3) Bag and Trip Limits.
 - (a) No change.
 - (b) Grouper.

1. Nassau grouper and goliath grouper. No person harvesting for commercial purposes shall harvest in or from state waters, nor possess while in or on the waters of the state, or land, any Nassau grouper, or goliath grouper. The purchase, sale, or exchange of any Nassau grouper or goliath grouper is prohibited.

2. Speckled hind and Warsaw grouper. No person shall harvest in or from state waters any speckled hind or Warsaw grouper for commercial purposes and the purchase, sale, or exchange of such fish is prohibited.

3. Vessels harvesting commercially in the state waters of the Gulf of Mexico as specified in subparagraph 68B-14.0045(1)(a)2., F.A.C., are subject to a grouper vessel trip limit. Groupers are all species listed in paragraph 68B-14.001(2)(b), F.A.C., except bank sea bass and black sea bass. The grouper vessel trip limit shall be 6,000 ~~10,000~~ pounds from January 1 until such time as the state waters are closed to harvest of any species pursuant to paragraph 68B-14.0045(2)(b), F.A.C., at which time the grouper vessel trip limit for that species is reduced to zero ~~National Marine Fisheries Service reduces the vessel trip limit in adjacent federal (EEZ) waters to 7,500 pounds or 5,500 pounds, in which case the Director of the Division of Marine Fisheries Management shall order a consistent reduction in the vessel trip limit in state waters of the Gulf of Mexico.~~ The grouper vessel limit shall be restored to 6,000 ~~10,000~~ pounds on January 1 of the following year.

- (c) through (d) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 2-1-90, Amended 12-31-92, 10-18-93, 3-1-94, 6-15-95, 1-1-96, 11-27-96, 12-31-98, 3-1-99, Formerly 46-14.0045, Amended 1-1-00, 3-6-00, 1-1-01, 3-1-01, 6-1-01, 1-1-03, 7-15-04, 5-20-05, 9-16-05, _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
The Florida Fire Prevention Code	69A-60
RULE TITLE:	RULE NO.:
Non-Binding Interpretations of the Florida	
Fire Prevention Code	69A-60.011

PURPOSE AND EFFECT: To adopt a rule providing for informal non-binding interpretations of the Florida Fire Prevention Code, as directed by Section 633.026, Florida Statutes.

SUMMARY: Provides procedures for informal non-binding interpretations of the Florida Fire Prevention Code.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Regulatory Costs was prepared.

Any person who wishes to provide information regarding the statement of 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: 633.01, 633.026 FS.

LAW IMPLEMENTED: 633.026 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 A HEARING IS NOT REQUESTED, NO HEARING WILL BE HELD):

TIME AND DATE: 9:00 a.m., March 16, 2006

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Goodloe, Chief, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)413-3173, Fax (850)414-6119, e-mail: jim.goodloe@fldfs.com

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, Florida Statutes, any person requiring special accommodations to participate in this program, please advise the Department at least 48 hours before the program by contacting: Millicent King, (850)413-3173.

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-60.011 Non-Binding Interpretations of the Florida Fire Prevention Code.

(1) Definitions. For purposes of this rule section:

(a) "Code" means the Florida Fire Prevention Code.

(b) "State Fire Marshal" means the Chief Financial Officer of the State of Florida acting as State Fire Marshal, or the Division of State Fire Marshal, as the context requires.

(c) "Organization" means the entity with which the State Fire Marshal enters into a contract to provide administrative services in support of informal, non-binding interpretations as described in Section 633.026, F.S.

(d) "Fire Code Interpretations Committee," or "FCIC," means the committee established to provide informal interpretations of the Florida Fire Prevention Code.

(2) Procedures. The following procedures apply to the organization and to the FCIC.

(a) The FCIC shall consist of seven members, with one firesafety inspector and one alternate firesafety inspector certified in accordance with Section 633.081(2), F.S., representing each of the seven emergency management regions of the State which are described as follows:

1. Emergency Management Region 1 Counties: Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Jackson, Washington, Bay, Gulf, Calhoun;

2. Emergency Management Region 2 Counties: Gadsden, Liberty, Leon, Franklin, Wakulla, Taylor, Jefferson, Madison, Lafayette, Hamilton, Suwannee, Columbia, Dixie;

3. Emergency Management Region 3 Counties: Nassau, Duval, Clay, St. Johns, Flagler, Putnam, Bradford, Union, Baker, Levy, Alachua, Gilchrist;

4. Emergency Management Region 4 Counties: Citrus, Hernando, Pasco, Pinellas, Hillsborough, Polk, Manatee;

5. Emergency Management Region 5 Counties: Marion, Sumter, Lake, Orange, Seminole, Osceola, Brevard, Volusia;

6. Emergency Management Region 6 Counties: Hardee, Sarasota, Desoto, Charlotte, Glades, Highland, Okeechobee, Hendry, Lee, Collier;

7. Emergency Management Region 7 Counties: Monroe, Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian River.

(b) At least annually, the organization shall provide to the Division a list of all certified firesafety inspectors that are currently serving on the FCIC in rendering interpretations, including proof of at least five-years' experience in performing firesafety inspections as a certified firesafety inspector.

(c) Each person to serve on the FCIC must have on file with the Division Form DFS-K3-1673, rev. 01/06, which is hereby adopted and incorporated herein, and which may be obtained by writing to the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, or by visiting the State Fire Marshal's website located at <http://www.fldfs.com/SFM/index.htm>.

(d) The name of each person to serve on the FCIC must be on file with the Division at least 30 days before that person is permitted to voice an opinion or cast a vote as a member of the FCIC on a request for a non-binding interpretation.

(e) Requests for non-binding interpretations of the Code shall be made as directed at the Division of State Fire Marshal website and shall include the following.

1. Each request shall cite the specific code and the section referenced in the question.

2. The question shall be asked in a format that can be answered with a Yes or a No response.

3. The question shall only be in reference to one section of the code.

4. Any additional question shall be made as a separate request.

(f) The organization through its designated representative or representatives shall review each request for an informal interpretation.

1. If the request for informal interpretation does not qualify for consideration by the FCIC, the organization shall so advise the requestor, giving the reason or reasons why it does not qualify for consideration, and shall take no further action.

2. If the request for informal interpretation is proper, the organization shall assign it to the FCIC.

3. If the FCIC deems it appropriate or necessary, it is permitted to initiate a review process which solicits comments for development of a response.

(g) The FCIC is not permitted to consider any comment unless the comment includes the name, employer if any, and contact information of the submitter. Anonymous comments shall not be presented to or considered by the FCIC.

(h) The FCIC shall prepare a response that is the result of a vote of at least a majority of the persons on the FCIC.

(i) Each person on the FCIC reviewing a request must be identified in the response.

(j) A copy of all documentation received or produced in conjunction with any informal interpretation shall be retained in accordance with the contract between the State Fire Marshal and the organization.

(k) Each informal interpretation rendered may be supported by a meeting in-person, or by telephone, teleconference, video conference, or such other means that the organization deems appropriate. The organization may permit interactive communication among the FCIC, the requesting party, the authority having jurisdiction and any other person or entity deemed appropriate.

(l)1. The seven FCIC members shall submit their response to the organization within ten (10) calendar days. The organization upon receipt of a response from a simple majority of the FCIC members, shall forward the response without comment or amendment to the requestor via electronic mail (email), if available and, if not available, by facsimile transmission or regular mail within 14 calendar days of receipt of the question.

2. If a response will not or cannot for any reason be sent to the requestor within 14 calendar days of receipt, the requestor shall be so notified by email, if available and, if not available, by facsimile transmission or regular mail. Such response shall be provided thereafter as soon as reasonably practicable, but not later than 30 days after submission of the request.

3. Each response shall also be sent via email to the Division of State Fire Marshal at the email address in the contract.

(m) Each response shall be posted on the organization's website.

(n) Each response is the opinion of the FCIC rendering the same or a majority of the members of such FCIC, and not the State Fire Marshal nor the organization, and shall create no legal right on the part of any person nor any legal duty on the

part of the FCIC, the organization, any individual, the State Fire Marshal, the State of Florida, nor any other person or entity.

(3)(a) No person is permitted to serve on the FCIC considering any matter involving such person's own jurisdiction if he or she is the firesafety inspector for that jurisdiction whose duties by statute, rule, ordinance, or code require or permit him or her to inspect any building or structure which is the subject of the request to the FCIC, or if that person has provided input on the matter for the building or structure that is the subject of the request.

(b) Each person serving on the FCIC shall serve at the pleasure of the State Fire Marshal or the organization and no person has any recourse against the State Fire Marshal or the organization for removal from the FCIC except as otherwise provided by federal or state law.

Specific Authority 633.01, 633.026 FS. Law Implemented 633.026 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Randall A. Napoli, Director, Division of State Fire Marshal, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 2, 2005

DEPARTMENT OF FINANCIAL SERVICES

Division of Agent and Agency Services

RULE TITLES:	RULE NOS.:
Pre-qualification and Licensure of Emergency Adjusters	69B-220.001
Conduct of Public Adjusters	69B-220.051
Ethical Requirements	69B-220.201

PURPOSE AND EFFECT: The purpose of the proposed rule development is to eliminate the licensing of emergency public adjusters, to make the licensing process for emergency company and independent adjusters faster and more economical by utilization of the Department's website and to change Office of Insurance Regulation to Department of Financial Services to reflect legislation that changed jurisdiction over adjusters. The purpose of a new rule that applies to public adjusters after the Governor issues an executive order that a state of emergency exists is to protect consumers who hire public adjusters after disasters. The purpose of other changes is to clarify the rules.

SUMMARY: Rule 69B-220.001, F.A.C., is amended to repeal rules that provide for the licensing of emergency public adjusters and to require that adjuster license applications be

submitted electronically through the Department's website instead of by submission of paper applications. All three rules are amended to change Office of Insurance Regulation to Department of Financial Services to reflect legislation adopted in 2004 that made the same changes in the statutes that regulate adjusters. Rule 69B-220.201, F.A.C., is amended to provide new ethical requirements for public adjusters to follow after a disaster creates a state of emergency.

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

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

SPECIFIC AUTHORITY: 624.308(1), 626.878, 626.9611 FS. LAW IMPLEMENTED: 624.307(1), 626.112(1), 626.611, 626.621, 626.865(2), 626.8732, 626.8734, 626.874, 626.878, 626.9541(1)(b),(i) FS.

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

TIME AND DATE: 1:30 p.m. – 4:30 p.m., March 17, 2006
PLACE: Room 142, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

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: Serica Johnson, (850)413-4241.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Hazel Muhammad, Chief, Bureau of Licensing, Department of Financial Services, 200 E. Gaines Street, Room 412, Larson Building, Tallahassee, FL 32399-0319, (850)413-5460

THE FULL TEXT OF THE PROPOSED RULES IS:

69B-220.001 Pre-Qualification and Licensure of Emergency Adjusters.

(1) Purpose. This rule sets forth department office policy and procedure for licensure of emergency company adjusters and emergency independent adjusters under Section 626.874, Florida Statutes.

(2) No change.

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

(a) Department means the Department of Financial Services "~~Office~~" ~~means the Office of Insurance Regulation.~~

(b) "Licensed adjuster" and similar terms, refer to and include only persons ~~actually~~ currently licensed in good standing by the department office as a ~~public adjuster~~, company adjuster; or independent adjuster, whether the

licensure be permanent resident licensure, permanent nonresident licensure or emergency licensure pursuant to this rule, and whether limited licensure or unlimited licensure. The terms do not include persons licensed as public adjusters by the department or persons licensed as any type of an adjuster or public adjuster by states other than the State of Florida.

(c) "Emergency" and "Catastrophe." These two terms as used in Section 626.874, Florida Statutes are synonymous, and no separate treatment is afforded catastrophe over emergency adjusters.

(d) "Emergency adjuster" when used in this rule without further specification, includes emergency company adjusters and emergency independent adjusters, and emergency public adjusters.

~~(e) "Public adjuster" when used in this rule without further specification, includes both permanent resident licensed public adjusters and emergency public adjusters.~~

~~(e)(f) "Unlicensed persons" as used in this rule means and refers to persons who are not actually currently licensed in good standing by the department office as an adjuster, whether the licensure be permanent resident licensure, or emergency licensure pursuant to this rule.~~

(4) General Provisions Applicable to All Emergency Adjusters.

(a) Declaration of Emergency; Determination that Emergency Exists.

1. The ~~department office~~ does not issue proclamations or other formal declarations of emergency. Instead, any person believing that an emergency exists and desiring licensure under Section 626.874, Florida Statutes, shall apply or cause application to be made to the ~~department office~~ for such licensure.

2. For purposes of Section 626.874, Florida Statutes, an emergency exists when, due to a specific, infrequent, and sudden natural or manmade disaster or phenomenon, there have arisen losses to property in Florida that are covered by insurance, and the losses are so numerous and severe that resolution of claims related to such covered property losses will not occur expeditiously without the licensing of emergency adjusters due to the magnitude of the catastrophic damage.

3. A failure of claims to be resolved expeditiously shall exist upon an insurer's filing with the ~~department Office~~ a written statement that one of the following conditions exists:

a. The insurer expects to incur at least 500 claims as a result of the event; or

b. The magnitude of the event is expected to generate twice the mean number of claims for one month for the affected area.

~~(b)4.~~ Requests for emergency adjuster licensure as an independent adjuster must be accompanied by a statement from an insurer, an independent adjusting firm, a licensed

independent resident adjuster, or a licensed general lines agent certifying that the applicant is qualified to act as an adjuster the same statement from an insurer who requires such services.

~~5. If the Office determines that an emergency exists, public adjusters seeking emergency licensure shall upon request be granted licensure pursuant to the provisions of this rule.~~

(5) Procedures for Licensing and Appointment of Emergency Adjusters; Responsibilities of Appointing Entity.

(a) All Florida-licensed insurers, independent adjusting firms, independent adjusters, and general lines agents, shall use the following procedures to utilize emergency company or independent adjusters. The entities or persons listed in the preceding sentence may immediately and without advance paperwork to this department, engage and cause commencement of catastrophe adjusting work for themselves, by any persons, whether on their staff, or hired by them, or engaged by them as independent contractors or as employees of a contractor engaged by them, although the person is not currently licensed as an adjuster in Florida, if the Florida-licensed insurer, independent adjusting firm, independent adjuster or general lines agent utilizing these persons as emergency or catastrophe adjusters determine that these persons are qualified to do such adjusting work. A person is not qualified to adjust claims, for any entity or person who utilizes computer software program(s) in the adjusting process, unless the person has received training in and is capable of correctly utilizing the program(s). Within 3 calendar days after adjusting work has begun, the appropriate official must submit an online application to the department. Applications shall be submitted on the Department's website at www.fldfs.com. Applicable fees shall be submitted by electronic payment at the time of submission of an application.

1. The insurance company representative, independent adjusting firm, independent adjuster or general lines agent who submits the online application certifies that the applicant is qualified, thereby appoints the applicant to represent that company, independent adjusting firm, independent adjuster or general lines agent; and once the license is issued, the appointing person or entity is bound by the acts of the applicant as in the case of any regular licensed (non-Temporary or non-Catastrophic) adjuster licensed pursuant to Chapter 626, Florida Statutes, appointed by that company, independent adjusting firm, independent adjuster or general lines agent. This responsibility continues until the appointing entity, appointing person or licensee notifies the department through the online appointment system or the licensee notifies the department through the online application process that the appointing entity, appointing person or licensee desires to terminate the appointment.

2. The insurance company, independent adjusting firm, independent adjuster or general lines agent who certifies to the department that the applicant is qualified, is responsible for

assuring, by due diligence inquiry, that the applicant is in fact qualified to adjust claims, has received training in and is capable of correctly utilizing any computer software program(s) utilized by the appointing entity or person to adjust claims and is of good and honest character.

(e) There is an affirmative duty on the insurance company, independent adjusting firm, independent adjuster or general lines agent who certifies to the department that the applicant is qualified, to provide continuing and significant supervision of the applicant after licensure.

(b) Licenses Valid for 180 Days.

1. Emergency adjuster licenses are valid for 180 days from the date of issuance of the emergency license, unless a shorter period of time is specified in the license as issued. Because emergency licensure is an extraordinary deviation from regular licensing procedures, it is department office policy to specify, as the duration of emergency licensure, the shortest possible time in each particular emergency.

(6) Procedures for Extension of an Emergency Adjuster License.

2. The department office shall grant an extension of emergency licensure if the conditions set forth in subparagraph (4)(a)2. of this rule still exist. Each extension will last for a period of up to an additional 180 days.

(a) To apply for an extension of licensure as an emergency company or independent adjuster, the entity requesting a license extension shall submit an application for the extension on the department's website at www.fldfs.com licensee shall execute Form OIR-396E, "Application for Extension of License and Appointment as an Emergency Adjuster," rev. 10/95, which is hereby adopted and incorporated by reference, and shall submit to the office the applicable fee, as specified in Form OIR-396E, for each extension. Applicable fees shall be submitted by electronic payment at the time of submission of an application for the extension.

b. To apply for an extension of licensure as an emergency public adjuster the licensee shall execute Form OIR AAS 1E, "Application for Extension of License and Appointment as an Emergency Public Adjuster," rev. 10/95, which is hereby adopted and incorporated by reference, and shall submit the fee specified in Form OIR AAS 1E, for each extension.

e. These forms may be obtained at the Bureau of Licensing, 200 East Gaines Street, Tallahassee, Florida 32399-0319.

(b) Only the licensure type and class that which the licensee holds at the time of application for extension may be extended.

(c) No change.

(d) No change.

(e) Natural Persons Only. The department office issues emergency adjuster licenses only to natural persons.

(f) Address and Website for the Department For Office. Unless a different address is specified herein, any notice or other item to be provided to the department office, shall be addressed as follows: Bureau of Agent/Adjuster Licensing, Department of Financial Services Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0319. If the communication is from or on behalf of a licensee, it shall not be deemed effectively received unless it shows the licensee's full name, license number, address, and phone number. The department's website address is www.fldfs.com.

(g) Administrative and Civil Jurisdiction. By obtaining a license applying for pre-qualification determination or licensure as an emergency adjuster the licensee applicant agrees that:

1. The licensee applicant is subject to all the disciplinary provisions and penalties of the Florida Insurance Code and the administrative procedures set forth in the Florida Statutes for the routine processing of such charges;

2. The licensee is subject to the jurisdiction of the courts of Florida concerning civil liability for all acts in any way related to the licensee's activities under licensure in Florida;

3. Jurisdiction for acts committed prior to licensure or while licensed continues after the emergency licensure expires or is terminated;

4. If after the licensure expires or is terminated, the department office has reason to believe there was a violation of any provision of the Florida Insurance Code or these rules by the former licensee while licensed, the department office is not precluded from filing administrative action against the former licensee, and from serving the charges by certified mail to the licensee, or by publication of notice of action in the legal notices section of a newspaper of general circulation in or near the city or county of permanent residence or place of business as shown on the licensee's application for emergency licensure if certified mail service is unsuccessful;

5. The licensee or former licensee will respond to and defend the charges in Florida, or be defaulted;

6. The licensee or former licensee will not assert lack of jurisdiction; and

7. The licensee or former licensee believes that the preceding provisions satisfy minimum due process requirements of all state and federal constitutions.

(h) By the act of obtaining licensure as an emergency adjuster, a nonresident licensee irrevocably designates the Chief Financial Officer as the licensee's agent for service of all process in any way related to the licensee's activities as an emergency adjuster. Civil Jurisdiction; Service of Process. By the act of applying for pre-qualification determination or licensure as emergency public adjuster, the applicant irrevocably:

1. Agrees and submits to the jurisdiction of the courts of Florida concerning civil liability for all acts in any way related to the licensee's activities under licensure in Florida;

2. Designates the Chief Financial Officer as the applicant's agent for service of all process in any way related to the applicant's activities licensed as an emergency public adjuster; and

3. Agrees that these provisions shall survive the expiration or termination of pre-qualification or licensure.

~~(5) Emergency Company and Independent Adjusters. The provisions of this subsection apply only to emergency company and emergency independent adjusters, and not to licensure of emergency public adjusters.~~

~~(a) All Florida licensed insurers, independent adjusters, and general lines agents, shall use the following procedures to utilize emergency company or independent adjusters. The entities or persons listed in the preceding sentence may immediately and without advance paperwork to this department, engage and cause commencement of catastrophe adjusting work for themselves, by any persons, whether on their staff, or hired by them, or engaged by them as independent contractors or as employees of a contractor engaged by them, which persons they determine to be qualified to do such adjusting work, and even though the person is not currently licensed as an adjuster in Florida. Within 30 calendar days after adjusting work has begun, the appropriate entity official must execute and submit office Form OIR 396, "Application for License and Appointment as a Catastrophe or Emergency Adjuster," rev. 7/94, which is hereby adopted and incorporated by reference, and shall attach a check for applicable fee per applicant, as specified in Form OIR 396, payable to the Office of Insurance Regulation. Form OIR 396 is available at all office consumer service offices or from the office headquarters. The application and check shall be submitted to: Bureau of Licensing, P. O. Box 6000, Tallahassee, FL 32314 6000, or by overnight courier to: Bureau of Licensing, 200 East Gaines Street, Tallahassee, FL 32399 0319. One check may be used to pay the fees for multiple applications submitted together.~~

~~(b) Within 3 days of when an emergency adjuster begins work, the insurance company, independent adjuster, or general lines agent that is using the emergency adjuster must fax to the Bureau of Licensing the name of the emergency adjuster and his/her social security number. The fax must be on the letterhead of the insurance company, general lines agent, or independent adjuster/firm, and shall include the name and phone number of the contact person regarding emergency adjuster licensing. Contact should be made with the office for the appropriate fax numbers.~~

~~(c) The insurance company representative, general lines agent, or independent adjuster who signs Form OIR 396 to certify that the applicant is qualified (referred to herein as the "certifier"), thereby appoints the applicant to represent that~~

~~company, agent, or independent adjuster; and once the license is issued, the certifier is bound by the acts of the applicant as in the case of any regular licensed (non-Temporary or non-Catastrophe) adjuster licensed pursuant to Chapter 626, Florida Statutes, appointed by that company, agent, or independent adjuster. Such responsibility continues until such time as said certifier shall notify the office in writing that the certifier desires to terminate the certification, at which time the emergency license is cancelled automatically, until such time as the applicant can obtain another certifier.~~

~~(d) The insurer, general lines agent, or independent adjuster who certifies to the office that the applicant is qualified, is responsible for assuring, by due diligence inquiry, that the applicant is in fact qualified to adjust claims and is of good and honest character.~~

~~(e) There is an affirmative duty on the insurance company, general lines agent, or independent adjuster, to provide continuing and significant supervision to the applicant after licensure.~~

~~(f) Nonresident Company Adjusters. Persons employed by insurers and licensed by the office as non-resident company adjusters may temporarily come into Florida and work out of Florida offices as emergency adjusters for their employing insurance company without further licensure from the office, for 180 days or such shorter time as the office may by emergency rule specify as the maximum duration of emergency licensure for that particular emergency, and will not be deemed to have a Florida office such as would disqualify them from holding non-resident licensure or be held violative of their non-resident license status; provided, their employing insurance company shall before allowing such persons to adjust emergency losses while physically in Florida, provide the office with a listing of the names and adjuster license numbers of all such persons, and shall obtain from the office written acknowledgment that an emergency exists, specifying the emergency.~~

~~(g) Application for Emergency Adjuster Licensure as a Company or Independent Adjuster. Application for licensure as an Emergency Adjuster shall be made on Form OIR 396, "Application for Licensure and Appointment as Emergency Adjuster," rev. 10/95, which is hereby adopted and incorporated by reference.~~

~~(6) Emergency Public Adjusters: General Provisions. This subsection pertains only to licensure of emergency public adjusters:~~

~~(a) Advance Approval Required:~~

~~1. No person may commence work as an emergency public adjuster until notified in writing by the office that the office:~~

~~a. Has received an application and made an affirmative pre-qualification determination and issued a letter so indicating, or~~

b. Has been approved for licensure if no pre-qualification determination was requested in advance.

2. If the pre qualification method is used, the subject of the pre qualification must request licensure pursuant to paragraph (7)(b) of this rule in order to commence work.

(b) ~~Background Checking; Grounds for Denial.~~ As to all applications for licensure as an emergency public adjuster, the office shall conduct such background inquiry as is necessary to determine the applicant's fitness and character. Adverse information noted in any area will be grounds for denial of application. The inquiry is limited to:

1. Inquiry of state or federal regulatory authorities in other states where the applicant has resided or done business;

2. Checking references provided;

3. Inquiry of criminal databases and law enforcement authorities; and

4. Checking for judgments and other adverse credit references.

(c) ~~Bond Required.~~ No person will be licensed as an emergency public adjuster unless the applicant has supplied to the office the \$5,000 bond required by Section 626.865(2), Florida Statutes. Applications for licensure will be received and preliminarily processed without the bond, but no licensure shall be issued until the bond is received in good and proper form.

(d) ~~Policy Regarding Licensing Threshold.~~ It is office policy and finding that a substantially higher threshold of certainty regarding fitness and character is appropriate and required for licensure as an emergency public adjuster, as compared to licensure as an emergency company or independent adjuster. This is because if a company or independent adjuster proves dishonest or incompetent, there is generally a regulated insurance company that may be required to make good that adjuster's misconduct. However, regarding a public adjuster, there is no such safeguard for consumers.

(e) ~~Records To Be Kept.~~

1. All emergency public adjusters shall at all times while licensed and for 30 days thereafter maintain in Florida an office and keep their records or copies of all records relating to all Florida losses being adjusted or previously adjusted under said emergency licensure. All emergency public adjusters licensed under this rule shall designate their Florida office location to the office within 72 hours after becoming licensed, and shall notify the office in writing within 24 hours of any change in said office location. Failure to designate such an office or to timely update the office as to its location is grounds for immediate termination of licensure. The address of this office shall appear on all contracts, literature, etc., used by the public adjuster. This office shall be open and staffed at least six hours of every day, between the hours of 8 a.m. and 5 p.m., Monday through Friday, public holidays excluded.

2. The records and offices of all emergency public adjusters shall be subject to inspection by the office without notice at any time.

(f) ~~Advertising.~~ All emergency public adjusters are strictly prohibited from advertising. Advertising means promotions, statements of availability, qualifications, and other similar statements, appearing on or in television, radio, newspapers, or magazines; and flyers, brochures, adhesive stickers affixed to any structure showing the adjusters name, address, phone number, and other similar information. Emergency public adjusters shall not use the services of any person or firm, who advertises for the emergency public adjuster, or who is directly or indirectly compensated for referring potential clients to the emergency public adjuster. The following do not constitute prohibited advertising:

1. The emergency public adjuster personally handing to any claimant or potential claimant brochures or other descriptive materials as to the public adjusting function, the public adjuster's qualifications, fees, and other similar information.

2. Solicitation (as defined herein) of work, by the emergency public adjuster in person, wherein the solicitation is made to the loss claimant, and subject to other limitations in this rule concerning solicitation; provided, limited emergency public adjusters may not solicit work on any premises which are not clearly commercial premises.

(g) ~~Advising Claimants and Others.~~ The advising of insureds, claimants, potential claimants, or other persons as to the role, value, or usefulness of public adjusters is deemed to be a material part of the business of public adjusting, and therefore requires licensure as a public adjuster under the laws of Florida and this rule, and may be engaged in only by persons licensed by the office as permanent or emergency public adjusters. Unlicensed persons may not engage in such activity even under the supervision of a licensed public adjuster.

(h) ~~Certain Contracts Unenforceable.~~ It is office policy that contracts engaging the services of a public adjuster, entered into in violation of any provisions of this rule or any emergency rule, shall be declared unenforceable on the part of any public adjuster, as violative of public policy.

(i) ~~Photo ID Required.~~ No emergency public adjuster, once approved for licensure by the office, shall be licensed or commence work, until obtaining from the office a photo identification card, paying in connection therewith the applicable fee as specified in Forms OIR AAS-1 and OIR AAS-3.

(7) ~~Emergency Public Adjuster Applicants.~~

(a) To apply for licensure as an emergency public adjuster, the applicant shall execute Form OIR AAS-1, "Application for License and Appointment as an Emergency Public Adjuster," rev. 3/96 which is hereby adopted and incorporated by reference, and shall submit the fee specified in Form OIR AAS-1.

~~(b) To apply for pre-qualification determination for licensure as an emergency public adjuster, the applicant shall execute Form OIR-1199 "Application for Pre-qualification for Licensure as An Emergency Public Adjuster" Rev. 6/96 which is hereby adopted and incorporated by reference, and shall submit the fee specified in Form OIR-1199.~~

~~(c)1. Pre-qualification Determination is not required for licensure as an Emergency Public Adjuster. However, persons are urged to pre-qualify prior to a disaster in order to expedite the emergency licensure process.~~

~~2. Pre-qualification Determination requests will be considered between January 1 and April 30 of each year.~~

~~3. Any Pre-qualification Determination made will be valid for a period of two years.~~

~~(d)1. Persons may apply for pre-qualification determination or licensure as an emergency public adjuster if they are currently licensed as a public adjuster in their home state for the type or kinds of insurance for which they intend to adjust claims in this state.~~

~~2. Applicants must be in good standing in all states where so licensed.~~

~~3. Evidence of good standing must be in the form of a current original Letter of Certification from the applicable state insurance department(s). The letter shall not be older than 90 days when submitted in connection with the application for licensure or pre-qualification determination.~~

~~(e) The application form must be signed by three persons:~~

~~1. The person to receive emergency licensure;~~

~~2. A regularly licensed (non-Temporary, non-Catastrophic) public adjuster who will supervise the emergency public adjuster (the supervising public adjuster); and~~

~~3. One of the following persons (the certifying person):~~

~~a. An officer of a Florida-licensed or admitted insurance company; or~~

~~b. A Florida-licensed independent adjuster in good standing; or~~

~~c. A Florida-licensed resident general lines insurance agent in good standing.~~

~~(f) The application forms may be obtained at all office consumer service offices or from office headquarters in Tallahassee and must be sent, with a check for the applicable fee, as specified in Form OIR-AAS-1 or OIR-1199, to: Office of Insurance Regulation, P. O. Box 6000, Tallahassee, FL 32314-6000; or the applicant may contact the office for an address for use of overnight courier service.~~

~~(g) Supervising Public Adjuster. Licensees who are licensed under this subsection must be supervised by a regularly licensed (non-Temporary, non-Catastrophic) resident public adjuster in good standing while they are performing work under their emergency public adjuster licensure. The emergency licensure automatically terminates if the~~

~~supervising public adjuster ceases to supervise the emergency adjuster. The emergency adjuster will be deemed to be an appointee of the supervising public adjuster. The supervising public adjuster is under an affirmative duty to provide continuing, significant supervision to the emergency public adjuster whose application he/she signed. The supervising public adjuster may prospectively terminate this duty at any time by notifying the office by certified mail, return receipt requested, or by overnight courier, that he/she will no longer be supervising the emergency public adjuster as of a date specified in said letter. Such a notice is not effective until actually received by the office.~~

~~(8) Non-Resident Public and Independent Adjusters. Non-Resident Public and Independent Adjusters are required to annually execute Form OIR-1297, "Affidavit of Insurance For Non-Resident Public and Independent Adjusters", rev. 10/02 which is hereby adopted and incorporated by reference. A copy of Form OIR-1297 may be obtained from the State of Florida, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0319, phone (850)413-3137.~~

~~Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.8732, 626.8734 FS. History—New 2-25-93, Amended 8-18-94, 1-7-97, 10-20-97, 1-9-03, Formerly 4-220.001, Amended _____.~~

~~69B-220.051 Conduct of Public Adjusters.~~

~~(1) Purpose and Scope. This rule sets forth department Office policy as to certain matters generally affecting public adjusters. Procedures regarding application for licensure are not dealt with in this rule. Ethical provisions are not dealt with in this rule.~~

~~(2) Definitions. The following definitions shall apply for purposes of this rule.~~

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

~~(d) "Licensed public adjuster" and "public adjuster" refer to and include only persons actually currently licensed in good standing by the department Office as public adjusters, whether the licensure is resident licensure under Section 626.865, Florida Statutes, or nonresident licensure under Section 626.8732, Florida Statutes emergency licensure under Section 626.874, Florida Statutes, and whether the licensure is limited or unlimited. The phrase does not include persons licensed as public adjusters by other states but not by the State of Florida.~~

~~(e) "Resident public adjuster" and references thereto refers to a public adjuster not licensed on an emergency basis as contemplated by Section 626.874, Florida Statutes, and Rule 69B-220.001, F.A.C., and who is a bona fide resident of this state.~~

~~(e)(f) "Unlicensed persons," as used in this rule, means and refers to persons who are not actually currently licensed and appointed in good standing by the department Office as resident or nonresident emergency public adjusters.~~

~~(3) Communications Concerning Public Adjuster Services.~~

(a) Solicitation. The solicitation of public adjusting business for compensation is deemed to be a material part of the business of public adjusting and, therefore, requires licensure as a public adjuster under the laws of Florida and the rules of the department Office, and shall be engaged in only by persons licensed by the department Office as public adjusters. Unlicensed persons shall not engage in such activity even under the supervision of a licensed public adjuster. The phrase “solicitation of public adjusting business” and similar phrases as used in this rule means, for compensation, initiating contact with any person, whether in person, by mail, by telephone, or otherwise, and therein seeking, causing, urging, advising, or attempting:

1. To have any person enter into any agreement engaging the services of a public adjuster in any capacity; or

2. To have any person subsequently speak or meet with a licensed public adjuster for the purpose of engaging the services of a public adjuster in any capacity or for the purpose of being advised by a public adjuster in any regard.

(b) No change.

(4) Advertising.

(a) As with all forms of advertising concerning the business of insurance, public adjusters shall not falsely inform or advertise as set forth in Section 626.9541(1)(b), Florida Statutes, as well as any other section within the Insurance Code that which relates to advertising.

(b) Only Licensed Adjusters to Advertise. No person or entity shall in any way advertise services as a public adjuster in this state, unless such person or entity is licensed as a ~~resident~~ public adjuster or is a member of the Florida Bar.

(c) Advertisements to Show Licensee’s Full Name. Any advertisement by a ~~resident~~ public adjuster shall state the full name as specified in department Office records of the public adjuster who has caused the advertisement to appear. Where a firm containing multiple licensed public adjusters is causing the advertisement to appear, the firm shall designate one of said licensees whose full name as specified in department Office records shall appear in the advertisement.

1. Print and Website Advertisements. In print and website advertisements the public adjuster’s full name as specified in department Office records shall be in typeface no smaller than the typeface of the main body of text in the advertisement. Print advertisements include newspapers, magazines, flyers, brochures, business cards, adhesive and magnetic publication, and similar printed materials. If the material is already printed when this rule takes effect, the required public adjuster’s full name shall be added by means of rubber stamp, adhesive label, or other means.

2. Television Advertisements. In television advertisements the public adjuster’s full name as specified in department Office records shall be made to appear on the screen for a period reasonably calculated to allow a viewer to write the name down.

3. Radio Advertisements. In radio advertisements, the public adjuster’s full name as specified in department Office records shall be read during the advertisement, and at a speed reasonably calculated to allow an average listener to note the name of the licensee as it appears on his or her licensure.

(d) Responsibility of Advertising Licensee. The licensed adjuster whose name appears in the advertisement is responsible for personally reviewing the content of the advertisement and assuring that the advertisement complies with the rules of the department Office and the Insurance Code and is in all regards fair, accurate, and in no way deceptive or misleading.

(5) It is the affirmative duty of every ~~resident~~ public adjuster to supervise their business affairs and their staff to ensure to the extent it is within the public adjuster’s power that the Florida Insurance Code and Rule Chapter 69B-220, F.A.C., are ~~rule is~~ not violated.

(6) No change.

(7) All contracts for public adjuster services must be in writing. The contract must be signed by the public adjuster who solicited the contract. ~~If the public adjuster is licensed by the Department as an emergency public adjuster, the contract shall show the public adjuster’s permanent home address and home phone number, and permanent home state business address and phone number and Florida Department license number.~~

(8) No change.

Specific Authority 624.308(1), 626.9611 FS. Law Implemented 624.307(1), 626.112(1), 626.865(2), 626.874, 626.9541(1)(b),(i) FS. History-New 4-26-94, Amended 12-18-01, Formerly 4-220.051, Amended _____.

69B-220.201 Ethical Requirements.

(1) Definitions. The following definitions shall apply for purposes of this rule.

(a) through (b) No change.

(c) “Department” means the Florida Department of Financial Services ~~“Office” refers to the Florida Office of Insurance Regulation.~~

(d) No change.

(2) No change.

(3) Code of Ethics. The work of adjusting insurance claims engages the public trust. An adjuster shall put the duty for fair and honest treatment of the claimant above the adjuster’s own interests in every instance. The following are standards of conduct that define ethical behavior, and shall constitute a code of ethics that which shall be binding on all adjusters:

(a) through (h) No change.

(i) ~~+~~ An adjuster shall not negotiate or effect settlement directly or indirectly with any third-party claimant represented by an attorney, if the adjuster has knowledge of such representation, except with the consent of the attorney.

2- For purposes of this subsection, the term “third-party claimant” does not include the insured or the insured’s resident relatives.

(j)~~+~~ An adjuster is permitted to interview any witness, or prospective witness, without the consent of opposing counsel or party. In doing so, however, the adjuster shall scrupulously avoid any suggestion calculated to induce a witness to suppress or deviate from the truth, or in any degree affect the witness’s appearance or testimony during deposition or at the trial.

2- If any witness making or giving a signed or recorded statement so requests, the witness shall be given a copy of the statement.

(k) No change.

(l)~~+~~ An adjuster shall not attempt to negotiate with or obtain any statement from a claimant or witness at a time that the claimant or witness is, or would reasonably be expected to be, in shock or serious mental or emotional distress as a result of physical, mental, or emotional trauma associated with a loss.

2- The adjuster shall not conclude a settlement when the settlement would be disadvantageous to, or to the detriment of, a claimant who is in the traumatic or distressed state described above ~~in subparagraph (l)~~.

(m)~~+~~ An adjuster shall not knowingly fail to advise a claimant of the claimant’s claim rights in accordance with the terms and conditions of the contract and of the applicable laws of this state.

2- An adjuster shall exercise care not to engage in the unlicensed practice of law as prescribed by the Florida Bar.

(n)~~+~~ A company or independent adjuster shall not draft special releases called for by the unusual circumstances of any settlement or otherwise draft any form of release, unless advance written approval by the insurer can be demonstrated to the Department.

2- Except as provided above, a company or independent adjuster is permitted only to fill in the blanks in a release form approved by the insurer they represent.

(o) No change.

(p)~~+~~ No person shall, as a public adjuster, represent any person or entity whose claim the adjuster has previously adjusted while acting as an adjuster representing any insurer or independent adjusting firm.

2- No person shall, as a company or independent adjuster, represent him- or herself or any insurer or independent adjusting firm against any person or entity that the adjuster previously represented as a public adjuster.

(q)~~+~~ A public adjuster shall not represent or imply to any client or potential client that insurers, company adjusters, or independent adjusters routinely attempt to, or do in fact, deprive claimants of their full rights under an insurance policy.

2- No insurer, independent adjuster, or company adjuster shall represent or imply to any claimant that public adjusters are unscrupulous, or that engaging a public adjuster will delay or have other adverse effect upon the settlement of a claim.

(r)~~+~~ No public adjuster, while so licensed in the Department’s records, may represent or act as a company adjuster, independent adjuster, or general lines agent.

~~2- No independent adjuster or company adjuster, while so licensed in the Department’s records, may represent or act as a public adjuster.~~

(4) Public Adjusters, Other Ethical Constraints. In addition to considerations set out above for adjusters, the following ethical considerations are specific to public adjusters and shall be binding upon public adjusters:

(a) No change.

(b)~~+~~ The public adjuster shall notify the insured or claimant in advance of the name and location of any proposed contractor, architect, engineer, or similar professional, before any bid or proposal by any of these persons may be used by the public adjuster in estimating the loss or negotiating settlement.

2- The insured or claimant may exercise veto power of any of these persons, in which case that person shall not be used in estimating costs.

(c) through (e) No change.

(f)~~+~~ A public adjuster shall not accept referrals of business from any person with whom the public adjuster may conduct business where there is any form or manner of agreement to compensate the person, whether directly or indirectly, for referring business to the public adjuster.

2- Except as between licensed public adjusters, no public adjuster shall compensate any person, whether directly or indirectly, for the principal purpose of referring business to the public adjuster.

(g)~~+~~ A public adjuster’s contract with a client shall be revocable or cancelable by the insured or claimant, without penalty or obligation, for at least 3 business days after the contract is executed.

2- The public adjuster shall disclose to the insured that the insured has the right to cancel with prompt notice within the revocation period.

3- If the insured elects to cancel the contract, prompt notice shall be provided to the adjuster.

4- Nothing in the provision shall be construed to prevent an insured from pursuing any civil remedy after the 3-day cancellation period.

(h) through (i) No change.

(j) A public adjuster shall not restrict or prevent an insurer, company adjuster, independent adjuster, attorney, investigator, or other person acting on behalf of the insurer from having reasonable access at reasonable times to an insured or claimant or to the insured property that is the subject of a claim.

(5) Public Adjusters, Ethical Constraints During State of Emergency. In addition to considerations set forth above, the following ethical considerations shall apply to public adjusters in the event that the Governor of the State of Florida issues an Executive Order, by virtue of the authority vested in Article IV,

Section 1(a) of the Florida Constitution and by the Florida Emergency Management Act, as amended, and all other applicable laws, declaring that a state of emergency exists in the State of Florida:

(a) No public adjuster shall require, demand, charge or accept any fee, retainer, compensation, commission, deposit, or other thing of value, prior to settlement of a claim.

(b) As to any one insured or claimant, no public adjuster shall charge, agree to, or accept as compensation or reimbursement any payment, commission, fee, or other thing of value equal to more than ten percent of the amount of any insurance settlement or proceeds.

(c) No public adjuster shall enter into any contract, agreement or other arrangement with any person, including an attorney, building contractor, architect, appraiser or repairman, by which the person would enter into an agreement to assist a claimant or insured on an insurance claim, utilize the services of the adjuster to carry out the agreement and pay the adjuster an amount that would exceed the limitation of the adjuster's compensation or reimbursement as provided in paragraph (b) above.

(d) This subsection applies to all claims that arise out of the events that created the State of Emergency, whether or not the adjusting contract was entered into while the State of Emergency was in effect and whether or not a claim is settled while the State of Emergency is in effect.

Specific Authority 624.308, 626.878, 626.9611 FS. Law Implemented 624.307(1), 626.611, 626.621, 626.865(2), 626.878, 626.9541(1)(i) FS. History—New 6-2-93, Amended 12-18-01, 3-27-05, Formerly 4-220.201, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Philip M. Fountain, Assistant Director, Division of Agent & Agency Services, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mary Alice Palmer, Director, Division of Agent and Agency Services, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2005

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLE: Informal Conferences RULE NO.: 69N-121.066

PURPOSE, EFFECT AND SUMMARY: To conform the rule to the new organization of the Office of Insurance Regulation and to make the rule come into accord with the implemented statute, Section 624.319, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 20.05, 120.53, 624.308 FS.

LAW IMPLEMENTED: 120.53, 624.307(1), 624.319, 624.324 FS.

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

TIME AND DATE: 9:30 a.m., March 16, 2006

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bob Prentiss, Assistant General Counsel, Office of Insurance Regulation, e-mail: bob.prentiss@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69N-121.066 Informal Conferences.

(1) Informal Conferences Authorized. The Office head or a hearing officer designated by the Office may order an informal conference prior to a formal or informal proceeding.

(2) Procedures for Conferences Held Pursuant to Section 624.319(1), F.S.

(a) Every insurer will receive a draft of a report of examination made pursuant to Section 624.319, F.S. (draft report) ~~resulting from an examination under Section 624.316, F.S.~~ The insurer may review the draft report for a period of up to 30 days as determined from the date of the report's receipt by the insurer. If the insurer desires modifications to the draft report, the insurer shall request an informal conference, as permitted by Section 624.319(1), F.S., by writing to the Office no later than 30 days from the date of the report's receipt by the insurer as shown on the return receipt requested card returned to the Office by the U.S. Postal Service. Requests for an informal conference must be directed as appropriate to, Director, Life and Health Financial Oversight, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0327; Director, Property and Casualty Financial Oversight, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0329, Director, Market Investigations, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, FL 32399-4210, or Director,

Specialty Product Administration, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0331; Bureau Chief, (Name of appropriate solvency bureau), Office of Insurance Regulation, Larson Building, 200 East Gaines Street, Tallahassee, Florida. The zip code for the Life and Health bureau is 32399-0327; the zip code for the Property and Casualty bureau is 32399-0329. Requests may be made by facsimile transmission.

(b) Although Section 624.319, F.S., uses the word "hearing" to refer to this meeting, the "hearing" is conducted pursuant to Section 624.324, F.S., and is not within the scope of Chapter 120, F.S. Instead it is an informal conference at which the insurer has an opportunity to resolve disputed provisions of the draft examination report prior to the Office filing the report as a public document. The Office has found that the following procedures are helpful in reaching an informed resolution in a fair and efficient manner. Therefore, an insurer requesting the informal conference shall comply with the requirements of this subsection.

1. The request for an informal conference must contain a specific listing for each point in the draft report for which the insurer requests a modification. The listing for each point must state all of the facts and provide documentation to which support the position of the insurer relative to a modification of the report.

2. Due to the varied nature of requests for modifications to a draft report, the informal conference does not have any specific agenda. During the informal conference the insurer may present any information or evidence relative to the facts which it believes will support its position that modification should be made to the draft report.

~~(c) If the information and documentation presented at the informal conference so warrants, the Office may perform additional field work. After reviewing the information and documentation presented at the informal conference, the Office will either: provide a new draft report to the company in accordance with the conditions of subsection (2) of Section 624.319, F.S.; perform additional field examination work; or notify the company that it intends to file the report as presented in the draft form.~~

~~(d) After reviewing the information and documentation presented at the informal conference, and the results of additional field work, if performed, the Office will:~~

~~1. File the report as a finalized report and make it a public document as presented in the draft form; or~~

~~2. Change the draft report based upon the information and documentation presented at the informal conference, and additional field work, if any, and file the report as a finalized report as so changed and make it a public document.~~

~~(e)(d) In the absence of a timely request, the Office shall file the draft report as a finalized report and make it a public document.~~

~~(e) If disputed points are not settled in the conference, and the Office notifies the company that it intends to file the report and make it a public document as presented in the draft form, the insurer may request a formal hearing to resolve the disputed issues, as provided for under Chapter 120, F.S., and in accordance with the Notice of Rights which are a part of the Office's notification.~~

Specific Authority 20.05(5), 120.53, 624.308 FS. Law Implemented 120.53, 120.54, 120.56, 120.57, 120.58, 624.307(1), 624.319, 624.324 FS. History—New 1-1-75, Formerly 4-38.37, Amended 2-5-87, Formerly 4-38.037, Amended 12-19-94, Formerly 4-121.066, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bob Prentiss, Assistant General Counsel, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Steven H. Parton, General Counsel, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 16, 2005

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

RULE NO.: 1-2.0021
RULE TITLE: Use of the Seal of the State of Florida

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. 31, No. 44, November 4, issue of the Florida Administrative Weekly.

1-2.0021 Use of the Seal of the State of Florida.

(1) No person, without express written authorization from the Department, shall manufacture, use, display or otherwise employ a facsimile or reproduction of the Great Seal of the State of Florida (Great Seal or Seal), except as provided in this rule.

(2) Any person desiring to obtain approval from the Department for the manufacture or use of a ~~the~~ facsimile or reproduction of the Great Seal shall make application on the form prescribed by the Department. The form, Application for Manufacture or Use of the Great Seal of the State of Florida, Form DS-19, effective 2/06 ~~5/96~~, is incorporated by reference herein and is available from the Office of the Secretary.

(3) Department approval for use of the Great Seal is for a term of 4 years, unless otherwise stated by the Department, and can be renewed upon the completion and approval of a new application.

~~(4)(3)~~ Applications and supporting documents shall be filed with the Office of the General Counsel, Department of State, R. A. Gray Building, 500 South Bronough Street ~~LL-10, The Capitol~~, Tallahassee, Florida 32399-0250. For manufactured items, a separate application for each unique item to be manufactured shall be required.

(5) Definitions. The following words shall have the following meanings for the purposes of this rule:

(a) "Political or campaign purposes" shall include all uses related to a past, present, or future political campaign;

(b) "Official government stationery" means stationery intended for use by a state governmental agency when specific written approval for use of the Great Seal has been granted by the head of that agency;

(c) "Official government business cards" means business cards in use by a current state governmental agency when specific written approval for use of the Great Seal has been granted by the head of that agency;

(d) "State governmental agency" includes entities defined by subsections 120.52(1) and (2), F.S., but not including subparagraph 120.52(1)(b)8., F.S., and authorized staff members of those entities;

(e) "Local governmental agency" includes any local governmental agency, including counties, municipalities, special districts or other separate units of local government created or established by law, and authorized staff members of such entities;

(f) "Official government publications" are publications published by or on behalf of the State of Florida;

(g) "Publications serving a governmental purpose" are those publications not published by the State of Florida, which the Department of State, within its discretion, determines are of significant interest to the state, including but not limited to educational publications, where use of the Great Seal would not mislead the public to believe that the publication carries official State sanction or approval.

~~(6)(4)~~ Standards for Approval. A non-transferable letter of authority ~~shall, which is not transferable, may~~ be issued to the applicant if the applicant affirmatively demonstrates to the Department that the Great Seal will be used for a proper purpose. In order to determine what constitutes a proper purpose, the Department shall consider, at a minimum, the following:

- (a) The specific item to be manufactured;
- (b) The manner in which the Great Seal is to be displayed on the item to be manufactured;
- (c) The nature of the proposed use, including manner, purpose and place of use;
- (d) Whether the public would tend to be misled by the appearance of the Great Seal on the product to believe that the product carries official State sanction or approval;

(e) Whether the use of the Great Seal would tend to mislead the public into believing that a person, meeting, project or event carries official State sanction or approval;

(f) Whether the dignity of the Great Seal will be preserved if approval is granted;

(g) Whether the requested use of the Great Seal will promote a stated governmental goal.

~~(7)(5)~~ In no event shall approval be given for the use of the Great Seal for the following:

- (a) Political or campaign purposes;
- (b) Stationery other than official government stationery;
- (c) Decorative automobile license tags;
- (d) Business cards other than official government business cards;

(e) Designation of landmarks not listed in the National Registry of Historical Places or designated as a historical site under a local ordinance;

(f) T-shirts, jackets, or other clothing which might lead the public to believe that the person wearing such apparel is an official of the state, not including official state government uniforms or apparel approved by the head of the state governmental agency;

(g) Publications other than official state government agency publications or publications serving a governmental purpose; or

(h) Advertising and news releases.

~~(8)(6)~~ A letter of authority issued pursuant to this rule shall not become a vested property right in the grantee and approval may be revoked at the discretion of the Department any time prior to the expiration of the authorized term. The Department shall revoke any approval issued ~~by it~~ if the use no longer promotes a stated governmental goal ~~it~~. Approval shall also be revoked where the Department ~~it~~ finds that the holder or his/her agent submitted false or inaccurate information in the application or has violated state law, Department rules, regulations or conditions of approval relating to the use of the Great Seal.

~~(9)(7)~~ State and Local Government Agencies. Subject to the requirements of subsection 1-2.0021~~(6)(4)~~, F.A.C., state and local governmental agencies as defined in paragraphs 1-2.0021(4)(d) and (e), F.A.C., the following governmental entities and authorized staff members may use and display the Great Seal in connection with official business without application to the Department, ~~members of the Legislature; members of the Judiciary; and any governmental agency, including state, county, municipal, district or other separate unit of government created or established by law~~ when specific written approval for use of the Great Seal has been granted by the agency's head of the governmental entity.

Specific Authority 15.03 FS. Law Implemented 15.03 FS. History—New 10-2-79, Amended 6-22-83, Formerly 1-2.021, Amended 5-6-96, _____.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-5.150
 RULE TITLE: Public Use Forms
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in accordance with subparagraph 120.54(3)(d)1., F.S., to the proposed amendments to Rule 12B-5.150, F.A.C., Public Use Forms, published in Vol. 32, No. 2, pp. 90-115, January 13, 2005, issue of the Florida Administrative Weekly.

The Department has withdrawn the proposed amendments to subsection (18) to incorporate, by reference, changes to Form DR-248R. The subsequent subsections have been renumbered.

The Department is no longer using Forms DR-309641, DR-309642, DR-309643, and DR-309644 for the following reasons:

- Form DR-309641 (Gasoline/Gasohol Local Option Schedule by County) is now included within Form DR-309631, Terminal Supplier Fuel Tax Return, Form DR-309632, Wholesaler/Importer Fuel Tax Return, and Form DR-309635, Blender/Retailer of Alternative Fuel Tax Return;
- Form DR-309642 (Schedule 12, Ultimate Vendor Credits) is now included within Form DR-309631, Terminal Supplier Fuel Tax Return, and Form DR-309632, Wholesaler/Importer Fuel Tax Return;
- Form DR-309643 (Mass Transit and Local Government User Schedule of Receipts) is now included within Form DR-309633, Mass Transit System Provider Fuel Tax Return; and
- Form DR-309644 (Local Government User Schedule of Disbursements) is now included within Form DR-309634, Local Government User of Diesel Fuel Tax Return.

The Department now identifies the annual Schedule of the Refundable Portion of Local Option and SCETS Tax as Form DR-309645. This schedule was previously provided to taxpayers with Form DR-138 (Application for Fuel Tax Refund-Agricultural, Aquacultural, and Commercial Fishing Purposes) and with Form DR-160 (Application for Fuel Tax Refund-Mass Transit System Users). A change to proposed Rule 12B-5.150, F.A.C., is necessary to incorporate, by reference, Form DR-309645.

To incorporate these changes to forms used by the Department, the following subsections of Rule 12B-5.150, F.A.C. (Public Use Forms), have been revised to incorporate, by reference, Form DR-309645, and to remove the incorporation, by reference, of Forms DR-309641, DR-309642, DR-309643, and DR-309644, as follows:

Form Number	Title	Effective Date
(38) DR-309645	2006 Refundable Portion of Local Option and SCETS Tax (R. 01/06)	_____
(42) DR-309641	Gasoline/Gasohol Local Option Schedule by County R. 9/96	11/96
(43) DR-309642	Ultimate Vendor Credits R. 7/96	11/96
(44) DR-309643	Mass Transit and Local Government User Schedule of Receipts N. 7/96	11/96
(45) DR-309644	Local Government User Schedule of Disbursements N. 7/96	11/96

**DEPARTMENT OF TRANSPORTATION
 Florida Seaport Transportation and Economic Development Council**

RULE NO.:	RULE TITLE:
14B-2	Small County Dredging Grant Program
RULE NOS.:	RULE TITLES:
14B-2.001	Definitions
14B-2.002	Port Project Funding Application Procedures and Requirements
14B-2.003	Measuring Economic Benefits
14B-2.004	Determination of Funding; Project Review Group/Agency Review
14B-2.005	Project Review Group Procedures
14B-2.006	Eligible Port Funding Requirements
14B-2.007	Reporting Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as notice in Vol. 31, No. 35, September 2, 2005, Florida Administrative Weekly has been withdrawn.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NOS.:	RULE TITLES:
61G17-6.003	General Survey, Map and Report Requirements
61G17-6.004	Specific Survey, Map and Report Requirements

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. 30, No. 52, of the December 23, 2004, issue of the Florida Administrative Weekly. The Board, at its meeting held on January 12, 2006, voted to make changes to the rules after conducting a rule hearing. The changes are as follows:

Rule 61G17-6.003, paragraph (3)(n) should read as follows: "The responsibility for all mapped features must be clearly stated on any map or report signed by a Florida licensed surveyor and mapper. When mapped features surveyed by the signing surveyor and mapper have been integrated with mapped features surveyed by others, then the map or report shall clearly state the individual primarily responsible for the map or report."

In Rule 61G17-6.003, sub-subparagraph (3)(p)1.a. shall be deleted and the language in sub-subparagraph 61G17-6.003(3)(p)1.b. shall be renumbered as sub-subparagraph (3)(p)1.a.

In Rule 61G17-6.003, sub-subparagraph (3)(p)2.a. shall be deleted and the language in sub-subparagraph 61G17-6.003(3)(p)2.b. shall be renumbered as sub-subparagraph (3)(p)2.a.

In Rule 61G17-6.003, sub-subparagraph (3)(p)2.b. shall be replaced with the language in sub-subparagraph 61G17-6.003(3)(p)2.c. and shall be renumbered as sub-subparagraph (3)(p)2.b.

In Rule 61G17-6.003, sub-subparagraph (3)(p)2.c. shall be replaced with the language in sub-subparagraph 61G17-6.003(3)(p)2.d. and shall be renumbered as sub-subparagraph (3)(p)2.c. and shall be reworded to read as follows: When statistical procedures are used to calculate survey accuracies, the minimum acceptable positional tolerance, based on the 95% confidence level, should meet the same equivalent relative distance standards as set forth in sub-subparagraph 61G17-6.003(3)(p)2.b., F.A.C.

In Rule 61G17-6.003, sub-subparagraph (3)(p)2.d. shall be replaced with the language in sub-subparagraph 61G17-6.003(3)(p)2.f. and shall be renumbered as sub-subparagraph (3)(p)2.d. and shall be reworded to read as follows: All maps or reports of surveys produced and delivered with digital coordinate files must contain a statement to the effect of: "This map is intended to be displayed at a scale of 1/___ or smaller."

Sub-subparagraph (2)(p)2.e. shall be deleted.

The language in paragraph 61G17-6.004(7)(b) is amended to read as follows: "Positional Accuracy: Feature accuracies shall be stated."

In paragraph 61G17-6.004(9)(b) the word "orthophoto" shall be replaced with "ortho-photo".

The language in paragraph 61G17-6.004(9)(c) is amended to read as follows: "Feature accuracies shall be stated."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Knap, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32362-0767

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.:	RULE TITLE:
64B8-8.002	Time for Payment of Civil Penalties or Administrative Fines; Time Frames for Completion of Requirements

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. 31, No. 45, of the November 10, 2005, issue of the Florida Administrative Weekly. The change is in response to comments received at a public hearing on the rule. The Rules Committee of the Board of Medicine held a public hearing on February 2, 2006. At its meeting on February 4, 2006, the Board voted to change the rule in response to the comments made at the public hearing. Paragraph (2)(f) shall be changed to read as follows:

(f) The application and all materials required for the Florida CARES or Board-approved equivalent evaluations must be submitted to Florida CARES or equivalent evaluations within six (6) months from the date the Order is filed and compliance with any and all recommendations of the evaluation shall be required to be completed and compliance demonstrated within eight (8) months following the evaluation. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-14.004
 RULE TITLE: Disciplinary Guidelines; Range of Aggravating and Mitigating Circumstances

NOTICE OF WITHDRAWAL

Notice is hereby given that the above-referenced proposed Rule, as noticed in Vol. 31, No. 42, of the Florida Administrative Weekly on October 11, 2005, has been withdrawn. The person to be contacted regarding the proposed Rule is: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.203
 RULE TITLE: Administrative Definitions

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule published in Vol. 31, No. 20, May 20, 2005, issue of the Florida Administrative Weekly in accordance with subparagraph 120.54(3)(d)1., F.S. The specific changes were made in response to comments received from the Joint Administrative Procedures Committee and based on claims in Clark vs. Department of Children and Family Services. The changes clarify minimum information needed to initiate the application process.

Specific changes in rule text are as follows:

(3) Application: A specific paper or electronic/web-based request on a designated media CF-ES Form ~~2337~~ ~~2066~~ ACCESS Florida Application, ~~Aug~~ ~~May~~ 05, incorporated by reference, ~~or Uniform Resource Locator (URL), www.myflorida.com/accessflorida,~~ which has been dated and signed by the applicant or authorized/designated representative that eligibility for public assistance be determined. An application must include at least the individual's name, address and signature to initiate the application process. Household members who are ineligible, or who are not applying for benefits, may be designated as non-applicants. A copy the form may be obtained without cost from the ESS office that serves your area or by written request to the Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Building 3, Room 450, Tallahassee, Florida 32399-0700, or by using the department's Internet site at www.myflorida.com/accessflorida.

(4) Date of Application: The date on which a signed, CF-ES ~~2337~~ ~~2066~~, or electronic/web-based application is received in the Department's Economic Self-Sufficiency offices. Applications may be submitted by hand delivery, regular mail, facsimile, or electronically. If a site receives an application electronically or by facsimile after normal business hours, the first business day following the receipt will be the application date.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.400
 RULE TITLE: Forms for Client Notice and Contact

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule published in Vol. 31, No. 20, May 20, 2005, issue of the Florida Administrative Weekly in accordance with subparagraph 120.54(3)(d)1., F.S. The specific changes were made in response to comments received from the Joint Administrative Procedures Committee and based on claims in Clark vs. Department of Children and Family Services. The changes are to clarify minimum information needed to initiate the application process and to correct form titles.

Specific changes in rule text are as follows:

The following forms are used for Public Assistance Programs to provide applicants and recipients with required notice of the agency's and client's rights and responsibilities and other necessary program information. The forms are hereby incorporated by reference.

(1) The application for assistance is a specific paper request on CF-ES Form 2337, ACCESS Florida Application, Aug 05, incorporated by reference, which has been dated and signed by the applicant or authorized/designated representative that eligibility for public assistance be determined. An application must include at least the individual's name, address and signature to initiate the application process. Household members who are ineligible, or who are not applying for benefits, may be designated as non-applicants.

~~(2)~~(1) Forms that apply to two or more public assistance programs are:

(a) through (b) No change.

(c) CF-ES Form 2337, Aug 05 ACCESS Florida Application or Uniform Resource Locator (URL); ~~www.myflorida.com/~~ ~~accessflorida~~

(d) through (p) No change.

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

(a) No change.

(b) CF-ES Form 1056, Feb 03 ~~Florida KidCare Program~~ Florida KidCare Program Notice of Case Action Application

(c) No change.

~~(d)~~ CF-ES Form 2040, Feb 03 Informed Consent Form

(d) through (m) renumbered (e) through (n) No change.

~~(n)~~ CF-ES Form 2935, Jan 04 Silver Saver (Application)

~~(5)~~(4) No change.

(a) No change.

(b) CF-ES Form 3400, Feb 06 ~~03~~ Florida Department of Children and Families Benefit Recovery Request for Additional Information

(c) CF-ES Form 3410, Feb 06 ~~Aug 01~~ Waiver of Administrative Disqualification Hearing

(d) CF-ES Form 3410A, Feb 06 ~~03~~ Waiver of Administrative Disqualification Hearing With No Program Loss

(e) No change.

~~(6)~~(5) No change.

(a) CF-ES Form 2082, Sep 05 ~~Feb 03~~ Hardship Extension Exemption Review

(b) No change.

(c) CF-ES Form 2097, May 05 ~~Aug 03~~ Communication and Work Activity Referral

(d) CF-ES Form 2299, Feb 03 Alcohol, Drug Abuse ~~Substance Abuse~~ and Mental Health (ADM ~~SAMH~~) Treatment Verification ~~Form~~

(e) through (f) No change.

The edition date on some forms is listed with a notation that the edition replaces a previous edition that may still be used. This notation is to indicate that the new edition of the form does not

implement a policy change and that supplies of the previous edition of a specific form may be exhausted prior to the use of the new edition.

~~(7)~~(2) Single copies of each form being incorporated by reference in this rule may be obtained without cost from the ESS office that serves your area or by written request to the Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Building 3, Room 450, Tallahassee, Florida 32399-0700, or by using the department's Internet site at ~~on My Florida.com~~ or its web-based application Uniform Resource Locator (URL) address, ~~www.myflorida.com/~~ ~~accessflorida~~.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER NO.: 68A-1
 RULE CHAPTER TITLE: General: Ownership, Short Title, Severability and Definitions

RULE NO.: 68A-1.004
 RULE TITLE: Definitions

NOTICE OF CHANGE

The Fish and Wildlife Conservation Commission announces a change to the above-referenced proposed rule amendment published in Vol. 31, No. 52, December 30, 2005, issue of the Florida Administrative Weekly.

As a result of the final public hearing on the rule held on February 1, 2006, in Gainesville, Florida. The proposed amendment to subsection (5) of the rule, a change to the definition of "all-terrain vehicle," is being withdrawn. The remainder of the proposed amendments to the rule were not changed.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER NO.: 68A-15
 RULE CHAPTER TITLE: Type I Wildlife Management Areas

RULE NO.: 68A-15.064
 RULE TITLE: Specific Regulations for Wildlife Management Areas – South Region

NOTICE OF CHANGE

The Fish and Wildlife Conservation Commission announces a change to the above-referenced proposed rule amendment published in Vol. 31, No. 52, December 30, 2005, issue of the Florida Administrative Weekly.

As a result of the final public hearing on the rule held on February 1, 2006, in Gainesville, Florida. The proposed amendment to subparagraph (1)(d)5. of the rule, relating to the use of vehicles in the J. W. Corbett Wildlife Management Area,

was changed to read as indicated below. The remainder of the proposed amendments to the paragraph and subsection and to the other subsections of the rule were not changed.

- (1) J. W. Corbett Wildlife Management Area.
- (d) General regulations:

5. ~~From 8 a.m. one day before the opening of archery season through the close of~~ During the archery season ~~and during spring turkey season,~~ vehicles may be operated only on named or numbered roads or trails. ~~During the spring turkey season, vehicles may be operated only on the Stumpers grade and on named or numbered roads or trails west of and including the North and South grades.~~

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER NO.: 68A-15
 RULE NO.: 68A-15.065
 RULE CHAPTER TITLE: Type I Wildlife Management Areas
 RULE TITLE: Specific Regulations for Wildlife Management Areas – Northeast Region

NOTICE OF CHANGE

The Fish and Wildlife Conservation Commission announces changes to the above-referenced proposed rule amendment published in Vol. 31, No. 52, December 30, 2005, issue of the Florida Administrative Weekly.

As a result of the final public hearing on the rule held on February 1, 2006, in Gainesville, Florida. The rule as proposed inadvertently omitted hunting date changes for two wildlife management areas, Richloam and Ross Prarie. The Commission agreed to include omitted subsections (4) and (25) in the rule, with date changes to read as indicated below. In all other respects, the proposed rule amendment, as advertised, was not changed.

- (4) Richloam Wildlife Management Area.
 - (a) Open season:
 - 1. General gun – November ~~11-12~~ through January ~~7-8~~.
 - 2. Spring turkey – March ~~17-18~~ through April ~~22-23~~.
 - 3. Archery – September ~~23-24~~ through October ~~22-23~~.
 - 4. Fishing and frogging – Throughout year except on fish hatchery.
 - 5. Trapping – January ~~8-9~~ through March 1.
 - (b) through (d) No change.
- (25) Ross Prairie Wildlife Management Area.
 - (a) Open season: Supervised small game – October ~~14-20-15-21~~, November ~~18-24-19-25~~, December ~~16-22-17-23~~ and January ~~13-19-14-20~~.
 - (b) through (d) No change.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-27.005
 RULE TITLE: Designation of Species of Special Concern; Prohibitions; Permit

NOTICE OF DEFERRAL OF PUBLIC HEARING

Notice is hereby given that the final public hearing for the above rule, as noticed in Vol. 31, No. 52 of the December 30, 2005 Florida Administrative Weekly has been rescheduled in order to conduct a special rulemaking workshop.

The final public hearing will be held during the Commission’s regular meeting, at the date, time, and place shown below:

TIME AND DATE: 8:30 a.m. – 5:00 p.m. each day, April 5-6, 2006

PLACE: Ramada Inn and Conference Center, 2900 North Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Florida Fish and Wildlife Conservation Commission

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

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: 690-125.005
 RULE TITLE: Use of Credit Reports and Credit Scores by Insurers

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. 31, No. 26, July 1, 2005, of the Florida Administrative Weekly. These changes are being made in response to concerns received by the Joint Administrative Procedures Committee.

Subparagraph 690-125.005(9)(g)2., F.A.C., is changed to read:

2. Alternatively, insurers may submit statistical studies and analyses that have been performed by educational institutions or independent professional associations that indicate that there is no disproportionate impact on any of the classes set forth in Section 626.9741(8)(c), F.S. attributable to the use of credit reports or scores. Any such studies or analyses shall have been done concerning the specific credit scoring model proposed by the insurer.

The remainder of the rule reads as previously published.

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF THE LOTTERY

RULE TITLE: Retailer FANTASY 5[®] Bonus Commission Program
 RULE NO.: 53ER06-5

SUMMARY OF THE RULE: The Florida Lottery will award a \$500 bonus commission to a retailer(s) each time the retailer(s) sells a winning top prize FANTASY 5 ticket.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER06-5 Retailer FANTASY[®] Bonus Commission Program.

(1) Effective February 6, 2006, the Florida Lottery will conduct, as a retailer sales incentive, a Retailer FANTASY 5 Bonus Commission Program ("Program") in which the Florida Lottery will award a \$500 bonus commission to each retailer that sells a winning top prize FANTASY 5 ticket. A retailer will receive a separate \$500 bonus commission for every winning top prize ticket sold by the retailer.

(2) Award of a top prize FANTASY 5 bonus commission is not dependent upon the winning top prize ticket being claimed by the winner.

(3) Retailers whose Florida Lottery contracts are terminated or inactivated prior to the bonus commission award shall be paid the bonus commission earned provided said termination or inactivation was not due to noncompliance with Chapter 24, F.S., Chapter 53, F.A.C., or contract terms.

(4) A bonus commission will be considered compensation to the retailer for Internal Revenue Service purposes. The Florida Lottery reserves the right to apply a bonus commission earned against a retailer's outstanding debt to the Florida Lottery, and to award the remaining balance of the bonus commission, if any.

(5) FANTASY 5 bonus commissions are subject to availability of funds appropriated for retailer incentives. This Program is subject to cancellation by future emergency rule if

retailer incentive funding is not appropriated or if the Florida Lottery determines that it is no longer in the state's best interest to use such funds for this purpose.

Specific Authority 24.105(9)(i), 24.109(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History--New 2-3-06.

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

EFFECTIVE DATE: February 3, 2006

DEPARTMENT OF THE LOTTERY

RULE TITLE: Retailer FLORIDA LOTTO[™] Bonus Commission Program
 RULE NO.: 53ER06-6

SUMMARY OF THE RULE: The Florida Lottery will award a bonus commission to the retailer(s) that sells one or more jackpot FLORIDA LOTTO tickets for a Wednesday or Saturday FLORIDA LOTTO drawing.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER06-6 Retailer FLORIDA LOTTO[™] Bonus Commission Program.

(1) Effective February 6, 2006, the Florida Lottery will conduct, as a retailer sales incentive, a Retailer FLORIDA LOTTO Bonus Commission Program ("Program") in which the Florida Lottery will award a bonus commission to the retailer(s) that sells a winning jackpot FLORIDA LOTTO ticket for a Wednesday or Saturday FLORIDA LOTTO drawing.

(2) The bonus commission will start at \$10,000. In the event no winning jackpot ticket is sold for a FLORIDA LOTTO drawing, the bonus commission amount will increase by \$5,000 per draw until a winning jackpot ticket is sold, at which time the bonus commission will start over at \$10,000.

(3) If multiple winning jackpot FLORIDA LOTTO tickets are sold for the same drawing, the retailer(s) selling such tickets will share the bonus commission. Each retailer selling one or more of the winning jackpot tickets will receive a share of the available bonus equal to the number of winning jackpot tickets sold by that particular retailer divided by the total number of winning jackpot tickets sold for that drawing.

(4) Award of a jackpot FLORIDA LOTTO bonus commission is not dependent upon the winning jackpot ticket being claimed by the winner.

(5) Retailers whose Florida Lottery contracts are terminated or inactivated prior to the bonus commission award shall be paid the bonus commission earned provided said termination or inactivation was not due to noncompliance with Chapter 24, F.S., Chapter 53, F.A.C., or contract terms.

(6) A bonus commission will be considered compensation to the retailer for Internal Revenue Service purposes. The Florida Lottery reserves the right to apply a bonus commission earned against a retailer's outstanding debt to the Florida Lottery, and to award the remaining balance of the bonus commission, if any.

(7) FLORIDA LOTTO bonus commissions are subject to availability of funds appropriated for retailer incentives. This Program is subject to cancellation by future emergency rule if retailer incentive funding is not appropriated or if the Florida Lottery determines that it is no longer in the state's best interest to use such funds for this purpose.

Specific Authority 24.105(9)(i), 24.109(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History—New 2-3-06, Replaces 53ER02-16, FAC.

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

EFFECTIVE DATE: February 3, 2006

DEPARTMENT OF THE LOTTERY

RULE TITLE: Retailer MEGA MONEY™ Bonus

RULE NO.: 53ER06-7

Commission Program
SUMMARY OF THE RULE: The Florida Lottery will award a bonus commission to the retailer(s) that sells one or more a winning jackpot MEGA MONEY ticket(s) for a Tuesday or Friday MEGA MONEY drawing.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER06-7 Retailer MEGA MONEY™ Bonus Commission Program.

(1) Effective February 6, 2006, the Florida Lottery will conduct, as a retailer sales incentive, a Retailer MEGA MONEY Bonus Commission Program ("Program") in which the Florida Lottery will award a bonus commission to the retailer(s) that sells a winning jackpot MEGA MONEY ticket for a Tuesday or Friday MEGA MONEY drawing.

(2) The bonus commission will start at \$1,000. In the event no winning jackpot ticket is sold for a MEGA MONEY drawing, the bonus commission amount will increase by \$1,000 per draw until a winning jackpot ticket is sold, at which time the bonus commission will start over at \$1,000.

(3) If multiple winning jackpot MEGA MONEY tickets are sold for the same drawing, the retailer(s) selling such tickets will share the bonus commission. Each retailer selling one or more of the winning jackpot tickets will receive a share of the available bonus equal to the number of winning jackpot tickets sold by that particular retailer divided by the total number of winning jackpot tickets sold for that drawing.

(4) Award of a jackpot MEGA MONEY bonus commission is not dependent upon the winning jackpot ticket being claimed by the winner.

(5) Retailers whose Florida Lottery contracts are terminated or inactivated prior to the bonus commission award shall be paid the bonus commission earned provided said termination or inactivation was not due to noncompliance with Chapter 24, F.S., Chapter 53, F.A.C., or contract terms.

(6) A bonus commission will be considered compensation to the retailer for Internal Revenue Service purposes. The Florida Lottery reserves the right to apply a bonus commission earned against a retailer's outstanding debt to the Florida Lottery, and to award the remaining balance of the bonus commission, if any.

(7) MEGA MONEY bonus commissions are subject to availability of funds appropriated for retailer incentives. This Program is subject to cancellation by future emergency rule if retailer incentive funding is not appropriated or if the Florida Lottery determines that it is no longer in the state's best interest to use such funds for this purpose.

Specific Authority 24.105(9)(i), 24.109(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History—New 2-3-06.

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

EFFECTIVE DATE: February 3, 2006

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 632, BANKROLL

RULE NO.: 53ER06-8

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 632, "BANKROLL," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:


53ER06-8 Instant Game Number 632, BANKROLL.

(1) Name of Game. Instant Game Number 632, "BANKROLL."

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

(3) BANKROLL lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning BANKROLL lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

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

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX
7 SEVEN	8 EIGHT	9 NINE	10 TEN	11 ELEVN	12 THELV
13 THRTN	14 FORTN	15 FIFTN	16 SIXTN	17 SVNTN	18 EGHTN
19 NINTN	20 THENTY	 WIN			

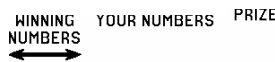
(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX
7 SEVEN	8 EIGHT	9 NINE	10 TEN	11 ELEVN	12 THELV
13 THRTN	14 FORTN	15 FIFTN	16 SIXTN	17 SVNTN	18 EGHTN
19 NINTN	20 THENTY				

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

TICKET	\$1.00	\$2.00	\$5.00	\$10.00	
TICKET	ONE	TWO	FIVE	TEN	
\$20.00	\$25.00	\$50.00	\$100	\$500	\$2,500
THENTY	THY FIVE	FIFTY	ONE HUN	FIVE HUN	THY FIV HUN

(7) The legends are as follows:



(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches either number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number.

(b) The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$500 and \$2,500. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$1.00 instant ticket, except as follows. A person who submits by mail a BANKROLL lottery ticket which entitles the claimant to a prize of a \$1.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.



(c) A ticket having a "WIN" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to a prize of \$25.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 632 are as follows:

GAME PLAY:	WIN:	ODDS OF	NUMBER OF
TICKET	\$1 TICKET	1 IN:	WINNERS IN
			56 POOLS OF
			180,000 TICKETS
			PER POOL:
\$1	\$1	10.00	1,008,000
\$1 x 2	\$2	30.00	336,000
\$1 x 5	\$5	75.00	134,400
\$5	\$5	150.00	67,200
\$2 x 5	\$10	150.00	67,200
\$10	\$10	150.00	67,200
\$25 (DOLLAR BILL)	\$25	300.00	33,600
\$10 x 5	\$50	3,600.00	2,800
\$50	\$50	3,600.00	2,800
\$20 x 5	\$100	90,000.00	112
\$100	\$100	90,000.00	112
\$100 x 5	\$500	180,000.00	56
\$500	\$500	180,000.00	56
\$2,500	\$2,500	720,000.00	14

(10) The estimated overall odds of winning some prize in Instant Game Number 632 are 1 in 3.70. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 631, CROWN JEWELS

RULE NO.: 53ER06-9

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 631, "CROWN JEWELS," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:


53ER06-9 Instant Game Number 631, CROWN JEWELS.

(1) Name of Game. Instant Game Number 631, "CROWN JEWELS."

(2) Price. CROWN JEWELS lottery tickets sell for \$5.00 per ticket.

(3) CROWN JEWELS lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning CROWN JEWELS lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

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

1	2	3	4	5	6
ONE	TWO	THREE	FOUR	FIVE	SIX
7	8	9	10	11	12
SEVEN	EIGHT	NINE	TEN	ELEVN	TWELV
13	14	15	16	17	18
THRTN	FORTN	FIFTN	SIXTN	SVNTN	EGHTN
19	20	21	22	23	24
NINTN	TWENTY	TWYONE	TWYTHO	TWYTHR	TWYFOR
25	26	27	28	29	
TWYFIV	TWYSIX	TWYSVN	TWYEGT	TWYNIN	WIN \$50

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

1	2	3	4	5	6
ONE	TWO	THREE	FOUR	FIVE	SIX
7	8	9	10	11	12
SEVEN	EIGHT	NINE	TEN	ELEVN	TWELV
13	14	15	16	17	18
THRTN	FORTN	FIFTN	SIXTN	SVNTN	EGHTN
19	20	21	22	23	24
NINTN	TWENTY	TWYONE	TWYTHO	TWYTHR	TWYFOR
25	26	27	28	29	
TWYFIV	TWYSIX	TWYSVN	TWYEGT	TWYNIN	

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

\$1.00	\$2.00	\$4.00	\$5.00	\$10.00
ONE	TWO	FOUR	FIVE	TEN
\$15.00	\$25.00	\$50.00	\$75.00	\$100
FIFTEEN	TWY FIV	FIFTY	SVY FIV	ONE HUN
\$200	\$500	\$1,000	\$10,000	\$100,000
TWO HUN	FIV HUN	ONE THO	TEN THO	ONE HUN THO

(7) The legends are as follows:

WINNING NUMBERS YOUR NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches any number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number.

(b) The prize amounts are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$15.00, \$25.00, \$50.00, \$75.00, \$100, \$200, \$500, \$1,000, \$10,000 and \$100,000.



(c) A ticket having a "WIN \$50" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to a prize of \$50.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 631 are as follows:

GAME PLAY:	WIN:	ESTIMATED ODDS OF	NUMBER OF WINNERS IN 120,000 TICKETS 34 POOLS OF PER POOL:
\$1 x 5	\$5	1 IN:	136,000
(\$1 x 3) + \$2	\$5	30.00	136,000
\$1 + (\$2 x 2)	\$5	30.00	136,000
\$5	\$5	30.00	136,000
\$1 x 10	\$10	30.00	136,000
\$2 + (\$4 x 2)	\$10	60.00	68,000
(\$1 x 4) + (\$2 x 3)	\$10	60.00	68,000
\$1 + (\$2 x 2) + \$5	\$10	120.00	34,000
\$10	\$10	120.00	34,000
\$1 x 15	\$15	60.00	68,000
\$15	\$15	60.00	68,000
\$5 x 5	\$25	300.00	13,600
(\$5 x 3) + \$10	\$25	400.00	10,200
\$5 + (\$10 x 2)	\$25	300.00	13,600
(\$2 x 5) + \$5 + \$10	\$25	300.00	13,600
(\$1 x 5) + (\$2 x 10)	\$25	400.00	10,200
\$25	\$25	600.00	6,800
\$50 (TREASURE CHEST)	\$50	100.00	40,800
\$5 x 15	\$75	20,000.00	204
\$5 + (\$10 x 7)	\$75	20,000.00	204
(\$5 x 5) + \$50	\$75	20,000.00	204
(\$10 x 5) + \$25	\$75	20,000.00	204
\$75	\$75	20,000.00	204
\$10 + (\$15 x 6)	\$100	1,200.00	3,400
(\$5 x 10) + (\$10 x 5)	\$100	1,200.00	3,400
\$25 x 4	\$100	1,200.00	3,400
(\$25 x 2) + \$50	\$100	1,200.00	3,400
\$100	\$100	1,200.00	3,400
\$50 x 10	\$500	136,000.00	30
(\$25 x 10) + (\$50 x 5)	\$500	136,000.00	30
\$500	\$500	136,000.00	30
\$100 x 10	\$1,000	272,000.00	15
\$200 x 5	\$1,000	340,000.00	12
(\$50 x 10) + (\$100 x 5)	\$1,000	340,000.00	12
\$500 x 2	\$1,000	340,000.00	12
\$1,000	\$1,000	408,000.00	10
\$1,000 x 10	\$10,000	1,020,000.00	4
(\$500 x 10) + (\$1,000 x 5)	\$10,000	1,360,000.00	3
\$10,000	\$10,000	1,360,000.00	3
\$100,000	\$100,000	2,040,000.00	2

(10) The estimated overall odds of winning some prize in Instant Game Number 631 are 1 in 3.56. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 631, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a CROWN JEWELS lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

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

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 4.105(9)(a),(b),(c), 24.115(1) FS. History—New 2-3-06.

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

EFFECTIVE DATE: February 3, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE: Tournaments
 RULE NO.: 61DER06-1 (61D-11.027)

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY, OR WELFARE: There exists an immediate danger to the public health, safety, and welfare due to the conduct of statutorily unauthorized poker tournaments that requires continued repeal of Rule 61D-11.027, Florida Administrative Code. The provisions of Rule 61D-11.027, Florida Administrative Code, that remained following a recent ruling of the First District Court of Appeal were in conflict with the bet and raise limitations found in Section 849.086(8)(b), Florida Statutes. As a result, the remaining rules are misleading in that persons regulated by those rules to believe that “no limit” game play was authorized. The term “no limit” in poker tournaments means there is no limit on the amount that can be wagered. As a result, Emergency Rule 61DER05-1, was enacted and the permanent rule repeal promulgation process was initiated. However, the permanent rule will not be effective by February 7, 2006 due to a pending rule challenge. Therefore, Emergency Rule 61DER05-1, will expire creating an immediate danger to the public health, safety, and welfare.

The existence of Rule 61D-11.027, Florida Administrative Code, which sets forth rules for tournament play, in and of itself suggests that tournaments may be conducted in a manner

different from other authorized games. Further, specific rules such as paragraphs 61D-11.027(1)(c) and (3)(a) and (b), Florida Administrative Code, standing alone would authorize “no limit” play by allowing a participant to bet all of his or her chips after fifteen games or an hour of play and by allowing tournaments to be played with chips or tokens with “no cash value” in clear contravention of Section 849.086(8)(b), Florida Statutes.

Immediate repeal of the Division’s remaining tournament rules is needed due to “Structured/No Limit” poker tournaments (Exhibit 1) that, prior to Emergency Rule 61DER05-1, were being conducted at pari-mutuel facilities in violation of Section 849.086(8)(b), Florida Statutes. Section 849.086(3), Florida Statutes, expressly requires cardrooms to be conducted in strict compliance with the statute. Further, Section 849.086(15)(a)2., Florida Statutes, makes a violation of Section 849.086, Florida Statutes, by a licensee or permiss holder a crime. The Department is also currently engaged in at least three legal proceedings relating to the operation of “all-in” poker tournaments (See, Washington County Kennel Club, Inc., Hartman-Tyner, Inc., Southwest Florida Enterprises, Inc., and St. Petersburg Kennel Club, Inc. vs. DBPR, DPMW, DOAH Case No. 06-0164RP; Hartman-Tyner, Inc., St. Petersburg Kennel Club, Inc., West Flagler Associates, Ltd., Southwest Florida Enterprises, Inc., Washington County Kennel Club, Inc., and Daytona Beach Kennel Club, Inc. vs. DBPR, DPMW, DCA Case No. 1D05-5430; and Bayard Raceways, Inc., a Florida Corporation vs. DBPR, DPMW, Case No. 2006-CA-249). As such, uniformity of law is extraordinarily important so as to be able to regulate the industry consistently without confusion. Therefore, the public health, safety, and welfare are clearly impacted by this form of legalized gambling.

The First District Court of Appeal recently affirmed a Final Order of the Division of Administrative Hearings that invalidated paragraphs 61D-11.027(1)(a),(b) and (e), (2)(a) and (b), Florida Administrative Code, which are part of the Division’s tournament rule section. Under the ruling of the Division of Administrative Hearings, tournaments are authorized because Section 849.086(2)(a), Florida Statutes, defines “authorized game” as a “game or series of games of poker.” As a form of poker directly authorized by the statute, tournaments must be played to comply with the wagering limitations found in Section 849.086(8)(b), Florida Statutes, which limits wagers in any game or series of games to a “maximum bet” that “may not exceed two dollars in value,” with no more than “three raises in any round of betting.” While the Division of Administrative Hearings ruled that cardrooms may set their own entry fees for tournaments, allow re-buys in tournaments and hold single table tournaments, any form of tournament poker that allows the value of any single wager to exceed two dollars conflicts with the wagering limitations found in Section 849.086(8)(b), Florida Statutes, which the Final Order found to be a “restrictive form of wagering.”

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: A rule repealing Rule 61D-11.027, Florida Administrative Code, has been filed but will not be in place by February 7, 2006 due to a challenge filed against the rule. Therefore, this Emergency Rule is necessary to prevent persons regulated by those rules from conducting "no limit" game play.

Legalized gambling, such as cardrooms authorized by Section 849.086, Florida Statutes, is an area of law that Florida courts have routinely held is subject to very strict regulation. See PPI, Inc., 698 So. 2d 306. In fact, the Florida Supreme Court, in Hialeah Race Course, Inc. vs. Gulfstream Park Racing Association, 37 So. 2d 692 (Fla. 1948), stated that, "[a]uthorized gambling is a matter over which the state may exercise greater control and exercise its police power in a more arbitrary manner because of the noxious qualities of the enterprise as distinguished from those enterprises not affected with a public interest and those enterprises over which the exercise of police power is not so essential for the public welfare." This very principle was echoed in Rodriguez vs. Jones, 64 So. 2d 278 (Fla. 1953).

Similarly, in Jordan Chapel Freewill Baptist Church vs. Dade County, 334 So. 2d 661 (Fla. 3d DCA 1976), the Third District Court held that legalized gambling falls into the same category as the regulation of drugs and liquor and, therefore, should be afforded the same strict regulation. In particular, the Third District held that "[g]ambling (or authorized gambling in the case of bingo) is an exceptional situation which has always been closely controlled in Florida for the protection of the public. Rodriguez vs. Jones, 64 So. 2d 278 (Fla. 1953)" Id. at 666.

Given the facts presented, this Emergency Rule is fair under the circumstances. There is an immediate and continuing need to make clear that tournaments must comply with the wagering limits of Section 849.086(8)(b), Florida Statutes. The remaining provisions of Rule 61D-11.027, Florida Administrative Code, are in clear conflict with the rationale contained in the Final Order, and therefore the repeal of those provisions must be continued.

Furthermore, Emergency Rule 61DER05-1, was challenged in Hartman-Tyner, Inc., St. Petersburg Kennel Club, Inc., West Flagler Associates, Ltd., Southwest Florida Enterprises, Inc., Washington County Kennel Club, Inc., and Daytona Beach Kennel Club, Inc. vs. DBPR, DPMW, DCA Case No. 1D05-5430, and an immediate stay of the Emergency Rule was requested. Although the challenge is still pending, the First District Court of Appeal denied the request for an immediate stay.

SUMMARY OF THE RULE: This emergency rule shall supersede the previously promulgated Emergency Rule 61DER05-1. The emergency rule repeals Rule 61D-11.027, Florida Administrative Code, which provides rules for the conduct of poker tournaments.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Joseph M. Helton, Jr., Chief Attorney, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

THE FULL TEXT OF THE EMERGENCY RULE IS:

61DER06-1 (61D-11.027) Tournaments.

~~(1) A series of games of poker may include tournament play. Tournaments may only be conducted at licensed pari-mutuel facilities and must comply with the following criteria:~~

~~(a) Cardroom operators must use for tournament play a game authorized for general cardroom play under Rule 61D-11.002, F.A.C. Any authorized game used for tournament play must be listed on the cardroom operator's approved license application, or on any subsequent applications/amendments that may be submitted for approval;~~

~~(b) No less than 9 players must be registered as participants at the start of play;~~

~~(c) Either a minimum of 15 hands per table per tournament, or a minimum of one hour's duration per tournament, must be played. After the minimum requirements have been satisfied, wagering shall conform to the established rules and guidelines of the cardroom operator;~~

~~(d) Tournaments must commence and conclude on the same calendar day; and~~

~~(e) Only one entry per player per tournament.~~

~~(2)(a) The tournament entry fee per participant shall be based upon a maximum of \$2 per bet and three raises per betting round. The entry fee shall not exceed the maximum potential value wagered by a single player in an individual game that is being used for tournament play.~~

~~(b) The cardroom operator is prohibited from allowing a participant to pay any fee to re-enter the same tournament. A participant's elimination from a tournament is final.~~

~~(c) There shall be a designated winner for each individual hand of tournament play. The play of progressive games is prohibited.~~

~~(3) Tournaments shall be played only with tournament chips that are visually distinct from those used in normal cardroom operations, and shall be provided to the participants in exchange for an entry fee.~~

~~(a) All players shall receive an equal number of tournament chips for their entry fee.~~

~~(b) Tournament chips shall have no cash value and shall represent tournament points only.~~

~~(c) Tournament chips shall not be redeemed for cash or for any other thing of value except that the point total represented by the players' accumulations of tournament chips shall be used to determine the tournament winners and/or final place in the tournament.~~

~~(4) Prizes may not exceed the aggregate entry fees paid by the participants.~~

~~(5) No table rake shall be made during tournament play.~~

~~(6) Gross receipts for a tournament shall mean the total amount received by the cardroom operator from all entry fees.~~

~~(7) Cash received for tournament entry fees must be kept separate and apart from all other cash received by the cardroom operator or management company until such time as it is counted. The cardroom operator shall report tournament activity on BPR Form 16-008. This form shall be filed with the division by the fifth day of each calendar month for the preceding calendar month's activity. BPR Form 16-008 is adopted and incorporated by Rule 61D-12.001, F.A.C.~~

~~(8)(a) The cardroom operator shall provide the tournament rules to the division, and shall furnish copies upon request to interested participants.~~

~~(b) The published tournament rules shall include, but are not limited to, information regarding the amount of the prizes using a stated percentage of gross receipts, whether the tournament's duration of play is based upon a fixed number of games or a stated time period, the use of blinds, and the wagering rules as authorized in paragraph (1)(c) above.~~

Specific Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History—New 5-9-04, Repealed 2-7-06.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE ARE SPECIFIED IN THE RULE.
EFFECTIVE DATE: February 7, 2006

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

WATER MANAGEMENT DISTRICTS

The St. Johns River Water Management District hereby gives notice that it received a petition for variance on February 3, 2006 from Lennar Homes, Inc. Pursuant to Section 120.542, Florida Statutes, Lennar Homes, Inc. is seeking a variance from subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005) (A.H.), with respect to Environmental Resource Permit (ERP) Application 4-009-101710-1. The permit applicant is proposing to construct a residential development project, to be known as Chaparral, in Brevard County. Subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3., A.H., prohibit the construction, operation, and maintenance of a surface water management system in the Upper St. Johns River Hydrologic Basin that results in an increase in the amount of water being diverted from the Basin to coastal receiving waters. These rules are intended to protect the water resources of the State by limiting discharges of fresh water to estuarine waters and curtailing interbasin diversion. Comments on this petition should be filed with Sandy Bertram, District Clerk, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, within 14 days of publication of this notice. The petition has been assigned F.O.R. Number 2006-20.

For a copy of the petition or additional information, contact Veronika Thiebach, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, or telephone (386)329-4488.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN that a Petition for Emergency Variance was received on February 6, 2006 from Cross City Rehabilitation & Health Care Center, 583 N. E. 351 Highway, Cross City, Florida, 32628. This petition involves applicable Rule 59G-6.010, F.A.C., which incorporates by reference the Florida Title XIX Payment Methodology for Nursing Home Services.

Information regarding this petition may be obtained by writing: Jim Guyton, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 21, Tallahassee, FL 32308.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on February 3, 2006, the Bureau of Elevator Safety received a Petition for Emergency Variance from Rule 2000.7a, ASME A18.1, 2000 edition, as adopted by Chapter 30, Florida Building Code, limiting travel to 12 feet. The petition was received from Scott C. Maloney of mbi | k2m Architecture, Inc. on behalf of Rum Barrel Restaurant (Petition VW 2006-021).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on January 19, 2006 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-4.0161(2)(c) and subsections 61C-4.0161(4),(5), Florida Administrative Codes from Florida Auto Auction of Orlando located in Ocoee. The above referenced F.A.C. addresses self-sufficient mobile food dispensing vehicles and their operation. They are requesting a temporary variance to operate a mobile unit(s) with direct connection to the City of Ocoee for water and sewage disposal until the permanent structure is constructed. This variance request was approved on February 3, 2006, and is for 7 months from the date the approved variance is date stamped by the Agency Clerk and is contingent upon the Petitioner using the City of Ocoee's sewer and water services that meet the standards provided in Chapters 64E-8, 62-550 and 62-555, Florida Administrative Code. Petitioner is required to meet all provisos and plan review deficiencies prior to licensing. The Petitioner shall follow all applicable Administrative Rules and Federal Food and Drug Administration Food Code references. Any violation of the variance is the equivalent of a violation of the rule and may result in a recession of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

The Board of Accountancy hereby gives notice that it has received a petition, filed on February 1, 2006, by Douglas C. Percz, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), Florida Administrative Code, to allow an extension of time in passing the four test sections of the CPA Examination.

Comments on this petition should be filed with the Board of Accountancy/MQA, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607, within 14 days of publication of this notice.

For a copy of the petition, contact John Johnson, Division Director, Board of Accountancy, at the above address or by telephone at (352)333-2505.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

The Board of Osteopathic Medicine hereby gives notice that it has received a Petition for Variance or Waiver filed on February 7, 2006 by Adam Jeffrey Getzels, D.O. Pursuant to Chapter 28-104, F.A.C. and Section 120.542, F.S., petitioner seeks a waiver of the provisions of Rule 64B15-13.001, F.A.C., (continuing education for biennial review). Specifically, the Petitioner requests that on the basis of substantial hardship and principles of fairness explained in the Petition the Board waive the requirements for continuing medical education 1-A credits and accept instead the petitioner's 1-B credits to fulfill the continuing medical educational requirements under Rule 64B15-13.001, F.A.C.

Copies of the petition may be obtained by writing Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Department of State, Division of Library and Information Services**, announces the Florida Library Network Council Meeting.

DATES AND TIMES: Monday, February 27, 2006, 8:30 a.m. – Tuesday, February 28, 2006, 12:00 Noon

PLACE: The Board Room, The Casa Monica Hotel, 95 Cordova Street, St. Augustine, FL 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Florida Electronic Library Plan, to review reports from various Council subcommittees, and to review the Plan's implementation status.

For additional information contact: Judith Ring, State Librarian, (850)245-6603 or Suncom 205-6603.

Any person requiring special accommodations due to a disability or physical impairment should contact the agency at least five days prior to the meeting in order to request any special assistance by calling (850)245-6603 or TDD (850)922-4085.

The **Department of State, Division of Cultural Affairs**, announces grant panel meetings, to which all persons are invited. These meetings are subject to cancellation or change, please call to confirm the meeting date and time.

DATE AND TIME: March 15, 2006, 9:00 a.m. – conclusion

PLACE: R.A. Gray Building, Room 307, 500 South Bronough Street, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2005-2006 Artist Enhancement Grants Program Grant Panel

For more information, please contact Morgan Barr, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399 or (850)245-6356.

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 proceedings in order to provide a record for judicial review. To request special aids or services, contact Division staff at least 72 hours prior to the above stated schedule at (850)245-6356 or Text Telephone 711.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services, Division of Forestry** announces a meeting of the Off-Highway Vehicle Recreation Advisory Committee which is open to all interested persons.

DATE AND TIME: Tuesday, February 28, 2006, 8:30 a.m. – 1:00 p.m. EST

PLACE: Department of Environmental Protection, Douglas Building, 3900 Commonwealth Boulevard, Conference Room A, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the Off-Highway Vehicle Recreation Advisory Committee.

A copy of the agenda may be obtained by contacting: John Waldron, 3125 Conner Boulevard, #C25, Tallahassee, FL 32399-1650, (850)414-9852.

DEPARTMENT OF EDUCATION

The State of Florida, **Department of Education, Education Practices Commission**, announces a Teacher Hearing Panel; all persons are invited.

Teacher Hearing Panel

DATE AND TIME: February 24, 2006, 9:00 a.m.

PLACE: Embassy Suites Tampa Airport/Westshore, 555 North Westshore Boulevard, Tampa, Florida 33609, (813)875-1555

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators. 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 proceeding is made. The record will include the testimony and evidence upon which the appeal is to be based.

Additional information may be obtained by writing: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

SPECIAL ACCOMMODATION: Any person requiring a special impairment accommodation should contact Kathleen M. Richards, (850)245-0455, at least five (5) calendar days prior to the hearing. Persons who are hearing or speech impaired can contact the Commission using the Florida Dual Party Relay System, 711.

DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement**, Medical Examiners Commission announces a Examiners Quarterly Commission meeting to which all interested persons are invited.

DATE AND TIME: Tuesday, February 28, 2006, 1:00 p.m.

PLACE: Tampa Airport Marriot, Tampa International Airport, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Medical Examiners Quarterly Commission Meeting.

ADDITIONAL INFORMATION: If a person decides to appeal any decision made by the Commission with the respect to any matter considered at this meeting, such person is responsible for ensuring 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 or a copy of the agenda may be obtained by contacting: Mrs. Victoria G. Marsey, Bureau Chief, Bureau of Standards, Criminal Justice Professionalism Services, Medical Examiners Commission, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-8600

SPECIAL ACCOMMODATIONS: Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Medical Examiners Commission Office, (850)410-8600, at least five days prior to the meeting.

DEPARTMENT OF REVENUE

The **Department of Revenue** announces a public hearing to which all persons are invited:

DATE AND TIME: March 3, 2006, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of adoption of the proposed amendments to Rule Chapter 12-18, F.A.C. (Compensation for Tax Information). A Notice of Proposed Rulemaking for the proposed rule changes was published in the Florida Administrative Weekly on January 13, 2006 (Vol. 32, No. 2, pp. 78-80).

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

The **Department of Revenue** announces a public hearing to which all persons are invited:

DATE AND TIME: March 3, 2006, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of adoption of the proposed amendments to Rule Chapter 12A-15, F.A.C. (Discretionary Sales Surtax). A Notice of Proposed Rulemaking for the proposed rule changes was published in the Florida Administrative Weekly on January 13, 2006 (Vol. 32, No. 2, pp. 83-84).

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

The **Department of Revenue** announces a public hearing to which all persons are invited:

DATE AND TIME: March 3, 2006, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of adoption of the proposed amendments to Rule Chapter 12A-16, F.A.C. (Rental Car Surcharge). A Notice of Proposed Rulemaking for the proposed rule changes was published in the Florida Administrative Weekly on January 13, 2006 (Vol. 32, No. 2, pp. 84-85).

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

The **Department of Revenue** announces a public hearing to which all persons are invited:

DATE AND TIME: March 3, 2006, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of adoption of the proposed amendments to Rule Chapter 12A-17, F.A.C. (Registration as Secondhand Dealer or Secondary Metals Recycler). A Notice of Proposed Rulemaking for the proposed rule changes was published in the Florida Administrative Weekly on January 13, 2006 (Vol. 32, No. 2, pp. 85-86).

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

The **Department of Revenue** announces a public hearing to which all persons are invited:

DATE AND TIME: March 3, 2006, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of adoption of the proposed amendments to Rule Chapter 12A-19, F.A.C. (Communications Services Tax). A Notice of Proposed Rulemaking for the proposed rule changes was published in the Florida Administrative Weekly on January 13, 2006 (Vol. 32, No. 2, pp. 86-89).

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

The **Department of Revenue** announces a public hearing to which all persons are invited:

DATE AND TIME: March 3, 2006, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of adoption of the proposed amendments to Rule Chapter 12A-1, F.A.C. (Sales and Use Tax). A Notice of Proposed Rulemaking for the proposed rule changes was published in the Florida Administrative Weekly on January 13, 2006 (Vol. 32, No. 2, pp. 80-83). A Notice of Change was published in the Florida Administrative Weekly on February 3, 2006 (Vol. 32, No. 5, p. 479).

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

The **Department of Revenue** announces a public hearing to which all persons are invited:

DATE AND TIME: March 3, 2006, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of adoption of the proposed amendments to Rule Chapter 12B-7, F.A.C. (Severance Taxes and Fees). A Notice of Proposed Rulemaking for the proposed rule changes was published in the Florida Administrative Weekly on January 13, 2006 (Vol. 32, No. 2, pp. 115-116).

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

The **Department of Revenue** announces a public hearing to which all persons are invited:

DATE AND TIME: March 3, 2006, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of adoption of the proposed amendments to Rule Chapter 12B-8, F.A.C. (Insurance Premium Taxes, Fees and Surcharges). A Notice of Proposed Rulemaking for the proposed rule changes was published in the Florida Administrative Weekly on January 13, 2006 (Vol. 32, No. 2, pp. 116-119).

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

The **Department of Revenue** announces a public hearing to which all persons are invited:

DATE AND TIME: March 3, 2006, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of adoption of the proposed amendments to Rule Chapter 12B-5, F.A.C. (Motor Fuels, Diesel Fuels, Alternative Fuels, Aviation Fuels, and Pollutants). A Notice of Proposed Rulemaking for the proposed rule changes was published in the Florida Administrative Weekly on January 13, 2006 (Vol. 32, No. 2, pp. 90-115). A Notice of Change will be published in the next available Florida Administrative Weekly.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

The **Department of Revenue** announces a public hearing to which all persons are invited:

DATE AND TIME: March 3, 2006, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of adoption of the proposed amendments to Rule Chapter 12C-1, F.A.C. (Corporate Income Tax). A Notice of Proposed Rulemaking for the proposed rule changes was published in the Florida Administrative Weekly on January 13, 2006 (Vol. 32, No. 2, pp. 119-122). A Notice of Change was published in the Florida Administrative Weekly on February 3, 2006 (Vol. 32, No. 5, p. 479).

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

The **Department of Revenue** announces a public hearing to which all persons are invited:

DATE AND TIME: March 3, 2006, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of adoption of the proposed amendments to Rule Chapter 12C-2, F.A.C. (Intangible Personal Property Tax). A Notice of Proposed Rulemaking for the proposed rule changes was published in the Florida Administrative Weekly on January 13, 2006 (Vol. 32, No. 2, pp. 122-123). A Notice of Changes was published in the Florida Administrative Weekly on February 3, 2006 (Vol. 32, No. 5, p. 479).

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

The **Department of Revenue** announces a public hearing to which all persons are invited:

DATE AND TIME: March 3, 2006, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of adoption of the proposed amendments to Rule Chapter 12C-3, F.A.C. (Estate Tax). A Notice of Proposed Rulemaking for the proposed rule changes was published in the Florida Administrative Weekly on January 13, 2006 (Vol. 32, No. 2, pp. 123-124).

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

DEPARTMENT OF TRANSPORTATION

The **Florida Seaport Transportation and Economic Development Council** announces a teleconference in which all interested persons are invited to participate.

DATE AND TIME: March 1, 2006, 10:00 a.m.

PLACE: Florida Ports Council, 502 East Jefferson Street, Tallahassee, Florida 32301

TOLL FREE CALL IN NUMBER: (877)540-9892

PARTICIPANT CODE: 833035

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting Toy Keller, Florida Ports Council, 502 East Jefferson Street, 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 Toy Keller, (850)222-8028.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces customer service hearings in the following docket, to which all interested persons are invited.

Docket No. 060038-EI – Petition for issuance of a storm recovery financing order by Florida Power & Light Company.

DATE AND TIME: Wednesday, March 1, 2006, 1:00 p.m.

PLACE: School Board of Lee County, Board Room, Dr. James A. Adams Public Education Center, 2055 Central Avenue, Ft. Myers, Florida

DATE AND TIME: Thursday, March 2, 2006, 10:00 a.m.

PLACE: Broward County Governmental Center, Room 422, 115 S. Andrews Avenue, Ft. Lauderdale, Florida

DATE AND TIME: Thursday, March 2, 2006, 4:00 p.m.

PLACE: Fulton-Holland Educational Services Center, Palm Beach County School Board, 3300 Forest Hill Blvd., B102, West Palm Beach, Florida

DATE AND TIME: Friday, March 3, 2006, 10:00 a.m.

PLACE: Miami City Hall (Dinner Key Hall), City Commission Chambers, 3500 Pan American Drive, Miami, Florida

Each hearing will begin as scheduled. If no witnesses are present, the hearings may be adjourned. All persons desiring to present testimony are urged to appear at the beginning of the hearing.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit members of the public to give testimony regarding the petition of Florida Power & Light Company for issuance of a storm recovery financing order pursuant to which it would finance the recovery of unrecovered storm restoration costs from the 2004 and 2005 hurricane seasons and the replenishment of its storm reserve or, alternatively, for establishment of a surcharge to recover such costs and replenish its storm reserve over a three-year period. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For further information, contact: Cochran Keating, Office of the General Counsel, (850)413-6193. One or more Commissioners of the Florida Public Service Commission may attend and participate in the hearings.

The **Florida Public Service Commission** announces a workshop in the following undocketed matter to which all interested persons are invited.

UNDOCKETED: Implementation of Section 366.91, Florida Statutes, concerning standard offer contracts for renewable energy resources.

DATE AND TIME: 9:30 a.m., Monday, March 6, 2006

PLACE: Florida Public Service Commission, Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive input from all interested persons related to the implementation of Section 366.91, Florida Statutes, concerning the provision of standard offer contracts for renewable energy resources.

Any person who wishes to make a relevant presentation at this workshop should contact Judy Harlow, Division of Economic Regulation, (850)413-6842 no later than the close of business on Wednesday, March 1, 2006.

A copy of the agenda for this workshop may be obtained by writing to the Director, Division of the Commission Clerk and Administrative Services, Gerald L. Gunter Building, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the workshop.

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

The Florida **Public Service Commission** announces a Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: March 7, 2006, immediately following the Commission Conference which commences at 9:30 a.m. in Commission Hearing Room 148

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting the Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850)413-6770 at least 48 hours prior to the meeting. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (VOICE).

****THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.****

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: March 7, 2006, 9:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366, and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Statement of Agency Organization and Operations), by contacting the Division of the Commission Clerk and Administrative Services at (850)413-6770 or writing to the Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. 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 appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850)413-6770 at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (VOICE).

The Florida **Public Service Commission** announces the rescheduling of a prehearing from February 27, 2006 in Docket No. 040384-WS – Application for amendment to Certificates 247-W and 189-S in Seminole County by Sanlando Utilities Corporation.

DATE AND TIME: June 5, 2006, 1:30 p.m.

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

EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Faith-Based and Community Advisory Board's** Intermediary Identification and Evaluation Subcommittee announces a public meeting to which all persons and interested media are invited, except as provided under Section 288.9551, Fla.Stat. (2003).

DATE AND TIME: Wednesday, March 1, 2006, 3:00 p.m.

PLACE: Conference call (877)651-3473, Leader: Randy Nelson, Chair

For a copy of the agenda and more information about how to attend the meeting contact: Mark Nelson, (850)413-0909, e-mail: mark.nelson@vfffund.org.

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting, the Subcommittee will discuss the creation of the Municipal Resource Guide, as well as discuss other pending issues.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to participate in this meeting in order to request any needed special assistance should contact e-mail: jennie.hopkins@myflorida.com at least 48 hours in advance of the meeting.

REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Planning Council** and Growth Management Policy Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 3, 2006, 8:00 a.m.

PLACE: St. Johns River Community College, Criminal Justice Center, Multi Purpose Room J149, 2990 College Drive, St. Augustine, FL 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending planning and growth management issues.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

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

The **Northeast Florida Regional Council** Personnel, Budget, and Finance Policy Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 3, 2006, 9:00 a.m.

PLACE: St. Johns River Community College, Criminal Justice Center, Multi Purpose Room J149, 2990 College Drive, St. Augustine, FL 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending personnel, budget, and finance policy matters.

A copy of the agenda may be obtained by contacting the Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

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

The **Northeast Florida Regional Council** announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 3, 2006, 10:00 a.m.

PLACE: St. Johns River Community College, Criminal Justice Center, Multi Purpose Room J149, 2990 College Drive, St. Augustine, FL 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting the Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

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 Peggy Conrad, (904)279-0880, Extension 145, 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.

The **Northeast Florida Regional Council** Legislative Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 3, 2006, 11:30 a.m. following monthly Board meeting

PLACE: St. Johns River Community College, Criminal Justice Center, Multi Purpose Room J149, 2990 College Drive, St. Augustine, FL 32084

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

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

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

The Region IX, **Local Emergency Planning Committee** (LEPC) announces a public meeting to which all persons are invited:

DATE AND TIME: February 23, 2006, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, Florida 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and implement provisions of the Emergency Planning and Community Right To Know Act.

A copy of the Agenda may be obtained by contacting: Executive Director David Y. Burr, Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, Florida 33901.

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 6, 2006, 10:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; 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 at (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.

COMMISSION ON ETHICS

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

DATE AND TIME: Friday, March 3, 2006, 8:00 a.m.

PLACE: The Knott Building, 111 W. St. Augustine Street, Room 412, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by writing: Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709. Meeting materials also will be available from 8:00 a.m. – 5:00 p.m., Monday through Friday, 3600 Maclay Blvd., S., Suite 201, prior to the meeting.

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

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

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: March 1, 2006, 1:00 p.m. – 5:00 p.m. (EST)

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Northwest Florida Water Management District Quarter Meeting with Secretary of the Department of Environmental Protection, Executive Director and Governing Board members – to discuss water supply issues.

A copy of the agenda may be obtained by contacting: Carolyn Wise, NFWMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999.

Persons with disabilities or handicaps who need assistance or reasonable accommodation in order to participate in this meeting should call (850)487-1534 to make appropriate arrangements.

The **R. O. Ranch, Inc.**, a Florida non-profit corporation, announces the following meeting to which all interested persons are invited.

DATE AND TIME: March 2, 2006, 6:30 p.m.

PLACE: The Chateau Restaurant, Mayo, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Organizational meeting to consider equestrian facilities on Suwannee River Water Management District lands.

A copy of the agenda may be obtained by writing Gwen Lord, Administrative Assistant, SRWMD, 9225 CR 49, Live Oak, FL 32060.

Persons with disabilities who need assistance in order to participate in this meeting may contact Gwen Lord, (386)362-1001 or (800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **St. Johns River Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, March 1, 2006, 1:00 p.m. – 5:00 p.m.

PLACE: Cabinet Room, Lower Level, The Capitol, Tallahassee, FL 32399-0001

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Boards of all Florida Water Management Districts will meet with Governor Bush and DEP Secretary Castille to discuss and consider water management district issues including regulatory and non-regulatory matters.

A copy of the agenda may be obtained at: St. Johns River Water Management District, Attention: Ann Freeman, Executive Office, 4049 Reid Street, Palatka, FL 32177; (386)329-4101. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

If any person decides to appeal any decision with respect to any matter considered at this meeting, such person will 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.

The **St. Johns River Water Management District** announces the following public meeting to which all persons are invited.

GOVERNING BOARD BUDGET PLANNING SESSION

DATE AND TIME: Monday, March 6, 2006, 1:00 p.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Planning session for development of District budget for Fiscal Year 2006-2007 (schedule, guidelines, objectives, priorities, revenue projections, etc.)

A copy of the agenda may be requested by writing: SJRWMD, 4049 Reid Street, Palatka, FL 32177, or calling Ann Freeman, (386)329-4101.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings should contact SJRWMD at least 48 in advance of the meeting.

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person will need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The St. Johns River Water Management District announces the following PROJECTS AND LAND COMMITTEE MEETING(S) AND TOUR. All persons are invited.

DATE AND TIME: Monday, March 6, 2006, 4:00 p.m.

PLACE: District Headquarters, 4049 Reid Street, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of Projects and Land Committee agenda items followed by committee recommendations to be approved by the full Governing Board.

An agenda can be obtained by writing to the St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or by calling Hazel Hinton, Department of Water Resources at (386)329-4347.

NOTE: In the event that a quorum of the Committee is not available for the business meeting at the date, time and place set forth above, the Committee shall meet on the following Tuesday, March 7, 2006, 8:45 a.m. at the St. Johns River Water Management District office located on Highway 100, West, 4049 Reid Street, Palatka, FL. One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

The St. Johns River Water Management District announces the following public meetings and hearings to which all persons are invited.

GOVERNING BOARD AND COMMITTEE CHAIRMEN

DATE AND TIME: Tuesday, March 7, 2006, 8:30 a.m.

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

FINANCE AND ADMINISTRATION COMMITTEE

DATE AND TIME: Tuesday, March 7, 2006, 8:45 a.m.

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of Finance and Administration Committee agenda items followed by committee recommendations to be approved by the full Governing Board. Staff may recommend approval of external budget amendments which affect the adopted budget.

REGULATORY COMMITTEE

DATE AND TIME: Tuesday, March 7, 2006, 10:00 a.m.

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of Regulatory agenda items followed by committee recommendations to be approved by the full Governing Board.

GOVERNING BOARD MEETING AND PUBLIC HEARING ON LAND ACQUISITION

DATE AND TIME: Tuesday, March 7, 2006, 1:00 p.m.*

*This meeting may continue on the next consecutive day (Wednesday) at 8:00 a.m. if necessary to finish regulatory and administrative agendas.

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

A copy of the agenda may be obtained at: St. Johns River Water Management District, website: www.sjrwmd.com or by calling (386)329-4500. One or more Governing Board members may attend and participate in the meetings and hearings by means of communications media technology.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours in advance.

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person will need to ensure that a verbatim record is made to include the testimony and evidence upon which the appeal is to be based.

The Southwest Florida Water Management District (SWFWMD) announces the following public meeting to which all interested persons are invited.

QUARTERLY MEETING BETWEEN THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE FIVE WATER MANAGEMENT DISTRICTS

DATE AND TIME: Wednesday, March 1, 2006, 1:00 p.m. – 5:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Boards of all Florida Water Management Districts will meet with Governor Bush and DEP Secretary Castille to discuss and consider water management district issues, including regulatory and non-regulatory matters.

A copy of the agenda may be obtained by contacting: Southwest Florida Water Management District, Executive Department, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact: 1(800)423-1476 (Florida only), Extension 4615, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, March 7, 2006, 9:00 a.m. – complete

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33416

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Land Resources and Construction Committee to discuss and consider District business.

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 contacting: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680, District Website: www.sfwmd.gov/gover/GovBoard/webpage/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 the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, March 7, 2006, 1:00 p.m. or immediately after the Land Resources and Construction Committee and until complete

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33416

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Finance Committee to discuss and consider District business.

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 contacting: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680, District Website: www.sfwmd.gov/gover/GovBoard/webpage/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 the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Tuesday, March 7, 2006, 3:00 p.m. or immediately after the Finance Committee and until complete

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33416

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Human Resource and Outreach Committee to discuss and consider District business.

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 contacting: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680, District Website: www.sfwmd.gov/gover/GovBoard/webpage/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 the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

IMPORTANT MEETING CHANGE: – The Florida **Commission for the Transportation Disadvantaged** announces a Commission Meeting to which all persons are invited.

DATE AND TIME: Friday, February 24, 2006, 8:30 a.m. Central Time – completion

PLACE: Embassy Suites Destin, 570 Scenic Gulf Drive, Destin, Florida 32550, (850)337-7000, Conference Call Number (850)410-0966, Suncom 291-0966

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss regular Commission business.

In accordance with the Americans with Disabilities Act, persons in need of special accommodations to participate in the meeting or an agenda should contact: Niki Branch, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435.

The meeting is subject to change upon chairperson's request.

DEPARTMENT OF ELDER AFFAIRS

The Florida **Department of Health** in collaboration with the Florida **Department of Elder Affairs** announces a public hearing to which all persons are invited.

DATE AND TIME: Monday, February 27, 2006, 1:00 p.m. – 5:00 p.m.

PLACE: Department of Elder Affairs, Room 301, 4040 Esplanade Way, Tallahassee, FL 32399-7000

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Special Needs Shelter Interagency Committee meeting hosted by the Office of Long-Term Care Policy to develop and negotiate any necessary interagency agreement or policy related to improving the statewide response to special needs sheltering.

To obtain a copy of the agenda, or to submit information please contact: Christie Brown, 4052 Bald Cypress Way, Bin #C27, Tallahassee, Florida 32399-7000, (850)245-4444, e-mail: Christie_Brown@doh.sttae.fl.us. All materials, information or comments must be submitted electronically.

Note: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring a special accommodation at this hearing because of a disability, hearing or physical impairment should contact Christie Brown at least five (5)

calendar days prior to the meeting using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the Comprehensive Health Information System Advisory Council to which all interested parties are invited.

DATE AND TIME: Tuesday, February 28, 2006, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, First Floor Conference Rooms, Tallahassee, FL 32308 (Anyone interested in participating may telephone (641)793-7500/Pass Code: 9701442#)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study and make recommendations on the collection, analysis and dissemination of health care data.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Cheryl Barfield, (850)414-5422, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Penny Bos, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will also be posted at <http://www.fdhc.state.fl.us/SCHS/chismetings.shtml> seven (7) days prior to the meeting.

The **Agency for Health Care Administration** announces an Informational Workshop to which all persons are invited.

DATE AND TIME: February 28, 2006, 9:00 a.m. – 12:00 Noon

PLACE: Hilton-Jacksonville Riverfront, Rooms Duval A and B, 1201 Riverplace Blvd., Jacksonville, FL 32207

GENERAL SUBJECT MATTER TO BE CONSIDERED: This workshop is being held to afford interested persons the opportunity to gather information regarding Medicaid reform, as it relates to its effect on Medicaid recipients. Anyone needing further information, or special accommodations under the Americans with Disabilities Act of 1990, should write to the address given below or call (850)488-3560. Special Accommodations 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: Joshua Davis, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #48, Tallahassee, FL 32308.

The **Agency for Health Care Administration** announces an Informational Workshop to which all persons are invited.

DATE AND TIME: March 1, 2006, 9:00 a.m. – 12:00 Noon

PLACE: Nova Southeastern University, H. Wayne Huizenga School of Business, Carl DeSantis Building, Auditorium 1124, 3301 College Avenue, Ft Lauderdale, FL 33314

GENERAL SUBJECT MATTER TO BE CONSIDERED: This workshop is being held to afford interested persons the opportunity to gather information regarding Medicaid reform, as it relates to its effect on Medicaid recipients. Anyone needing further information, or special accommodations under the Americans with Disabilities Act of 1990, should write to the address given below or call (850)488-3560. Special Accommodations 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: Joshua Davis, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #48, Tallahassee, FL 32308.

The **Agency for Health Care Administration** announces an Informational Workshop to which all persons are invited.

DATE AND TIME: March 1, 2006, 6:00 p.m. – 9:00 p.m.

PLACE: Nova Southeastern University, H. Wayne Huizenga School of Business, Carl DeSantis Building, Auditorium 1124, 3301 College Avenue, Ft Lauderdale, FL 33314

GENERAL SUBJECT MATTER TO BE CONSIDERED: This workshop is being held to afford interested persons the opportunity to gather information regarding Medicaid reform, as it relates to its effect on Medipass providers. Anyone needing further information, or special accommodations under the Americans with Disabilities Act of 1990, should write to the address given below or call (850)488-3560. Special Accommodations 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: Joshua Davis, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #48, Tallahassee, FL 32308.

DEPARTMENT OF MANAGEMENT SERVICES

The **Child Care Executive Partnership Board** announces a meeting to which all persons are invited.

DATE AND TIME: Friday, February 24, 2006, 9:00 a.m. – 11:00 a.m. or until business is concluded. (EST)

PLACE: Hyatt Regency Orlando Airport, 9300 Airport Blvd., Orlando, Florida 32827, (407)825-1234

Materials will be available by February 17, 2006 on the CCEP website (www.ccep.bz)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Funding (de-obligation and re-obligation) and other board business CALL IN NUMBER WILL BE: (850)410-0967, or suncom 210-0967

The **Workforce Estimating Conference** is scheduled to meet and all persons are invited.

DATE AND TIME: Tuesday, February 28, 2006, 2:00 p.m. – 4:00 p.m.

PLACE: Agency for Workforce Innovation, Caldwell Building, 107 East Madison Street, Room B-049, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of employment projections; education and training codes; and the OPPAGA report.

A copy of the draft agenda may be downloaded from <http://www.labormarketinfo.com/wec>.

The **Department of Management Services, Enterprise Information Technology Services**, Wireless 911 Board announces the following meeting schedule information.

Florida Telecommunications Industry Association (FTIA) Conference

DATES AND TIME: June 25-28, 2006, TBA

PLACE: The Club at Hammock Beach, Palm Coast, Florida (2 or More Board Members to attend this conference to participate in Board related issues and keep abreast of new and emerging technologies)

If accommodation due to disability is needed in order to participate, please notify the State Technology Office/Wireless 911 Board in writing at least five (5) days in advance at 4050 Esplanade Way, Tallahassee, Florida 32399-0950.

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 6, 2006, 8:30 a.m. – 4:00 p.m.

PLACE: Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to discuss the daily functions and activities of the Commission.

CONTACT: Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082.

The **Florida Correctional Finance Corporation** announces a meeting to which all interested persons are invited to participate.

DATE AND TIME: Thursday, March 2, 2006, 10:00 a.m. – 11:00 a.m.

PLACE: Department of Management Services, 4050 Esplanade Way, Suite 160J, Tallahassee, Florida 32399-0950

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Correctional Finance Corporation announces the meeting of its Board to consider corporate resolutions, contracts and other documents approving bond financing, along with any other matters that may come before the Board.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIME: February 28, 2006, 9:45 a.m. or soon thereafter

PLACE: Dept. of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: An emergency probable cause panel meeting to review complaints in which a determination of the existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Patrick Creehan, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202, (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIMES: February 28, 2006, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Dept. of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Patrick Creehan, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202, (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The **Department of Business and Professional Regulation** announces a public meeting of the Florida **Board of Cosmetology** to which all persons are invited to attend.

DATE AND TIME: Sunday, April 23, 2006, 9:00 a.m. or soon there after

PLACE: The Florida Mall Hotel, 1500 Sand Lake Road, Orlando, Florida 32809

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular board business.

A copy of the agenda may be obtained by writing: Florida Board of Cosmetology, 1940 North Monroe Street, 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, 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 includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Electrical Contractors' Licensing Board** announces the following Board Meeting to which all interested persons are invited to attend.

DATE AND TIME: March 22, 2006, 4:00 p.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting (portions are closed to the public).

DATE AND TIME: March 23, 2006, 8:30 a.m., or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Disciplinary Actions, General Business Meeting.

DATE AND TIME: March 24, 2006, 8:00 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

PLACE: The Hilton Cocoa Beach Oceanfront, 1550 N. Atlantic Avenue, Cocoa Beach, FL 32931, (321)799-0003

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact, in writing: Electrical Contractors' Licensing Board Office, 1940 North Monroe Street, Tallahassee, Florida 32399-0771.

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

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board Office, (850)922-5012, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board Office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-9771 (TDD).

The Florida **Board of Pilot Commissioners** announces a telephone conference call to which all persons are invited to participate.

DATE AND TIME: February 28, 2006, 10:00 a.m.

PLACE: Telephone Number To Call (850)414-1709, Suncom 994-1709

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, Florida 32399.

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

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)922-6096, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Pilot Commissioners** announces a telephone conference call to which all persons are invited to participate.

DATE AND TIME: March 10, 2006, 10:00 a.m.

PLACE: Department of Business and Professional Regulation, 1940 N Monroe Street, Tallahassee, FL, Telephone number to call (850)921-6433, Suncom 291-6433

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot Advancement.

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Department of Business and Professional Regulation, Board of Pilot Commissioners, (850)922-6096, 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) and 1(800)955-8771 (TDD).

The **Board of Accountancy** announces the following public meetings to which all persons are invited.

DATES AND TIMES: Thursday, March 9, 2006, 9:00 a.m. until all Probable Cause Panel business is concluded; Thursday, March 9, 2006, 2:00 p.m. until all Budget Task Force business is concluded; Friday, March 10, 2006, 9:00 a.m. until all Board Meeting business is concluded

PLACE: Marriott Orlando Downtown, 400 West Livingston Street, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Probable Cause Panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public; however, there may be cases where probable cause was previously found which are to be reconsidered. The Budget Task Force will meet to discuss the budget. This is a public meeting. The Board will meet to consider enforcement proceedings including consideration of investigation officers' reports and other general business. This is a public meeting.

A copy of any probable cause materials which are open to the public, any budget materials and/or the Board agenda may be obtained by writing: John W. Johnson, Division Director, Division of Certified Public Accounting, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607.

Note: Portions of the Probable Cause Panel meeting may be closed to the public. If a person decides to appeal any decision made by the Board with respect to any matter considered at these meetings, he/she may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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: John W. Johnson, (850)487-1395. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

The **Board of Accountancy**, Committee on Continuing Professional Education announces the following public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 7, 2005, 9:00 a.m.

PLACE: Via Conference Call, Meet Me Number – 1(888)461-8118 (if located outside of Tallahassee), Meet Me Number – (850)414-5775 (if located in Tallahassee)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reporting forms and requests for course approval.

If you wish to participate in this meeting or receive a copy of the agenda, please contact: Karan Lee, Board of Accountancy, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607, (850)487-1395.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

READVERTISEMENT – The **Department of Environmental Protection, Division of Recreation and Parks**, Bureau of Natural and Cultural Resources, announces a meeting to which all interested persons are invited.

DATE AND TIME: March 2, 2006, 6:30 p.m. – 8:30 p.m.

PLACE: Wilhelmina Harvey Government Center, 1200 Truman Avenue, Key West, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Present preliminary findings of the draft historic Fort Zachary Taylor master plan and obtain public comment, feedback and input on the plan for the fort. The meeting will concern only the historic fort and will not address other management or operations issues of Fort Zachary Historic State Park.

To obtain a copy of the meeting agenda, or for further information about the meeting, contact the Bureau of Natural and Cultural Resources at (850)488-5090.

DEPARTMENT OF HEALTH

The **Department of Health, Board of Dentistry**, announces an official business meeting to be held via telephone conference call. All interested parties are invited to attend the telephone conference call, which is open to the public.

DATE AND TIME: February 28, 2006, 5:30 p.m.

PLACE: Telephone Number (850)921-5230

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting of the Board of Dentistry.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 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.

The Florida **Board of Medicine** announces a telephone conference call to be held via meet me number.

DATE AND TIME: Wednesday, March 1, 2006, 12:00 Noon

PLACE: Meet me Number: Contact Florida Board of Medicine, (850)245-4131, for the meet me number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine at (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, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The Florida **Board of Medicine**, Expert Witness Committee announces a telephone conference call to be held via meet me number.

DATE AND TIME: Wednesday, March 1, 2006, 12:30 p.m., or immediately following the Board of Medicine Conference Call.

Meet me Number: Contact Florida Board of Medicine at (850)245-4131 for the meet me number.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine at (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, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The **Department of Health, Board of Medicine**, Dietetics and Nutrition Practice Council announces a meeting to which all persons are invited.

DATE AND TIME: October 4, 2006, 9:00 a.m. or soon thereafter

PLACE: The Department of Health, 4052 Bald Cypress Way, Room 301, Tallahassee, FL 32399, (850)245-4373

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373.

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 the council office, (850)488-0595. 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 council 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.

The **Board of Podiatric Medicine** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, March 3, 2006, 10:00 a.m., or shortly thereafter.

PLACE: Hyatt Regency, 225 Coast Line Drive, East, Jacksonville, Florida 32202 (904)633-9095

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board at (850)245-4355 at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257, website: www.doh.state.fl.us/mqa/podiatry/index.html.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services** announces a public meeting to discuss the eligibility determination process for Medicaid benefits based on age or disability, including nursing home care. Interested parties, including the general public, recipients, family members, advocates and service providers are invited to provide comments and suggestions on the process.

DATE AND TIMES: Tuesday, February 21, 2006, 10:00 a.m. – 12:00 Noon, 2:00 p.m. – 4:00 p.m.

PLACE: St. Lucie County, Department of Health, 5150 N. W. Milner Drive, Port St. Lucie, Florida 34983

GENERAL SUBJECT MATTER TO BE CONSIDERED: To gather information and comments on the eligibility determination process for Medicaid benefits based on age or disability, including nursing home care. The process includes the electronic web based application, referrals, notices and

communication with staff. (Note: The meeting is not intended to address eligibility criteria such as income and asset limits, or service issues such as access to prescription drugs.)

For additional information, contact: Ellen Higinbotham, (772)467-4176.

Any person requiring special accommodations due to disability or physical impairment should contact the department at least five days prior to the meeting by calling Pearlie Clark, ADA Coordinator, (772)467-4184. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Children and Family Services** announces a public meeting to discuss the eligibility determination process for Medicaid benefits based on age or disability, including nursing home care. Interested parties, including the general public, recipients, family members, advocates and service providers are invited to provide comments and suggestions on the process.

DATE AND TIME: February 21, 2006, 9:30 a.m. – 11:00 a.m. Eastern Time

PLACE: Madison Employment Connections, 200 West Base Street, 2nd Floor of Wachovia Bank, Madison, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To gather information and comments on the eligibility determination process for Medicaid benefits based on age or disability, including nursing home care. The process includes the electronic web based application, referrals, notices and communication with staff. (Note: The meeting is not intended to address eligibility criteria such as income and asset limits, or service issues such as access to prescription drugs.)

For additional information, contact: Vicki Abrams at (850)488-9217.

Any person requiring special accommodations due to disability or physical impairment should contact the department at least five days prior to the meeting by calling (850)488-9217 or email <Vicki_Abrams@dcf.state.fl.us>.

The **Department of Children and Family Services** announces a public meeting to discuss the eligibility determination process for Medicaid benefits based on age or disability, including nursing home care. Interested parties, including the general public, recipients, family members, advocates and service providers are invited to provide comments and suggestions on the process.

DATE AND TIME: February 21, 2006, 1:30 p.m. – 3:00 p.m. Eastern Time

PLACE: Cedars Executive Center, 2639 North Monroe Street, Building A, Room 201, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To gather information and comments on the eligibility determination process for Medicaid benefits based on age or disability, including nursing home care. The process includes the electronic web based application, referrals, notices and communication with staff. (Note: The meeting is not intended to address eligibility criteria such as income and asset limits, or service issues such as access to prescription drugs.)

For additional information, contact: Vicki Abrams at (850)488-9217.

Any person requiring special accommodations due to disability or physical impairment should contact the department at least five days prior to the meeting by calling (850)488-9217 or e-mail: Vicki_Abrams@dcf.state.fl.us.

The **Department of Children and Family Services** announces public meetings to discuss the eligibility determination process for Medicaid benefits based on age or disability, including nursing home care. Interested parties, including the general public, recipients, family members, advocates and service providers are invited to provide comments and suggestions on the process.

DATE AND TIME: Wednesday, February 22, 2006, 1:00 p.m. – 4:00 p.m.

PLACE: Marion County Public Library, 2720 East Silver Springs Boulevard, Ocala, Florida 34470

DATE AND TIME: Friday, February 24, 2006, 9:00 a.m. to 12:00 Noon

PLACE: Hernando County Courthouse, County Commissioners Chambers, 20 N. Main Street, Brooksville, Florida 34601

DATE AND TIME: Friday, February 24, 2006, 2:00 p.m. – 5:00 p.m.

PLACE: Sumter County Department of Children & Families, 1601 W. Gulf Atlantic Hwy (SR 44), Room 2002, Wildwood, Florida 34785

GENERAL SUBJECT MATTER TO BE CONSIDERED: To gather information and comments on the eligibility determination process for Medicaid benefits based on age or disability, including nursing home care. The process includes the electronic web based application, referrals, notices and communication with staff. (Note: The meeting is not intended to address eligibility criteria such as income and asset limits, or service issues such as access to prescription drugs.)

For additional information, contact: Mary MacInnes, (352)330-2162, Ext. 206.

Any person requiring special accommodations due to disability or physical impairment should contact the department at least five days prior to the meeting by calling (352)330-2162, Ext. 6206, e-mail: Mary_A_MacInnes@dcf.state.fl.us.

The **Department of Children and Family Services** in Palm Beach County announces a public meeting to discuss the eligibility determination process for Medicaid benefits based on age or disability, including nursing home care. Interested parties, including the general public, recipients, family members, advocates and service providers are invited to provide comments and suggestions on the process. Three public meetings will be held.

DATE AND TIME: Wednesday, February 22, 2006, 10:00 a.m. – 12:00 Noon

PLACE: Belle Glade City Hall, Commission Chambers, 110 Dr. Martin Luther King Jr. Blvd., West, Belle Glade, FL 33430

DATE AND TIME: Monday, February 27, 2006, 10:00 a.m. – 12:00 Noon

PLACE: Department of Children and Family Service, Service Center, 1845 S. Federal Highway, 2nd Floor Conference Room, Delray Beach, FL 33483

DATE AND TIME: Tuesday, February 28, 2006, 10:00 a.m. – 12:00 Noon

PLACE: Department of Children and Family Services, Elisha Newton Dimick Building, 111 S. Sapodilla Ave., Conference Room 1, West Palm Beach, FL 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED: To gather information and comments on the eligibility determination process for Medicaid benefits based on age or disability, including nursing home care. The process includes the electronic web based application, referrals, notices and communication with staff. (Note: The meeting is not intended to address eligibility criteria such as income and asset limits, or service issues such as access to prescription drugs.)

For additional information, contact: Kathie Beeson, (561)837-5660.

Any person requiring special accommodations due to disability or physical impairment should contact the department at least five days prior to the meeting by calling (561)837-5660.

The **Department of Children and Family Services** announces a public meeting to discuss the eligibility determination process for Medicaid benefits based on age or disability, including nursing home care. Interested parties, including the general public, recipients, family members, advocates and service providers are invited to provide comments and suggestions on the process.

DATE AND TIME: February 22, 2006, 9:00 a.m. – 10:30 a.m. Central Time

PLACE: 705 West 15th Street, Conference Room 300, Panama City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To gather information and comments on the eligibility determination process for Medicaid benefits based on age or disability, including nursing home care. The process includes the electronic web based application, referrals, notices and

communication with staff. (Note: The meeting is not intended to address eligibility criteria such as income and asset limits, or service issues such as access to prescription drugs.)

For additional information, contact: Jerry Sewell at (850)872-7648.

Any person requiring special accommodations due to disability or physical impairment should contact the department at least five days prior to the meeting by calling (850)872-7648 or email <Jerry_Sewell@dcf.state.fl.us>.

The **Department of Children and Family Services** announces a public meeting to discuss the eligibility determination process for Medicaid benefits based on age or disability, including nursing home care. Interested parties, including the general public, recipients, family members, advocates and service providers are invited to provide comments and suggestions on the process.

DATE AND TIME: February 22, 2006, 1:30 p.m. – 3:00 p.m. Central Time

PLACE: Jackson County Agricultural Conference Center, 2741 Pennsylvania Avenue, Marianna, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To gather information and comments on the eligibility determination process for Medicaid benefits based on age or disability, including nursing home care. The process includes the electronic web based application, referrals, notices and communication with staff. (Note: The meeting is not intended to address eligibility criteria such as income and asset limits, or service issues such as access to prescription drugs.)

For additional information, contact: Vicki Abrams at (850)488-9217.

Any person requiring special accommodations due to disability or physical impairment should contact the department at least five days prior to the meeting by calling (850)488-9217 or e-mail: Vicki_Abrams@dcf.state.fl.us.

The **Department of Children and Family Services** announces a public meeting to discuss the application process for Medicaid benefits based on age or disability, including nursing home care. Interested parties, including the general public, recipients, family members, advocates and service providers are invited to provide comments and suggestions on the process.

DATE AND TIME: February 23, 2006, 6:00 p.m. – 7:30 p.m.

PLACE: Education Leadership Center, 1st Floor Boardroom, 445 West Amelia Street, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To gather information and comments on the eligibility determination process for Medicaid benefits based on age or disability, including nursing home care. The process includes the electronic web based application, referrals, notices and

communication with staff. (Note: The meeting is not intended to address eligibility criteria such as income and asset limits, or service issues such as access to prescription drugs.)

For additional information, contact: Carrie Hoepfner, (407)245-0400, e-mail: Carrie_hoepfner@dcf.state.fl.us.

Any person requiring special accommodations due to disability or physical impairment should contact the department at least five days prior to the meeting by call: Lillian Maldonado, (407)245-0400, Ext. 116.

The **Department of Children and Family Services** announces a public meeting to discuss the eligibility determination process for Medicaid benefits based on age or disability, including nursing home care. Interested parties, including the general public, recipients, family members, advocates and service providers are invited to provide comments and suggestions on the process.

DATE AND TIME: February 27, 2006, 7:00 p.m.

PLACE: DCF, Auditorium, 5920 Arlington Expressway, Jacksonville, FL 32211

GENERAL SUBJECT MATTER TO BE CONSIDERED: To gather information and comments on the eligibility determination process for Medicaid benefits based on age or disability, including nursing home care. The process includes the electronic web based application, referrals, notices and communication with staff. (Note: The meeting is not intended to address eligibility criteria such as income and asset limits, or service issues such as access to prescription drugs.)

For additional information, contact: Liz Way, (904)727-3704.

Any person requiring special accommodations due to disability or physical impairment should contact the department at least five days prior to the meeting by calling (904)727-3704, e-mail: liz_way@dcf.state.fl.us.

The **Department of Children and Family Services** announces public meetings in Miami-Dade and Monroe Counties to discuss the eligibility determination process for Medicaid benefits based on age or disability, including nursing home care. Interested parties, including the general public, recipients, family members, advocates and service providers are invited to provide comments and suggestions on the process.

MIAMI

DATE AND TIME: Wednesday, February 22, 2006, 1:00 p.m. – 3:00 p.m.

PLACE: Rohde Building, 401 N. W. 2nd Ave., Suite N-1011, Miami, FL 33128

MONROE

DATE AND TIME: Monday, February 27, 2006, 10:00 a.m. – Noon

PLACE: Monroe County Building, 2798 Overseas Hwy, 2nd Floor Auditorium/Emergency Operations Center, Marathon, Florida 33050

GENERAL SUBJECT MATTER TO BE CONSIDERED: To gather information and comments on the eligibility determination process for Medicaid benefits based on age or disability, including nursing home care. The process includes the electronic web based application, referrals, notices and communication with staff. (Note: The meeting is not intended to address eligibility criteria such as income and asset limits, or service issues such as access to prescription drugs.)

For additional information, contact: Adria Dilme (305)349-1496

Any person requiring special accommodations due to disability or physical impairment should contact the department at least five days prior to the meeting by calling insert phone number including area code and or email address.

The **Department of Children and Family Services** announces a public meeting to discuss the eligibility determination process for Medicaid benefits based on age, disability, or need for assistive or nursing home care. Interested parties, including the general public, recipients, family members, advocates, and service providers, are invited to provide comments and suggestions on the process.

DATE AND TIME: Tuesday, February 21, 2006, 9:00 a.m. – 11:00 a.m.

PLACE: Naples Career and Service Center, 215 Airport-Pulling Road, Naples, Florida 34104

DATE AND TIME: Thursday, February 23, 2006, 9:00 a.m. – 11:00 a.m.

PLACE: Port Charlotte Career and Service Center, 19500 Toledo Blade Boulevard, Port Charlotte, Florida 33948

DATE AND TIME: Tuesday, February 28, 2006, 9:00 a.m. – 11:00 a.m.

PLACE: Fort Myers Career and Service Center, 4150 Ford Street Extension, Fort Myers, Florida 33916

GENERAL SUBJECT MATTER TO BE CONSIDERED: To gather information and comments on the eligibility determination process for Medicaid benefits based on age, disability, or need for assistive or nursing home care. The process includes the electronic web-based application, referrals, notices, and communication with staff. (Note: The meeting is not intended to address eligibility criteria such as income and asset limits, or service issues such as access to prescription drugs.)

For additional information, contact: Mr. Richard Elwell at (239)338-1372.

Any person requiring special accommodations, due to disability or physical impairment, should contact: Department at least five (5) days prior to the meeting by calling: Mr. Elwell, (239)338-1372, e-mail: richard_elwell@dcf.state.fl.us.

FLORIDA HOUSING FINANCE CORPORATION

Concerning Issuance of Bonds to Finance Multifamily Residential Rental Developments

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: March 2, 2006, 10:00 a.m. (Tallahassee local time)

PLACE: The Offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to refund the \$9,900,000 Florida Housing Finance Corporation Multifamily Housing Revenue Bonds (College Park) 1998 Series F issued to finance the acquisition and construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

College Park Apartments, a 210-unit multifamily residential rental development located at 6450 College Park Circle, Naples, Collier County, Florida 34113. The owner and operator of the development is College Park Holdings, Ltd., 340 Pemberwick Road, Greenwich, Connecticut 06831, or such successor in interest in which The Richman Group Development Corporation, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The manager of the development is WRMC, Inc., 340 Pemberwick Road, Greenwich, Connecticut 06831. The total tax-exempt bond amount is not to exceed \$9,900,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), March 1, 2006, and should be addressed to the attention of Wayne Conner, Deputy Development Officer. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation at (850)488-4197 at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** (FWC) announces a public meeting of its Alligator Management Standing Team, which may have Commissioners in attendance.

DATE AND TIME: Tuesday, February 28, 2006, 8:30 a.m. – 1:30 p.m. Eastern Time

PLACE: Bryant Building, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this public meeting is to provide information on operational and research activities associated with the Alligator Management Program.

Pursuant to the provisions of the Americans with Disabilities Act (ADA), any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 5 calendar days before the meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542. For further information contact: Harry J. Dutton, 620 S. Meridian Street, Tallahassee, Florida, (850)488-3831.

The Florida **Fish and Wildlife Conservation Commission** (FWC) an additional schedule of Blue Crab Limited Entry Endorsement appeal hearings for the blue crab fishery.

DATE AND TIME: February 22, 2006, 8:00 a.m. – 5:00 p.m.

PLACE: Hilton Ocala, 3600 Southwest 36th Avenue, Ocala, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of these proceedings is to hear individual appeals by blue crab fishery participants who have been denied a Blue Crab Limited Entry Endorsement. The hearings will allow these participants the opportunity to establish requisite blue crab landings or present extenuating circumstances that would qualify them for the endorsement.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to attend these hearings is asked to advise the agency at least 5 calendar days before the hearing by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

For further information, contact: Jasmine MacPherson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)922-4340.

DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services** announces a public meeting of the Florida **Board of Funeral, Cemetery and Consumer Services** Emergency Preparedness Committee, to which all persons are invited.

DATE AND TIME: February 24, 2006, 10:00 a.m. – 3:00 p.m.

PLACE: The Gardens, 4103 N. Military Trail, Boca Raton, FL 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Committee Business.

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

At least 7 days before each meeting, a copy of the agenda of the meeting will be available. Agendas will be available on the home page of the Division of Funeral, Cemetery and Consumer Services, www.fldfs.com/FuneralCemetery.

A copy of the agenda may also be obtained by writing: Dept. of Financial Services, Division of Funeral, Cemetery and Consumer Services, Attn: LaTonya Bryant, 200 East Gaines Street, Tallahassee FL 32399-0361, Ms. Bryant, (850)413-3039.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise LaTonya Bryant, (850)413-3039, at least 48 hours before the meeting. If you are hearing or speech impaired, contact LaTonya Bryant via the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

The **Department of Financial Services** announces a telephone conference of the Florida **Board of Funeral, Cemetery and Consumer Services**, to which all persons are invited.

DATE AND TIME: March 16, 2006, 9:00 a.m. – 10:00 a.m.

PLACE: Department of Financial Services, Alexander Building, Suite 2100, 2020 Capital Circle, S. E., Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business.

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

At least 7 days before each meeting, a copy of the agenda of the meeting will be available. Agendas will be available on the home page of the Division of Funeral, Cemetery and Consumer Services, www.fldfs.com/FuneralCemetery. A copy

of the agenda may also be obtained by writing: Dept. of Financial Services, Division of Funeral, Cemetery and Consumer Services, Attn: LaTonya Bryant, 200 East Gaines Street, Tallahassee FL 32399-0361, or by calling Ms. Bryant, (850)413-3039.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise LaTonya Bryant, (850)413-3039, at least 48 hours before the meeting. If you are hearing or speech impaired, contact LaTonya Bryant via the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

OFFICE OF INSURANCE REGULATION

The **Financial Services Commission** announces a public hearing to which all persons are invited:

DATE AND TIME: March 16, 2006, 9:00 a.m., during a regular meeting of the Financial Services Commission.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed repeal of Rule 69O-154.303, and proposed amendments to Rules 69O-154.304, .305, .306, Florida Administrative Code, published on November 23, 2005 in Vol. 31, No. 47, of the *Florida Administrative Weekly*, No notice of change was published.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting Frank Dino at E-mail: frank.dino@fldfs.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

CHAPTER 69O-154 HEALTH INSURANCE POLICIES
PART IV FLORIDA HEALTH INSURANCE COVERAGE
CONTINUATION ACT

69O-154.303 Initial Notice.

Specific Authority 624.308(1), 627.6692(9) FS. Law Implemented 624.307(1), 627.6692(8) FS. History—New 4-24-97, Formerly 4-154.303, Repealed

69O-154.304 Notice of Occurrence of a Qualifying Event.

Each contract, policy, certificate and handbook must contain a Notice of Occurrence of a Qualifying Event provision. This provision must include the information required by Section 627.6692(5)(d)1., Florida Statutes. The beneficiary shall notify the carrier in writing within sixty-three (63)~~30~~ days, as evidenced by postmark, after the occurrence of the qualifying event or the termination of coverage whichever is later.

Specific Authority 624.308(1), 627.6692(9) FS. Law Implemented 624.307(1), 627.6692(5) FS. History—New 4-24-97, Formerly 4-154.304, Amended

69O-154.305 Election and Premium Notice Form.

(1) Within 14 days of the date that the carrier receives the notice of occurrence of a qualifying event from the qualified beneficiary the carrier must send to the employee, covered spouse and covered dependents, by certified mail, the Election and Premium Notice Form OIR-B2-1261 (REV 8/03 2/97), which is hereby adopted and incorporated by reference. Copies of the forms are available and may be printed from the Office's website:

http://www.flor.com/lh_fr/is_lhfr_Statutory%20Form%20and%20%20Reporting.htm. ~~Copies can be obtained from the Office of Insurance Regulation, Bureau of Life and Health Forms and Rates, 200 East Gaines Street, Tallahassee, Florida 32399-0328.~~

(2) Carriers may develop a similar form which must include the information in Form OIR-B2-1261. Any similar form must be filed and approved before use pursuant to the requirements of Section 627.410, Florida Statutes.

Specific Authority 624.308(1), 627.6692(9) FS. Law Implemented 624.307(1), 627.6692(5) FS. History—New 4-24-97, Formerly 4-154.305, Amended

69O-154.306 Election, Billing and Payment of Premium.

(1) The employee, covered spouse and covered dependents have until the 30th day, as evidenced by postmark, after receiving the Election and Premium Notice form described in Rule 69O-154.3056, F.A.C., to elect coverage continuation in writing and pay the premium to the carrier.

(2) The carrier or its designee must process all elections, within 30 days and provide coverage retroactively to the day coverage would have otherwise terminated due to the qualifying event. The first premium payment must include the coverage paid to the end of the month in which the first payment of premium is made.

Specific Authority 624.308(1), 627.6692(9) FS. Law Implemented 624.307(1), 627.6692(5) FS. History—New 4-24-97, Formerly 4-154.306, Amended

The **Office of Insurance Regulation** announces a public hearing to which all persons are invited.

DATES AND TIME: Friday, March 17, 2006, 9:30 a.m. with additional hearing time reserved Monday, March 20, 2006, as needed

PLACE: State of Florida, Office of Insurance Regulation, J. Edwin Larson Building, 200 East Gaines Street, Room 116, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the hearing is to consider the application for a certificate of authority made by Union Labor Life Insurance Company and to address issues related to its application and its eligibility to qualify for and hold authority to transact insurance in this state under the provisions of Sections 624.413

and 120.80(9), Florida Statutes, and subject to the provisions of Section 624.404, Florida Statutes, and other applicable provisions of the Insurance Code.

CONTACT NAME AND NUMBER: Susan Dawson, Assistant General Counsel, Office of Insurance Regulation, (850)413-4195.

Input from interested parties will be received at this public hearing. If you are unable to attend this public hearing, please forward your comments: Susan Dawson, e-mail: susan.dawson@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing, please telephone the Larson Building, (850)413-5940, at least 48 hours before the hearing.

CITIZENS PROPERTY INSURANCE CORPORATION

The members of the Board of Governors of **Citizens Property Insurance Corporation** announce a public meeting to which all interested persons are invited to participate.

DATE AND TIME: Wednesday, March 1, 2006, 8:00 a.m. – 5:00 p.m.

PLACE: Spartan Manor Restaurant, 6121 Massachusetts, New Port Richey, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: No action will be taken by the Board at this meeting.

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: March 9, 2006, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

CLERKS OF COURT OPERATIONS CORPORATION

The **Clerks of Court Operations Corporation** announces a teleconference to which all persons are invited.

DATE AND TIME: March 9, 2006, 2:00 p.m. – 5:00 p.m.

PLACE: For information regarding attending the meeting, call John Dew, (850)386-2223

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and discuss potential legislative issues, review 05-06 budget issues, and begin discussion regarding the 06-07 budget year.

Information regarding the meeting may be obtained by contacting: John Dew, Florida CCOC, (850)386-2223, website: www.flccoc.org.

INDIAN RIVER COMMUNITY COLLEGE

Indian River Community College, Criminal Justice Training Institute announces a public meeting for the Region XI Council, to which the public is invited.

DATE AND TIME: March 8, 2006, 10:00 a.m.

PLACE: Indian River Academy, Room 141, 5900 Tedder Road, Fort Pierce, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide update on training classes and any other issues involving the Region.

FLORIDA SELF-INSURERS GUARANTY ASSOCIATION

The **Florida Self-Insurers Guaranty Association, Inc.** announces a telephone conference meeting of the Claims Committee of its Board of Directors. All interested persons are invited to attend.

DATE AND TIME: Tuesday, February 21, 2006, 9:00 a.m.

PLACE: 1427 E. Piedmont Drive, 2nd Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Brian Gee, Executive Director, (850)222-1882.

FLORIDA INSURANCE GUARANTY ASSOCIATION

The **Florida Insurance Guaranty Association** announces an Executive Committee meeting to which all interested parties are invited to attend.

DATE AND TIME: February 23, 2006, 3:30 p.m. (Eastern Time) recessing as soon as business has been concluded

PLACE: Hyatt Regency Orlando Airport Hotel, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Executive Committee of the Florida Insurance Guaranty Association will meet to discuss American Guaranty Fund Group business.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate the meeting is asked to advise the Association by contacting Cathy Irvin, (850)386-9200, at least 48 hours before the session if the person wishes to participate. A person who is hearing or speech impaired may also contact the TDD, 1(800)955-1339.

FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION

The **Florida Automobile Joint Underwriting Association** announces two FAJUA Advisory Committee meetings to which all persons are invited:

FAJUA Advisory Committee Meeting

DATE AND TIME: Friday, February 24, 2006, 10:00 a.m.

PLACE: TBA

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss current servicing carrier agreement; start up of new servicing carrier and any other matters that may come before the committee.

FAJUA Advisory Committee Meeting

DATE AND TIME: Tuesday, March 14, 2006, 10:00 a.m.

PLACE: TBA

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss current servicing carrier agreement; start up of new servicing carrier and any other matters that may come before the committee.

Additional information may be obtained from: Lisa Stoutamire, 1425 Piedmont Drive, East, #201A, Tallahassee, FL, (850)681-2003, e-mail: stoutamire@fajua.org.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Petition for Declaratory Statement received from Basham & Lucas Design Group, Inc., on November 4, 2005, has been withdrawn. Notice of receipt of this petition, which was assigned the number of DCA05-DEC-215, appeared in the January 20, 2006, edition of the Florida Administrative Weekly.

A copy of the withdrawal may be obtained by writing Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a Petition for Declaratory Statement In Re: Petition for Declaratory Statement, Oceania III Condominium Association, Inc, Oceania II Condominium Association, Inc. and Oceania IV Condominium Association, Inc; Docket No. 2006003887.

Whether Oceania Club, Inc. is a condominium association governed by Chapter 718, Florida Statutes.

A copy of the Petition for Declaratory Statement, Docket Number 2006003887 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. Please refer all comments to Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Board of Architecture and Interior Design hereby gives notice that on February 3, 2006, it received a Petition for Declaratory Statement filed by John T. Sefton, Esquire, on behalf of Barley Consulting Group, LLP. The petition seeks the Board’s interpretation of Sections 481.203, 481.219, and 481.222, Florida Statutes, and whether Barley Consulting Group, LLP is required to obtain a Certificate of Authorization issued under Chapter 481 to act as a private provider of building inspection services under Section 553.791(1)(g), Florida Statutes.

Copies of the petition may be obtained from Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, FL 32399-0783.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

Section XI Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF EDUCATION

NOTICE TO CONSTRUCTION MANAGERS

The University of Florida Board of Trustees, announces that construction management services will be required for the project listed below:

Project No.: UF-207, Project and Location: George Steinbrenner Band Building, University of Florida, Gainesville. This project consists of the design and construction of the University of Florida "Pride of the Sunshine" Fightin' Gator Marching Band rehearsal hall adjacent to Music Building on the University of Florida main campus. In addition to the band rehearsal hall, this project includes offices, instrument storage, band library and instrument issue room. This building will also be constructed and classified as a Public Shelter. Due to budget constraints, the project will be designed with two alternates, which will shell-out various spaces. The estimated construction cost is \$4,750,000.

The project is in the Design Development phase. The construction management services will consist of a written constructability analysis, value analysis with cost alternatives, and the development of a Guaranteed Maximum Price (GMP) at 60% Construction Document phase. If the GMP is accepted construction will commence. The construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract. Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; and qualification of the firm's personnel, staff and consultants. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard University of Florida 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 project specific "Construction Manager Qualifications Supplement" available from the website:

www.facilities.ufl.edu. Proposals must not exceed 40 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned. All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$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 Construction Manager Qualifications Supplement forms, the Construction Manager Project Fact Sheet and instructions for registering as an applicant can be found on the Facilities Planning & Construction website.

Eight bound copies of the required proposal must be received in the Facilities Planning and Construction Division office by 3:00 p.m. local time on Thursday, March 16, 2006. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning and Construction
232 Stadium / P. O. Box 115050
Gainesville, FL 32611-5050
Telephone: (352)392-1256
FAX: (352)392-6378
Internet: www.facilities.ufl.edu

NOTICE TO PROFESSIONAL CONSULTANTS

The University of Florida Board of Trustees, announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project No.: UAA-18, South West Stadium Expansion, Gainesville, Florida

The project consists of approximately additional 31,332 (GSF) and renovating existing 18,380 (GSF) of offices, meeting rooms, weight room, Interactive Exhibition/Reception area, Gator Room, and support space for the University of Florida's football program. The construction budget is estimated at approximately \$12M. The new addition to the stadium must fit with contextually with adjacent facilities while also conveying a prominent sense of arrival. This addition to the South West corner of the stadium will serve as a focal point for one of the main intersections on campus, Gale Lemerand Drive and Stadium Road, and the main entrance for the football program to the stadium. The Design team must balance this with the

need to create a facility that clearly conveys a sense of importance, arrival, ease of access and inviting architecture to the new addition. The design team shall creatively develop the addition of a prominent street-level entry, incorporate it into the existing physical facility to allow ease of access to the various spaces and the stadium. This project is not a stadium seating or field expansion.

The Design team shall thoroughly and immediately review, confirm, and adjust the proposed allocation of space through conceptual studies, site survey, cost modeling, 3D renderings, and interactive workshops with users and other stakeholders. Construction is expected to be "fast-tracked" commencing in October 2006. The design team must be able to provide services in response to this tight schedule.

Proposals must not exceed Forty (40) pages, including Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

The selected firm will provide design, construction documents and construction administration services for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$2,000,000, and will be provided as a part of Basic Services.

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application. The letter of application should have attached:

1. A completed "Professional Qualifications Supplement," the latest project specific version available from the website: www.facilities.ufl.edu. Applications on any other form will not be considered.

2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit Seven (7) copies of the above requested data bound in the order listed above. Applications, which do not comply with the above instructions, may be disqualified. Application materials will not be returned. The plans and specifications for the University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$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. Professional Qualifications Supplement forms,

project information, selection criteria, and instructions for registering as an applicant can be found on the Facilities Planning & Construction website.

Submittals must be received in the Facilities Planning & Construction office by 3:00 p.m. local time, on Friday, March 17, 2006. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning and Construction
232 Stadium / P. O. Box 115050
Gainesville, FL 32611-5050
Telephone: (352)392-1256
FAX: (352)392-6378
Internet: www.facilities.ufl.edu

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

EXPRESSWAY AUTHORITIES

NOTICE TO PROFESSIONAL CONSULTANTS

Orlando-Orange County Expressway Authority

The Orlando-Orange County Expressway Authority (Authority) requires the services of a consultant in connection with Construction Engineering and Inspection (CEI) services. Shortlist consideration will be given to only those firms who are qualified pursuant to law, and as determined by the Authority, and who have been prequalified by FDOT to perform the indicated Types of Work.

TYPES OF WORK: Group 10.1, Roadway Construction Engineering and Inspection and Group 10.3, Construction Materials Inspection. Consultant must be prequalified in these work groups.

DESCRIPTION: The work consists of providing CEI services related to the construction of the extension of S.R. 429 from south of existing C.R. 437A interchange north to Boy Scout Road, the new limited access roadway (S.R. 414 – Maitland Boulevard Extension) from realigned S.R. 429 east to west of Apopka Vineland Road, new system interchange ramps at S.R. 429 and S.R. 414 extension, and a new interchange with S. R. 429 and CR 437A, identified as Project No. 429-200.

SUBMITTAL REQUIREMENTS: Interested consultants shall submit five (5) sets of a Letter of Interest package indicating their desire to be considered. The letter shall be no more than ten pages exclusive of charts, resumes and project experience list and divided as follows:

Section 1. Similar project Experience: Provide CEI project experience on current/completed projects within the past 5 years. Indicate project name, location, services provided and accurate reference names with phone numbers. All references will be checked.

Section 2. Project Approach; Provide a maximum 5 page narrative describing the firm’s approach to delivering the CEI services. In addition to the narrative, provide a proposed project organization chart including subconsultant personnel; a matrix summarizing proposed personnel experience on similar projects including registrations/certifications; detailed resumes identifying relevant experience on similar projects. Resumes shall include client/owner references for all proposed personnel for the past 5 years and availability date for each individual.

Section 3. Certifications; Provide copies of FDOT certifications in the work groups identified above and Florida Department of Professional Regulation registration for prime consultant and subconsultants.

Section 4. Current and Projected Workload; Indicate ability of staff to manage a CEI assignment and indicate, as a percentage, the current/projected workload of current staff. Indicate the total number of firm’s professional, technical and administrative personnel by discipline, location and office responsible for administering the contract.

CODE OF ETHICS: All consultants selected to work with the Authority are required to comply with the Authority’s Code of Ethics, a copy of which may be obtained by contacting the Authority.

EQUAL OPPORTUNITY STATEMENT: The Orlando-Orange County Expressway Authority, in accordance with the provision of Title VI and Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination of on the basis of race, color, sex, national origin, age, religion and disability. The Authority hereby notifies all Proposers and individuals that it requires and encourages equal employment opportunity for minority and women as employees in the workforce.

MINORITY / WOMEN / DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION: The Orlando-Orange County Expressway Authority, hereby notifies all Proposers and individuals that it will require affirmative efforts be made to ensure participation of local minority and women business enterprises on contracts awarded by the Authority.

NON-SOLICITATION PROVISION: From the first date of publication of this notice, no person may contact any Authority Board Member, Officer or Employee or any selection committee member, with respect to this notice or the services to be provided, except as related to the Submittal Requirements detailed above. Reference is made to the lobbying guidelines of the Authority for further information regarding these Non-Solicitation Provisions.

LETTER OF INTEREST RESPONSE DEADLINE: March 3, 2006, 3:00 p.m., Orlando local time.

SELECTION: Shortlisted firms will be notified as to the date and time that each will be required to provide a technical proposal and constructability review and the time and date of oral presentations to the Authority’s Selection Committee.

AUTHORITY CONTACT PERSON:

Ben Dreiling, P.E.
 Director of Construction
 Telephone: (407)316-3800
 Fax: (407)316-3801

LETTER OF RESPONSE ADDRESS:

Orlando-Orange County Expressway Authority
 525 S. Magnolia Avenue
 Orlando, FL 32801
 Re: CEI Services
 Project No. 429-200

ORLANDO-ORANGE COUNTY EXPRESSWAY
 AUTHORITY

Michael Snyder, P.E.
 Executive Director

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

FLORIDA HOUSING FINANCE CORPORATION

Request for Proposals 2006-02 for the Development and Rehabilitation of Housing for Special Needs Populations

The Florida Housing Finance Corporation invites all qualified and interested parties wishing to develop and/or rehabilitate housing for special needs populations to submit proposals for consideration. Proposals shall be accepted until 2:00 p.m., Eastern Time, Tuesday, April 18, 2006, to the attention of Robin Grantham, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact Robin Grantham, (850)488-4197, e-mail: robin.grantham@floridahousing.org. To obtain a copy of the Request for Proposals, which outlines selection criteria and offeror’s responsibilities, please submit your request to the attention of Robin Grantham, or you can download the Request for Proposals from the Florida Housing Finance Corporation website: <http://www.floridahousing.org/Home/BusinessLegal/CurrentSolicitations/RequestForProposals.htm>.

Any modifications that occur to the Request for Proposals will be posted at the web site and may result in an extension of the deadline.

POLK COUNTY WORKFORCE DEVELOPMENT BOARD

LEGAL NOTICE REQUEST FOR PROPOSALS

The Polk County Workforce Development Board, Inc. is soliciting proposals from qualified entities to provide Comprehensive Customer Services/One-Stop Operator Services as required under the Workforce Investment Act of 1998; the Social Security Act, Title IV; the Personal Responsibility and Work Opportunity Act of 1996 (Welfare Transition Program); and Florida's Workforce Innovation Act of 2000.

The Proposers' conference is scheduled for Monday, February 27, 2006. Letters of Intent to Propose are due in the Board's administrative office before 5:00 p.m., ET, on Tuesday, March 7, 2006. All proposals are due in the Board's administrative office before 4:00 p.m., ET, on Thursday, March 23, 2006. A copy of this Request for Proposals may be obtained from the Board's website, www.polkworks.org, by clicking on <Business Opps> then clicking on <Procurements> or by contacting Tom Hornack at (863)519-0100, Ext. 116 or e-mail: tom_hornack@polkworks.org.

FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL

REQUEST FOR PROPOSALS (FDDC # 2006-CD-3400)

The Florida Developmental Disabilities Council (FDDC) announces the availability of a Request for Proposals. This RFP is being issued to enhance the information base necessary for the FDDC continued efforts to improve the delivery of services to the state's children and adults with developmental disabilities.

The Council recognizes that many school age children with developmental disabilities do not have the same summer recreation options available to them as do their typical peers. Most school age students with disabilities participate in summer school or recreational programs that serve only students with special needs. This effectively segregates them from interacting with other children that are the same age and have the same interests, and does not afford them typical learning and social opportunities with other children at their neighborhood parks, playgrounds, pools, recreational centers, and camps. A number of studies have focused on the value of social and peer relationships between children with and without disabilities, with most indicating a positive result for both groups of children (Turner and Traxler 1995).

The primary objective of this project is to transform existing summer camp programs that currently do not include campers with developmental disabilities into including campers with developmental disabilities within the guidelines of natural proportions. This involves recruiting and training summer camp staff and typically developing peers to result in an inclusive camp experience for children with and without

developmental disabilities. This project will also involve the development of manuals, trainings and materials for summer camp staff and typically developing peers, the provision of on-site and telephone follow-up and technical assistance, an application process and criteria for selection of project camp sites, the development a "How to" replication manual on how to develop a successful inclusive summer camp for programs already in existence, which will include but is not limited to: camp staff training, peer training, case examples, and an application process for recruiting, and organizing a Sustainability Committee for the project. Individuals, not-for-profit and for-profit agencies may submit proposal in response to this RFP. The approximate amount of funds available for project awarded based on this RFP will be up to \$100,000. The exact amount of this contract will be developed during contract negotiations.

Copies of this RFP will be available from the Florida Developmental Disabilities Council, 124 Marriott Drive, Suite 203, Tallahassee, FL 32301, (850)488-4180 or Toll Free 1(800)580-7801 or TDD Toll Free (888)488-8633. The deadline for submitting letters of intent and written questions is prior to 4:00 p.m. EST on March 17, 2006. The deadline for submitting proposals is prior to 4:00 p.m. DST on May 1, 2006. Letters of Intent will only be accepted by fax, mail, or hand delivery. Letters of Intent by e-mail will not be accepted.

THE ABOVE ANNOUNCEMENT WILL APPEAR IN THE FLORIDA ADMINISTRATIVE WEEKLY AND THE FDDC WEB PAGE (fddc.org) ON February 17, 2006.

PLEASE FORWARD ALL REQUESTS FOR COPIES OF THE RFP TO Misty.

QUESTIONS ARE TO BE SUBMITTED IN WRITTEN FORMAT ONLY. THIS IS A LEGAL PROCESS; WE CANNOT ANSWER QUESTIONS VERBALLY.

REQUEST FOR PROPOSALS (FDDC # 2006-CD-3500)

The Florida Developmental Disabilities Council (FDDC) announces the availability of a Request for Proposals. This RFP is being issued to enhance the information base necessary for the FDDC continued efforts to improve the delivery of services to the state's children and adults with developmental disabilities.

The Council recognizes that families and teachers of children with developmental disabilities consistently report a need for social opportunities and social inclusion. In fact, qualitative impairments in social interactions are one of the defining characteristics of children and adults with developmental disabilities. Many children with developmental disabilities do not use spontaneous communication or offer information to those in their environments. The Social Inclusion Project (SIP) was initiated three years ago by the Florida Developmental Disabilities Council in thirteen Florida counties to foster the inclusion of students with disabilities in regular social and/or educational settings.

The primary objective of this project is to conduct a retrospective study to evaluate and provide information on the impact of SIP in inclusive practices within the targeted schools as well as to identify the effective components of the project. This information will enable FDDC to modify the existing SIP project to make it more successful in the participating counties as well as with future expansion projects. The provider will present a comprehensive detailed report evaluating SIP and the impact of SIP on inclusive practices within the targeted sites. The report will include recommendations for future modifications of the SIP project. The study must meet all of the professional standards of a retrospective study and must include, but is not limited to, the following components:

- An executive summary;
- A general overview of SIP with identification of all the counties implementing SIP;
- Identification of which school(s) within each of the targeted counties are implementing SIP;
- Identification of the types of settings in which the SIP activities are occurring (i.e. during the school day, after school, extra curricular activity, etc.);
- Identification and description of the implementation of SIP activities in each targeted county;
- Identification of the number and amount of time students with developmental disabilities spent in general education classes (academic, electives/specials/wheel) before and after the SIP project? For what duration of time (days, weeks, and months) did such students remain in the general education classes (academic, electives/specials/wheel) before and after the SIP project?
- Description of how participation in SIP has been beneficial for all involved (academically, socially, etc.);
- Description of how SIP has enhanced inclusive practices in the school and county;
- Description of how the implementation of SIP has increased inclusive practices within the school and county;
- Identification of the factors that have contributed to the success of SIP in the school and county;
- Identification of the factors that have hindered the effective implementation of SIP in the school and county;
- Identification of the barriers in the operation of SIP;
- Description of how parent involvement is addressed in SIP; and
- A summary of the feedback and impressions from teachers, administrators, students and parents that have been involved with SIP.
- Recommendations for the future of SIP.

Individuals, not-for-profit and for-profit agencies may submit proposal in response to this RFP. The approximate amount of funds available for project awarded based on this RFP will be up to \$10,000. The exact amount of this contract will be developed during contract negotiations.

Copies of this RFP will be available from the Florida Developmental Disabilities Council, 124 Marriott Drive, Suite 203, Tallahassee, FL 32301, (850)488-4180 or Toll Free 1(800)580-7801 or TDD Toll Free (888)488-8633. The deadline for submitting letters of intent and written questions is prior to 4:00 p.m. EST on March 17, 2006. The deadline for submitting proposals is prior to 4:00 p.m. DST on May 1, 2006. Letters of Intent will only be accepted by fax, mail, or hand delivery. Letters of Intent by e-mail will not be accepted.

THE ABOVE ANNOUNCEMENT WILL APPEAR IN THE FLORIDA ADMINISTRATIVE WEEKLY AND THE FDDC WEB PAGE (fddc.org) ON February 17, 2006.

PLEASE FORWARD ALL REQUESTS FOR COPIES OF THE RFP TO Misty.

QUESTIONS ARE TO BE SUBMITTED IN WRITTEN FORMAT ONLY. THIS IS A LEGAL PROCESS; WE CANNOT ANSWER QUESTIONS VERBALLY.

EARLY LEARNING COALITION OF PUTNAM AND ST. JOHNS COUNTIES

Notice of Request for Proposals

The ELC of Putnam/St. Johns is soliciting competitive responses from parties interested in contract monitoring of early learning programs. The monitoring sites vary to include, Palatka, St. Augustine, Gainesville and Jacksonville. The individual or firm selected for this proposal will be responsible for insuring sub-contractors are in compliance with contractual requirements.

The ELC of Putnam/St. Johns invites all qualified and interested parties wishing to provide contract monitoring to submit proposals for consideration. If you have any questions or require additional information regarding this advertisement, please contact Ramichah Watkins, Executive Director, at (386)328-0958, or earlylearning05@bellsouth.net. To obtain a copy of the Request for Proposals, which outlines the offeror's responsibilities, please submit your request to Ramichah Watkins, or you may download the RFP at the Coalition website: www.sunkidz.net

Section XII
Miscellaneous

DEPARTMENT OF COMMUNITY AFFAIRS

DCA Order No. DCA06-OR-001

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY ISLAMORADA,
VILLAGE OF ISLANDS
ORDINANCE NO. 05-21

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2004), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Islamorada, Village of Islands is a local government within the Florida Keys Area.

2. On December 23, 2005, the Department received for review Islamorada, Village of Islands Ordinance No. 05-21 which was adopted by the Village Council on December 15, 2005 ("Ord. 05-21"). The purpose of Ord. 05-21 is to amend the language to Section 30-684, Residential Single Family (R1) and Multi Family (R1M) Zoning Districts of Article V of Chapter 30 of the Village Code of Ordinances to allow attached affordable housing of up to four units on lots fronting U.S. 1.

3. The Ordinance establishes site development standards with a minimum lot area of 4,500 square feet for a single family detached dwelling, unit; 6,000 square feet for to attached affordable housing units; 9,000 square feet for three attached affordable housing units; and 12,000 square feet for four attached affordable housing units.

4. Ord. 05-21 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2004).

6. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2004), and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

7. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2004). The regulations adopted by Ord. 05-21 are land development regulations.

8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. (2004). See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

9. Ord. 05-21 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(j) To make available adequate affordable housing for all sectors of the population in the Florida Keys.

10. Ord. 05-21 is not inconsistent with the remaining Principles. Ord. 05-21 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 05-21 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

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 SUBSECTION 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 SUBSECTION 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.

Tracy D. Suber
 State Planning Administrator
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 3rd day of February, 2006.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Robert Johnson, Mayor
 Islamorada, Village of Islands
 Post Office Box 568
 Islamorada, FL 33036

Beverly Raddatz, Village Clerk
 Islamorada, Village of Islands
 Post Office Box 568
 Islamorada, FL 33036

Nina Boniske, Esq.
 Nancy Stroud, Esq.
 Weiss Serota Helfman Pastoriza
 Guedes Cole & Boniske, P.A.
 3107 Stirling Drive, Suite 300
 Fort Lauderdale, FL 33312-8500

DCA Order No. DCA06-OR-049

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY ISLAMORADA,
VILLAGE OF ISLANDS
ORDINANCE NO. 05-13

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Islamorada, Village of Islands is a local government within the Florida Keys Area.

2. On January 20, 2006, the Department received for review Islamorada, Village of Islands Ordinance No. 05-13 which was adopted by the Village Council on July 28, 2005 ("Ord. 05-13"). The purpose of Ord. 05-13 is to amend Section 5.1.12 "Village Center (VC) Zoning District," and Section 5.1.13 "Highway Commercial (HC) Zoning District" of Division 5.1, "Zoning Districts" of Article V "Schedule of Districts, Use and Development Standards," of Chapter 9.5 "Land Development Regulations" of the Village Code of Ordinances. The amendments are designed to regulate zoning districts within the Village to preserve the character of established residential and non-residential areas.

3. The Ordinance will prevent the conversion of hotel and motels to permanent uses within the subject zoning districts, and it will further clarify and affirm that hotels and motels are not residential uses. The Ordinance will aid in the prevention of a potential increase in hurricane evacuation times because tenants of hotels and motels must evacuate prior to permanent residents.

4. Ord. 05-13 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005).

6. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2005), and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

7. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2005). The regulations adopted by Ord. 05-13 are land development regulations.

8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. (2005). See Rathkamp vs. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

9. Ord. 05-13 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.

(k) To provide adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post disaster reconstruction plan.

(l) To protect the public health, safety and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

10. Ord. 05-13 is not inconsistent with the remaining Principles. Ord. 05-13 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 05-13 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

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 SUBSECTION 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 SUBSECTION 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.

Tracy D. Suber
State Planning Administrator
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 3rd day of February, 2006.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Robert Johnson, Mayor
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Beverly Raddatz, Village Clerk
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Nina Boniske, Esq.
Weiss Serota Helfman Pastoriza
Guedes Cole & Boniske, P.A.
3107 Stirling Drive, Suite 300
Fort Lauderdale, FL 33312-8500

DCA Final Order No.: DCA06-OR-007

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: CITY OF MARATHON SMALL SCALE PLAN
AMENDMENT ADOPTED BY CITY OF
MARATHON ORDINANCE NO. 2005-22

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 163.3187(1)(c), 380.05(6) and (11), Fla. Stat., (2005), approving a small scale plan amendment and land development regulations adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The City of Marathon is a designated area of critical state concern.

2. On December 23, 2005, the Department received for review City of Marathon Ordinance No. 2005-22, which was adopted by the City of Marathon City Commission on December 13, 2005 ("Ord. 2005-22"). Ord. 2005-22 authorizes a small scale comprehensive plan amendment for the purposes of affordable housing as provided under Section 163.3187(1)(c)1.e., Fla. Stat.. The amendment will change 1.27 acres designated Mixed Use Commercial, with a density of 10-15 affordable housing dwelling units per acre on the Marathon Land Use Map to Residential High, with a maximum density of 15-25 affordable housing dwelling units per acre.

3. Ord. 2005-22 authorizes a Future Land Use Map Amendment from Mixed Use Commercial to Residential High for property located along Overseas Highway at approximately 71st Street Ocean, and legally described as part of Government Lot 1, Section 11, Township 66 South, Range 33 East, Key Vaca, Monroe County, Florida, having a Real Estate Number of 103560-000201.

4. Ord. 2005-22 is consistent with the City's Comprehensive Plan.

CONCLUSIONS OF LAW

6. The Department is required to approve or reject small scale plan amendments which involve the construction of affordable housing units and land development regulations that are adopted by any local government in an area of critical state concern based upon consistency with the Principles for Guiding Development applicable to Areas of Critical State Concern. 163.3187(1)(c)1.e., Fla. Stat., (2005).

7. The City of Marathon is an Area of Critical State Concern. § 380.05, Fla. Stat. (2005) and Rule 28-36.001, Fla. Admin. Code.

8. "Local comprehensive plan" means any or all local comprehensive plans or elements or portions thereof prepared, adopted, or amended pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, as amended. § 380.031(10), Fla. Stat. (2005). Ord. 2005-22 adopts an amendment to the local comprehensive plan.

9. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2005). The regulations adopted by Ord. 2005-22 are land development regulations.

10. All small scale amendments to the local comprehensive plan adopted within an area of critical state concern and all land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for the particular area (the "Principles"). § 380.05(6), Fla. Stat.; see *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles for the City of Marathon Area of Critical State Concern are set forth in subsection 28-36.003(1), Fla. Admin. Code.

11. Ord. 2005-22 promotes and furthers the following Principles in subsection 28-36.003(1), F.A.C.:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(j) To make available adequate affordable housing for all sectors of the population of the Florida Keys.

(l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

12. Ord. 2005-22 is not inconsistent with the remaining Principles. Ord. 2005-22 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2005-22 is found to be consistent with the Principles for Guiding Development of the City of Marathon Are of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

Valerie J. Hubbard, 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.

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AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 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 SUBSECTION 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 8th day of January, 2006.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable John Bartus, Mayor
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Cindy Ecklund, City Clerk
City of Marathon
10045-55 Overseas Highway
Marathon, Florida 33050

Mike Puto
City Manager
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

John Herin, Esq.
 Stearns Weaver Miller Weissler
 Alhadeff & Sitterson, P.A.
 Suite 2200 Museum Tower
 150 West Flagler Street
 Miami, Florida 33130

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation intends to issue an "Airport Site Approval Order," in accordance with Chapter 330, Florida Statutes, "Regulation of Aircraft, Pilots, and Airports" and Chapter 14-60, Florida Administrative Code, "Airport Licensing, Registration, and Airspace Protection" for the following site:

Osceola County Sheriff's Office, a private airport, in Osceola County, at Latitude 28° 16' 30.2" and Longitude 81° 20' 11", to be owned and operated by Mr. Chuck Arnold, 2601 East Irlo Bronson Memorial Highway, Kissimmee, FL 34744.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting: Mr. William J. Ashbaker, P.E., State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4500, e-mail: aviation.fdot@dot.state.fl.us, website: <http://www.dot.state.fl.us/aviation>.

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

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, General Motors Corporation intends to allow the establishment of Fountain Motor Company, Inc., as a dealership for the sale of Pontiac and Buick vehicles, at 8701 South Orange Blossom Trail, Orlando (Orange County), Florida 32809, on or after June 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Fountain Motor Company, Inc., are dealer operator(s): W. Clay King, 8701 South Orange Blossom Trail, Orlando, Florida 32809; principal investor(s): W. Clay King, for W. Clay King Irrevocable Trust, 8701 South Orange Blossom Trail, Orlando, Florida 32809.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Scott Malatesta, Zone Manager, General Motors Corporation, Mail Code 482-A07-C66, 100 GM Renaissance Center, Detroit, Michigan 48265-1000.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
 Franchise Motor Vehicle Dealer in a County of More
 than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Zongshen, Inc., intends to allow the establishment of USA Wholesale Scooters, Inc., as a dealership for the sale of Zongshen motorcycles, at 2902 East Sunrise Boulevard, Fort Lauderdale (Broward County), Florida 33304, on or after January 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of USA Wholesale Scooters, Inc., are dealer operator(s): Joe Farr, 2902 East Sunrise Boulevard, Fort Lauderdale, Florida 33304; principal investor(s): Joe Farr, 2902 East Sunrise Boulevard, Fort Lauderdale, Florida 33304.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Cavan Chan, Authorized Representative, Zongshen, Inc., 10530 Northwest 37th Terrace, Miami, Florida 33178.

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 STR Motorsports, Inc., intends to allow the establishment of Florida Power Sports, Inc., as a dealership for the sale of KYMCO motorcycles, at 4774 North Highway 441, Okeechobee (Okeechobee County), Florida 34972, on or after January 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Florida Power Sports, Inc., are dealer operator(s): Don R. Browning, 1313 Southwest Naomi Street, Palm City, Florida 34990, Marie L. Case, 2391 Southwest Riverside Drive, Palm City, Florida 34990, and Richard S. Scott, 2391 Riverside Drive, Palm City, Florida 34990; principal investor(s): Marie L. Case, 2391 Southwest Riverside Drive, Palm City, Florida 34990, and Richard S. Scott, 2391 Southwest Riverside Drive, Palm City, Florida 34990.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Bruce Ramsey, VP of Sales/Marketing, STR Motorsports, Inc., 1770 Campton Road, Inman, South Carolina 29349.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, STR Motorsports, Inc., intends to allow the establishment of Varsity Cycles Corporation, as a dealership for the sale of KYMCO motorcycles at 2601 North Federal Highway, Fort Lauderdale (Broward County), Florida 33306, on or after January 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Varsity Cycles Corporation are dealer operator(s): Tony Cappadona, 2749 Southeast 11th Street, Pompano Beach, Florida 33062-7034; principal investor(s): Tony Cappadona, 2749 Southeast 11th Street, Pompano Beach, Florida 33062-7034.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Bruce Ramsey, VP of Sales/Marketing, STR Motorsports, Inc., 1770 Campton Road, Inman, South Carolina 29349.

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 Auto Easy Finance, Inc., d/b/a Daelim Motor USA, intends to allow the establishment of Eagle Powersports, LLC, as a dealership for the sale of Daelim motorcycles, at 10 Northeast First Avenue, Chiefland (Levy County), Florida 32626, on or after January 24, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Eagle Powersports, LLC, are dealer operator(s): Robert Minor, 10 Northeast First Avenue, Chiefland, Florida 32626; principal investor(s): Robert Minor, 10 Northeast First Avenue, Chiefland, Florida 32626.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Raul Romero, Jr., Sales Manager, Auto Easy Finance, Inc., d/b/a Daelim Motor USA, 12901 Southwest 122nd Avenue, Suite 105, Miami, Florida 33186.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Thomas Built Buses, Inc., intends to allow the establishment of First Class Coach & Equipment, Inc., as a dealership for the sale of Thomas Built Buses, school and commercial models, at 6401 North 54th Street, Tampa (Hillsborough County), Florida 33610, on or after January 20, 2006.

The name and address of the dealer operator(s) and principal investor(s) of First Class Coach & Equipment, Inc., are dealer operator(s): Scott T. Fewell, P. O. Box 770841,

Winter Garden, Florida 32777-0841; principal investor(s): Linda J. Fewell, 6124 Foxfield Court, Windermere, Florida 34786.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Tom Schaaf, Director of North American School Bus Sales, Thomas Built Buses, Inc., P. O. Box 2450, High Point, North Carolina 27261.

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 the Relocation of a
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Kawasaki Motors Corporation U.S.A. intends to allow the relocation of St. Augustine Cycle Center, Inc., d/b/a US 1 Powersports Center, as a dealership for the sale of Kawasaki motorcycles, from its present location at 2590 U.S. Highway 1 South, St. Augustine, Florida 32086, to a proposed location at 205 Commercial Drive, St. Augustine (St. Johns County), Florida 32092, on or after April 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of St. Augustine Cycle Center, Inc., d/b/a US 1 Powersports Center are: dealer operator(s): Joseph Cepin, 2590 U.S. Highway 1 South, St. Augustine, Florida 32086; principal investor(s): Antonette Petrisko, 2590 U.S. Highway 1 South, St. Augustine, Florida 32086.

The notice indicates an intent to relocate the franchise in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Jim Capps, Regional Sales Manager, South Region, Kawasaki Motors Corporation, U.S.A., 6110 Boat Rock Boulevard, Southwest, Atlanta, Georgia 30336-2776.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Jag PowerSports, d/b/a CPI-USA, intends to allow the establishment of Top Dawg MotorSports, Inc., as a dealership for the sale of Jag PowerSports motorcycles, at 903 South Pinellas Avenue, Tarpon Springs (Pinellas County), Florida 34689, on or after January 24, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Top Dawg MotorSports, Inc., are dealer operator(s): Mark Faucette, 903 South Pinellas Avenue, Tarpon Springs, Florida 34689; principal investor(s): Mark Faucette, 903 South Pinellas Avenue, Tarpon Springs, Florida 34689.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Susan Chien, Controller, Jag PowerSports, d/b/a CPI-USA, 1875 Walnut Hill Lane, #120, Irving, Texas 75038.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Hyosung Motors America, Inc., intends to allow the establishment of Stock Mild to Wild, Inc., as a dealership for the sale of Hyosung motorcycles, at 2012 Blanding Boulevard, Jacksonville (Duval County), Florida 32210, on or after February 15, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Stock Mild to Wild, Inc., are dealer operator(s): Ryan Kallina, 1521 Rose Hill Drive, Jacksonville, Florida 32221; principal investor(s): Ryan Kallina, 1521 Rose Hill Drive, Jacksonville, Florida 32221.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Edward Park, President, Hyosung Motors America, Inc., 5815-B Brook Hollow Parkway, Norcross, Georgia 30071.

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 United Motors of America intends to allow the establishment of Solano Cycle, as a dealership for the sale of UM motorcycles, at 32 San Marco Avenue, St. Augustine (St. Johns County), Florida 32084, on or after January 30, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Solano Cycle are dealer operator(s): Martin Solano, 4372 Sycamore Pass Court West, Jacksonville, Florida 33258; principal investor(s): Martin Solano, 4372 Sycamore Pass Court West, Jacksonville, Florida 33258.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Melissa Bell, Sales Support, United Motors of America, 8801 Northwest 23rd Street, Miami, Florida 33172.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, JMSTAR Powersports, Inc., intends to allow the establishment of USA Wholesale Scooters, Inc., as a dealership for the sale of

JMSTAR motorcycles, at 2902 East Sunrise Boulevard, Fort Lauderdale (Broward County), Florida 33304, on or after January 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of USA Wholesale Scooters, Inc., are dealer operator(s): Noel Farbman, 2902 East Sunrise Boulevard, Fort Lauderdale, Florida 33304; principal investor(s): Noel Farbman, 2902 East Sunrise Boulevard, Fort Lauderdale, Florida 33304.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Yenong Xie, President, JMSTAR Powersports, Inc., 400 Northwest 141st Avenue, #207, Pembroke Pines, Florida 33028.

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.

**BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

AGENCY FOR HEALTH CARE ADMINISTRATION**Request for Letter of Intent from Potential
Medicaid Reform Providers**

During the 2005 Special Session, the Legislature passed HB3B authorizing implementation of Medicaid Reform. The target implementation date is July 2006 in Duval and Broward Counties. The Agency has received requests for information from providers about plan and provider group participation in Medicaid Reform in these areas. The Agency may contract with HMOs, Provider Service Networks (PSN), and other licensed insurers. Attachment I, posted on the Medicaid Reform website, http://ahca.myflorida.com/Medicaid/medicaid_reform/index.shtml, provides a draft list of the services for which the plan will be responsible. HMOs and licensed insurers will be reimbursed on a capitated basis. PSNs may be reimbursed on a capitated or fee-for-services basis with a shared saving option for up to three (3) years. Many current Medicaid providers have expressed interest in participating in Reform.

In Duval and Broward, the Agency will issue an application for plans to serve the TANF or SSI (non-dually eligible) population or both. In addition, the Agency will seek to contract with specialty plans for individuals with HIV/AIDS and children with chronic conditions. As required under Section 409.91188, F.S., any capitated plan to serve individuals with HIV/AIDS must be a licensed HMO. The plan to serve children with chronic conditions may be a HMO, PSN or Health Insurer.

To help all parties interested in Reform, the Agency is asking those organizations or provider groups interested in establishing a new Medicaid Reform plan to submit a letter of intent. This letter is non-binding. It should specify the name of your organization, the type of plan (HMO, PSN, Health Insurer), target population (TANF, SSI-non-dually eligible, both, or a specialty population) and the proposed county of operation. The resulting list of potential plans will serve as a

resource for both plans and providers as organizations are formalized and provider networks are developed. The list also will ensure your organization is included on the interested parties list and allow the Agency to efficiently target outreach and provide additional information to potential Plan and Provider groups.

Please submit the letter of intent to Medicaid, Bureau of Health Systems Development, 2727 Mahan Drive, Mail Stop #20, Tallahassee, FL 32308. We would like to publish a list of potential plans by February 15, 2006. This non-binding letter of intent is informative only. Plans may apply to participate in reform areas whether they submit a letter of intent or not.

Should you have any questions or concerns please contact: Heidi Fox, (850)487-2355.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

On February 7, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Christopher W. Ho, A.R.N.P., license number RN 9206757. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On February 7, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Elizabeth Boyer Parrish, R.N., license number RN 1804502. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On February 7, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the certificate of Jerri G. Porter, C.N.A., certificate number CNA 7000014943. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On February 7, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Curtis Stephen Rhodes, L.P.N., license number PN 1200761. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On February 7, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Gary Leroy Haas, Jr., L.P.N., license number PN 5149258. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), 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.

FINANCIAL SERVICES COMMISSION

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institution, has received the following applications. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, Division of Financial Institutions, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., March 10, 2006):

APPLICATION FOR A NEW FINANCIAL INSTITUTION

Applicant and Proposed Location: Bank of North Florida, 135 West Bay Street, Jacksonville, Duval County, Florida 32202
Correspondent: Jack Greeley, Smith MacKinnon, PA, Citrus Center, 255 South Orange Avenue, Suite 800, Orlando, Florida 32801

Received: February 2, 2006

**REQUEST FOR CORPORATE NAME APPROVAL
BY A NON-FINANCIAL INSTITUTION**

Notice is hereby given that the Office of Financial Regulation has received the following request for corporate name approval by a non-financial institution. Comments may be submitted to the Director, Office of Financial Regulation, Division of Financial Institutions, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record. Any

comments submitted must be received by the Office within twenty-one (21) days from publication of this notice (by 5:00 p.m., March 10, 2006):

Applicant: David C. Devendorf, Esquire, Hill Devendorf, P.C., MacCabee Building, 901 Huron Avenue, Port Huron, Michigan 48060

Proposed Name: Citizens First Bancorp, Inc.

Received: November 16, 2005

FLORIDA COALITION FOR CHILDREN

Request for Information

UPDATE: The Florida Coalition for Children has extended their decision making process on the previously advertised RFI due to anticipated agency feedback. Interested parties are encouraged to submit a proposal until February 28, 2006. The purpose of this request for information is to determine what options are available to the Florida Coalition for Children to develop a comprehensive risk management program for its members. Our membership includes Community Based Care Lead Agencies and Service Providers in Florida's child welfare system. The Coalition is seeking a working partnership with an insurance entity to help the Coalition manage the risk issues and establish a viable self-insurance program. The Coalition is willing to entertain many different approaches to the development of the risk management program.

NEW DEADLINE: February 28, 2006

For a copy of the RFI please visit our website: www.FloridaCoalitionforChildren.com, write us at: 864 E. Park Avenue, Tallahassee, Florida 32301, e-mail: mike@floridacoalitionforchildren.com, or call (850)561-1102.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN January 30, 2006
 and February 3, 2006**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF STATE
Division of Library and Information Services

1B-2.011	2/1/06	2/21/06	31/48	
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DEPARTMENT OF EDUCATION
State Board of Education

6A-10.014	2/1/06	2/21/06	31/50	
6A-10.029	2/1/06	2/21/06	31/50	

Commission for Independent Education

6E-1.003	1/31/06	2/20/06	31/50	
6E-2.001	1/31/06	2/20/06	31/50	
6E-2.0061	1/31/06	2/20/06	31/50	

AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid Program Office

59G-6.045	2/2/06	2/22/06	31/44	
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DEPARTMENT OF MANAGEMENT SERVICES
Agency for Workforce Innovation

60BB-3.013	1/30/06	2/19/06	31/52	
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

Florida Real Estate Appraisal Board

61J1-2.001	2/1/06	2/21/06	31/44	32/1
61J1-2.001	2/1/06	2/21/06	31/47	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF HEALTH
Board of Clinical Laboratory Personnel

64B3-3.001	2/3/06	2/23/06	32/1	
64B3-3.003	2/3/06	2/23/06	32/1	
64B3-5.002	2/3/06	2/23/06	32/1	
64B3-5.004	2/3/06	2/23/06	32/1	
64B3-5.007	2/3/06	2/23/06	32/1	
64B3-10.005	2/3/06	2/23/06	32/1	
64B3-12.001	2/3/06	2/23/06	32/1	

Board of Dentistry

64B5-14.005	2/2/06	2/22/06	31/14	31/51
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Board of Medicine

64B8-41.001	1/31/06	2/20/06	31/51	
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Board of Nursing Home Administrators

64B10-13.200	2/3/06	2/23/06	31/20	31/42
64B10-14.006	2/3/06	2/23/06	31/52	
64B10-15.002	2/3/06	2/23/06	31/20	31/44

Board of Respiratory Care

64B32-4.001	2/3/06	2/23/06	32/1	
64B32-5.001	2/3/06	2/23/06	32/1	
64B32-5.007	2/3/06	2/23/06	32/1	

**DEPARTMENT OF CHILDREN AND FAMILY
 SERVICES**

Economic Self Sufficiency Program

65A-4.201	2/2/06	2/22/06	31/45	
65A-4.202	2/2/06	2/22/06	31/45	
65A-4.219	2/2/06	2/22/06	31/45	

DEPARTMENT OF FINANCIAL SERVICES
OIR Insurance Regulation

69O-170.0155	2/3/06	2/23/06	31/43	
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